

PROFESSIONAL STAFF LEAVES AND ABSENCES

Code **GCC** Issued **9/22**

Purpose: To establish the basic structure for all types of professional staff leaves and absences.

NOTE: This policy and accompanying administrative rule may include sick leave (to include Family and Medical Leave Act requirements), personal/emergency/legal leave, maternity/paternity/parental leave, military leave, conferences/training workshops, and sabbaticals. Vacations and holidays are the subject of a separate policy.

The continuous presence of employees promotes excellence in the instructional program by ensuring the following:

- the uninterrupted continuity of education
- greater teacher-student contact time
- appropriate role-model emulation
- consistent classroom discipline
- reduced cost

Therefore, the board expects employees to come to work every day. The board recognizes, however, that certain absences are unavoidable. At such times, staff should take leave in accordance with this policy and its accompanying administrative rule.

Absent employees must comply with procedures as set forth in the administrative rule which accompanies this policy.

Definitions

For the purpose of this policy, the term “full-time employee” means a person employed by the district a minimum of 30 hours per week.

“Immediate family” includes a parent, spouse, child, sibling, mother-in-law, father-in-law, son-in-law, daughter-in-law, or any other person living in the home who is dependent on the employee for care.

Sick Leave

Accrual of paid sick leave

All full-time employees of the district will accrue sick leave on the basis of one and one-fourth days of sick leave for each month of active service. This will provide 12 days for nine months (190 days).

Full-time employees will be advanced all leave at the beginning of the school year. If an employee leaves the district and has used more advanced days than he/she has earned to date, the salary paid for the unearned sick leave days will be deducted from the employee’s last pay check, prorated to the individual’s daily salary.

Employees may accumulate up to 90 days of sick leave which is accumulated but not used.

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Use of sick leave for absences

Sick leave is to be used primarily for absences caused by personal illness, illness in the immediate family, or death in the immediate family. Employees annually may use a maximum of eight accrued sick leave days for death in the immediate family. Additionally, employees annually may use a maximum of three accrued sick days for the death of other family members. Sick leave used for a death in the immediate family will include the day of the service and be taken consecutively.

A maximum of six calendar weeks from the date of adoption may be used annually for the adoption of a preschool child.

Sick leave may be taken in one-half or full day increments.

Adjustments in Pay

All absences in excess of authorized entitlements will be considered as days of leave without pay.

Pay adjustments for absenteeism in excess of leave entitlements will be made in the pay period in which they occur or the pay period following the absence. Such adjustments will be calculated using the per day salary of the employee (anticipated annual earnings divided by contract days) and the number of excess absences per category.

Termination

The district may terminate the employment of any employee who fails to comply with the requirements of this policy and accompanying administrative rule, who fails to request extended leave in accordance with this policy and accompanying rule, who fails to report to work at the expiration of authorized leave, or who fails to obtain an extension of previously approved of leave.

An employee is also subject to termination from employment with the district for misstatements of fact and/or misrepresentations of purpose for which leave of absence is desired or on the basis of which sick leave is obtained.

The district will not terminate from employment those employees under this policy who have accrued sick leave and who are using it in compliance with this policy. The district will not terminate from employment any employee during a continuing leave of less than 91 work days, provided none of the aforementioned grounds for termination are present.

Transfer of Sick Leave

Upon written request of an employee, accumulated sick leave will be transferred to or from any school district or state agency in South Carolina as required by Section 59-1-400 and Section 8-11-46, Code of Laws of South Carolina, 1976.

Reinstatement of Sick Leave

A person whose employment is terminated due to a reduction in force (RIF) will have all accumulated sick leave benefits reinstated, provided the return to work occurs within a two year recall period.

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Organ Donor Leave

Employees may take a leave of absence to be an organ donor without loss of pay, time, or leave for one or more periods, not exceeding a total of 30 workdays in a fiscal year. Saturdays, Sundays, and state holidays may not be included in this 30-day period unless the Saturday, Sunday, or holiday is a regularly scheduled workday for the employee.

An employee seeking leave to be an organ donor must forward a written request, including the appropriate documentation from the attending physician verifying that the employee is the donor, to the superintendent no later than 30 days prior to the leave.

Unused Sick Leave Days in Excess of 90 Days Maximum

Employees will earn a bonus at the end of each school year for any days accumulated above 90 days that are not used. The bonus will be determined by multiplying the number of unused sick leave days above 90 by \$70 the non-certified substitute teacher rate. The bonus will be paid by June 30th of the current year, and the employee will begin the next school year with 90 accumulated sick leave days.

Family and Medical Leave Act (FMLA)

It is the policy of the school district to provide eligible employees unpaid leave in accordance with the Family and Medical Leave Act (FMLA). To that end, the board authorizes the superintendent and school district administrators to develop an administrative rule to provide a fair and systematic procedure by which eligible employees may take unpaid leaves of absence for family and medical reasons.

The board will provide leave to eligible employees consistent with the FMLA. Eligible employees are entitled to up to 12 workweeks of unpaid family and medical leave in any fiscal year. FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered service member during a single fiscal year. The district will continue to pay the district's share of the employee's health benefits during the leave. In addition, the district will restore the employee to the same or a similar position with equivalent pay, benefits, and other terms of employment after the termination of the leave in accordance with board policy.

In complying with the FMLA, the district will adhere to the requirements of the Americans with Disabilities Act as well as other applicable federal and state laws.

For further information, please refer to administrative rule GCC-R.

Personal/Emergency/Legal Leave

Personal leave

The board recognizes that employees must sometimes take a day of personal leave; however, the board believes that the needs of children are better served by the regular employee than by a substitute. Therefore, it is the desire of the board that employees exercise discretion based upon professional integrity when taking personal leave.

The district will allow an employee to use up to four days of sick leave annually for personal reasons.

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Employees must submit a written request for personal leave to their supervisor at least five days in advance. Prior permission from the employee's immediate supervisor must be obtained prior to the time the leave is taken.

Personal leave will not be granted on the last day before or the first day after a holiday, or during the first two or last two weeks of the school year, except in extenuating circumstances and with the principal/supervisor's approval.

Emergency leave

For emergencies and unusual situations not covered by the leave policies of the district, an employee may request the superintendent's or his/her designee's authorization for use of sick leave days. The employee must submit the request in writing through the principal or supervisor to the superintendent or his/her designee.

Legal absence

Employees should notify his/her principal or immediate supervisor as soon as he/she knows they are being called for jury duty or subpoenaed. An employee should submit a copy of a jury duty summons or subpoena to his/her principal or supervisor. The district will grant employees leave without loss of pay when he/she is summoned for jury duty or subpoenaed in the line of duty to represent the district as a witness or defendant. Any jury fee or travel payment will be retained by the employee. If an employee must appear in court for any reason other than the above, the employee must elect to request authorized leave. Whenever a prospective juror is dismissed before the end of the working day, he/she will return to his/her official duties.

The district encourages school employees, including teachers, certified personnel at the building level, and bus drivers selected to jury service during the school year to request a postponement to a date that does not conflict with the school term.

No salary adjustment will be made unless the employee is found to be using legal leave improperly.

Military Leave

Employees of the district may take military leave without loss of pay, seniority, or efficiency rating for one or more periods not exceeding a total of 15 workdays in one year. Saturdays, Sundays, and state holidays may not be included in the 15 days unless the Saturday, Sunday, or holiday is a regularly scheduled workday for the employee.

Military leave may be taken when the employee is engaged in training or other duties ordered by the Governor, the Department of Defense, the Department of the Army, the Department of the Air Force, the Department of the Navy, the Department of the Treasury, or any other department or agency of the government of the United States having authority to issue lawful orders requiring military service. This leave applies to employees who are either enlisted or commissioned members of the South Carolina National Guard, the United States Army Reserve, the United States Air Force Reserve, the United States Naval Reserve, the United States Marine Corps Reserve, or the United States Coast Guard Reserve.

In the event an employee is called upon to serve during an emergency, he/she will be entitled to such leave of absence, not to exceed 30 additional days.

The board expects employees to request their training for a period when school is not in session.

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An employee seeking leave for annual active duty training must forward a written request, including the appropriate verifying data, to the superintendent or his/her designee no later than 30 days prior to the pre-arranged military activity.

Extended military leave

Employees who enlist or are called to active duty are eligible for up to five years extended military leave. All provisions of federal law apply to extended military leave (re-employment, benefits, etc.). However, the district is not required to maintain employee benefits for extended leave.

Written substantiation of leave under this policy is required. Falsification of reason for leave may be cause for disciplinary action, up to and including termination of employment.

Application and approval for leave under this policy are made on the leave application form.

Conferences/Training Workshops

The board believes that it is desirable to provide professional leave for teachers in order to attract and retain faculty who will continue to grow professionally and enhance their service to the public schools of the district.

The district may grant temporary leave to an employee for the purpose of attending activities designed to improve employee competency or to improve the instructional or service programs of the district.

The superintendent may authorize professional leave for attending state, regional, and national meetings, workshops, and conferences (including observing in other schools) without pay deduction. The employee must apply for prior approval through his/her supervisor.

The superintendent will determine the number of absences allowable for professional leave. Absences will also be subject to budget limitations for employing substitutes and reimbursement for travel, meals, and lodging.

Academic/Sabbaticals

The board is committed to the principle of providing opportunities for the professional improvement of its certified staff. In granting leave, consideration will be given by the board to the best interest of the district as well as to the employee. Consequently, the board will grant academic or sabbatical leaves of absence under the conditions outlined below.

Eligibility

Certified personnel will be eligible for academic or sabbatical leave generally after three consecutive years of employment with the district. An employee is eligible for academic leave only once every three years.

Duration of leave

Academic or sabbatical leave generally will be for one semester. However, if the employee is pursuing advanced study at an institution of higher education, leave may be granted for two consecutive semesters within the same school year.

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Application process

A written application for academic or sabbatical leave must be submitted to the superintendent or his/her designee no later than March 1st, or as early as practical, for leave for the subsequent fall semester and September 1st for leave for the subsequent spring semester. The superintendent and the employee's principal or supervisor will review the written request which must include an outline of the professional improvement and/or the purpose of the leave. A request for such leave will be granted to a certified employee if recommended by the superintendent or his/her designee and the principal or supervisor and if approved by the board. Applicants will be notified of the decision of the board within a reasonable time period.

Compensation

Academic or sabbatical leave will be granted **without** pay.

An employee on academic or sabbatical leave will not accrue sick leave; however, accumulated sick leave will be carried over and reinstated upon the employee's return to work. Such employee will not be covered by workers' compensation.

An employee granted academic or sabbatical leave will do the following:

- Choose whether or not to keep his/her group insurance in effect. Should an employee choose to do so, he/she must pay the entire premium (both his/her portion and the district's portion) and make arrangements with the district for timely payment of such premiums.
- Choose whether or not to continue making his/her normal contributions to the South Carolina Retirement System. An employee who chooses this option must make arrangements directly with the retirement system for the timely payment of such contributions.
- Choose to request that the South Carolina Department of Education recognize certain time spent in graduate school as being equivalent to teaching experience credit.

Return from academic or sabbatical leave

A written request to return to active employment must be submitted to the superintendent or his/her designee in writing by September 1st, if returning for the spring semester, and by March 1st if returning for the fall semester.

Official statements of completion or copies of transcripts showing fulfillment of academic pursuits must be submitted to the superintendent or his/her designee within two weeks of returning from an academic leave.

Whenever possible, a person returning to the district from a leave of absence will be placed in the school or position where they were previously assigned. The right is reserved to place the employee anywhere in the system where a suitable vacancy exists. Failure to accept a position when offered will be considered a forfeiture of the right of reemployment.

The board guarantees the employee upon his/her return to the district a position comparable to the one he/she held immediately prior to being granted academic or sabbatical leave, but not necessarily in the same school or administrative office.

Adopted 1/1/74; Revised 9/28/75, 9/27/76, 8/27/84, 4/28/86, 6/27/88, 6/26/89, 9/24/90, 9/27/93, 8/25/97, 9/22/97, 6/26/00, 10/24/05, 9/25/06, 2/23/09, 5/24/10, 4/25/11, 8/22/11, 11/26/12, 5/11/15, 8/27/18, 9/26/2022

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Legal References:

A. Federal Law:

1. Americans with Disabilities Act of 1990, 42 U.S.C.A. Section 12101, *et seq.*
2. Family and Medical Leave Act (FMLA), 29 U.S.C.A. Section 2601, *et seq.*
3. Uniformed Services Employment and Reemployment Rights Act (USERRA), 38 U.S.C.A. Sections 4301, *et seq.*

B. S. C. Code, 1976, as amended:

1. Section 8-7-20 - Requires granting of military leave, without pay, up to five years.
2. Section 8-7-90 - Requires 15 days per year of leave with pay for members of National Guard and Reserve Units of the various Armed Forces; grants an additional 30 days of leave with pay in emergency situations.
3. Section 8-11-65 - Organ donor leave.
4. Section 14-1-190 - Compensation received for jury duty deemed to be expense money.
5. Section 14-7-845 - Relating to optional postponement of jury service for students and employees.
6. Section 25-1-2250 - Employees entitled to leave with pay when serving in National Guard.
7. Section 59-1-400 - Sick leave accrual and use.
8. Section 59-25-47 - Unused leave payments authorized.

PROFESSIONAL STAFF PAID PARENTAL LEAVE

Code **GCC-R(3)** Issued **9/22**

This policy is effective July 1, 2022.

Paid Parental Leave for Newborn Biological Child or Foster of a Child

Eligible District employees who are employed by the District and who give birth are entitled to receive six weeks of paid parental leave upon the occurrence of a qualifying event. Other eligible District employees who do not give birth are entitled to receive two weeks of paid parental leave upon the occurrence of a qualifying event.

- 'Child' means a newborn biological child or foster of a child in state custody and under the age of 18. No child can have more than two parents eligible for paid parental leave.
- 'Eligible District employee' means an employee occupying any percentage of a full-time equivalent position.
- 'Paid parental leave' means six weeks of paid leave at 100 percent of the eligible District employee's base pay or two weeks of paid leave at 100 percent of the eligible District employee's base pay. Leave for part time eligible District employees must be on a prorated basis corresponding to the percentage of hours they are normally scheduled to work.
- 'Qualifying event' means the birth of a newborn biological child to an eligible District employee or after a co-parent's birth of a newborn child or fostering a child in state custody.

Paid Parental Leave Usage Includes the Following:

- The entitlement of this leave expires at the end of the 12-month period beginning on the date of such birth or initial legal placement. An eligible District employee shall receive no more than one occurrence of six or two weeks of paid parental leave for any 12-month period, even if more than one qualifying event occurs. However, nothing in this item prohibits a foster parent from requesting and receiving approval for parental leave in nonconsecutive one-week time periods.
- If the leave is not used by the eligible District employee before the end of the 12-month period after the qualifying event, such leave does not accumulate for subsequent use. Paid parental leave may not be donated. Any leave remaining at the end of the 12-month period or at separation of employment is forfeited.
- Days of paid parental leave taken under this policy must be taken consecutively, except that foster parents may request and receive approval for parental leave in nonconsecutive one-week time periods.
- If both parents are eligible District employees, paid parental leave may be taken concurrently, consecutively, or a different time as the other eligible District employee.
- District holidays listed in Board policy will not be counted against paid parental leave.
- Paid parental leave must run concurrently with leave taken pursuant to the Family Medical and Leave Act and any other unpaid leave to which the eligible District employee may be entitled as a result of the qualifying event. However, leave granted under this section is with pay and is not sick leave and therefore does not deduct from the eligible District employee's accrued leave balance. An eligible District employee does not have to exhaust all other forms of leave before being eligible to take leave granted under this section. Eligible District employees shall accrue sick leave at the normal rate while on this leave, if applicable.

Paid Parental Leave for Adoption of a Child

Eligible District employees who are employed by the District and are primarily responsible for furnishing the care and nurture of the child, are entitled to six weeks of paid parental leave upon the occurrence of a qualifying event. Eligible District employees who are employed by the District who are not primarily responsible for furnishing the care and nurture of the child, are entitled to two weeks of paid parental leave upon the occurrence of a qualifying event.

- 'Child' means a child initially legally placed for adoption and under the age of 18. No child can have more than two parents eligible for paid parental leave.
- 'Eligible District employee' means an employee occupying any percentage of a full-time equivalent position.
- 'Paid parental leave' means six weeks of paid leave at 100 percent of the eligible District employee's base pay or two weeks of paid leave at 100 percent of the eligible District employee's base pay. Leave for part time eligible District employees must be on a prorated basis corresponding to the percentage of hours they are normally scheduled to work.
- 'Qualifying event' means the initial legal placement of a child by adoption.

Paid Parental Leave Usage Includes the Following:

- The entitlement of this leave expires at the end of the 12-month period beginning on the date of initial legal placement. An eligible District employee shall receive no more than one occurrence of six or two weeks of paid parental leave for any 12-month period, even if more than one qualifying event occurs.
- If the leave is not used by the eligible District employee before the end of the 12-month period after the qualifying event, such leave does not accumulate for subsequent use. Paid parental leave may not be donated. Any leave remaining at the end of the 12-month period or at separation of employment is forfeited.
- Days of paid parental leave taken under this policy must be taken consecutively.
- If both parents are eligible District employees, paid parental leave may be taken concurrently, consecutively, or a different time as the other eligible District employee.
- District holidays listed in Board policy will not be counted against paid parental leave.
- Paid parental leave must run concurrently with leave taken pursuant to the Family Medical and Leave Act and any other unpaid leave to which the eligible District employee may be entitled as a result of the qualifying event. However, leave granted under this section is with pay and is not sick leave and therefore does not deduct from the eligible District employee's accrued leave balance. An eligible District employee does not have to exhaust all other forms of leave before being eligible to take leave granted under this section. Eligible District employees shall accrue sick leave at the normal rate while on this leave, if applicable.

Adopted 9/26/2022

SUPPORT STAFF LEAVES AND ABSENCES

Code **GDC** Issued **9/22**

Purpose: To establish the basic structure for all types of support staff leaves and absences.

NOTE: This policy and accompanying administrative rule may include sick leave (to include Family and Medical Leave Act requirements), personal/emergency/legal leave, maternity/paternity/parental leave, military leave, conferences/training workshops, and sabbaticals. Vacations and holidays are the subject of a separate policy.

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- the uninterrupted continuity of education
- greater teacher-student contact time
- appropriate role-model emulation
- consistent classroom discipline
- reduced cost

Therefore, the board expects employees to come to work every day. The board recognizes, however, that certain absences are unavoidable. At such times, staff should take leave in accordance with this policy and its accompanying administrative rule.

Absent employees must comply with procedures as set forth in the administrative rule that accompanies this policy.

Definitions

For the purpose of this policy, the term "full-time employee" means a person employed by the district a minimum of 30 hours per week.

"Immediate family" includes a parent, spouse, child, sibling, mother-in-law, father-in-law, son-in-law, daughter-in-law, or any other person living in the home who is dependent on the employee for care.

Sick Leave

Accrual of paid sick leave

All full-time employees of the district will accrue sick leave on the basis of one and one-fourth days of sick leave for each month of active service. This will provide 12 days for nine months (190 days).

Full-time employees will be advanced all leave at the beginning of each semester of the school year. If an employee leaves the district and has used more advanced days than he/she has earned to date, the salary paid for the unearned sick leave days will be deducted from the employee's last pay check, prorated to the individual's daily salary.

Employees may accumulate up to 90 days of sick leave, which is accumulated but not used.

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Use of sick leave for absences

Sick leave is to be used primarily for absences caused by personal illness, illness in the immediate family, or death in the immediate family.

Employees annually may use a maximum of eight accrued sick leave days for death in the immediate family. Additionally, employees annually may use a maximum of three accrued sick leave days for the death of other family members. Sick leave used for a death in the immediate family will include the day of the service and must be taken consecutively.

A maximum of six calendar weeks from the date of adoption may be used annually for the adoption of a preschool child.

Sick leave may be taken in one-half or full day increments.

Adjustments in Pay

All absences in excess of authorized entitlements will be considered as days of leave with out pay. Pay adjustments for absenteeism in excess of leave entitlements will be made in the pay period in which they occur or the pay period following the absence. Such adjustments will be calculated using the per day salary of the employee (anticipated annual earnings divided by contract days) and the number of excess absences per category.

Termination

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An employee is also subject to termination from employment with the district for misstatements of fact and/or misrepresentations of purpose for which leave of absence is desired or on the basis of which sick leave is obtained.

The district will not terminate from employment those employees under this policy who have accrued sick leave and who are using it in compliance with this policy. The district will not terminate from employment any employee during a continuing leave of less than 91 workdays, provided none of the aforementioned grounds for termination are present.

Transfer of Sick Leave

Upon written request of an employee, accumulated sick leave will be transferred to or from any school district or state agency in South Carolina, as required by Section 59-1-400 and Section 8-11-46, Code of Laws of South Carolina, 1976.

Reinstatement of Sick Leave

A person whose employment is terminated due to a reduction in force (RIF) will have all accumulated sick leave benefits reinstated provided the return to work occurs within a two-year recall period.

Organ Donor Leave

Employees may take a leave of absence to be an organ donor without loss of pay, time, or leave for one or more periods, not exceeding a total of 30 workdays in a fiscal year. Saturdays,

PAGE 3 - GDC - SUPPORT STAFF LEAVES AND ABSENCES

Sundays, and state holidays may not be included in this 30-day period unless the Saturday, Sunday, or holiday is a regularly scheduled workday for the employee.

An employee seeking leave to be an organ donor must forward a written request, including the appropriate documentation from the attending physician verifying that the employee is the donor, to the superintendent no later than 30 days prior to the leave.

Unused Sick Leave Days in Excess of 90 Day Maximum

Employees will earn a bonus at the end of each school year for any days accumulated above 90 days that are not used. The bonus will be determined by multiplying the number of unused sick leave days above 90 by **\$70 the non-certified substitute teacher rate**. The bonus will be paid by June 30th of the current year, and the employee will begin the next school year with 90 accumulated sick leave days.

Family and Medical Leave Act (FMLA)

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In complying with the FMLA, the district will adhere to the requirements of the Americans with Disabilities Act as well as other applicable federal and state laws.

For further information, please refer to administrative rule GDC-R.

Personal/Emergency/Legal Leave

Personal leave

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Legal References:

A. Federal Law:

1. Americans with Disabilities Act (ADA), 42 U.S.C.A. Section 12101, *et seq.*
2. Family and Medical Leave Act (FMLA), 29 U.S.C.A. Section 2601, *et seq.*
3. Uniformed Services Employment and Reemployment Rights Act (USERRA), 38 U.S.C.A. Section 4301, *et seq.*

B. S. C. Code, 1976, as amended:

1. Section 8-7-20 - Requires granting of military leave, without pay, up to five years.
2. Section 8-7-90 - Requires 15 days per year of leave with pay for members of National Guard and Reserve Units of the various Armed Forces; grants an additional 30 days of leave with pay in emergency situations.
3. Section 8-11-65 - Organ donor leave.
4. Section 14-1-190 - Compensation received for jury duty deemed to be expense money.
5. Section 14-7-845 - Relating to optional postponement of jury service for students and employees.
6. Section 25-1-2250 - Employees entitled to leave with pay when serving in National Guard.
7. Section 59-1-400 - Sick leave accrual and use.

SUPPORT STAFF PAID PARENTAL LEAVE

Code **GDC-R(3)** Issued **9/22**

This policy is effective July 1, 2022.

Paid Parental Leave for Newborn Biological Child or Foster of a Child

Eligible District employees who are employed by the District and who give birth are entitled to receive six weeks of paid parental leave upon the occurrence of a qualifying event. Other eligible District employees who do not give birth are entitled to receive two weeks of paid parental leave upon the occurrence of a qualifying event.

- 'Child' means a newborn biological child or foster of a child in state custody and under the age of 18. No child can have more than two parents eligible for paid parental leave.
- 'Eligible District employee' means an employee occupying any percentage of a full-time equivalent position.
- 'Paid parental leave' means six weeks of paid leave at 100 percent of the eligible District employee's base pay or two weeks of paid leave at 100 percent of the eligible District employee's base pay. Leave for part-time eligible District employees must be on a prorated basis corresponding to the percentage of hours they are normally scheduled to work.
- 'Qualifying event' means the birth of a newborn biological child to an eligible District employee or after a co-parent's birth of a newborn child or fostering a child in state custody.

Paid Parental Leave Usage Includes the Following:

- The entitlement of this leave expires at the end of the 12-month period beginning on the date of such birth or initial legal placement. An eligible District employee shall receive no more than one occurrence of six or two weeks of paid parental leave for any 12-month period, even if more than one qualifying event occurs. However, nothing in this item prohibits a foster parent from requesting and receiving approval for parental leave in nonconsecutive one-week time periods.
- If the leave is not used by the eligible District employee before the end of the 12-month period after the qualifying event, such leave does not accumulate for subsequent use. Paid parental leave may not be donated. Any leave remaining at the end of the 12-month period or at separation of employment is forfeited.
- Days of paid parental leave taken under this policy must be taken consecutively, except that foster parents may request and receive approval for parental leave in nonconsecutive one-week time periods.
- If both parents are eligible District employees, paid parental leave may be taken concurrently, consecutively, or a different time as the other eligible District employee.
- District holidays listed in Board policy will not be counted against paid parental leave.
- Paid parental leave must run concurrently with leave taken pursuant to the Family Medical and Leave Act and any other unpaid leave to which the eligible District employee may be entitled as a result of the qualifying event. However, leave granted under this section is with pay and is not sick leave and therefore does not deduct from the eligible District employee's accrued leave balance. An eligible District employee does not have to exhaust all other forms of leave before being eligible to take leave granted under this section. Eligible District employees shall accrue sick leave at the normal rate while on this leave, if applicable.

Paid Parental Leave for Adoption of a Child

Eligible District employees who are employed by the District and are primarily responsible for furnishing the care and nurture of the child, are entitled to six weeks of paid parental leave upon the occurrence of a qualifying event. Eligible District employees who are employed by the District who are not primarily responsible for furnishing the care and nurture of the child, are entitled to two weeks of paid parental leave upon the occurrence of a qualifying event.

- 'Child' means a child initially legally placed for adoption and under the age of 18. No child can have more than two parents eligible for paid parental leave.
- 'Eligible District employee' means an employee occupying any percentage of a full-time equivalent position.
- 'Paid parental leave' means six weeks of paid leave at 100 percent of the eligible District employee's base pay or two weeks of paid leave at 100 percent of the eligible District employee's base pay. Leave for part time eligible District employees must be on a prorated basis corresponding to the percentage of hours they are normally scheduled to work.
- 'Qualifying event' means the initial legal placement of a child by adoption.

Paid Parental Leave Usage Includes the Following:

- The entitlement of this leave expires at the end of the 12-month period beginning on the date of initial legal placement. An eligible District employee shall receive no more than one occurrence of six or two weeks of paid parental leave for any 12-month period, even if more than one qualifying event occurs.
- If the leave is not used by the eligible District employee before the end of the 12-month period after the qualifying event, such leave does not accumulate for subsequent use. Paid parental leave may not be donated. Any leave remaining at the end of the 12-month period or at separation of employment is forfeited.
- Days of paid parental leave taken under this policy must be taken consecutively.
- If both parents are eligible District employees, paid parental leave may be taken concurrently, consecutively, or a different time as the other eligible District employee.
- District holidays listed in Board policy will not be counted against paid parental leave.
- Paid parental leave must run concurrently with leave taken pursuant to the Family Medical and Leave Act and any other unpaid leave to which the eligible District employee may be entitled as a result of the qualifying event. However, leave granted under this section is with pay and is not sick leave and therefore does not deduct from the eligible District employee's accrued leave balance. An eligible District employee does not have to exhaust all other forms of leave before being eligible to take leave granted under this section. Eligible District employees shall accrue sick leave at the normal rate while on this leave, if applicable.

Adopted 9/26/2022

PROFESSIONAL STAFF ASSIGNMENTS AND TRANSFERS

Code **GCK** Issued **9/22**

Assignment/Reassignment

The Board believes that the basic consideration in the assignment of personnel is the wellbeing of the instructional program or the needs of the school or district.

In order to ensure the highest quality of instruction, the Superintendent or his/her designee will be responsible for the placement of employees within the District. The Superintendent or his/her designee is authorized to reassign all personnel in the best interests of the District. An employee may be reassigned prior to the start of the school year or at any time during the school year. The Superintendent may delegate the placement process to other administrators; however, he/she ultimately retains responsibility for staff assignments.

If, in the opinion of the Superintendent or his/her designee, a reassignment would be in the best interest of the District, the Superintendent or his/her designee will advise the employee of the reassignment and confirm the reassignment in writing to the employee. Refusal to comply with a reassignment may be grounds for dismissal.

The Superintendent will annually determine the professional staff to be assigned to each school. Consistent with State law, on or before August 15th of each year, the Superintendent or his/her designee will notify each teacher of his/her tentative assignment for the ensuing school year.

All personnel are employed by the District, not a particular school. Differences in expected enrollment and the actual enrollment, as well as other District needs, sometimes result in changed assignments. As indicated above, an employee may be reassigned prior to the start of the school year or at any time during the school year.

Voluntary Transfers

An employee who wishes to be considered for a lateral transfer to a new location must apply online through the District's procedures. The request for transfer will be handled in accordance with the District's procedures.

~~Purpose: To establish the basic structure for the transfer and assignment of professional staff in the district.~~

~~Assignment~~

~~The superintendent will assign instructional personnel on the basis of their qualifications, the needs of the district and their expressed desires. When he/she cannot meet all three conditions, the superintendent will assign personnel in this order.~~

District Five Schools of Spartanburg County

- ~~first, in accordance with the needs of the district and its students~~
- ~~second, where the administration believes the employee is most qualified to serve~~
- ~~third, as to expressed preference of the employee~~

~~The superintendent will annually determine the professional staff to be assigned each school. On or before August 15th of each year the superintendent will notify each teacher of his/her tentative assignment for the following school year.~~

~~All personnel are employed by the district, not a particular school. Differences in expected enrollment and the actual enrollment, as well as other district needs, sometimes result in changed assignments.~~

~~The superintendent is authorized to reassign personnel in the best interests of the district.~~

Transfer

~~The transfer of a teacher from one school to another may be initiated by the teacher, by the principal of the school or by the superintendent. Transfers initiated by the teacher will be subject to the approval of the principals involved and in accordance with administrative rule GCK-R.~~

~~Adopted 8/28/75; Revised 9/27/93, 1/02, 11/26/12, 9/26/22~~

~~Legal references:~~

~~A. S. C. Code, 1976, as amended:~~

- ~~1. Section 59-25-410 - Teacher to be notified of assignment by August 15th.~~

PROFESSIONAL STAFF ASSIGNMENTS AND TRANSFERS

Code **GCK-R** Issued **11/12**

The superintendent may make personnel transfers within the district on a voluntary or involuntary basis. The district will use the following procedures in making transfers.

Voluntary transfer

- An employee who wants a transfer for the next academic year must discuss his/her desire with his/her principal/director (if in a school) or with his/her immediate supervisor (if on the district level).
- The employee should then write a letter of request to the superintendent or his/her designee no later than March 15 stating the reason for requesting a transfer and giving the name of the school to which the transfer is desired.
- Upon receipt of the request, the superintendent or his/her designee will set a time for the employee making the request to meet with the principal of the school to which the transfer is requested (if a vacancy for which he/she qualifies exists).
- Based upon the recommendation of the two principals (and/or other immediate supervisors involved), the superintendent or his/her designee will give written notice to the employee requesting the transfer that the request has been either approved or disapproved. The staff member must be recommended by both principals/directors of the school to which the employee desires a transfer.

Involuntary transfer

If, in the opinion of the superintendent, an involuntary transfer would be in the best interest of the district, the district will use the following procedure.

- The superintendent or his/her designee will discuss the need for the transfer with the principal (if in a school) or with the immediate supervisor (if on the district level).
- The superintendent or his/her designee will have a conference with the principal/director of the school to which transfer is being contemplated.
- The superintendent or his/her designee will then talk with the employee to be transferred giving reasons why the transfer is being made. Refusal to comply with the transfer may result in loss of employment for the following year.
- The administration will not use transfers as a disciplinary action.

Issued 1/02; Revised 11/26/12

ASSIGNMENT AND TRANSFER OF SCHOOL PRINCIPALS

Code **CFC** Issued **5/12**

Purpose: To establish the basic structure for the assignment and transfer of school principals.

The superintendent is responsible for the assignment of all administrators.

Appropriate placement and transfer practices for school administrators should enhance effective utilization of skills and abilities and the professional growth of individuals. These objectives can best be achieved through the provision of some variety of school assignment over a period of years, and the best possible matching of known administrator strengths to identified current needs of a particular school.

In making decisions on placement, the superintendent will give consideration to the following.

- needs of the school and district as perceived by the board and administration
- length of current assignment in a school
- compatibility of administrative style among administrators in the school
- opportunities provided for professional growth in the proposed assignment
- appropriate training to enable effective planning and educational continuity
- administrator's expressed preferences

Compulsory transfers and/or the reassignment of administrative personnel are subject to the district's grievance procedure set forth in policy GBK.

The board will review administrative transfers involving a loss of rank and/or income in a grievance hearing upon the specific request of the affected administrator.

Adopted 3/22/93; Revised 5/21/12

Legal references:

A. S.C. Code, 1976, as amended:

1. Section 59-25-410 - Notification of employment for ensuing year; notification of assignment.

SUPPORT STAFF ASSIGNMENTS AND TRANSFERS

Code **GDJ** Issued **9/22**

Assignment/Reassignment

All personnel are employed by the district, not a particular school.

In order to ensure the highest quality of instruction, the superintendent or his/her designee will be responsible for the placement of employees within the district. The Superintendent or his/her designee is authorized to reassign all personnel in the best interests of the District. An employee may be reassigned prior to the start of the school year or at any time during the school year. The Superintendent may delegate the placement process to other administrators; however, he/she ultimately retains responsibility for staff assignments. An employee who wishes to be considered for a lateral transfer to a new location must apply online through the District's procedures. The request for transfer will be handled in accordance with the District's procedures.

~~Purpose: To establish the basic structure for the transfer and assignment of support staff in the district.~~

Assignment

All personnel are employed by the district, not a particular school.

~~The superintendent will assign or reassign support staff members on the basis of their qualifications, the needs of the district and their expressed desires. When he/she cannot meet all three conditions, the superintendent will assign personnel in this order:~~

- ~~● first, in accordance with the needs of the district and its students~~
- ~~● second, where the administration believes the employee is most qualified to serve~~
- ~~● third, as to expressed preference of employees~~

Transfer

~~The transfer of a support staff member from one school to another may be initiated by the staff member, by the principal of the school or by the superintendent. Transfers initiated by the staff member will be subject to the approval of the principals involved.~~

All transfers require the approval of the superintendent.

Adopted 11/26/12; Revised 09/26/22

SAFETY DRILLS

Code **EBCB** Issued **9/22**

Purpose: To establish the basic structure for the conduct of school safety drills.

The district is committed to providing a safe learning environment that supports academic achievement. School safety is a community issue that requires collaboration between the administration, emergency response agencies, parents/legal guardians, and the community.

The district will collaborate with state and local law enforcement, fire, and emergency management agencies.

The board directs the superintendent or his/her designee to implement plans and procedures in accordance with this policy.

Assessment

The district will conduct monthly assessments for each building/facility owned by the district. The superintendent or his/her designee is responsible for conducting the monthly assessments. Documentation will be maintained and made accessible to the fire code official during an inspection.

The monthly assessments should address the automatic fire sprinkler systems, fire detection and alarm systems, fire-rated assemblies, emergency lighting, emergency power supply system generators, portable fire extinguishers, emergency responder radio coverage, smoke and heat removal systems, and commercial kitchen requirements. The state Model Fire and Safety Program Guidelines will be followed when assessing each of these areas.

Inspections

The district will coordinate with the local fire department or fire code official responsible for code enforcement. The district will identify the entity that will be performing fire inspections for each facility and the frequency at which each facility will be inspected.

Evacuation Plans and Drills

The district will implement plans and conduct drills for evacuating or locking down facilities in emergency situations. Plans will include safety measures for indoor and outdoor assemblies, events, and gatherings (e.g. recess) detailing crowd management and security. Safety drills will be conducted throughout the school year in accordance with the state Model Fire and Safety Program Guidelines. District staff will fully cooperate to carry out all drills and will train students in prompt and orderly evacuation.

Fire drills

Schools will conduct, at a minimum, one fire drill per month (August-May). The first fire drill should occur within 10 days of the start of the school year.

Lockdown drills

Schools will conduct, at a minimum, four lockdown drills (two each semester) each school year (one within the first ten (10) days of school). The district will utilize a nationally recognized training method that will be conducted in a developmentally appropriate manner for all participants. All drills will be inclusive and necessary accommodations for participants with disabilities will be provided. To the extent possible, all school personnel will participate in lockdown drills. All personnel will receive active shooter training, at a minimum, twice per year.

Lockout drills

Schools will conduct, at a minimum, two (2) lockout drills each school year (one within the first ten (10) days of school and one after winter break). The district will utilize a nationally recognized training method that will be conducted in a developmentally appropriate manner for all participants. All drills will be inclusive and necessary accommodations for participants with disabilities will be provided. To the extent possible, all school personnel will participate in lockout drills.

Severe weather/earthquake drills

Schools will conduct, at a minimum, two severe weather/earthquake drills each school year (one each semester).

Classroom and Hallway Safety

Staff members will be informed of restrictions regarding decorations and interior finishes, electrical safety, laboratories, entryways, and storage.

Construction and Renovation

Staff will refer to policies FA, *Facilities Development Goals and Priority Objectives*, and FB, *Facilities Planning*, when renovating and constructing buildings and campus access to ensure compliance with state standards and specifications. Maximum occupancy requirements will be followed at all times.

~~Fire drills~~

~~Schools will conduct fire drills at least once each month without notice. The staff will fully cooperate to carry out this legal requirement and will train students in prompt and orderly evacuation.~~

Tornado drills and other disasters

~~The district will develop a plan to provide for the protection of students in the event of any disaster that may threaten the school community. Each school will conduct at least one emergency drill within the first month of school to ensure safety against such disasters.~~

Adopted 1974; Revised 10/28/91, 3/22/93, 8/27/12

Legal references:

- A. S. C. Code, 1976, as amended:
 - 1. Section 59-23-210, et. seq. - School building codes, specifications and inspections.
 - 2. Sections 59-63-910 through 59-63-930 - Fire drills.

- B. State Board of Education Regulations:
 - 1. R-43-166 - Student and school safety.
 - 2. R-43-181 - Building and grounds management - fire prevention.

USE OF METAL DETECTORS

Code **JHHC** Issued **9/22**

To ensure an effective learning environment through maintenance of a safe and secure campus, the superintendent or his/her designee is authorized to develop procedures for metal detector searches at middle and high schools in the district and for district-sponsored events.

These searches should only be authorized when the administration has reason to believe that weapons are in the possession of unidentified students, when there has been a pattern of weapons found at schools, when violence involving weapons has occurred at the schools or at school-sponsored events, or when other circumstances indicate a security threat.

To ensure that metal detector searches are conducted uniformly and equitably, administrators will conduct searches in a reasonable and nondiscriminatory manner and will not base such searches solely on physical appearance, manner of dress, association with any group, gender, race, ethnicity, or any other protected class.

The superintendent or his/her designee is responsible for scheduling training and re-training for all staff using metal detectors and coordinating metal detector tests in accordance with the requirements as outlined in the manufacturer's specifications.

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 or district property. Any student who violates the provision of the student behavior code which provides that a student may not possess, use, or transfer dangerous weapons, will be disciplined in accordance with district policy.

Adopted 9/26/2022

Legal References:

A. S.C. Code of Laws, 1976, as amended:

1. Section 59-24-60 - Requires administrators to contact law enforcement.
2. Section 59-63-1110, *et seq.* - Search of persons and effects on school property.
3. Section 59-66-30 - Middle and high schools required to be equipped with a handheld metal detector.

B. Federal Cases:

1. *New Jersey v. T.L.O.*, 469 U.S. 325 (1985).

USE OF METAL DETECTORS

Code **JIHC-R** Issued **9/22**

The purpose of these procedures is to prevent and deter students from bringing weapons to school. School administrators and/or designees who have been properly trained are authorized to conduct metal detector screenings of students and searches of their personal effects.

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.

Use of Metal Detectors

School officials may use metal detectors to conduct searches of students and individuals at the designated schools or district facilities only when one of the following conditions exist:

- the administration of the school or district has reasonable suspicion, based on reliable information or personal observation, to believe that weapons or dangerous objects are in the possession of unidentified students or individuals
- there is a pattern of weapons or dangerous objects found at the school, on school or district property, at the school function, or in the vicinity of a school
- violence involving weapons had occurred at the school or on school property, at school functions, or in the vicinity of a school
- the administration determines that the safety and security of the district requires it.

Daily screenings

Building administrators may conduct daily metal detector screenings using school staff and security staff to operate the metal detectors available to their school when the building administrator, in collaboration with the superintendent, determines that daily screenings are necessary to address articulable safety concerns.

If a student activates a metal detector, if safely feasible, staff will attempt to determine the source of the alarm by asking the student to confirm he or she has removed all metal objects. If the source of the alarm cannot be determined quickly, the student will be escorted to a private area for additional screening to determine the source of the alarm.

In this private area, an administrator and/or a properly trained staff member of the same sex as the student will conduct a pat-down search. This search will be conducted in the presence of a second staff member. If during the pat-down search, the party conducting the pat-down search feels any object that gives rise to reasonable suspicion on the part of the party conducting the

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search that the object may constitute a weapon or other prohibited contraband, the student will be instructed to remove the object, while being closely monitored by staff. Should circumstances be such that in the reasonable judgment of the district staff that a threat exists to the district's students or staff, the student will be detained by the SRO who, in collaboration with local authorities as appropriate, will be called to finish the search activity.

At no time will a strip search of a student or individual be conducted by an operator.

A good faith effort will be made by the school to contact and notify the student's parents/legal guardians upon involvement of the SRO, however, where circumstances warrant prompt or immediate action, the district will not be under any obligation to do so in advance of taking those actions reasonably necessary to secure and stabilize the situation.

Avoidance/Refusal of Detection Process

When a metal detector is in use at a particular location and a student attempts to avoid using that location or otherwise refuses to cooperate with scanning procedures, appropriate disciplinary action will be taken in accordance with the student Code of Conduct. Dependent on the circumstances, such an attempt at avoidance/refusal may constitute sufficient cause to immediately detain and search the student. Such search will be conducted in a private location by a staff member of the same sex as the student and in accordance with policy JIH, *Student Interrogations, Searches, and Arrests*.

Security Screenings at School and District Events

All parties seeking admission/entrance to schools, school facilities, and/or other school events may be subject to scanning by trained district staff. Refusal, or attempts at avoidance, by any party to submit to the screening process will result in the individual being denied access to the school building/facilities/event and any such party will be required to leave school property immediately.

Students and Visitors with Disabilities

District staff will be instructed to ensure that people with disabilities will be thoroughly screened while being sensitive to each person's condition. Service animals will be visually inspected.

Notice

Signs providing notice that metal detection searches may be conducted will be posted in conspicuous locations throughout each school building or district facility.

Issued 9/26/2022

STUDENT INTERROGATIONS, SEARCHES AND ARRESTS

Code **JIH** Issued **9/22**

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 intentions for this policy are 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 ensure that legitimate privacy interest 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, desk, vehicles and personal belongings such as purses, book bags, 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 S.C. Code Ann. 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 boards further directs the district administration to ensure that notice is posted in compliance with S.C. Code Ann. 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: (1) 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; and (2) 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 this policy and administrative rule JIH-R.

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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 S.C. Code Ann. 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 result 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 S.C. Code Ann. 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 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 office. 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 and consistent with this policy and will have a minimally disruptive effect on school operations and students.

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 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.

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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 parent/legal guardian immediately.

Use of metal detectors

~~When the administration has reasonable cause to believe that weapons are in the possession of indentified or unidentified students, or other individuals, 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 hand held, stationary and/or mobile metal detectors in accordance with procedures developed by the administration in conjunction with legal counsel. Any search of a student or individual'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 behavior code which provides that a student may not possess, use or transfer dangerous weapons, will be disciplined in accordance with district policy.~~

Adopted 6/24/85; Revised 4/25/94, 10/25/04, 4/22/13, 9/26/22

Legal references:

A. U. S. Supreme Court Cases:

1. New Jersey v. T.L.O. --U.S.--, 105 S. Ct. 733 (1985).

B. United States Constitution, Fourth Amendment.

C. South Carolina Constitution:

1. Article I, Section 10.

D. S.C. Code, 1976, as amended:

1. Section 59-5-65 - State board to set regulations for minimum standards for student conduct, attendance and scholastic achievement; enforcement.
2. Section 59-24-60 - Requires administrators to contact law enforcement.
3. Section 59-63-1110, et seq. - Search of persons and effects on school property.
4. Section 63-19-810 - Taking a child into custody.

STUDENT INTERROGATIONS, SEARCHES AND ARRESTS

Code **JIH-R** Issued **9/22**

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. 59-24-60, the appropriate law enforcement authorities will be immediately notified. As part of any school district investigation, school officials will take into consideration any findings or other information available from law enforcement.

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, 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, 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, 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,

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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 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 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.

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- Dogs will not sniff an individual unless determined to be reasonable in all respects under the section 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 above.

Use of metal detectors

~~In order to enhance security in the schools and prevent students and/or other individuals from bringing weapons into the schools, district officials are authorized to use metal detectors to conduct searches of students and other individuals according to the procedures outlined in this administrative rule. 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.~~

~~School officials may use metal detectors to conduct searches of students and individuals at the designated schools only when one of the following conditions exists:~~

- ~~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 unidentified students or individuals.~~
- ~~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 or 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 or individuals for possession of weapons. Both males and females will be designated. The designated individual (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 will be subject to discipline for insubordination. Students and individuals 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 or individuals who may be unable to participate~~

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~~in a metal detector search because of a verified medical condition will so notify the building principal or his/her designee. Those students or individuals will be escorted into the office, where an 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 or individuals 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. Hand-held 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 or individual prior to a search, and will ask students or individuals to remove metal objects from their clothing. If a student's or individual's body activates the device, the operator will ask the student or individual to remove metal objects. A second scan will then be conducted. If the detector again indicates the presence of metal, the student or individual 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 or individual, will escort the student or individual to a private area and again ask the student or individual to remove metal objects. If the student does not then produce a metal object, the operator may conduct a pat-down search. A witness will be present during all such searches. If the student or individual 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 or individual. If a student's or individual's bag or parcel activates the scanning device, the operator will ask the student or individual to open the container for the limited purpose of determining whether a weapon is concealed therein.~~
- ~~• At no time will a strip search of a student or individual be conducted by an operator.~~
- ~~• All property removed from a student or individual as a result of the above procedures which may legitimately be brought onto school premises will be returned to the student or individual. Property removed from a student or individual, 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 or individual may be in violation of state law, law enforcement will be notified.~~

Issued 2/3/06; Revised 4/22/13; 9/26/22

CORPORAL PUNISHMENT/PHYSICAL FORCE

Code **JKA** Issued **9/22**

Purpose: To establish the board's vision for the use of corporal punishment/physical force for the discipline of students.

The use of corporal punishment, defined as any act of physical force upon a student for the purpose of punishing that student, is ~~not acceptable~~ **prohibited** in this district and will not be tolerated as a disciplinary measure.

The board will permit the use of reasonable and necessary physical force under the following circumstances.

- to quell a disturbance which threatens physical injury to persons, including those students involved, or which threatens serious damage to property
- to obtain possession of weapons or other dangerous objects upon the person or within the control of a student
- to defend one's self
- to remove a student from a classroom or other school property when the student's continued presence poses a threat of danger to other persons or property

Adopted 9/26/77; Revised 4/25/94, 2/7/02, 4/22/13, 9/26/2022

Legal references:

- A. S.C. Code, 1976, as amended:
 1. Section 59-63-260 - Corporal punishment.
- B. Judicial decisions:
 1. *Ingrahm v. Wright*, 430 U.S. 651, 51 L. Ed. 2d 711 (1977).
 2. *Ware v. Estes*, 328 F. Supp. 657 (1970), aff'd 458 F. 2d 1360 (5th cir. 1971).
 3. *Johnson v. Horace Mann*, 241 So. 2d 588 (La. 1970).
 4. *Suits v. Glover*, 71 So. 2d 49 (Ala. 1954).