

## **Policy Code: 4335 Criminal Behavior**

**PURPOSE:** To establish procedures and guidelines relative to criminal behavior.

Criminal or other illegal behavior is prohibited. Any student who the principal reasonably believes has engaged in criminal behavior on school premises or at school activities will be subject to appropriate disciplinary action, as stated in applicable board policies, and also may be criminally prosecuted.

School officials shall cooperate fully with any criminal investigation and prosecution. School officials shall independently investigate any criminal behavior that also violates school rules or board policy.

### **A. Students Charged with or Convicted of Criminal Behavior**

The superintendent and principal may take reasonable or legally required measures to preserve a safe, orderly environment when a student has been charged with or convicted of a serious crime, regardless of whether the alleged offense was committed on school grounds or related to school activities.

Depending upon the circumstances, including the nature of the crime or alleged crime, the child's age, and the publicity within the school community, reasonable or legally required efforts may include changing a student's classroom assignment or transferring the student to another school. Transfer to an alternative school may be made in accordance with the criteria established in policy 3470/4305, Alternative Learning Programs/Schools.

The student will continue to be provided with educational opportunities unless and until the student is found to have violated board policy or school rules and is suspended or expelled in accordance with procedures established in board policy.

### **B. Reporting Criminal Behavior**

A school employee is permitted to report to law enforcement an assault by a student on a school employee. Principals or other supervisors shall not, by threats or in any other manner, intimidate or attempt to intimidate the school employee from doing so.

The principal must report immediately to law enforcement officers and the superintendent the following acts when the principal has personal knowledge or actual notice from others that such acts occurred on school property, regardless of the age or grade of the perpetrator or victim: (1) assault resulting in serious personal injury; (2) sexual assault; (3) sexual offense; (4) rape; (5) kidnapping; (6) indecent liberties with a minor; (7) assault involving the use of a weapon; (8) possession of a firearm in violation of the law; (9) possession of a weapon in violation of the law; and (10) possession of a controlled substance in violation of the law.

A principal who willfully fails to make a required report to law enforcement will be subject to disciplinary action, up to and including dismissal.

The principal must also report immediately to law enforcement officers the following additional acts occurring on school property: (1) assault on school officials, employees and/or volunteers; (2) homicide, including murder, manslaughter and death by vehicle; (3) robbery with a dangerous weapon; (4) unlawful, underage sales, purchase, provision, possession or consumption of alcoholic beverages; (5) making bomb threats or engaging in bomb hoaxes, possession of explosives or abetting a minor to possess explosives; and (6) willfully burning a school.

The principal or designee shall notify the superintendent or designee in writing or by e-mail of any report made by the principal to law enforcement. Such notice must occur by the end of the workday in which the incident occurred, when reasonably possible, but no later than the end of the following workday. The superintendent must inform the board of any such reports. In addition, the principal or designee must notify the parents or guardians of students who are alleged to be victims of any of the above-mentioned acts.

In addition, the principal or designee must promptly notify the parents if a school system employee suspects that any criminal offense has been committed against the parents' child, including but not limited to any of the offenses required to be reported to law enforcement, regardless of where the offense allegedly occurred, unless the incident has been reported to law enforcement or the county child services agency and notification of the parents would impede the investigation.

Certain crimes must be reported to the Department of Public Instruction in accordance with [16 N.C.A.C. 6E .0107](#).

Legal References: Gun-Free Schools Act, [20 U.S.C. 7961](#); [G.S. 14-17](#), [-18](#), [-27.21](#), [-27.22](#), [-27.24 through -27.27](#), [-27.29](#), [-27.30](#), [-27.33](#), [-32 through -34.10](#), [-39](#), [-87](#), [-202](#), [-202.1](#), [-202.2](#), [-269.2](#); [ch. 90 art. 5](#); [114A-10](#); [115C-47\(56\)](#), [-288\(g\)](#); [16 N.C.A.C. 6E .0107](#)

Cross References: Alternative Learning Programs/Schools (policy 3470/[4305](#)), Drugs and Alcohol (policy 4325), Theft, Trespass, and Damage to Property (policy 4330), Assaults and Threats (policy 4331), Weapons, Bomb Threats, Terrorist Threats, and Clear Threats to Safety (policy 4333), School-Level Investigations (policy 4340)

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