

## WINSTON-SALEM/FORSYTH COUNTY SCHOOLS

## ARTICLE 5 STUDENTS (Series 5000)

1. Elementary and Secondary  
Policy 5131 Student Behavior

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June 2015

### I. Introduction

The Winston-Salem/Forsyth County Board of Education recognizes its responsibility to provide each student an equal opportunity to receive an education and to provide an atmosphere in its schools which is conducive to learning and which protects student freedoms guaranteed by the Constitution of the United States. In order to meet these responsibilities the Board of Education adopts this statement of policy concerning student behavior.

### II. Principles

The reasons for managing student behavior are to (1) create an orderly environment in which students can learn; (2) teach expected standards of behavior; (3) help students learn to accept the consequences of their behavior; and (4) provide students with the opportunity to develop self-control. The following principles apply in managing student behavior.

1. Student behavior management strategies will complement other efforts to create a safe, orderly and inviting environment.
2. Positive behavioral interventions will be employed as appropriate to improve student behavior.
3. Responsibility, integrity, civility and other standards of behavior will be integrated into the curriculum.
4. Disruptive behavior in the classroom will not be tolerated.
5. Consequences for unacceptable behavior will be designed to help a student learn to comply with rules, to be respectful, to accept responsibility for his or her behavior and to develop self-control.
6. Strategies and consequences will be age and developmentally appropriate.

### III. Authority of School Personnel

The principal has the authority and responsibility to investigate and take appropriate action regarding any prohibited or criminal student behavior and any other behavior appropriately referred to him or her.

The teacher has the authority and responsibility to manage student behavior in the classroom and when students are under his or her supervision. The teacher is expected to implement the student behavior management plan and any other school standards or rules. The teacher may develop other standards or rules consistent with the direction provided by the board, superintendent and school principal. Every teacher, student teacher, substitute teacher, voluntary teacher, teacher assistant or other school employee is required to report to the principal all acts of violence occurring in school, on school grounds or at any school-sponsored activity.

Teachers and other school personnel have the authority to manage or remove disruptive or dangerous students from the classroom and other locations where school-related activities are taking place. School personnel may use reasonable force to control behavior or to remove a person from the scene in those situations when necessary:

1. to correct students;
2. to quell a disturbance threatening injury to others;
3. to obtain possession of a weapon or another dangerous object on the person, or within the control, of a student;
4. for self-defense;

5. for the protection of persons or property; or
6. to maintain order on school property, in the classroom, or at a school-related activity whether on or off school property.

Except as restricted by [G.S. 115C-391.1](#), school personnel may use appropriate seclusion and restraint techniques reasonably needed in the circumstances described above as long as such use is consistent with state law and applicable board policies and procedures.

Students must comply with all directions of principals, teachers, substitute teachers, student teachers, teacher assistants, bus drivers and all other school personnel who are authorized to give such directions during any period of time when they are subject to the authority of such personnel.

#### **IV. School Plan for Management of Student Behavior**

Each school must have a plan for managing student behavior that incorporates effective strategies consistent with the principles established herein. School officials are encouraged to implement research-based behavior management programs that take positive approaches to improving student behaviors in an effort to avoid repeated misbehavior and suspension. Components of the plan for management of student behavior should address:

1. the process by which student behavior will be addressed;
2. the means by which students at risk of repeated disruptive or disorderly conduct are identified, assessed and assisted;
3. positive behavioral interventions and possible consequences that will be used; and
4. parental involvement strategies that address when parents or guardians will be notified or involved in issues related to their child's behavior.

Principals are encouraged to use a full range of disciplinary responses that do not remove a student from the classroom or school building, unless necessary to provide a safe, orderly environment that is conducive to learning.

#### **V. Managing Disruptive Students**<sup>1</sup>

A teacher may choose to refer a disruptive student to a school-based committee if the teacher finds that the student's disruptive behavior continues to interfere with the academic achievement of that student or other students in the class, and the teacher has requested assistance from the principal two or more times. The committee shall review the matter and shall take one or more of the following actions: (i) advise the teacher on managing the student's behavior more effectively, (ii) recommend to the principal the transfer of the student to another class within the school, (iii) recommend to the principal a multidisciplinary evaluation of the student, (iv) recommend to the principal that the student be assigned to an alternative learning program, or (v) recommend to the principal that the student receive any additional services that the school or the school unit has the resources to provide for the student. If the principal does not follow the recommendation of the committee, the principal shall provide a written explanation to the committee, the teacher who referred the matter to the committee, and the applicable assistant superintendent, of any actions taken to resolve the matter and of the reason the principal did not follow the recommendation of the committee.

#### **VI. Corporal Punishment**

No school plan for managing student behavior, Board policy, or administrative regulation may authorize the use of corporal punishment. Corporal punishment is the intentional infliction of physical pain upon the body of a student as a disciplinary measure. It includes, but is not limited to, spanking, paddling and slapping. The Board prohibits corporal punishment, believing that other consequences are more appropriate and effective for teaching self-control. No person may use corporal punishment to discipline any student. Reasonable force that is necessary to protect oneself or others is not considered corporal punishment.

#### **VII. Communication of Rules**

At the beginning of each school year, principals shall make available to each student and parent all of the following: (1) the Code of Student Conduct ([AR 5131](#)); (2) Board Policy 5131 and any other policies related to student behavior; (3) any related administrative procedures; (4) any additional discipline-related information from the school's student behavior management plan, including behavior standards, prohibited conduct or disciplinary measures; and (5) any other school rules. This information must be available at other times upon request and must be made available to students enrolling during the school year and their parents. For the purpose of board policies related to student behavior, all references to "parent" include a parent, a legal guardian, a legal custodian or another caregiver adult authorized to enroll a student under Board [Policy 5117](#), Domicile or Residence Requirements.

### **VIII. Applicability**

Schools may enforce policies, administrative regulations, and school rules when student misbehavior occurs:

1. while in any school building or on any school premises before, during or after school hours;
2. while on any bus or other vehicle as part of any school activity;
3. while waiting at any school bus stop;
4. during any school-sponsored activity or extracurricular activity;
5. when the student is subject to the authority of school employees; and
6. at any place or time when the student's behavior has or is reasonably expected to have a direct and immediate impact on the orderly and efficient operation of the schools or the safety of individuals in the school environment.

### **IX. Enforcement**

The Superintendent and Assistant Superintendents for Elementary, Middle and High Schools are responsible for supervising the enforcement of the Code of Student Conduct to ensure that school disciplinary policies are uniformly and fairly applied throughout the school system.

The procedures set forth in the Individuals with Disabilities Act (IDEA) and its implementing regulations, [Article 9 of Chapter 115C](#) of the North Carolina General Statutes and its implementing regulations, and [AR 5131.25](#) shall be followed when disciplining students with disabilities.

**X. Prohibited Behavior.** Every student has the right to be free from fear, harm, and violence at school, on the school bus and at school-related activities. In order to preserve this right, the Board authorizes the Superintendent to create a Code of Student Conduct that sets out specific consequences for students violating the following rules:

1. Students shall obey Board of Education policies, administrative regulations, school rules, and classroom rules.
2. Students shall comply with all lawful directions of Principals, teachers, substitute teachers, teacher assistants, bus drivers, and other school personnel who are authorized to give such directions.
3. Students shall not assault, hit, kick, punch, fight, intentionally harm or threaten to harm another person.
4. A student shall not incite or instigate a fight, assault or riot. The terms "incite" and "instigate" mean to urge or direct others by words or actions to engage in a fight, assault or riot. A student commits this offense by actively urging or directing others to take part in the prohibited behavior or by causing or instigating the prohibited behavior to occur. Students committing this offense should be disciplined in the same manner as those students actually engaging in the fight, assault or riot.
5. A student shall not aid or assist another student to violate any Board Policy, administrative regulation or local school rule. A student is guilty of this offense if he/she knowingly advises, induces, encourages, aids or assists another student to commit an offense OR shares in the purpose of the act (to commit the offense) and aids or is in a position to aid the other student when the offense is committed. A student committing this offense may be disciplined in the same manner as those students actively committing the offense.

6. A student should avoid a fight by walking away from a threatened conflict and/or reporting the other student's threats to a teacher or other school employee. A student may, in a defensive manner, restrain the other student or block punches, kicks etc. but if the student retaliates by kicking, hitting, striking, etc. the other student, that action is considered fighting.
7. A student shall not participate in an affray. An affray is a fight between more than two people which causes a large public disturbance. Examples of an affray are fights involving multiple students in the school cafeteria or at an athletic event. A person who commits an affray may be guilty of a misdemeanor.<sup>2</sup>
8. Students shall not take the property of another person or the school without permission. Theft, larceny, robbery and extortion are forbidden. Students shall not knowingly sell stolen items at school.
9. Students shall not engage in extortion. Extortion is the act of securing money, favors, or other things of value from another person through blackmail, abuse of authority, or intimidation.
10. Students shall not intentionally vandalize, scratch, mark, or damage the property of the school or any person at the school.
11. Students shall adhere to their school's dress code. At a minimum, the following dress or appearance is prohibited:
  - a. Clothing that contains advertisements for tobacco, alcohol or drugs; pictures or graphics of nudity; words that are profane, lewd, vulgar, or indecent;
  - b. Halter or bare midriff tops, or bare midriffs;
  - c. Spaghetti straps or tank tops;
  - d. Strapless shirts or tube tops;
  - e. Bare feet;
  - f. Short shorts or skirts;
  - g. Pants, slacks or jeans that sag below waist; and
  - h. Hats, caps, bandanas, or garments which cover the student's face or conceal the student's identity.<sup>3</sup>
  - i. Underpants or bras showing or worn as outerwear;
  - j. Provocative, revealing attire that exposes cleavage; and
  - k. Any symbols, styles or attire frequently associated with gangs, intimidation, violence or violent groups about which students at a particular school have been notified as described in [AR 5131.4](#).
12. Students shall not bring to, or have on school property or at any school-related activity, any weapon, or explosive of any kind, including, but not limited to any BB gun, stun gun, air rifle, air pistol, knife, dirk, dagger, slingshot, leaded cane, blackjack, metallic knuckles, razors and razor blades, destructive devices, firearms, and firecrackers, or any look-a-like weapon, including but not limited to, plastic guns, water pistols, and rubber knives, or use any weapon or look-a-like weapon to harm or threaten to harm another person. Students shall not bring to, or have on school property or at any school related activity any other item which may be used as a weapon, such as a saw or unaltered nail file, unless such item is being used for a school-related project or activity. (See also [AR 5131.7](#), Reporting Prohibited Relationships with Students and Other Criminal Acts.)
13. Students shall not use an aerosol spray can, bottle or other type container as a weapon to threaten to injure, to injure, harm, harass or annoy any other person or to disrupt class or any school program or activity.
14. Students shall not start fires or ignite explosives or threaten to do so.
15. Students shall not wrongfully break and/or enter into school buildings, school buses, classrooms, storerooms, or lockers.
16. Students shall not trespass on school grounds when told not to do so by authorized school personnel.

During the term of assignment to an alternative school, students are prohibited from being present on any WS/FCS campus or at any school-sponsored event other than the campus of the alternative school to which the students are assigned. During the term of a suspension or expulsion, students are prohibited from being present on any WS/FCS campus or at any school-sponsored event.

17. Students shall not engage in disorderly conduct. Disorderly conduct is defined in [N.C. Gen. Stat. §14-288.4](#) as intentionally creating a public disturbance that disrupts, disturbs or interferes with the teaching of students at any public or private educational institution or engaging in conduct which disturbs the peace, order or discipline on a school bus, at any public or private educational institution or on the grounds adjacent thereto.

18. Students shall not possess, use, give away, attempt to sell or purchase, or be under the influence of any illegal narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, malt beverage (including beer and other malt beverages that contain less than .5 of one percent of alcohol), wine, alcoholic beverage, or any other controlled substance as defined by North Carolina law.<sup>4</sup> Students shall not possess, use, give away, attempt to sell or purchase a counterfeit substance such as those described in this paragraph, or an otherwise legal substance that is intended to mimic the effects of one of the substances described in this paragraph. (See [policy 5131.6](#), Student Behavior – Drugs and Alcohol.)

19. Students shall not insert a foreign substance in the food or drink of another person with the intent of injuring or harming the other person or causing an adverse reaction including but not limited to, hallucinations, sleep, or euphoria. Students shall not knowingly bring containers of urine or any other bodily fluid or substance to school unless required for an academic or other required assignment or activity.

20. Students may not possess, display or use tobacco products at any time in any building, facility, or vehicle owned, leased, rented or chartered by the Board or a school, on any school grounds and property, including athletic fields and parking lots, owned, leased, rented or chartered by the Board, or at any school-sponsored or school-related event on-campus or off-campus.

21. Students shall not possess drug or chemical paraphernalia at any time in any building, facility, or vehicle owned, leased, rented or chartered by the Board or a school, on any school grounds and property, including athletic fields and parking lots, owned, leased, rented or chartered by the Board, or at any school-sponsored or school-related event on-campus or off-campus. (See [policy 5131.6](#), Student Behavior – Drugs and Alcohol.)

22. Students shall not park motor vehicles on campus in student parking areas unless allowed by [Policy 5131.3](#), Parking on School Grounds. Parking privileges may be revoked for violation of the Code of Student Conduct.

23. Students shall not engage in sexual or intimate conduct at school, on the school bus or school-related activities, including but not limited to: taking or attempting to take immoral or indecent liberties with another student, exposing private body parts (genitals, buttocks and/or female breasts) or engaging in consensual sexual misconduct or engaging in inappropriate public displays of affection including but not limited to, prolonged hugging or embracing, kissing, petting, and/or making out.

24. Students shall not gamble; they shall not possess and/or use playing cards unless approved by a teacher or school officials for an educational purpose.

25. Students shall not use or possess electronic devices such as MP3/4 players, portable radios, recording devices, tape/CD/DVD/MP3 players, digital cameras, laser pens, or other similar electronic equipment in school during regular school hours except as approved by a Principal or his designee. Students shall not use any type of electronic device on school property or during a school activity, whether on or off school property, for the purpose of immoral or pornographic activities, including, but not limited to, sexting. Sexting shall be defined as the sending, taking, disseminating, transferring, sharing, or receiving of obscene, pornographic, lewd, indecent, or otherwise sexually explicit messages, photographs or images on or by electronic devices.

26. Students shall not possess a portable communication device of any kind, including, but not limited to, a cellular telephone, at any school that has expressly prohibited such items.

27. If schools allow students to possess a portable communication device of any type, including but not limited to, a cellular telephone, students shall not use or display such devices during regular school hours except as approved by a Principal or his designee. "Regular school hours" means from the beginning of the student instructional day to the end of the student instructional day.
- a. If a portable communication device rings, vibrates or is otherwise used or in use during class or instruction without permission from the Principal or his designee, it may be confiscated and the student may be denied the privilege of possessing a communication device at school for up to the remainder of the school year. The confiscated device shall be returned to the student's parent/guardian.
  - b. If a school administrator has reasonable suspicion a device has been used to violate the Code of Student Conduct, the school administrator may search the device for evidence of such misconduct.
  - c. By virtue of the ringing, vibration, or other evidence of use of a portable communication device during regular school hours in contravention of this Policy, the owner of the device thereby consents to the search of such portable communication device by a school administrator.
28. Students and their parent(s)/guardian(s) are solely responsible for any loss or damage to their portable radio, tape recorders, tape/CD/DVD/MP3 players, cell phone or any other similar electronic equipment in school while it is in their care, custody or control. WS/FCS accepts no responsibility for theft, loss or damage to a student's personal electronic equipment.
29. Commercial solicitation of or by students is prohibited on school grounds or at school-sponsored events. Charitable solicitation of students is permitted subject to the provisions of [Policy 1324](#).
30. Students shall not engage in hazing. Hazing is defined in state law as to subject another student to physical injury as part of an initiation, or as a prerequisite to membership, into any organized school group, including any society, athletic team, fraternity or sorority, or other similar group.
31. Students shall not engage in gang activity as described in [AR 5131.4](#).
32. Students shall not litter or loiter on school property.
33. Students shall not make false statements to teachers and school officials or forge a signature on any papers or documents.
34. Students shall not make or publish false statements on the internet, by Fax or by any other means of communication that defame the character or reputation of a school employee or student. While students have a constitutional right to criticize school personnel or students, that right does not include making false statements accusing school personnel or students of engaging in criminal or immoral acts that are intended to injure, harass and/or harm an individual.
35. Students shall not download to or otherwise place upon a computer owned and/or maintained by the school or school system any software or computer program which enables the student and/or others to load content or programs to school system computers which would otherwise be prohibited by school system policy. Students are not to download software or programs or view content prohibited by [AR 6161.1](#).
36. Due to the risk or injury to the student and others, students shall not ride a skateboard, roller skate or in-line skate on school property, unless approved in advance by the Principal or designee as a school sponsored program or activity.
37. Students shall not skip/leave class or school without permission.
38. Students shall not knowingly make a false report to law enforcement (i.e. a false 911 call).
39. Students shall not make a bomb threat or a false fire alarm.
40. Students shall not make terrorist threats. A student violates this rule when he or she:
- a. By any means of communication to any person or group of persons, makes a report, knowing or having reason to know the report is false, that there is located on educational property or at a school-sponsored

curricular or extracurricular activity off educational property any device, substance, or material designed to cause harmful or life-threatening illness or injury to another person;

b. With intent to perpetrate a hoax, conceals, places, disseminates, or displays on educational property or at a school-sponsored curricular or extracurricular activity off educational property any device, machine, instrument, artifact, letter, package, material, or substance, so as to cause any person reasonably to believe the same to be a substance or material capable of causing harmful or life-threatening illness or injury to another person;

c. Threatens to commit on educational property or at a school-sponsored curricular or extracurricular activity off educational property an act of terror that is likely to cause serious injury or death, when that threat is intended to cause a significant disruption to the instructional day or a school-sponsored activity or causes that disruption;

d. Makes a report, knowing or having reason to know the report is false, that there is about to occur or is occurring on educational property or at a school-sponsored curricular or extracurricular activity off educational property an act of terror that is likely to cause serious injury or death, when that report is intended to cause a significant disruption to the instructional day or a school-sponsored activity or causes that disruption; or

e. Conspires to commit any of the acts described in this subsection.

37. Students shall not possess on school property or on a school activity or use counterfeit currency, unless such item is being used for a school-related project or activity.

38. Students shall not cheat. Students shall not copy another student's answers to a test, homework or any other school work and submit it as their own work for evaluation and grading. In addition, unless permitted in advance, students shall not bring any materials in any form with them for use in answering questions on a test, such as a "cheat sheet."

39. Students shall not plagiarize. Students shall not copy an author's work and submit it as their own original work for evaluation and grading.

40. Students shall not use profanity, obscenity, fighting or abusive words, or otherwise engage in speech that disrupts (written, symbolic or verbal) which materially and substantially disrupts the classroom or other school activities.

41. Students shall not communicate a threat to another person. Students shall not bully, harass, or discriminate against others. Incidents of misbehavior that do not rise to the level of bullying, discriminating, threatening or harassing may still violate [Policy 1170](#), Civility Policy. Bullying, discrimination, and harassment are defined in [policy 5131.1](#). Communicating threats, is defined as<sup>5</sup>:

a. A person without lawful authority who:

i. willfully threatens to physically injure the person or that person's child, sibling, spouse, or dependent or willfully threatens to damage the property of another.

ii. The threat is communicated to the other person, orally, in writing, or by any other means;

iii. The threat is made in a manner and under circumstances which would cause a reasonable person to believe that the threat is likely to be carried out; and

iv. The person threatened believes that the threat will be carried out

42. Students are prohibited from engaging in behavior (whether on or off campus) that constitutes a clear threat to the safety of other students or employees. Pursuant to [AR 5131](#), Code of Student Conduct, such behavior may subject a student to expulsion. Behavior constituting a clear threat to the safety of others includes, but is not limited to:

a. theft or attempted theft by a student from another person by using or threatening to use a weapon;

b. the intentional and malicious burning of any structure or personal property, including any vehicle;

- c. an attack or threatened attack by a student against another person wherein the student uses a weapon or displays a weapon in a manner found threatening to that person;
- d. an attack by a student on any employee, adult volunteer or other student that does not result in serious injury but that is intended to cause or reasonably could cause serious injury;
- e. an attack by a student on another person whereby the victim suffers obvious severe or aggravated bodily injury, such as broken bones, loss of teeth, possible internal injuries, laceration requiring stitches, loss of consciousness, or significant bruising or pain; or whereby the victim requires hospitalization or treatment in a hospital emergency room as a result of the attack;
- f. any intentional, highly reckless or negligent act that results in the death of another person;
- g. confining, restraining or removing another person from one place to another, without the victim's consent or the consent of the victim's parent, for the purpose of committing a felony or for the purpose of holding the victim as a hostage, for ransom, or for use as a shield;
- h. the possession of a weapon on any school property, including in a vehicle, with the intent to use or transmit for another's use or possession in a reckless manner so that harm is reasonably foreseeable;
- i. taking or attempting to take anything of value from the care, custody or control of another person or persons, by force, threat of force, or violence, or by putting the victim in fear;
- j. any unauthorized and unwanted intentional touching, or attempt to touch, by one person of the sex organ of another, including the breasts of the female and the genital areas of the male and female;
- k. the possession, manufacture, sale or delivery, or any attempted sale or delivery, of a controlled substance in violation of [Chapter 90 of the North Carolina General Statutes](#);
- l. any behavior resulting in a felony conviction on a weapons, drug, assault or other charge that implicates the safety of other persons; and
- m. any other behavior that demonstrates a clear threat to the safety of others in the school environment.

**XI. Student Speech and Expression.** Nothing herein is intended to limit a student's right to express his or her thoughts and opinions at reasonable times and places, consistent with the protections of the First Amendment. In general, schools may place restrictions on a student's right to free speech when the speech is obscene, abusive, promoting illegal drug use, or is reasonably expected to cause a substantial disruption to the school day. If a student believes his or her constitutional rights have been violated, he or she may file a grievance in accordance with Board [Policy 5145](#), Student and Parent Grievance Procedure.

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## Winston-Salem/Forsyth County School System