

Changes in CMS Student Code of Conduct

Effective with the 2012/13 School Year

The CMS Student Code of Conduct has been revised for the 2012-2013 school year. The revised publication will be available online and in limited print format on _____. The changes are less sweeping than last year, when the Board policies the revisions reflected North Carolina laws enacted in June 2011. However, there are several major changes, particularly in rules addressing the use of Personal Technology Devices at school by students, which warrant your close attention.

Summary of Rule Change <small>(page numbers are for the 2011/12 publication)</small>	2011/12 Code of Conduct Rule	2012/13 Code of Conduct Rule
1. Safe Harbor Provision <p>(p. 6)</p> <ul style="list-style-type: none"> Clarifies that this rule does not apply to the possession of firearms or destructive devices 	<p>A student who inadvertently possesses or finds a prohibited object shall immediately notify school staff and surrender the object. Thus, a student may approach a school official and voluntarily surrender an object prohibited by the <i>Code of Student Conduct</i> without being subjected to discipline so long as the object (excluding a firearm or destructive device) is one that the student could lawfully possess off school grounds.</p>	<p>A student who inadvertently possesses or finds a prohibited object shall immediately notify school staff and surrender the object. A student may approach a school staff member and voluntarily surrender an object prohibited by the <i>Code of Student Conduct</i> without being subjected to discipline so long as the object is one that the student could lawfully possess off school grounds. This rule does not apply to firearms or destructive devices.</p>
2. Truancy (p. 9) <ul style="list-style-type: none"> Adds a reference to Rule 1 Removes the statement that OSS is not imposed for attendance violations Clarifies the potential consequences for more than 10 unexcused absences 	<p>A student is required by law to attend school between ages 7 and 16. While the school will not impose an out-of-school suspension for attendance violations, the student will be required to make up the work missed, may be subjected to the district's recovery procedures and the student and/or parent may be referred for prosecution in truancy situations.</p>	<p>A student is required by law to attend school between ages 7 and 16. In addition to the consequences outlined in Rule 1, the student will be required to make up the work missed and may be subject to the district's recovery procedures. For students with more than 10 unexcused absences, the student and/or parent may be referred for prosecution.</p>

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<p>3. Personal Technology Devices (PTDs) (p. 9) and Rule 5: Personal Property (pp. 11 – 12)</p> <ul style="list-style-type: none"> Defines PTDs <i>With the approval of the Superintendent,</i> principals may permit students to possess and use PTDs at school for defined educational purposes, only Does not change previous rules regarding possession and use of cell phones at school s where PTD use is not authorized 	<p><i>Cell Phone Policy for Students</i></p> <p>A student may possess and use a cell phone on school property, at after-school activities and at school-related functions, provided that during school hours and on a school bus, the cell phone remains off and put away. Possession of a cell phone by a student is a privilege, which will be revoked for violations of this policy. Violations may result in the confiscation of the cell phone (to be returned only to a parent) and/or other disciplinary actions. The district is not responsible for theft, loss, or damage to cell phones or other electronic devices brought onto its CMS property.</p>	<p><i>Personal Technology Devices</i></p> <p>A Personal Technology Device (PTD) is a portable Internet accessing device that is not the property of the District that can be used to transmit communications by voice, written characters, words, or images, share information, record sounds, process words, and/or capture images, such as a laptop computer, tablet, Smartphone, cell phone, PDA or E-Reader. A student may possess and use a PTD on school property, at after-school activities and at school-related functions, provided that during school hours and on a school bus, the PTD remains off and put away. With the approval of the Superintendent, the principal may permit students to possess and use PTDs during the school day for educational purposes. “Educational purposes” include student education, research, and career development. Possession of a PTD by a student is a privilege, which may be revoked for violations of the Code of Student Conduct. Violations may result in the confiscation of the PTD (to be returned only to a parent) and/or other disciplinary actions. The District is not responsible for theft, loss, or damage to PTDs or other electronic devices brought onto CMS property. Students permitted to use PTDs during the school day must follow all rules set forth in Policy IJNDB, Regulation IJNDB-R, and sign the Student Internet Use Agreement.</p>
<p>4. Tier III (p. 10) (Also p. 20, Long-Term Alternative to Suspension Center)</p> <ul style="list-style-type: none"> Changes maximum number of days of Alternative to Suspension Center 	<p>Tier III - Designed to provide interventions for students who commit more serious infractions of the <i>Code of Student Conduct</i> and/or have repeat offenses.</p> <p>Potential Administrative Responses <i>(This list contains options that may be used by the administration in addressing student conduct. This is not intended to be an exhaustive list.)</i></p> <ul style="list-style-type: none"> Appropriate response from Tier I and/or Tier II 	<p>Tier III - Designed to provide interventions for students who commit more serious infractions of the <i>Code of Student Conduct</i> and/or have repeat offenses.</p> <p>Potential Administrative Responses <i>(This list contains options that may be used by the administration in addressing student conduct. This is not intended to be an exhaustive list.)</i></p> <ul style="list-style-type: none"> Appropriate response from Tier I and/or Tier II

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<p>attendance from 30 to 35 days</p> <ul style="list-style-type: none"> Adds that a disciplinary reassignment may be made <i>during</i> (as well as in lieu of) a long-term suspension 	<ul style="list-style-type: none"> Out-of-school suspension or option to attend an Alternative to Suspension Center for one to 30 days. A student may also be recommended for a disciplinary reassignment to the Right Choices Program or to Turning Point Academy. This option is also available for Tier IV rule violations in lieu of long-term suspension. Suspension from bus (for bus-related offenses) Warning of referral to Tier IV (referral to Tier IV will be made for repeated offenses) 	<ul style="list-style-type: none"> Out-of-school suspension or option to attend an Alternative to Suspension Center for one to 35 days. A student may also be recommended for a disciplinary reassignment to the Right Choices Program or to Turning Point Academy. This option is also available for Tier IV rule violations in lieu of or during long-term suspension. Suspension from bus (for bus-related offenses) Warning of referral to Tier IV (referral to Tier IV will be made for repeated offenses)
<p>5. Rule 1, Attendance (p. 11) – see also #2, above</p> <ul style="list-style-type: none"> Clarifies that OSS is limited to 2 days for violating this rule Clarifies that 2-day limitation is not applicable if conduct involves violations of other rules 	<p><i>Attendance (Citizenship/Responsibility)</i></p> <p>Unless a lawful excuse is presented, a student must attend every class every day. In addition to any administrative response, the student may be required to comply with the district’s recovery procedures. Violations of this rule include tardiness, cutting school or class and excessive absences. (Violations of this rule may also be subject to Rule 7 where the student engages in insubordinate behavior towards an authorized staff member attempting to obtain compliance under this rule.)</p>	<p><i>Attendance (Citizenship/Responsibility)</i></p> <p>A student must attend every class every day unless there is a lawful reason for the absence. Students who are tardy, cut school or class or have excessive unexcused absences (more than 10) are in violation of this rule. In addition to any administrative response, students with excessive absences may be required to comply with the district’s recovery procedures. Repeated violations of this rule may also result in Tier II consequences, with the condition that any out-of-school suspension imposed for conduct related solely to violation of this rule is limited to two days per violation. (Students who engage in insubordinate behavior towards an authorized staff member attempting to enforce this rule may also be in violation of Rule 7 and may be punished accordingly, without the 2-day limitation on out-of-school suspensions.)</p>
<p>6. Rule 8, Bullying (p. 12)</p> <ul style="list-style-type: none"> Adds cyberbullying to the definition of bullying and to rule title 	<p><i>Bullying Profanity, Obscenity and/or Derogatory Language (Respect/Caring)</i></p> <p>A student will use appropriate language and conduct at school and school functions and possess only appropriate materials. This rule applies to cursing, possessing ,</p>	<p><i>Rule 8: Bullying/Cyber Bullying, Profanity, Obscenity and/or Derogatory Language (Respect/Caring)</i></p> <p>Bullying and/or harassing behavior are strictly prohibited in CMS. It is the policy of the Board of Education to maintain learning environments that are free from</p>

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<ul style="list-style-type: none"> • Adds that students may be disciplined for off campus bullying • Clarifies how bullying reports may be made • Adds language from and reference to Board policy on bullying (Policy JICK) 	<p>written materials or electronic text and/or images that convey an offensive, racial, derogatory, bullying or obscene message to another person (including but not limited to references to race, color, ancestry, national origin, gender, gender identity or expression, sexual orientation, religion, and/or physical or sensory disability, physical appearance or making offensive statements or gestures).</p> <p>Bullying and/or harassing are strictly prohibited. Students who feel bullied, harassed or intimidated at school by an adult or another student should see the Intimidation, Bullying and/or Threats form found in the Forms Section at the back of this book. Once completed, the form should be provided to school administration. No retaliation shall be permitted for making a report.</p>	<p>harassment or bullying (Policy JICK, adopted 3/11/2008). Students are expected to use appropriate language and conduct at school and school functions and possess only appropriate materials. This rule applies to cursing, possessing, sending, or receiving written materials or electronic text and/or images that convey an offensive, racial, derogatory, bullying or obscene message to another person (including but not limited to references to race, color, ancestry, national origin, gender, gender identity or expression, sexual orientation, religion, and/or physical or sensory disability, physical appearance or making offensive statements or gestures).</p> <p>In addition, as with other disciplinary violations, any manner of bullying that occurs off campus may violate the Code of Student Conduct if it has a direct and immediate impact to the orderly and efficient operation of the school or the safety of individuals in the school environment.</p> <p>Students who feel bullied, harassed or intimidated at school by an adult or another student or who witness such conduct may use the Intimidation, Bullying and/or Threats form found in the Forms Section at the back of this book to report the incident. Once completed, the form should be provided to school administration. Retaliation for making a report is strictly prohibited. Students and parents may also use other written forms of reporting, such as email or other reliable means to make such a report.</p>

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7. Rule 9 (p. 12) <ul style="list-style-type: none"> Changes rule to require participation in School Intervention Team process for repeated rule violations 	<p>Rule 9: Generally Disruptive Behavior</p> <p>A student will maintain appropriate behavior so as to refrain from disrupting the class, school or bus activity and be prepared for instruction at all times. A student shall not talk out in class or move from their assigned seat/area without permission, throw objects (except as directed by staff for an instructional purpose), horseplay, harass, tease or make rude noises. Repeated violations of this rule may be punished as a Tier III infraction.</p> <p>Repeated Violations: Repeated incidents of generally disruptive behavior will result in an Intensive Behavior Assessment Process. The recommendation for this review must come from the school-level Intervention Team, following appropriate documented interventions.</p>	<p>Rule 9: Generally Disruptive Behavior</p> <p>A student will maintain appropriate behavior so as to refrain from disrupting the class, school or bus activity and be prepared for instruction at all times. A student shall not talk out in class or move from their assigned seat/area without permission, throw objects (except as directed by staff for an instructional purpose), horseplay, harass, tease or make rude noises. Repeated violations of this rule may be punished as a Tier III infraction.</p> <p>Repeated Violations: Repeated incidents of generally disruptive behavior will result in the student's participation in the School Intervention Team process. A Rule 9 review must come from the school-level Intervention Team, following appropriate documented interventions.</p>
8. Rule 21 (p. 13) <ul style="list-style-type: none"> Adds social media or other sites to ways by which bullying may occur 	<p>Rule 21: Unauthorized Use of the Computer</p> <p>A student shall refrain from inappropriate use of school system computers or from utilizing the CMS Internet site without proper authority. This includes unauthorized use of sign-on codes, the school telephone system, communication of threats or implied threats, and unauthorized attempts to contact any CMS computer site from any computer station. This rule also encompasses any activity or distribution of information from home or school computers that would constitute a violation of a rule under the <i>Code of Student Conduct</i> or a violation of law, such as, but not limited to bullying or harassment. Publication on the Internet is considered distribution regardless of the location of the computer where the offending content was published. (Minor violations of unauthorized use of the computer, including accessing home email accounts from a school computer may be a Tier I or II infraction.)</p>	<p>Rule 21: Unauthorized Use of the Computer</p> <p>A student shall refrain from inappropriate use of school system computers or from utilizing the CMS Internet site without proper authority. This includes unauthorized use of sign-on codes, the school telephone system, communication of threats or implied threats, and unauthorized attempts to contact any CMS computer site from any computer station. This rule also encompasses any activity or distribution of information from home or school computers that would constitute a violation of a rule under the <i>Code of Student Conduct</i> or a violation of law, such as, but not limited to, bullying or harassment on social media or other sites. Publication of information on the Internet is considered distribution regardless of the location of the computer where the offending content was published. (Minor violations of unauthorized use of the computer, including accessing home email accounts from a school computer may be a</p>

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9. Rule 22, (p. 14) <ul style="list-style-type: none"> Authorizes punishment under Tiers I, II, or III as well as Tiers IV or V 	Rule 22: Pornographic, Profane and/or Violent Material (Respect/Citizenship) A student shall refrain from having any pornographic or profane material in his/her possession, including but not limited to pictures, magazines, CDs, DVDs, electronic text or images and sexually explicit or graphically violent materials (including but not limited to documents or instructions concerning the creation of and/or the use of weapons).	Tier I or II infraction.) Rule 22: Pornographic, Profane and/or Violent Material (Respect/Citizenship) A student shall refrain from having any pornographic or profane material in his/her possession, including but not limited to pictures, magazines, CDs, DVDs, electronic text or images and sexually explicit or graphically violent materials (including but not limited to documents or instructions concerning the creation of and/or the use of weapons). (This may also be a Tier I, II or III infraction.)
10. Rule 26. B, (p. 14) <ul style="list-style-type: none"> Adds that the consequence for fighting in high density areas of the campus may not be less than a long-term suspension, even for a first offense. 	Rule 26: Aggressive Physical/Verbal Action B. Fighting: The exchange of mutual aggressive physical contact between students, with or without injury, is prohibited. (The first violation of this rule shall be a Tier II infraction so long as it does not involve a weapon or result in injury or disruption to the educational environment, and will result in no more than an out-of-school suspension of five days. Subsequent violations (cumulative 6-12 grades) or those that cause injury or a disruption, shall be a Tier III infraction.) A student who is physically attacked may act in self defense without consequence. Self defense is defined as the act by a nonaggressor victim using reasonable force to avoid being hit in order to enable oneself to get free from the attacker and notify school authorities. It is not self defense to participate in the fight. Students who exceed reasonable force in protecting themselves will be disciplined for violating this rule even though another person provoked the fight. Administrators will have the discretion to recognize the need for self defense on an incident-by-incident basis.	Rule 26: Aggressive Physical/Verbal Action B. Fighting: The exchange of mutual aggressive physical contact between students, with or without injury, is prohibited. (The first violation of this rule shall be a Tier II infraction and will result in a suspension of no more than five days so long as it does not involve a weapon or result in injury or cause a significant disruption to the educational environment. An incident that occurs in high-density areas of the campus, such as the cafeteria, mall, hallway during class changes, parking lot, auditorium, restroom, bus, or gym is presumed to have caused a significant disruption and is not eligible for this lesser penalty. Subsequent violations (cumulative 6-12 grades) or those that cause injury or a disruption, shall be a Tier III infraction.) A student who is physically attacked may act in self defense without consequence. Self defense is defined as the act by a nonaggressor victim using reasonable force to avoid being hit in order to enable oneself to get free from the attacker and notify school authorities. It is not self defense to participate in the fight. Students who exceed reasonable force in protecting themselves will be disciplined for violating this

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		rule even though another person provoked the fight. Administrators will have the discretion to recognize the need for self defense on an incident-by-incident basis.
11. Rule 26. C, (p. 14) <ul style="list-style-type: none"> Adds cyberbullying to the list of how students threats may be communicated Adds that students may be punished for threats made through a third party 	Rule 26: Aggressive Physical/Verbal Action C. Threatening/Intimidating: A student shall not threaten to strike, attack or harm any person or cause another person to become fearful by intimidation, through any medium, including threats made in person, on the telephone and/or in writing, that pose a safety risk to the school environment. The tier will be determined by the level of risk presented by the threat, whether the threat could reasonably be carried out and whether the threatened person is made fearful. This rule violation could be considered a Tier I, II or III infraction and may include but is not limited to intimidation through the use of gang paraphernalia	Rule 26: Aggressive Physical/Verbal Action C. Threatening/Intimidating: A student shall not threaten to strike, attack or harm any person, or cause another person to become fearful by intimidation, through any medium, including threats made in person, through another person at the request of the perpetrator, on the telephone, in writing, through the use of gang paraphernalia, or by any digital communication (cyberbullying) that pose a safety risk to the school environment. The tier will be determined by the level of risk presented by the threat, whether the threat could have reasonably been carried out and whether the threatened person was made fearful. This rule violation may be a Tier I, II or III infraction .
12. Rule 27, B (p. 14) <ul style="list-style-type: none"> Adds communication of sexually explicit material by digital or other means to the rule 	Rule 27: Sexual Behavior B. Sexual Harassment: A student shall not engage in unwanted verbal or physical (e.g. gesturing) conduct of a sexual nature which may reasonably be regarded as intimidating, hostile or offensive. (This may also be a Tier II or III infraction.)	Rule 27: Sexual Behavior B. Sexual Harassment: A student shall not engage in unwanted verbal or physical (e.g. gesturing) conduct of a sexual nature that may reasonably be regarded as intimidating, hostile or offensive. This includes the communication of (by digital or other means) or the intentional display of sexually explicit material (This may also be a Tier II or III infraction.)
13. Procedures for Long-term Suspensions or 365-day Suspensions (pp. 17 – 18) See 2012/13 Column for	<i>Because of the length of the revised text, the 2011/12 version is not reprinted here.</i>	<i>Because of the length of the revised text, the 2012/13 version is not reprinted here. Following is a summary of the changes to this section:</i> <u>Step 1:</u> <ul style="list-style-type: none"> Streamlines the post-DTM procedures <ul style="list-style-type: none"> Parents may accept the Zone Superintendent decision and no due process hearing occurs

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details of changes		<ul style="list-style-type: none"> Reiterates that students with disciplinary reassignments are not entitled to due process hearings Clarifies that appeals of disciplinary reassignments go to the Alternative Education/Safe Schools Department <ul style="list-style-type: none"> Adds a form for these appeals Adds that disciplinary reassignments are effective immediately, even if they are appealed, and remain in effect until a decision is rendered in an appeal <p><u>Step 3:</u></p> <ul style="list-style-type: none"> Adds that by failing to appear at a due process hearing, the student or parent waives the right to this hearing <p><u>Step 4:</u></p> <ul style="list-style-type: none"> Adds that the Hearing Officer's determination of facts must be based on substantial evidence presented at the hearing <p><u>Step 6:</u></p> <ul style="list-style-type: none"> Clarifies that students may appeal a long-term or 365-day suspension to the Board even if he/she did not request a due process hearing <ul style="list-style-type: none"> Adds a form for this purpose
14. Turning Point Academy (p. 21)		<ul style="list-style-type: none"> Clarifies that TPA is an alternative education option Removes text for <i>Turning point Graduation Program</i>
15. Right Choices (p. 21) <ul style="list-style-type: none"> Adds that minimum length of assignment is 35 days Changes designation of students who may be assigned 	The goal of the Right Choices Program is to provide a constructive intervention and early support program for first-time offenders who violate the substance abuse or violent acts rules of the <i>Code of Student Conduct</i> . Transportation will be provided when a bus route is established after the student begins attending the program. Course offerings at the Right Choices Program are not as inclusive as those in students' home schools.	The goal of the Right Choices Program is to provide a constructive intervention and early support program for students who violate the substance abuse or violent acts rules of the <i>Code of Student Conduct</i> . Assignment is for a minimum of 35 days. Students are eligible for early release from this program; the decision will be made on a case-by-case basis and reviewed by the Executive Director of Alternative Education and Safe Schools.

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there from “first time offenders” to “students” <ul style="list-style-type: none"> • Adds early release provision 		Transportation will be provided when a bus route is established after the student begins attending the program. Course offerings at the Right Choices Program are not as inclusive as those in students’ home schools.
16. Community Service Program (p. 21) <ul style="list-style-type: none"> • Removes reference to “in lieu of assignment to an alternative discipline school” 	Community Service is designed to allow the student an opportunity to remain in his/her home school while working in various community organizations, in lieu of an assignment to an alternative discipline school. Each student and parent/guardian is required to attend an orientation meeting where the rules, expectations and parameters of the community-service assignment are explained. In addition to providing an alternative for students who are in violation of the <i>Code of Student Conduct</i> , performing community-service hours helps to educate the students on the value of volunteerism.	Community Service is designed to allow the student an opportunity to remain in his/her home school while working in various community organizations. Each student and parent/guardian is required to attend an orientation meeting where the rules, expectations and parameters of the community-service assignment are explained. In addition to providing an alternative for students who are in violation of the <i>Code of Student Conduct</i> , performing community-service hours helps to educate the students on the value of volunteerism.
17. Definitions (p. 16) <ul style="list-style-type: none"> • Adds definition for Destructive Device • Clarifies definition for Long-term suspension 		Destructive Device Adds definition: An explosive, incendiary, or poison gas, including bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine, or device similar to any of the previously listed devices. Long-term Suspension Adds that long-terms suspension may be imposed by the Superintendent or designee.