



*Spartanburg School District 2*  
*Code of Conduct*  
*MIDDLE SCHOOL*

*2019-2020*

*A positive learning environment is safe, drug free, and without disruption. Good student conduct is essential to the achievement of the school's goals and objectives. This Code of Student Conduct establishes guidelines for students, parents, teachers, and administrators to maintain an appropriate school environment. The provisions in this Code of Student Conduct provide for firm but fair administration of disciplinary measures with an appropriate range of discretion for the application of consequences for behavioral needs, based upon individual assessments of every case, and in compliance with the philosophy set forth below.*

Disciplinary action is best resolved among teacher, student, and parent in a calm, reasonable manner. However, serious violations of the Code must be handled quickly and effectively by the Administration. The objective of disciplinary action is to encourage good choices and acceptable behavior by the students with every reasonable effort being made to keep students within the school's influence, to rehabilitate and re-direct inappropriate behaviors and to offer effective strategies for changing such behaviors and opportunities to do so except in very serious circumstances. Insuring the welfare of the greatest number of students can, in certain circumstances, and in accordance with state law, result in the dismissal of students who consistently fail to observe the required standards, or become involved in criminal or other egregious misconduct. Although this Code of Student Conduct provides for an initial recommendation of expulsion for certain Level 3 offenses listed in this Code, the Hearing Officer reserves discretion to consider the merits of each case presented with particular regard to extenuating, mitigating, or aggravating circumstances. Whenever alternatives to expulsion are under consideration, such matters including (but not limited to) prior conduct (disciplinary record), academic achievement, citizenship, and contributions to the regular and extra-curricular school programs by the student may be considered. Preferential treatment for the purpose of maintaining athletic or extra-curricular eligibility is not allowed. This District's disciplinary code is not considered, nor is it to be interpreted as, a *zero tolerance* policy, even though certain misconduct may be serious or disruptive enough to warrant dismissal from school.

**CATEGORIES OF OFFENSES AND DISCIPLINARY PROCEDURES**  
**Spartanburg School District 2**  
**MIDDLE SCHOOL CODE OF CONDUCT**

Though not specifically mentioned in the list of behaviors, students may be suspended or recommended for expulsion for first-time offenses or any act which is detrimental to the good order, best interest, and physical safety of the school. The student may be disciplined according to the nature and degree of the offense or act at the discretion of the administration.

***Levels of Offenses***

The disciplinary code is divided into three levels as defined in state law. The provisions of this code apply not only to within school activities, but also to student conduct at any school sponsored or sanctioned event and on school buses, activity buses, or vehicles rented or leased to support school activities. The three levels of offenses are as follows:

1. **Level I**--Disorderly conduct is defined as those activities engaged in by student(s) which tend to impede orderly classroom procedures or instructional activities, orderly operation of the school, or the frequency or seriousness of which disturbs the classroom or school.
2. **Level II**--Disruptive conduct is defined as those activities engaged in by student(s) which are directed against persons or property, and the consequences of which tend to endanger the health of oneself or others in the school. Some instances of disruptive conduct may overlap certain criminal offenses justifying both administrative sanctions and court proceedings. Disorderly conduct (Level I) may be reclassified as disruptive conduct (Level II) if it occurs three or more times.
3. **Level III**--Criminal conduct is defined as those activities engaged in by student(s), which result in violence against oneself or another person or property. This conduct poses a direct and serious threat to the safety of oneself or others in the school. These actions usually require administrative actions, which result in the immediate removal of the student from the school, the intervention of law enforcement authorities, and/or action by the local school board.

Students can be punished for multiple offenses under this regulation. For example, a student cuts the last three periods and has lunch at a local restaurant. That student will be punished for cutting classes and leaving campus without permission.

**Level One Infraction**

Behavioral misconduct is defined as those activities engaged in by a student which tend to impede orderly classroom procedures or instructional activities, orderly operation of the school, or the frequency or seriousness of which disturb the classroom or school. The provisions of this regulation apply not only to within-school activities, but also to student conduct on school bus transportation vehicles, and other school-sponsored activities.

<b>BREACH OF CONDUCT</b>	<b>1<sup>st</sup> Offense</b>	<b>2<sup>nd</sup> Offense</b>	<b>3<sup>rd</sup> Offense</b>
<b>Tardies (classroom)</b>	<b>1-3 handled by teacher</b>	<b>4-6 1 period of ISS</b>	<b>7 or more 1-2 days ISS</b>
<b>Lying to a member of the school staff</b>	<b>1 Day ISS</b>	<b>2 Days ISS</b>	<b>1 – 3 days OSS</b>
<b>Interfering with instruction or the classroom environment</b>	<b>Detention/ 1 period ISS</b>	<b>1-2 Days ISS</b>	<b>1-3 days OSS</b>
<b>Abusive language/gestures between students (obscene or profane) – This includes personal cell phones/district issued devices.</b>	<b>1 Day ISS</b>	<b>1-2 Days ISS</b>	<b>1-3 Days OSS</b>
<b>Use of forged notes or passes</b>	<b>1 Day ISS</b>	<b>2 Days ISS</b>	<b>1 – 3 days OSS</b>
<b>Cutting class</b>	<b>ISS 1 day</b>	<b>ISS 2 days</b>	<b>OSS 1 day</b>
<b>Possession or use of tobacco products on school property (District Policy)</b>	<b>3 OSS</b>	<b>5 OSS</b>	<b>10 OSS</b>

<b>Possession or distribution of obscene literature, pictures or devices</b>	<b>1 day ISS</b>	<b>1-3 Days OSS</b>	<b>3-5 days OSS</b>
<b>Violation of Dress Policy- This includes writing on students and their clothing.</b>	<b>Change Clothes and Parents notified</b>	<b>1 Day ISS/restitution</b>	<b>1 Day OSS/restitution</b>
<b>Loitering or misbehaving in restrooms or halls</b>	<b>1-2 Days Detention</b>	<b>1 Day ISS</b>	<b>1 Day OSS</b>
<b>Distribution of material unauthorized by the principal</b>	<b>Parent Conference</b>	<b>1 Day ISS</b>	<b>1 Day OSS</b>
<b>Recording/Taking pictures of students/adults with cell phones and/or district devices</b>	<b>1 Day ISS</b>	<b>1-3 Day OSS</b>	<b>3-5 Day OSS</b>
<b>Leaving school without permission</b>	<b>1 Day OSS</b>	<b>3 Day OSS</b>	<b>5 Day OSS</b>
<b>Being in an unauthorized area</b>	<b>1 Day ISS</b>	<b>1 Day OSS</b>	<b>3 Days OSS</b>
<b>Verbal conflicts between students</b>	<b>1-2 Lunch Detentions</b>	<b>1-2 Days ISS</b>	<b>1-3 Days OSS</b>

<b>Excessive horseplay</b>	<b>1-2 lunch detention</b>	<b>1-2 Days ISS</b>	<b>1 -3 Days OSS</b>
<b>Unauthorized use of school equipment or device (ex: Laser pointer)</b>	<b>1-2 Days ISS</b>	<b>1-3 Days OSS</b>	<b>3-5 Days OSS</b>
<b>Disruption in Cafeteria/Gym/ Assembly</b>	<b>1 Day ISS</b>	<b>1 Day OSS</b>	<b>3 Days OSS</b>
<b>Misconduct (minor)</b>	<b>1 Day ISS</b>	<b>1-3 Days OSS</b>	<b>3-5 days OSS</b>
<b>Loitering</b>	<b>1-2 Lunch Detentions</b>	<b>1 Day ISS</b>	<b>1 -3 Day OSS</b>
<b>Public Displays of Affection</b>	<b>1 Day ISS</b>	<b>2-3 Days ISS</b>	<b>1-3 Days OSS</b>

### **Level Two Infraction**

Disruptive conduct is defined as those activities engaged in by students which are directed against persons or property, and the consequences of which tend to endanger the health or safety of oneself or others in the school. Some instances of disruptive conduct may overlap certain criminal offenses, justifying both administrative sanctions and court proceedings. Behavioral misconduct (Level One) may be reclassified as disruptive conduct (Level Two) if it occurs three or more times. The provisions of this regulation apply not only to within school activities, but also to student conduct on school bus transportation vehicles and other school-sponsored activities.

**Level II—Disruptive Conduct**

Breach of Conduct		Consequence(s)		
	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense	
<b>Petty Theft (up to \$10.00)</b>	<b>1 day ISS and restitution</b>	<b>2 days ISS and restitution</b>	<b>1-3 days OSS and restitution</b>	
<b>Minor Theft (\$10.00 to \$100.00)</b>	<b>1 day OSS and restitution</b>	<b>3-5 days OSS and restitution</b>	<b>Up to 10 days OSS and restitution</b>	
<b>Petty vandalism (up to \$10.00)</b>	<b>1 day ISS and restitution</b>	<b>1 days OSS and restitution</b>	<b>2 days OSS and restitution</b>	
<b>Minor vandalism (\$10.00 to \$100.00)</b>	<b>1 day OSS and restitution</b>	<b>3 days OSS; restitution</b>	<b>5days OSS ; restitution</b>	
<b>Receiving and/or possession of stolen goods (less than \$10.00)</b>	<b>1 day OSS and restitution</b>	<b>2 days OSS and restitution</b>	<b>3 days OSS and restitution</b>	
<b>Receiving and/or possession of stolen goods (\$10.00 to \$100.00)</b>	<b>3 days OSS</b>	<b>5 days OSS; restitution</b>	<b>10 days OSS ; restitution; and/or recommended alternative placement</b>	
<b>Instigating Student Conflict</b>	<b>1-2 days ISS</b>	<b>1-3 OSS</b>	<b>3-5 OSS</b>	
<b>Use of Electronic Device to perpetuate/participate in student conflict (Video/distributing video of fighting/conflict)</b>	<b>1-3 OSS</b>	<b>3-5 OSS</b>	<b>5-10 OSS</b>	
<b>Fighting</b> <i>Depending upon the situation and number of offenses, punishment can range from 3 days OSS to 10 days OSS and/or referral to the Alternative School, recommendation for expulsion; authorities Notified</i>	<b>3 days OSS</b>	<b>5 days OSS</b>	<b>10 days OSS</b>	
<b>Discriminatory Harassment:</b> Verbal or physical conduct that denigrates or shows hostility toward an individual because of his/her race, color, gender, national origin, religion, age, physical or mental disability, or sexual orientation.				
<b>Student to Student:</b>	<b>1-3 OSS</b> <b>*Behavior Contract</b>	<b>3-5 OSS</b> <b>*Behavior Contract</b>	<b>10 OSS</b>	
<b>Student to Teacher/Staff:</b>			<b>10 OSS</b>	

	<b>3-5 OSS</b> <b>*Behavior Contract</b>	<b>5-7 OSS</b> <b>*Behavior Contract</b>	
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<p><b>Threats and/or intimidation of other students or staff member</b>  <i>Depending on the situation, possible recommendation for expulsion, and/or notification of authorities</i></p>	<b>1-3 days OSS</b>	<b>5 days OSS</b>	<b>10 days OSS</b>
<p><b>Verbal or physical sexual harassment</b></p>	<b>1-3 OSS; parent conference required</b>	<b>3-5 OSS; parent conference required</b>	<b>5 -10 days OSS; recommended expulsion</b>
<p><b>Trespassing; on campus and/or participating in school activity while under suspension; on campus illegally</b>  <i>Depending on the situation could result in possible recommendation for expulsion; notification of authorities.</i></p>	<b>1-3 days OSS</b>	<b>5-7 days OSS</b>	<b>10 days OSS</b>
<p><b>Abusive behavior; improper language or gestures to school staff; officials</b>  <i>Depending on the situation could result in possible recommended expulsion; notification of authorities</i></p>	<b>1-3 days OSS</b>	<b>5-7 days OSS</b>	<b>10 days OSS</b>
<p><b>Insubordination and/or refusal to obey school personnel, (or agents such as aides or chaperones), at school or away</b></p>	<b>1-3 days OSS</b>	<b>5-7 days OSS</b>	<b>10 days OSS</b>

<b>Illegally occupying or blocking school property with intent to deprive others of its use</b>	<b>5 to 10 days OSS and/or possibly recommended expulsion; notification of authorities; warrants signed</b>
<b>Distributing, selling, using or possessing “look-alike drugs</b>	<b>Refer to administration who may suspend out of school or recommend expulsion</b>
<b>Unlawful assembly</b>	<b>5 to 10 days OSS and/or recommended expulsion; notification of authorities</b>
<b>Misuse of technology resources; computers and the Internet (See also number 8)</b>	<b>Revocation of access privileges and/or other disciplinary action under school codes. Criminal or civil offense may result in legal action (see Board Policy IFBGA-R for more detail.)</b>

**Level Three Infraction**

Activities engaged in by a student which result in violence to oneself or another's person or property or which pose a direct and serious threat to the safety of oneself or others in the school may be classified as criminal conduct. These activities usually require administrative actions which result in the immediate removal of the student from the school, the intervention of law enforcement authorities, and/or action by the local school board. The provisions of this regulation apply not only to within-school activities, but also to student conduct on school bus transportation vehicles, and other school sponsored activities

<b>Level III—Criminal Conduct Breach of Conduct</b>
<b>Consequence(s) All Criminal/Level 3 Offenses</b>
<i>OSS up to 10 days and/or possibly recommended expulsion; permanent expulsion; notification of authorities; referral to SRO</i>
<b>Major fighting (endangers the safety of others and/or refusal to stop fighting and/or having to be physically restrained to stop)</b>
<b>Possessing or igniting fireworks or explosive devices (smoke bombs, stink bombs, firecrackers, etc.)</b>
<b>Bomb threat</b>
<b>Calling 911</b>
<b>Pulling fire alarms</b>
<b>Arson</b>
<b>Assault, aggravated; assault and battery</b>
<b>Assault, simple</b>
<b>Bribery</b>
<b>Burglary; breaking and entering</b>

<b>Counterfeit/forgery</b>
<b>Disturbing school</b>
<b>Drug distribution--furnishing, selling, and/or distributing of any controlled substance, prescription, (drugs, narcotics, alcohol, or counterfeit) or unauthorized substance (handled according to the District Two Drug and Alcohol Abuse Policy)</b>
<b>Possession, use, or under the influence of any controlled substance, prescription, (drugs, narcotics, alcohol, or counterfeit) or unauthorized substance (handled according to the District Two Drug and Alcohol Abuse Policy)</b>
<b>Embezzlement</b>
<b>Extortion</b>
<b>Forced sexual offense</b>
<b>Fraud</b>
<b>Gambling</b>
<b>Gang Related Activities</b>
<b>Homicide</b>
<b>Threatening, abusing, harassing or intimidating a faculty/staff member</b>
<b>Kidnap/Abduction</b>
<b>Major theft (more than \$100.00)</b>
<b>Liquor-law violation--Possession, use, or under the influence of alcohol (handled according to the District Two Drug and Alcohol Abuse Policy)</b>
<b>Non-force sexual offense; physical sexual harassment; indecent exposure</b>
<b>Other MAJOR offenses</b>
<b>Pornography</b>
<b>Prostitution</b>
<b>Robbery</b>
<b>Receiving Stolen Property (more than \$100)</b>
<b>Major vandalism (more than \$100.00)</b>
<b>Vehicle Theft</b>
<b>Possession or transfer of dangerous weapon; use or display of a weapon in a threatening manner</b>

No administrative decision to take action under either (A) or (B) above shall be made without giving written notice to the parent or legal guardian advising such parent or legal guardian of the proposed action, the reason for it, and setting a time and place when the administrator shall be available for a conference with the parent or legal guardian within three (3) days of such notice.

# **Spartanburg School District 2 School Board Policy**

## **Student Conduct**

### **Policy JIC Student Conduct**

Issued 2/09

Purpose: To establish the board's vision for student conduct.

The board expects students to conduct themselves in an orderly, courteous, dignified and respectful manner at school and school-related activities. This requirement refers to students' actions toward other students, teachers, staff and volunteers, as well as in students' language, dress and manners.

Students have a responsibility to know and follow the policies, rules and regulations of their individual schools and of the district. Violations will result in disciplinary actions.

The board authorizes appropriate school and district personnel to use appropriate disciplinary sanctions including, but not limited to, probation and suspension and to recommend expulsion, where necessary, to enforce this policy.

### **AR JICDA-R(1) Code of Conduct**

Issued 2/09

The following listing of offenses and the required or recommended dispositions are submitted for the information of students, parents and school personnel. Disciplinary actions will include appropriate hearings and review and the removal of a student from the learning environment will occur only for just cause and in accordance with due process of law.

The following rules apply to any student.

- who is on the school or district property
- who is in attendance at school or any school-sponsored activity, whether on or off school grounds
- who is en route to and from school on a school bus or other district vehicle
- whose conduct at any time or in any place has a direct and immediate effect on maintaining order and discipline in the district

### **Level I - disorderly conduct**

Disorderly conduct includes any activity engaged in by student(s) which tends to impede orderly classroom procedures or instructional activities, orderly operation of the school or the frequency or seriousness of which disturbs the classroom or school.

Acts of disorderly conduct may include, but are not limited to, the following.

- classroom tardiness
- cheating on examinations or classroom assignments
- lying
- acting in a manner so as to interfere with the instructional process
- abusive language between or among students
- failure to complete assignments or carry out directions
- use of forged notes or excuses
- cutting class
- school or class tardiness
- truancy
- possession of paging devices in conflict with district policies
- other disorderly acts as determined by the board or administration

Possible sanctions to be applied in cases of disorderly conduct may include, but are not limited to, one or more of the following.

- verbal reprimand
- withdrawal of privileges
- demerits
- detention
- in-school suspension
- withdrawal of privileges/exclusion from participation in extracurricular activities
- other sanctions approved by the board or administration

## **Level II - disruptive conduct**

Disruptive conduct includes those activities engaged in by student(s) which are directed against persons or property and the consequences of which tend to endanger the health or safety of oneself or others in the school. Some instances of disruptive conduct may overlap certain criminal offenses, justifying both administrative sanctions and court proceedings. Disorderly conduct (Level I) may be reclassified as disruptive conduct (Level II) if it occurs three or more times.

Acts of disruptive conduct may include, but are not limited to, the following.

- use of an intoxicant
- fighting
- vandalism (minor)
- stealing

- threats against others
- trespass
- abusive language to staff
- refusal to obey school personnel or agents (such as volunteer aides or chaperones) whose responsibilities include supervision of students
- possession or use of unauthorized substances, as defined by law or local board policy or "look-alike" substances
- illegally occupying or blocking in any way school property with the intent to deprive others of its use
- unlawful assembly
- disrupting lawful assembly
- inappropriate verbal or physical conduct of a sexual nature
- other disruptive acts as determined by the board or administration

Possible sanctions to be applied in cases of disruptive conduct may include, but are not limited to, one or more of the following.

- temporary removal from class
- alternative education program
- in-school suspension
- out-of-school suspension
- transfer
- referral to outside agency
- expulsion
- restitution of property and damages, where appropriate, should be sought by local school authorities
- withdrawal of privileges/exclusion from participation in extracurricular activities
- other sanctions approved by the board or administration

### **Level III - criminal conduct**

Criminal conduct includes those activities engaged in by student(s) which result in violence to oneself or another's person or property or which pose a direct and serious threat to the safety of oneself or others in the school. These activities usually require administrative actions which result in the immediate removal of the student from the school, the intervention of law enforcement authorities and/or action by the board.

School administrators will contact law enforcement authorities immediately upon notice that a person is engaging, or has engaged, in activities on school property or at a school-sanctioned or sponsored activity which may result, or results, in injury or serious threat of injury to the person or to another person or his/her property.

Criminal conduct may include, but is not limited to, the following.

- assault and battery
- extortion
- bomb threat
- possession, use or transfer of dangerous weapons
- sexual offenses
- vandalism (major)
- theft, possession or sale of stolen property
- arson
- furnishing or selling unauthorized substances, as defined by law or local board policy or "look-alike" substances
- distribution, sale, purchase, manufacture or unlawful possession of a controlled substance
- threatening to take the life of or inflict bodily harm upon a principal, teacher or members of their immediate family
- other criminal acts as determined by the board or administration

Possible sanctions to be applied in cases of criminal conduct may include, but are not limited to, one or more of the following.

- out-of-school suspension
- assignment to alternative schools
- expulsion
- restitution of property and damages, where appropriate, should be sought by local school authorities
- withdrawal of privileges/exclusion from participation in extracurricular activities
- other sanctions approved by the board or administration

Nothing in this policy prohibits the superintendent or other appropriate district-level administrators from directly, or in consultation with appropriate school-level administrators, imposing authorized disciplinary sanctions.

### **Student conduct away from school grounds or school activities**

The board expects administrators to take appropriate action when information becomes available about student misconduct away from school grounds or school activities that may have a direct and detrimental effect on, or seriously threaten, the discipline, educational environment, safety or general welfare of students, faculty, staff and/or administrators of the district. When assessing the impact of out-of-school behavior on a district school, the administrator should take into consideration the seriousness of the alleged out-of-school offense and the protection of students, faculty, staff and administrators from the effects of violence, drugs and/or disruptions.

Administrators are directed to evaluate each situation on a case-by-case basis. At a minimum, administrators or their designees should meet with the student upon his/her arrival at school, give the student notice of the concerns based on the reported out-of-school behavior and allow the student an opportunity to present his/her side of the story. Based upon all of the circumstances, including a finding that the alleged conduct will have a direct and immediate effect on the school or threatens the discipline, educational environment, safety or general welfare of students, faculty, staff and/or administrators of the school, the administration may either permit the student to attend classes as usual or may take appropriate disciplinary action including, but not limited to, in-school suspension or out-of-school suspension in order to conduct an investigation into the matter. The parents/legal guardians of students will be notified of any action taken by the administration and offered the opportunity for a conference with the administration.

In the event the student is incarcerated based on his/her out-of-school conduct, the principal or his/her designee will notify the student that he/she is to meet with the administration prior to returning to school.

At the conclusion of the inquiries to obtain more information on the matter, the administrator or his/her designee should take appropriate action which may include, but is not limited to, one or more of the following.

- returning the student to his/her normal class schedule and removing all evidence of suspension
- placing the student on probation and allowing the student to resume his/her normal class schedule
- placing the student on probation, allowing the student to continue classwork, but restricting the student's participation in extracurricular activities and/or designated school activities, for example, clubs, study halls, pep rallies, student government activities and so forth
- suspending the student
- recommending expulsion of the student from regular school and placement in the district's alternative school
- recommending expulsion of the student for either the remainder of the semester or year

The disciplinary action taken must be supported by the evidence and take into full consideration the impact of the student's presence at school on the discipline, educational environment and safety or general welfare of other students, faculty, staff and/or administrators of the school.

***Note regarding special education students:*** Administrators must ensure that all procedural safeguards afforded to special education students are also implemented in such circumstances.

*Extenuating, mitigating or aggravating circumstances*

The board confers upon the superintendent and his/her designee the authority to consider extenuating, mitigating or aggravating circumstances, which may exist in a particular case of



misconduct. The administrator should consider such circumstances in determining the most appropriate sanction.

## **Discipline of students with disabilities**

### *Introduction*

A student identified as disabled pursuant to the Individuals with Disabilities Education Improvement Act (hereinafter "IDEIA-disabled") may not be suspended from school for any number of school days in a school year beyond 10, if such removal would constitute a "change of placement," as defined below, unless, pursuant to the procedural requirements described in the "Procedures to follow" section of this administrative rule, the student's behavior resulting in suspension is determined not to be a manifestation of the student's disability. The determination whether a "change of placement" would occur as a result of a removal must be made on a case-by-case basis based on the circumstances of each case. School personnel may consider any unique circumstances on a case-by-case basis when determining whether a change in placement, consistent with this policy, is appropriate for a child with a disability who violates a code of student conduct.

In regard to a suspension beyond 10 total days in a school year, a "change of placement" would likely occur under either of the following circumstances.

- the student's suspension from school is for more than 10 consecutive days
- the student is subjected to a series of suspensions from school that constitute a "pattern" because they total more than 10 school days in a school year because the child's behavior is substantially similar to the behavior in previous incidents that resulted in the series of removals, and because of such additional factors as the length of each removal, the total amount of time the child has been removed, and the proximity of the removals to one another

No later than the date on which a decision is made to impose a removal that would constitute a change of placement because of a violation of the code of student conduct, the district must notify the parents/legal guardians of the decision and provide procedural safeguards notice.

### *Discipline options*

Short-term suspensions which do not constitute a "change of placement"

#### *Duration of suspensions*

If a student with a disability violates the district's code of conduct, a school administrator may remove the student from his/her current placement to another setting or suspend the student, for a maximum of 10 consecutive school days for that particular incident. For separate incidents of misconduct, the school administrator may remove the student for additional periods of not more than 10 consecutive school days each in that same school year, as long as the suspensions do not

constitute a "change of placement" as set forth in the "Introduction" section above. Removals may be applied only to the extent they are applied to students without disabilities.

#### *Services provided during suspensions*

The school is not required to provide services to a student with a disability who has been suspended, so long as the student is suspended for not more than 10 cumulative school days during a school year, unless the school provides services to a student without disabilities who is similarly removed.

During any subsequent days of suspension beyond 10 total school days, (so long as the suspension does not constitute a "change of placement" as described in the "Introduction" section above and is for not more than 10 consecutive school days), the school administrative personnel, in consultation with at least one of the student's teachers, must determine the extent to which services are needed, to enable the student to do the following.

- continue to participate in the general education curriculum, although in another setting
- progress toward meeting goals set out in the Individual Education Plan (IEP)

#### *Longer-term removals*

Removals that constitute a change of placement as defined under the "Introduction" section above

If a removal is a change of placement either because it is a removal of more than 10 consecutive days or because it is a pattern of removals as described under "Level I - disorderly conduct" section above, the child's IEP team must determine appropriate services. These services must allow the student to do the following.

- continue to receive educational services so as to enable the child to continue to participate in the general education curriculum, although in another setting
- progress towards meeting the goals set out in the IEP and to receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur

The child's IEP team must also follow, as appropriate, the procedures outlined under the "Procedures to follow" section below.

Removal to alternative placement for up to 45 school days under special circumstances (dangerous weapons, drugs or serious bodily injury, as defined below)

If a disabled student (1) possesses or carries a weapon to/at school, on school premises or to/at a school function; (2) knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises or at a school function; or (3) has inflicted serious bodily injury upon another person while at school, on school premises or at a school function, the school administrator may remove the student to an "interim alternative

educational setting" (as determined by the IEP team) for not more than 45 school days regardless of whether the behavior is determined to be a manifestation of the child's disability.

- A "dangerous weapon" is defined as a weapon, device, instrument, material or substance, animate or inanimate, that is used for or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than 2 1/2 inches in length.
- "Serious bodily injury" means bodily injury which involves a substantial risk of death, extreme physical pain, protracted and obvious disfigurement or protracted loss or impairment of a function of a bodily member, organ or mental faculty.

The "interim alternative educational setting" must be determined by the IEP team. Any interim alternative educational setting must do the following.

- enable the student to continue to participate in the general education curriculum, although in another setting and to progress toward meeting goals set out in the IEP
- receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications designed to address the behavior violation so that it does not recur

If the child is removed for up to 45 school days under special circumstances described in this section, the child's IEP team must determine appropriate services. These services must allow the student to do the following.

- continue to receive educational services so as to enable the child to continue to participate in the general education curriculum, although in another setting
- progress towards meeting the goals set out in the IEP and to receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur

The child's IEP team must also follow, as appropriate, the procedures outlined under the "Procedures to follow" section below.

### **Procedures to follow**

#### *Send notice to parents/legal guardians*

In addition to appropriate standard notifications sent to parents/legal guardians of non-disabled students regarding disciplinary actions, no later than the date on which the decision is made to impose a removal that would constitute a change of placement because of a violation of a code of student conduct, the district must notify the parents/legal guardians of the decision and provide procedural safeguard notice.

#### *Conduct a manifestation determination*

The relevant members of the IEP team as determined by the parent/legal guardian and the district must also conduct a manifestation determination within 10 school days of any decision to "change the placement" of a child with a disability because of a violation of a code of student conduct. A manifestation determination may be conducted by the team to review a student's misconduct at a point earlier than required, irrespective of whether any disciplinary action taken would constitute a "change of placement." Thus, the mere convening of such a meeting does not constitute an admission on the part of the school personnel that the disciplinary action taken amounts to a "change of placement."

*Finding that conduct was related to a student's disability*

The team may determine that the behavior of the student was a manifestation of the student's disability if the team reviews all relevant information in the student's file, including the child's IEP, any teacher observations and any relevant information provided by the parents/legal guardians and determines either of the following.

- the conduct in question was caused by or had a direct and substantial relationship to the child's disability
- the conduct in question was the direct result of the district's failure to implement the IEP

If the team determines that either of the above apply, then the behavior must be considered a manifestation of the student's disability.

If the conduct is a manifestation of the child's disability, the IEP team must do the following.

- conduct a functional behavioral assessment and implement a behavioral intervention plan if the district had not already done so before the behavior resulting in the change in placement
- where a behavioral intervention plan had been developed, review the behavior intervention plan and modify it, as necessary, to address the behavior
- except in special circumstances including drugs, weapons or serious bodily injury as discussed above, return the child to the placement from which the child was removed, unless the parents/legal guardians and the district agree to a change of placement as part of the modification of the behavioral intervention plan

*Finding that conduct was not related to a student's disability*

If the multidisciplinary team determines that an IDEIA-disabled student's misconduct was not a manifestation of his/her disability, the student may be disciplined to the same extent that a nondisabled student may be disciplined, subject to procedural safeguards; however, the student must be provided services that enable the student to participate in the general education curriculum and progress toward meeting the goals set out in the student's IEP and a functional behavior assessment and behavioral intervention services and modifications, as appropriate, that are designed to address the behavior violation so that it does not recur. The IEP team will determine the services to be provided.

*Conduct or review a functional behavioral assessment and develop or review a behavioral intervention plan*

Either before or not later than 10 school days after suspending a student for more than 10 school days in a school year or commencing a removal that constitutes a "change of placement," the school must do either of the following.

- convene an IEP meeting to develop an assessment plan to address the behavior (if the school did not conduct a functional behavioral assessment and implement a behavioral intervention plan for the student before the suspension was imposed)
- if the student already has a behavioral intervention plan, the IEP team will review the plan and modify it, as necessary, to address the behavior

If a student is subjected to additional suspension days beyond 10 days in a school year which do not constitute a "change of placement," the IEP team members will review the behavioral intervention plan and its implementation, as appropriate, to determine if modifications are necessary and make any such modifications.

*Referral to law enforcement*

Nothing will prohibit a school district from reporting a crime committed by a student with a disability to appropriate authorities as provided under [Section 59-24-60](#). In reporting such a crime, the school will ensure, consistent with the requirements of the Family Educational Rights and Privacy Act, that copies of the special education and discipline records of the student are made available to the appropriate authorities to whom it reports the crime.

Issued 2/10/09

School Searches and Retention of Control Over School Property: South Carolina statutes provide that any person entering any school premises in this state is deemed to have consented to a reasonable search of his person or effects. (Strip searches by school administrators or officials are prohibited.)

In order to help provide for the safety of the school population and to prevent weapons, illegal substances, and other contraband items from being brought upon school premises, notice is given that occasional school-wide or random, large scale searches of student areas may be conducted. Such searches may include the use of sniffer dogs around lockers or other school spaces utilized by students, including automobiles parked on school premises, or on public right of ways immediately adjacent to school premises and ordinarily utilized for student parking when the school is in session. State law authorizes personal belongings such as purses, bookbags, wallets, and satchels reasonably to be searched by administrators or their designees. The Administration may use electronic detection devices as an aid for finding possible weapons on school premises and/or preventing the same from being brought. The administration, or its designee, may conduct a review of data or images displayed or stored in any cell phone or other personal electronic device being used by a student in violation of this code or the cell phone policy JICJ. Any searches conducted pursuant to these provisions will

be implemented in a non-discriminatory manner. There is no expectation of privacy regarding live or recorded video images recorded by equipment in the commons areas of any school building or grounds or upon any school bus.

Any lockers, storage, or similar spaces on school premises assigned to, or regularly used by, individual students remain the property of the School District in all respects. Such use by, or availability to, students is a privilege and the schools reserve a right of control and access to such spaces. School commons areas, including but not limited to hallways, cafeterias, and outside grounds and traffic or parking areas are subject to video or photographic surveillance for security purposes.

## **Policy JICG Tobacco Use by Students**

Issued 3/15

Purpose: To establish the basic structure for the board's prohibition of tobacco use by students.

The board believes that tobacco use and exposure to secondhand smoke (environmental tobacco smoke) are hazardous to the health of human beings, especially children. Therefore, the board affirms that one of the best methods of instruction is one that is provided within a 100 percent tobacco-free environment.

The district does not allow students to use or to possess tobacco products or tobacco paraphernalia. This restriction applies while students are on school grounds, in the school buildings, on buses or during any other time they are under the direct administrative jurisdiction of the school, whether on or off the school grounds.

### **Goal**

The goal of this policy is to provide a 100 percent tobacco-free, smoke-free environment for all students, staff, contract or other workers and visitors within all district facilities, vehicles and grounds. This includes any building, facility and vehicle owned, leased, rented or chartered by the district. The goal applies to all school-sponsored or school-related events on or off the school grounds. The district commits to the following.

- exhibiting healthy behavior for all students, staff, contract or other workers, visitors and the entire community

- utilizing a proven and effective science-based tobacco use prevention curricula
- providing access to cessation counseling or referral services for all students and staff

### **Procedures**

- Prohibit the use and/or possession of all tobacco products or paraphernalia including, but not limited to, cigarettes, cigars, pipes, smokeless tobacco, snuff and alternative nicotine products such as e-cigarettes by all students, staff, contract or other workers and visitors.
- Ensure that tobacco use prevention programs, as recommended by the South Carolina Department of Health and Environmental Control, the South Carolina Department of Alcohol and Other Drug Abuse Services and the South Carolina Department of Education, are an integral part of district substance abuse prevention efforts.
- Provide and/or refer to cessation services for students and staff.

### **Enforcement**

The district will enforce this policy by determining appropriate disciplinary actions for students violating this policy such as the following.

- parent/legal guardian/administrator conferences
- mandatory enrollment in a tobacco prevention education
- community service
- in-school suspension
- out-of-school suspension
- suspension from extracurricular activities

School administrators will develop procedures consistent with the discipline code of this district in order to enforce this policy (see [JICDA-R](#), Level 2, unauthorized substances).

### **Education and assistance**

The district will be responsible for utilizing proven and effective tobacco use prevention curricula to educate all students and providing appropriate counseling and/or referral services for students.

### **Tobacco industry marketing or sponsorship**

The district will not accept any contributions or gifts, money or materials from the tobacco industry. The district will not participate in any type of services that are funded by the tobacco industry. In addition, any gear, paraphernalia, clothing, etc., that advertises tobacco use or tobacco products will not be allowed on district grounds or in the possession of faculty, staff, contract or other workers or students at district-sponsored events.

Cf. [ADC](#), [GBED](#)

Adopted 8/14/90; Revised 2/10/09, 3/10/15

## **Policy JICH Drug and Alcohol Use by Students**

Issued 2/09

Purpose: To establish the basic structure for the board's prohibition of student drug and alcohol use.

Students may not possess, use, sell, consume, purchase, barter, distribute or be under the influence of alcoholic beverages or controlled or illegal substances on district or school property or at any district or school sponsored activities. This prohibition also pertains to look-alike substances, *i.e.*, any substance represented to be or is substantially similar in color, shape, size, markings, etc., to an alcoholic beverage or controlled or illegal substance. Students in violation of this policy will be disciplined in accordance with state law and district policies.

If the situation warrants, district or school administrators should communicate all available information to appropriate law enforcement entities and cooperate in any law enforcement investigations.

Adopted 2/10/09

## **Policy JICI Weapons in School**

Issued 2/09

Purpose: To establish the basic structure for the board's prohibition of student possession of weapons.

It is the policy of the board to ensure the safety and welfare of its students and employees. The presence of firearms, knives, blackjacks or other weapons on district property poses a severe threat of serious harm or injury to students and staff.

While on school grounds, in school buildings, on buses or at school-related functions, students will not possess any item capable of inflicting injury or harm (hereinafter referred to as a weapon) to persons or property when that item is not used in relation to a normal school activity at a scheduled time for the student. No vehicles parked on school property may contain firearms, knives, blackjacks or other items which are generally considered to be weapons.

### **Level of offense**

It is a felony offense, punishable by a fine of \$1,000, imprisonment for five years or both to carry a weapon as referenced above on school property.

### **Weapons (firearms)**



The board or its designee will expel for no less than one calendar year any student who has brought or possessed a firearm on school property, at district or school related functions or at any setting under the jurisdiction of the district. For purposes of this section of the policy, "weapon" is defined as a firearm. The term firearm is defined extensively in federal law but generally means a weapon (gun) or destructive device (explosive or incendiary device).

The board directs the administration to bring recommendations for expulsion consistent with this policy except that the superintendent, on a case-by-case basis, may modify this expulsion requirement. In considering whether to modify the one-year expulsion requirement, the superintendent may consider, among other things, the student's age, discipline records and the specific facts and circumstances of the incident.

Expulsion proceedings for weapons violations will be conducted consistent with the district's expulsion policy and AR.

Expulsion prohibits a student from entering the school or school grounds except for a prearranged conference with an administrator, attending any day or night school functions or riding a school bus.

The district will refer each expelled student to the local county office of the Department of Juvenile Justice.

Adopted 2/10/09

### **Policy JICJ Cell Phones/Paging Devices/Other Communication Devices**

Issued 2/14

Purpose: To establish the basic structure for student possession/use of paging devices in the schools of the district.

Cellular phone and paging device ownership by adolescents has proliferated over the past years. These devices are used for various reasons, including emergency use and parental communication. To reflect the societal trend and changing state law, the district will allow the possession of paging devices, including cellular telephones, by students only under the following circumstances.

Cellular telephones and paging devices **are not to be used** on the school grounds during the regular academic school day, including during the lunch period unless under the direct supervision and direction of a teacher or school administrator. Cell phone use during the school day will be for instructional purposes.

Parents/Legal guardians will be notified prior to testing that imaging/communications devices are not allowed. During state testing, students may not have any electronic or other device that can be used for communicating, timing, creating images, or storing images. These devices include, but are not limited to, cell phones, media players, pagers, beepers, headphones, stop

watches, electronic translators, hand-held devices, PDAs, or any electronic imaging or photographic devices. This restriction does not apply to devices documented for use during testing in a student's Individualized Education Program (IEP) or 504 Plan and/or required for a customized administration, e.g., headphones for an oral administration with audio. Electronic or other devices must be collected before students begin taking their tests.

Cellular telephones and paging devices **are allowed** after school during extracurricular activities and on school buses transporting students to and from extracurricular activities.

The school principal reserves the right to further limit and/or confiscate these devices if the use of these devices is causing a disruption to the school.

The district will make an exception to these rules when the student needs the paging device at school for a legitimate, documented medical reason. However, before a student may have a paging device at school, the principal must have written, approved evidence on file of the student's medical need for the device. The principal of each school will decide what constitutes a legitimate medical reason consistent with any guidelines established by the board and/or by the State Department of Education.

A student who is 18 years old and wishes to participate as a member of a volunteer firefighting organization or emergency service organization may be authorized to carry a paging device with special permission from the school principal. If permission is granted for this purpose, the student must file with the principal a letter of special request from the volunteer organization of which he/she is a member and special arrangements must be made with the principal to ensure that his/her release from school when called for an emergency will not disrupt classes or conflict with the school's policies for student release from school.

A person who finds a student in violation of this policy must report the student to the school principal. Upon notification the principal or his/her designee will follow these procedures:

- **First offense** - conference with parent/legal guardian and return of the device.
- **Second offense** - one day of in-school suspension and retention of the device until the end of the semester.
- **Third offense** - one day of out-of-school suspension and retention of the device until the end of the school year.

*Note: Although the district will take appropriate steps to safeguard all cellular telephones and paging devices that are confiscated, the district will not be responsible for lost, stolen, or damaged devices.*

Adopted 10/97; Revised 1/10/06, 2/10/09, 2/11/14

**olicy JIH Searches, Student Interrogations and Arrests**

Issued 2/09

Purpose: To establish the basic structure for conducting searches of students or their property.

The board by this policy recognizes that both state law and the [Fourth Amendment to the United States Constitution](#) protect citizens, including students, from unreasonable searches and seizures. The board accordingly directs all district personnel to conduct searches and seizures on district property or during district sponsored events in accordance with applicable federal and state law. The board's express intention for this policy is to enhance security in the schools, prevent students and other persons on school grounds from violating board policies, school rules and state and federal laws and to ensure that legitimate privacy interests and expectations are respected consistent with the need of the district to maintain a safe environment conducive to education.

## Searches

As authorized by state law, district and school administrators and officials may conduct reasonable searches on district property of lockers, desks, vehicles and personal belongings such as purses, bookbags, wallets and satchels, with or without probable cause, subject to the limitations and requirements of this policy.

The district administration is directed to ensure compliance with SC Code Ann. [Section 59-63-1150](#), which requires that administrators must receive training in the "reasonableness standard" under existing law and in district procedures regarding searches. The district administration is further authorized and directed to establish procedures to be followed in conducting searches. The board further directs the district administration to ensure that notice is posted in compliance with SC Code Ann. [Section 59-63-1160](#) advising that any person entering the premises of any school in the district will be deemed to have consented to a reasonable search of his/her person and effects.

All searches must comply fully with the "reasonableness standard" set forth in [New Jersey v. T.L.O.](#), 469 U.S. 328 (1985). This reasonableness standard recognizes that balancing the privacy interests of students with the substantial need of teachers and administrators to maintain order in the schools does not require that searches be based on probable cause to believe that the subject of the search has violated or is violating the law. Rather, the appropriateness of a search depends on the reasonableness, under all the circumstances, of the search. Determining the reasonableness of any search will involve a two-fold inquiry.

First, a district or school administrator or official must determine that the search is justified at its inception and second, that the scope and conduct of the search is reasonably related to the circumstances justifying the search at its inception. In other words, all searches hereunder must be determined to do the following.

- have reasonable grounds for suspecting that the search will disclose evidence the student or other person has violated, or is violating, either the law or the rules of the district or school
- be limited in scope and conduct to the extent that the measures utilized to carry out the search are reasonably related to the objectives of the search and not excessively intrusive

in light of the age and sex of the person searched and the nature of the suspected infraction of the law or district or school rules

The board further prohibits any district employee, including district administrators and officials, from conducting a strip search.

Searches involving the use of metal detectors will be conducted in accordance with the procedures outlined in policy [JIHC](#) and AR [JIHC-R](#).

Any contraband items or evidence of a violation of law or district or school rules may be retained by school officials and/or turned over to an appropriate law enforcement agency, as required by law.

### **Contacting law enforcement**

As required by SC Code Ann. [Section 59-24-60](#), school administrators will contact law enforcement immediately upon notice that a person is engaging or has engaged in activities on school property or at a school sanctioned or sponsored activity which may result, or results in, injury or serious threat of injury to the person, another person or his/her property. Such reportable activities or conduct may include, but are not limited to, the examples of criminal conduct referenced in Level III of board policy [JICDA](#) (Student Behavior Code).

The board recognizes that when law enforcement authorities are contacted pursuant to SC Code Ann. [Section 59-24-60](#), the law enforcement authorities must make the determination whether they will conduct an investigation into the matter. If the law enforcement authorities determine an investigation is appropriate, school officials will make reasonable efforts to discuss the scope and methods of the investigation with the law enforcement authorities as they affect school operations in an effort to minimize any disruption to the school and its students.

School officials may contact law enforcement authorities for assistance in addressing concerns other than those which must be reported pursuant to [Section 59-24-60](#). In such circumstances, the principal or his/her designee will confer with the superintendent or his/her designee prior to involving law enforcement authorities, other than a school resource officer. The superintendent or his/her designee will consult with appropriate school officials and law enforcement authorities to determine that the proposed involvement and methods of law enforcement are reasonable, consistent with this policy and will have a minimally disruptive effect on school operations and student rights.

### **Interrogations by school personnel and school resource officers**

Administrators and teachers, as well as school resource officers, may question students about any matter pertaining to the operation of a school and/or enforcement of its rules. The questioning will be conducted discreetly and under circumstances which will avoid, to the extent practical under the circumstances, unnecessary embarrassment to the person being questioned. School resource officers will act consistently with law enforcement guidelines should any routine

questioning turn into a criminal investigation. Any student who answers falsely or evasively or who refuses to answer an appropriate question may be disciplined.

### **Interrogations by law enforcement**

When law enforcement officers find it necessary to question a student during the school day regarding matters not connected to the school, the principal or his/her designee will cooperate with law enforcement and will request to be present, so long as his/her presence does not impede the investigation. The principal or his/her designee should make a reasonable attempt to contact the student's parent/legal guardian and request his/her presence. Should this attempt fail, the principal or his/her designee will continue to make a reasonable attempt to notify the student's parent/legal guardian that law enforcement questioning took place on school grounds. However, school officials will not act in such a manner which will interfere with an ongoing law enforcement investigation. Additionally, normal visitor's protocol must be followed by law enforcement officials at all times. Interrogations of students by law enforcement officials should generally take place in a private area, whether or not the principal or his/her designee is present.

### **Custody or arrest**

Law enforcement authorities have the right to enter the school to take a student into custody or to make a lawful arrest of a student provided that they act pursuant to lawful procedure. If a student is arrested or taken into custody at school, school officials will make a reasonable effort to notify the parents/legal guardians immediately.

Adopted 2/10/09

### **R JIH-R Searches, Student Interrogations and Arrests**

Issued 2/09

In order to recognize and protect student rights and expectations to privacy, safety and an educational environment conducive to learning, as well as to enhance security in schools and prevent students from violating board policies, school rules and federal and state laws, district officials, including principals and their designees, are authorized to conduct reasonable searches according to the procedures outlined herein and in board policy [JIH](#).

If a search yields evidence that a board policy, school rule or federal or state law has been violated, appropriate disciplinary action will be taken and in cases where the evidence suggests conduct which must be reported to law enforcement under S.C. Code Ann. [Section 59-24-60](#), the appropriate law enforcement authorities will be immediately notified.

### **Searches of a person or a person's belongings or effects**

Procedures for searching a person or a person's belongings must be reasonable. A reasonable search is one which is both based on a reasonable suspicion and is reasonably related in scope. For reasonable suspicion to exist, school officials conducting a search must be able to articulate why, based on all the circumstances, they objectively and reasonably suspect the search of the person or personal property is likely to yield evidence of a violation of law or district or school rules. In formulating a reasonable suspicion, a school official may rely on information he/she considers reliable, including reports from students, as well as the official's own observations, knowledge and experience; however, a mere hunch or guess that a search will uncover evidence of a violation of law or district or school rules is insufficient to justify a search.

Additionally, the search must be reasonable in its method and scope. A search must be carried out in such a manner that it targets the object of the search or the suspected evidence of a violation of law or district or school rules. The proper scope of the search is a case-by-case determination and is generally limited to the places in which it is reasonably suspected that the object of the search may be found. A search may be as extensive as is reasonably required to locate the object(s) of the search and may extend to all areas, containers and personal effects in which the object of the search may be found. In addition, when determining the reasonableness of the scope and manner of a search, the school officials must take into account the age, sex and other special circumstances concerning the object of the search and the person involved, as well as the nature of the suspected infraction. Should the school official determine that a pat-down search is necessary, the school official, who must be the same sex as the person searched, will escort the person to a private area to conduct the pat-down search. A witness must be present during all such searches. If a student refuses to comply, the student's parent/legal guardian and/or the police will be contacted. **Under no circumstances, however, is a strip search by a school official permitted.**

### **Searches of lockers, desks and other school property**

The district provides lockers, desks and other school property to students for their use. Because the district retains ownership of this property, school officials may conduct searches of such property, including random and unannounced searches, with or without reasonable suspicion, when such search is determined by school officials to be otherwise reasonable in light of the needs of the school. However, objects belonging to students contained in such school property will not be opened or searched except as provided in the section entitled "Searches of a person or a person's belongings or effects" above. Students will be notified expressly in writing in the student handbook that such school property may be searched at any time. In conducting searches of school property, student property will be respected and not damaged.

### **Searches of vehicles on school property**

Students are permitted to park on school premises as a matter of privilege, not of right. Accordingly, all students desiring to park their vehicles on school premises must first obtain a parking permit from the designated school administrator. In order to obtain a parking permit, the student must sign a form acknowledging that he/she understands and agrees to the terms regarding the use of parking lots set forth below. Vehicles which do not have a permit in plain view are subject to being towed at the student's expense.

Because parking on school premises is a privilege, the school retains authority to conduct routine inspections of the exterior of vehicles parked on school property at any time. In conducting an inspection of the exterior of a vehicle, school officials may observe those things inside vehicles which are in plain view.

The interiors of student vehicles, including such things as trunks, glove compartments and personal belongings within a vehicle, may be searched whenever a school official has reason to believe a student is violating board policies, school rules or federal or state law, as described in the "reasonableness standard" set forth in the section entitled "Searches of a person or a person's belongings or effects" above. When a school official needs to gain access to the interior of a vehicle parked on school premises, for purposes of conducting a search in compliance with the "reasonableness standard," he/she will first ask the student to provide access. If a student refuses to provide the school official with access to the interior of his/her vehicle, he/she may be subject to disciplinary action, including loss of all parking privileges and the possible towing of the vehicle at the student's expense.

### **Use of trained dogs**

The exposure of student containers, packages, lockers, vehicles, desks, book bags, satchels and other similar personal belongings to a reliable and trained "dog sniff," when not in a student's possession, in most circumstances is neither a search nor a seizure. This is so because a dog sniff of the above items only does not expose non-contraband items into view and discloses only the presence or absence of contraband. Sniffing of an individual by trained dogs, however, may constitute a search and their use on school property may be disruptive and threatening to students and school personnel.

Accordingly, school officials will only utilize trained dogs on district property under the following circumstances.

- Only trained and proven reliable dogs may be utilized on school grounds.
- Dogs will be under the control, direction and supervision of a trained dog handler and will be on a leash or subject to appropriate restraint at all times.
- Dogs will only be utilized when determined to be reasonable under all the circumstances by the school principal or his/her designee.
- Dogs will not sniff an individual unless determined to be reasonable in all respects under the section entitled "Searches of a person or a person's belongings or effects" above; however, actual physical contact between dogs and individuals should be avoided.

In all circumstances, school officials will make reasonable efforts to minimize the exposure of students to dogs. Should a dog alert its handler to the presence of any contraband, school officials may conduct a search in accordance with the procedures set forth in the section entitled "Searches of a person or a person's belongings or effects" above.

Issued 2/10/09

### **Policy JIHC Use of Metal Detectors**

Issued 2/09

Purpose: To establish the basic structure for the use of metal detectors in the district.

When the administration has reasonable cause to believe that weapons are in the possession of identified or unidentified students; when there has been a pattern of weapons found at school; or when violence involving weapons has occurred at the school, the administration is authorized to use stationary and/or mobile metal detectors in accordance with procedures developed by the administration in conjunction with legal counsel. Any search of a student's person as a result of the activation of the detector will be conducted in private in accordance with the procedures.

The district's express intention for this policy is to enhance security by preventing students and/or individuals from bringing weapons or other dangerous objects into the schools. Any student who violates the provision of the student code of conduct, which provides that a student may not possess, use or transfer dangerous weapons, will be disciplined in accordance with district policy.

Adopted 2/10/09

### **AR JIHC-R Use of Metal Detectors**

Issued 2/09

In order to enhance security in the schools and prevent students from bringing weapons into the schools, district officials are authorized to use metal detectors to conduct student searches according to the procedures outlined in this AR. The superintendent or his/her designee will designate the schools which may utilize metal detectors.

The metal detectors may be used at such places as entrances to the buildings, classrooms, auditoriums and gymnasiums or as individuals enter and exit district vehicles or school buses. They may also be used at extracurricular events hosted by the district, such as football or basketball games.

At the beginning of each school year, students who attend the designated schools and their parents/legal guardians will be notified that searches involving the use of metal detectors may take place during the school year and that the entire search procedure is governed by written procedures which are available upon request.

#### **Use of metal detectors**

School officials may use metal detectors to conduct searches of students at the designated schools only when one of the following conditions exist.

- the administration of the school has reasonable suspicion, based on reliable information or personal observation, to believe that weapons or dangerous objects are in the possession of identified or unidentified students



- there is a pattern of weapons or dangerous objects found at the school, on school property, at a school function or in the vicinity of a school
- violence involving weapons had occurred at the school, on school property, at school functions or in the vicinity of a school

### **Who may conduct a search with a metal detector**

The superintendent or his/her designee will designate those individuals at each school who will be authorized to use metal detectors to conduct a search of students for possession of weapons. Both male and female employees will be designated. The designated individuals (operators) will be fully trained in accordance with the following procedures.

- Students will be notified via loudspeaker, assembly or by similar means of metal detector use in the school from time to time during the school year. Students will be notified that they must submit to a search conducted in accordance with the written procedures. Students who fail to cooperate may be subject to discipline for insubordination. Students will be given an opportunity to remove harmless metal objects from their person before entering the school premises, as is customary where metal detectors are otherwise used, so as to avoid needless embarrassment. Students who may be unable to participate in a metal detector search because of a medical condition will so notify the building principal or his/her designee. Those students will be escorted into the office, where any alternative method of search may, pursuant to district policy, be conducted.
- From time to time during the school year, metal detector scanning posts may be set up inside classrooms or offices or at the appropriate entrances to the school. All students entering the school must be searched. In order to facilitate the process, the administration may limit the search by use of any random formula. For example, the administration may choose to search every fifth person in line. Particular students may not be selected for a search unless there is reasonable cause to believe the student possesses a weapon. Handheld scanning devices may only be used by a member of the same sex as the student being searched.
- The operators will explain the scanning process to each student prior to a search and will ask students to remove metal objects from their clothing. If a student's body activates the device, the operator will ask the student to remove metal objects. A second scan will then be conducted. If the detector again indicates the presence of metal, the student will again be asked to remove metal objects. A third scan will then be conducted. If the detector indicates the presence of metal for a third time, an operator, who must be the same sex as the student, will escort the student to a private area and again ask the student to remove metal objects. If the student does not then produce a metal object, the operator may conduct a pat-down search. An adult witness will be present during all such searches. If the student refuses to comply, the student's parent/legal guardian and/or the police will be called.
- The operators will also scan any bags or parcels carried by the student. If a student's bag or parcel activates the scanning device, the operator will ask the student to open the bag or container for the limited purpose of determining whether a weapon is concealed therein.

- At no time will a strip search of a student be conducted by an operator.
- All property removed from a student as a result of the above procedures which may legitimately be brought onto school premises will be returned to the student. Property removed from a student, the possession of which violates school policy, will be confiscated and the student will be disciplined in accordance with district policy. In cases where the student may be in violation of state law, law enforcement will be notified.

Issued 2/10/09

### **Policy JKD Suspension of Students**

Issued 2/09

Purpose: To establish the board's vision for the suspension of students.

It is the policy of the district to provide due process of law to students, parents/legal guardians and school personnel through procedures for the suspension of students pursuant to the requirements of federal law, state law and regulations and board policies.

The board delegates the power of suspension to the district administration and to the principal or his/her designee. The administration may suspend a student for the commission of any crime, gross immorality, gross misbehavior, persistent disobedience or the violation of district or state board of education policies, rules or regulations. The administration may also suspend a student when the presence of the student is detrimental to the best interest of the district or one of its schools.

A student may be suspended for up to 10 school days for any one offense. Suspension means the student cannot attend school or be on district or school property, cannot attend any school related events or activities on or off campus and cannot ride a school bus.

The only suspensions that the board will review are suspensions that occur within the last 10 days of the school year when the suspension would make a student ineligible to receive credit for the school year, unless the presence of the student constitutes an actual threat to a class or school or unless a hearing by the district hearing officer is granted within 24 hours of the suspension.

Adopted 4/1/97; Revised 2/21/06, 2/10/09

### **AR JKD-R Suspension of Students**

Issued 2/09

#### **Investigation of misbehavior**

When it appears that a student has engaged in misbehavior warranting suspension, an administrator will investigate the matter and interview those who have knowledge about what occurred. The student will be advised, verbally or in writing, of the accusations against him/her.

The administrator also will advise the student of the evidence against him/her and provide the student with an opportunity to tell his/her side of the story. If the student asks the administrator to speak to other witnesses, the administrator will do so, if possible.

After completing the investigation, the administrator will determine if suspension is in order and the number of school days, from one to 10, the suspension should run.

### **Summary suspension**

If the administrator sees or is advised of any student misbehavior and concludes the student should be removed from school immediately in order to restore order or to protect others at the school, the administrator may summarily suspend the student for up to two school days. In these cases, the administrator does not have to investigate the matter first. By the end of the next school day following the summary suspension, however, the administrator should investigate the matter, as outlined above and determine what, if any, additional suspension days, not to exceed a total of 10, are appropriate.

If the administrator determines that the student should not have been suspended, arrangements will be made for the student to make up any work he/she missed while on summary suspension. The administrator also will remove any reference to the summary suspension from the student's record.

### **Sending a suspended student home during the school day**

When a student is suspended, the administrator will attempt to contact the parent/legal guardian to request he/she pick up the student from school. If a parent/legal guardian cannot come for the student, the school may take the student home as long as a parent/legal guardian is at home to take charge of the student. If the administrator cannot reach the parent/legal guardian, the student must stay at school until the end of the school day.

If the student is summarily suspended, he/she may be removed from the school grounds immediately. Depending upon his/her age, however, it may be necessary to keep him/her at school until the parent/legal guardian can be reached.

### **Notification to parent/legal guardian**

By the end of the next school day following any suspension, the administrator must notify the parent/legal guardian in writing of the following.

- the acts committed by the student
- the rule(s) violated
- the length of the suspension
- the time and place when he/she will be available to meet with the parent/legal guardian for a conference

Written notification should be sent via hand-delivery by the student **and** through regular U.S. mail. The conference with the parent/legal guardian will be set within three school days of the date of the suspension. If the parent/legal guardian is unable to meet at the scheduled time, upon request, the administrator will establish a mutually agreeable time for the conference.

### **Suspension appeals**

If, after the conference with the administrator, the parent/legal guardian believes the student's suspension was unjustified, an appeal of the suspension may be made to the district hearing officer. To request a suspension appeal, the parent/legal guardian must write a letter to the district hearing officer within five school days after the conference with the building-level administrator advising the district hearing officer why he/she believes the suspension was unfair.

The suspension appeal hearing, which should be held within 10 school days of the request for an appeal, will be conducted as an informal hearing by the district hearing officer and a committee. The school administrator, parent/legal guardian and student may be present. If the district hearing committee and the parent/legal guardian agree, the student may be dismissed during portions of the appeal hearing. The parent/legal guardian, student and school administrator will be allowed to address the committee.

Within 10 school days of the hearing, the district hearing committee will render a decision as to whether the suspension was proper. The decision will be reported in writing to the parent/legal guardian and the school. If the district hearing committee decides that the suspension was not proper, all absences resulting from the suspension will be excused and the student's record cleared. The student will be allowed to make up all missed work. The decision of the district hearing committee ends the appeals process for suspensions.

### **Limits on suspension**

A student may not be suspended for more than a total of 30 school days in one school year. An administrator may not suspend a student from school during the last 10 school days of the school year if the suspension would result in the loss of the course credit unless the board approves or if the student is an actual threat to the class or the school or a hearing before the hearing officer is granted by the end of the next school day following the suspension.

Issued 2/10/09

### **Policy JKE Expulsion of Students**

Issued 2/09

Purpose: To establish the board's vision for the expulsion of students.

A student may be expelled for any reason listed in the student code of conduct; for the commission of any crime, gross immorality, gross misbehavior or the violation of any other written policies, rules or regulations established by the board or the state board of education; or

when the presence of the student is deemed to be detrimental to the best interest of the district. Expulsion means the student cannot attend school or be on district or school property, cannot attend any school-related events or activities on or off campus and cannot ride a school bus.

If procedures for expulsion are initiated, the parent/legal guardian of the student will be notified in writing of the time and the place of a hearing before the district hearing officer. The hearing will take place within 10 school days of the written notification of expulsion at a time and place designated by the district hearing officer and a decision will be rendered within seven school days of the hearing. The student may be suspended from school and all activities during the time of the expulsion procedures.

At the hearing, the parent/legal guardian has the right to legal counsel and to all other regular legal rights, including the right to question witnesses in a manner determined by the district hearing officer. The right to appeal the decision of the district hearing officer to the board is reserved to either party in accord the AR accompanying this policy.

Adopted 11/12/96; Revised 2/10/09

### **AR JKE-R Expulsion of Students**

Issued 2/09

#### **Investigation and action taken by the administrator**

If a school principal or his/her designee or district administrator investigates a report of student misbehavior and decides to recommend expulsion, the administrator will suspend the student and notify the student's parent/legal guardian of his/her right to meet with the administrator within three school days of the date of the suspension. If, after meeting with the parent/legal guardian (or if the parent/legal guardian has not come in for a meeting by the third school day), the administrator still intends to recommend expulsion, the matter will be referred directly to the district hearing officer. This expulsion procedure will be followed in all cases, regardless of the offense charged.

#### **Notice of expulsion recommendation**

By the end of the third school day following receipt of an expulsion recommendation, the district hearing officer or other person as designated by the superintendent (district hearing officer) will notify the student and parents/legal guardians, in writing, of the following.

- the rule(s) infraction alleged to have occurred
- the right of the student to review his/her record including the investigative documents the administration intends to present at the expulsion hearing
- the right of the student to a hearing on the evidence
- the time and place of the hearing, which must be held within 10 school days of the date of notification unless the parent/legal guardian or his/her representative agree otherwise

- the procedure to be followed at the hearing including the right to be represented by legal counsel at the student's own expense

### **Hearing procedure**

The administrator, the administrator's representative, the student, the parent/legal guardian and/or the student's representative may be present at the hearing. If the district hearing officer and the parent/legal guardian agree, the student may be dismissed during portions of the hearing. The administrator and the student or their representatives will be allowed to present witnesses or witness statements and, within the discretion of the district hearing officer, cross-examine the other party's witnesses. The district hearing officer may ask the witnesses questions. The parent/legal guardian and/or the student's representative will be given an opportunity to argue their position or express their views on the case. A recording of the testimony or written minutes of the hearing will be kept on file by the district hearing officer for at least one calendar year.

### **Action following the hearing**

Within seven school days of the hearing, the district hearing officer will decide whether the student committed the alleged rule(s) violation or misconduct based on the evidence presented at the hearing and determine the appropriate consequence. If the district hearing officer determines that grounds for expulsion exist, he/she may expel the student for the remainder of the current school year, permanently expel, or give punishment other than expulsion including, but not limited to, suspension or probation.

Probation means special restrictions have been placed on the student's right to attend school. Violations of probation restrictions will result in immediate suspension and a recommendation for expulsion. Assignment to the alternative school or program means loss of the right to participate in extracurricular activities in the home school during the assignment period.

The district hearing officer will report his/her decision in writing to the parent/legal guardian, the superintendent and the school. If the district hearing officer determines that grounds for expulsion do not exist, absences resulting from the suspension will be excused and the student's record cleared. The student will be allowed to make up missed work.

### **Expulsion appeals**

Only the district hearing officer's decision to expel the student from all district schools or assign the student to the alternative school or program may be appealed by the student to a three-member panel of the board, provided written notice of appeal is made to the superintendent within five school days of notification of the district hearing officer's decision. An appeal will normally be limited to the established record and no new testimony will be allowed unless the board panel desires to hear additional testimony. The board panel may uphold, reverse or alter the expulsion or reassignment decision of the district hearing officer. If the board panel upholds the district hearing officer's decision to expel or assign the student to the alternative school or

program, the student may appeal the decision to the full board, whereupon the same process will be followed. If the recommendation for expulsion or reassignment is reversed on appeal, all absences resulting from the suspension will be excused, the student's record cleared and the student will be allowed to make up all missed work.

### **Petitions for readmission**

Students who have been expelled for the remainder of the current school year may make a written request to the superintendent or his/her designee for readmission for the subsequent school year. The request must specify the reasons why the student should be allowed to return.

If the superintendent or his/her designee denies the student's request or in all cases of permanent expulsion, the student may make a written request to the board for readmission and may include a request to appear before the board. If the request is denied by the board, the student may submit another request prior to the following school year.

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### **AR JICA-R Student Dress**

Issued 2/09

The dress code described in this AR applies to all students enrolled in Spartanburg County School District Two schools.

- Clothing and/or hair should not be so extreme or inappropriate to the school setting as to disrupt the educational process. Therefore, clothing deemed distracting, revealing, overly suggestive or otherwise disruptive will not be permitted.
- Wearing accessories or clothing that could pose a safety threat to one's self or others is not allowed. This includes heavy chains not made as jewelry, fishhooks, multiple-finger rings (rings welded together resembling brass knuckles or rings that can be used as a weapon), studded bracelets or collars, nose/lip to ear chains, etc. Unusual body piercing that is disruptive to the order of the school or is a distraction to the learning environment will not be allowed.
- Attire must not evidence membership or affiliation with a "gang" in any negative sense of the term. In determining whether or not a student is in violation of the prohibition on the wearing/ display of a gang-related item, the district will maintain in all of its school offices, an example of potential gang indicators including symbols, hand signals, graffiti and clothing/accessories. Bandannas and do rags are not allowed on campus and will be confiscated. Hats are not allowed in school buildings. Picks or combs are not allowed in hair. Hair items such as plastic headbands, barrettes and ribbons are permitted. School administrators will not be held liable for confiscated items.
- Proper shoes must be worn at all times. Open back shoes are permitted. Shower shoes and bedroom slippers are not permitted.

- Attire must not be immodest, obscene, profane, lewd, vulgar, indecent or offensive. Attire cannot reference or depict alcoholic beverages or illegal drugs or paraphernalia.
- Lower garments should be of adequate length to assure modesty when the student is seated or engaged in school activities.
- Pants must be worn at the natural waistline and undergarments are not to be visible. If they do not fit properly, a belt must be worn to keep them in place.
- Shirts must be tucked in to the extent that belts or waistbands are clearly visible at all times unless it is clear that a weapon or contraband cannot be concealed under the shirt.
- Blouses/Tops made to be worn on the outside of the pants must extend at least to the waistline, but not hang excessively below the waistline so as to create a safety risk.
- Sleeveless attire cannot reveal undergarments. Shirts cannot be tight, low cut or show cleavage. Shirts should be loose fitting and fully cover the upper body. Tank tops, halter-tops, shirts with spaghetti straps and see through shirts will not be allowed.
- Clothing must cover waist, shoulders and back with no skin showing between the top garment and bottom garment.
- Pants and slacks must not touch the floor (no bagging, sagging or dragging clothing).
- No exposed undergarments.
- No transparent or mesh clothing without an appropriate shirt underneath.
- No clothing that is excessively form fitting (i.e. spandex).
- No sunglasses may be worn inside the buildings.
- No wallet chains or other type chains that may be dangerous or disruptive.
- Students may not continue to attend class wearing inappropriate clothing. Neither parents/legal guardians nor students will place the burden of enforcing the dress code solely on the school. Parents/Legal guardians and students are expected to comply with this regulation to ensure that a comfortable, safe and non-confrontational environment is provided for all students. **Administrators and faculty members are expected to strictly enforce the dress code at all times.**

Violations of the dress code will result in the following.

- Student(s) will be required to return home and change into appropriate attire or parent/legal guardian can bring proper clothing to school or student will be sent to ISS.
- Repeated violations of this dress code will be treated as disruptive behavior in violation of the student code of conduct. However, dress code violations will not carry over on the student's discipline record to subsequent years.

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