

## SALARY DEDUCTIONS

Code **DKB** Issued **3/26**

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Purpose: To establish the basic structure for deductions from salaries of employees.

All deductions from salary, except for deductions required by law, are subject to board approval and are voluntary on the part of the individual employee. The district requires that voluntary deductions be authorized in writing by the employee on a form supplied by the district.

The following payroll deductions are required by law.

- Social Security
- state and federal income tax
- state retirement
- government or court-ordered deductions

The following additional payroll deductions are allowed by law and are approved by the school board.

- extended family benefits for health insurance
- 401(k) and 457 tax sheltered annuity plans which meet board established criteria
- employee credit unions
- deductions for state-authorized group survivor monthly income insurance programs and term life insurance
- 403(b) tax sheltered annuity plans

The district will maintain and operate any 403(b) programs pursuant to a written plan. The written plan will contain all the material terms and conditions for eligibility, benefits, applicable limitations, the contracts available under the plan, the time and form under which distributions may be made, and other optional features as appropriate. The district will generally open these programs to all employees and provide notification on an annual basis.

Part-time teachers working 15-30 hours per week qualify for state health, dental, [vision insurance](#), [MoneyPlus and Health Savings Account](#).

The district will consider deductions for approved charitable organizations only after each organization submits evidence that it has a current 501(c)(3) classification with the Internal Revenue Service.

The district will not make deductions for any organization which is chartered by Section 501(c)(4)(5) or (6) of Title 26 U.S. Code.

The district will not make deductions for any organization that has a parent or subsidiary organization which fails to meet the requirements herein.

The district will not make any deductions if the proceeds of the deduction would be for the benefit of a labor organization.

Adopted 3/22/93; Revised 1/7/02, 11/24/08, 6/25/12, 3/23/2026

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Legal references:

A. Federal regulations:

1. 26 CFR 601.201 - Rulings and determination letters.

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

1. Section 8-11-83 - Payroll deduction for dues of State Employees' Association.
2. Section 8-11-91 - Deductions for charitable contributions.
3. Section 8-11-92 - Qualifying criteria for charitable organizations.
4. Section 8-11-93 - Minimum level of employee participation required (lesser of 10 percent or 200 employees).
5. Section 8-11-98 - Deductions for payment to credit union.
6. Section 59-25-45 - Health and dental insurance.

# PROFESSIONAL STAFF CONTRACTS AND COMPENSATION

Code GCB Issued ~~10/25~~ 03/26

Purpose: To establish the basic structure for professional staff contracts and compensation.

## Compensation

The board will attempt to pay its professional employees at a level that will attract and hold retain personnel dedicated to education.

The compensation of certificated personnel is based on the state salary schedule with local supplements as approved by the board. The schedule takes into consideration the levels of professional training and years of service in the district. ~~The district may uniformly negotiate salaries below the salary schedule for non-TERI retired teachers and administrators.~~

The effective date for annual salary changes as determined by the salary schedule or by action of the board is July 1, unless extenuating circumstances prohibit this decision until after July 1.

## Contracts

Upon recommendation of the superintendent, the board will notify teachers in writing of their employment status before May 1 for the following school year. Personnel must give written acceptance of their contracts to the superintendent or his/her designee before May 11. This includes both the issuance of employment contracts and notice of decisions of the superintendent's recommendation not to renew employment contracts. Teachers must give written acceptance of their contracts to the superintendent before May 11. Failure to give such notification constitutes contract rejection.

The district reserves the right to conclude that any certificated personnel who has not accepted his/her contract by signing and returning it by the required date has rejected the district's offer of employment, in which case the district may declare the position vacant. Notice of the superintendent's recommendation not to renew an employment contract must be given in writing before May 1.

The written notification of reemployment must include a projected minimum salary schedule for the district for the coming school year, as well as an agreement to provide a final salary schedule as soon as practicable upon completion of annual state and local appropriations processes. The District, upon request, shall provide a teacher with the factors used to determine their pay category on the salary schedule.

Certified personnel will be issued one-year contracts unless otherwise approved by the board. The board will award administrative contracts on the recommendation of the superintendent. An administrator employed by the district on a contract will retain his/her rights as a teacher under state law. However, state law does not grant these rights to the position or salary of an administrator (for example, if he/she is returned to the classroom).

~~The board will award administrative contracts on the recommendation of the superintendent.~~

~~An administrator employed by the district on a contract will retain his/her rights as a teacher under state law. However, state law does not grant these rights to the position or salary of an administrator (for example, if he/she is returned to the classroom).~~

~~**Teacher and Employee Retention Incentive Program (TERI) Participants.**~~

~~Should a mid-year vacancy occur in a contract position held by a TERI employee, the board authorizes the superintendent or his/her designee to fill such vacancy for the remainder of the school year in which the vacancy occurs through a letter of agreement. This letter of agreement will state that the employee has no right to or expectation of continuing employment beyond the period specified in the letter of agreement.~~

~~When issuing contracts, the district will offer TERI employees working under TERI agreements that will expire during the ensuing school year the same type of contract the participant had the previous year. The contract will specifically contain notice that the contract expires on the date designated in the employee's TERI agreement and will specifically reiterate said expiration date.~~

*Contract releases*

For release of teachers from contracts, see policy GCQC/GCQD.

Adopted 8/28/75; Revised 9/27/93, 11/24/08, 9/22/14, 9/26/16, 10/27/25, 3/23/2026

Legal References:

- A. S.C. Code, 1976, as amended:
  - 1. Section 9-1-2210 – Teacher and Employee Retention Incentive Program; operation.
  - 2. Section 59-19-80 - Requirements as to purchases and teacher employment (teacher contracts to be awarded in public).
  - 3. Section 59-19-290 - Contracts in excess of apportioned funds void.
  - 4. Section 59-20-50 - Minimum salary schedule.
  - 5. Section 59-21-20 - Teacher contracts to be based on school term of 190 days.
  - 6. Section 59-24-15 - Rights of certified education personnel employed as administrators.
  - 7. Section 59-25-57 – Salaries negotiable below schedule for non-TERI retired teachers.
  - 8. Section 59-25-410 - Notice to teacher of employment status.
  - 9. Section 59-25-420 - Teacher required to notify board of acceptance; opportunity for hearing if not reemployed.
  - 10. Section 59-25-710 - Salary complaints.
  
- B. S.C. Cases:
  - 1. *Henry-Davenport v. Sch. Dist. of Fairfield Cnty.*, 391 S.C. 85, 705 S.E.2d 26 (2011).
  
- C. State Board of Education Regulations:
  - 1. R43-205.1 - Assisting, Developing, and Evaluating Professional Teaching (ADEPT).

# PROFESSIONAL STAFF LEAVES AND ABSENCES

Code **GCC** Issued **03/2026**

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.

#### *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 a 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**

District Five Schools of Spartanburg County

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, 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 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 Family and Medical Leave Act of 1993 (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*

District Five Schools of Spartanburg County

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 six days of sick leave annually for personal reasons.

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.~~

Personal leave will not be granted on days set aside for in-service education or staff development days, on the last day before or the first day after a holiday (for twelve month employees this applies only to days that fall within the instructional calendar), 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 by the court 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**

District Five Schools of Spartanburg County

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.

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.

District Five Schools of Spartanburg County

## **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.

### *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, 9/26/22, 10/28/24, **3/23/2026**

#### Legal References:

- A. United States Code of Laws, as amended:
  1. Americans with Disabilities Act of 1990, 42 U.S.C.A. Section 12101, *et seq.*
  2. Family and Medical Leave Act, 29 U.S.C.A. Section 2601, *et seq.*
  3. Uniformed Services Employment and Reemployment Rights Act, 38 U.S.C.A. Section 4301, *et seq.*
- B. S.C. Code of Laws, 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 staff members.
  6. Section 25-1-2250 - Staff members 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.

# SUPPORT STAFF LEAVES AND ABSENCES

Code **GDC** Issued **3/2026**

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.*

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 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.

#### *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**

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 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 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, 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 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 Family and Medical Leave Act of 1993 (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 GDC-R.

### **Personal/Emergency/Legal Leave**

*Personal leave*

District Five Schools of Spartanburg County

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 six days of sick leave annually for personal reasons.

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.~~

Personal leave will not be granted on days set aside for in-service education or staff development days, on the last day before or the first day after a holiday (for twelve month employees this applies only to days that fall within the instructional calendar), or during the first two or last two weeks of the school year without 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 duty 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 select to request 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 for not exceeding 30 additional days.

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

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 employees 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 professional 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.

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, 10/23/95, 8/25/97, 9/22/97, 9/27/99, 6/26/00, 11/03, 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, 9/26/22, 10/28/24, 3/23/2026

Legal References:

A. United States Code of Laws, as amended:

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

B. S.C. Code of Laws, 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 staff members.
6. Section 25-1-2250 - Staff members 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 LEAVES AND ABSENCES

Code **AR GCC-R** Issued **3/26**

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### Procedures Regarding Absences

An employee must notify his/her principal or immediate supervisor as early as practical when it is necessary for him/her to be absent. Unless the length of absence has been definitely set through prior communications, each employee who is absent must notify the school or department daily in accordance with procedures established by the school principal or supervisor.

An employee who has been absent must sign a statement setting forth the specific reason(s) for his/her absence. Such statement must be made on the district absence report form and filed within two days after the employee returns to work.

An employee who anticipates taking an extended leave of absence for five or more consecutive working days must submit the request for leave to his/her supervisor at least 30 calendar days prior to the effective date of the leave or as soon as practicable. If an emergency situation arises, the employee should submit the request for leave as soon as feasible. The leave request must include a statement to the director of personnel from a licensed medical doctor stating the anticipated length of convalescence or period required for medical treatment.

Any employee returning from an extended leave of absence must present a statement from the attending physician certifying the employee's ability to return to a normal work schedule.

Upon written request, the superintendent or his/her designee may grant an employee leave without pay following the exhaustion of all accrued sick leave for personal illness. Leave with or without pay will not exceed 91 workdays in any school year unless approved by the board.

### Verification and Use of Sick Leave

The use of sick leave for personal illness or the illness of an immediate family member is subject to verification. Specifically, the district may require an employee to submit a physician's statement verifying an illness when the employee has utilized sick leave for more than 10 working days within a school year, after an absence for personal illness of three consecutive days or more, or if the employee is requesting extended leave. The district also reserves the right to require an employee to submit a medical physician's statement verifying an illness when the administration believes verification is needed or when an employee's use of leave for personal illness forms a pattern or abuse is suspected.

Additionally, the district reserves the right to require an employee to submit a medical physician's statement verifying the illness of an immediate family member for absences of three or more consecutive days.

If the employee does not provide the required physician's statement within five working days upon written request, the district may take appropriate disciplinary actions, up to and including a recommendation of termination from employment.

The district may require the opinion of a second physician designated and paid for by the board regarding verification of any illness or disability.

The district may require an employee to provide a physician's statement attesting to his/her ability to perform required duties before returning to work.

Ordinarily, employees will be expected to return to work the first school day after the recuperative period is complete.

### **Family and Medical Leave Act (FMLA)**

Pursuant to board policy GCC, the District Five Schools of Spartanburg County adopts the following guidelines to provide a fair and systematic procedure by which eligible employees may take unpaid leaves of absence for family and medical reasons

#### *Eligibility requirements*

To qualify for leave under this policy, an employee must have been employed by the school district for at least 12 months, as of the date on which the requested leave will commence. In addition, the employee must have worked at least 1,250 hours during the 12 month period immediately preceding the commencement of the leave.

#### *Leave entitlement*

An eligible employee is entitled to a total of 12 workweeks of unpaid leave during any fiscal year (July 1st through June 30th) for the following:

- the birth of a son or daughter of the employee
- the placement of a child with the employee for adoption or foster care
- to care for 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 who has a serious health condition
- because of a serious health condition of the employee that renders the employee unable to perform the essential functions of the position
- a family member (spouse, son, daughter, or parent) is on active duty or has been called to active duty for any "exigency situation" as defined in federal regulation

However, an eligible employee who is the spouse, son, daughter, parent, or next of kin (nearest blood relative of the individual) of a covered service member is entitled to a total of 26 workweeks of leave in a single fiscal year to care for the service member with a serious illness or injury incurred in the line of duty on active duty. Leave under this paragraph is available only during a single year. During that year, the employee is entitled to a combined total of 26 workweeks of leave under this policy.

## **District Five Schools of Spartanburg County**

An eligible employee who desires to take leave under this administrative rule will request such leave from his/her immediate supervisor who will then notify the superintendent or his/her designee of the request. Request will be responded to in a timely manner.

The entitlement to leave for the birth or placement of a child for adoption or foster care expires 12 months after the date of such birth or placement.

If circumstances require, an employee may take family leave prior to the birth or placement of a child for prenatal care or to prepare for placement, e.g., to attend counseling sessions or appear in court.

“Foster care” is 24-hour care for children in substitution for and away from their parents or guardians, by or with the agreement of the state or pursuant to a judicial determination.

“Son or daughter” means a biological, adopted, or foster child, stepchild, legal ward, or child or a person standing in loco parentis, who is either under age 18 or age 18 or older and incapable of self-care because of a mental or physical disability. Persons who are “in loco parentis” include those with day-to-day responsibilities to care for and financially support a child or, in the case of an employee, who had such responsibility for the employee when the employee was a child.

A “serious health condition” is an illness, injury, impairment or physical or mental condition that involves any of the following:

- any period of incapacity or treatment in connection with or consequent to inpatient care in a hospital, hospice, or residential medical care facility
- any period of incapacity requiring absence from work or other regular daily activities of more than three calendar days, that also involves continuing treatment by a healthcare provider
- continuing treatment by a healthcare provider for a chronic or long-term health condition that is incurable or so serious that, if not treated, would likely result in a period of incapacity of more than three calendar days; or for prenatal care

“Continuing treatment by a healthcare provider” means any of the following:

- the employee or family member is treated two or more times for the injury or illness by a healthcare provider
- the employee or family member is treated for the injury or illness two or more times by a provider of healthcare services (e.g., physical therapist) under orders of or on referral by, a healthcare provider or is treated for the injury or illness by a healthcare provider on at least one occasion which results in a regime of continuing treatment under the supervision of the healthcare provider
- the employee or family member is under the continuing supervision of, but is not necessarily being actively treated by, a healthcare provider due to a serious long-term or chronic condition or disability which cannot be cured

- Approved leave for the care of a family member's serious health condition terminates on the date of death

A "healthcare provider" is defined as follows:

- a doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the state in which the doctor practices
- a podiatrist, dentist, clinical psychologist, optometrist, or chiropractor (limited to treatment of manual manipulation of the spine to correct a subluxation as demonstrated by x-ray to exist), authorized to practice in the state and performing within the scope of his/her practice as defined under state law
- a nurse practitioner or nurse midwife who is authorized to practice under state law and who is performing within the scope of his/her practice as defined under state law
- a Christian Science practitioner listed with the First Church of Christ, Scientist in Boston, Massachusetts

#### *Intermittent or reduced schedule leave*

"Intermittent leave" is leave taken in separate blocks of time due to a single illness or injury rather than for one continuous period of time and may include leave periods from one hour or more to several weeks.

A "reduced schedule leave" is a leave schedule that reduces an employee's usual number of working hours per workweek or hours per workday.

Leave for the birth or placement of a child will not be taken intermittently or on a reduced schedule without the written consent of the superintendent or his/her designee, who will consult with the employee's immediate supervisor before granting such consent.

Leave to care for a seriously ill 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 or for the employee's own serious health condition or for a serious injury or illness of a covered service member which requires treatment by a healthcare provider periodically, rather than for one continuous period of time may be taken intermittently or on a reduced schedule only when medically necessary.

If an employee requests intermittent or reduced schedule leave that is foreseeable based on planned medical treatment, the superintendent or his/her designee may require such employee to transfer temporarily to an available alternative position for which the employee is qualified that (1) has equivalent pay and benefits; and (2) better accommodates recurring periods of leave or family leave (for instructional employees, see section entitled "Rules applicable to periods near the conclusion of an academic term for employees employed principally in an instructional capacity" below).

#### *Substitution of paid leave*

## **District Five Schools of Spartanburg County**

An eligible employee may elect, or the superintendent or his/her designee may require the employee to substitute any available accrued vacation leave, personal leave, or family leave of the employee for leave taken for either of the following:

- the birth or placement of a child
- to care for a seriously ill 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

An eligible employee may elect, or the superintendent or his/her designee may require the employee to substitute any of the available accrued vacation leave, personal leave, or medical or sick leave of the employee for leave taken for either of the following:

- to care for a seriously ill 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
- for the employee's own serious health condition

Vacation or personal leave may be substituted, at either the employee's or the school district's option, for any qualified unpaid family or medical leave without limitation. Paid family, medical, or sick leave may be substituted for unpaid leave under this policy only if the circumstances necessitating the leave entitle the employee to paid leave under the applicable policy.

#### *Foreseeable leave/notice required*

When the necessity for leave for the birth or placement of a child is foreseeable based on an expected birth or placement, the employee must provide at least 30 days notice to his/her immediate supervisor of the anticipated timing and duration of the employee's leave. The failure to provide such notice with no reasonable excuse for the delay may result in the denial of a request for leave until 30 days after the employee provides notice.

If the date of the birth or placement requires leave to begin in less than 30 days, the employee must provide as much notice as is practicable.

When leave to care for a seriously ill 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 or for an employee's own serious health condition is foreseeable based on planned medical treatment, the employee must do the following:

- Make a reasonable effort to schedule the treatment so as not to disrupt unduly the school district's operations, subject to the approval of the healthcare provider and duration of the employee's leave, except that if the date of treatment requires leave to begin in less than 30 days, the employee must provide as much notice as practicable.
- Provide at least 30 days notice to his/her immediate supervisor of the anticipated timing and duration of the employee's leave, except that if the date of treatment requires leave to begin in less than 30 days, the employee must provide as much notice as practicable.

*Spouses employed by the school district*

~~If a husband and wife~~ Spouses who are both eligible for family and medical leave and are employed by the school district and both take leave for the birth, foster placement, or adoption of a child or to care for a seriously ill parent, the aggregate number of workweeks of leave to which both may be entitled may not exceed 12 workweeks during any 12-month period.

~~A husband and wife~~ Spouses who are both eligible for family and medical leave and are employed by the school district may be granted family and medical leave only for a combined total of 26 workweeks of leave per fiscal year if the leave is to care for a covered service member with a serious illness or injury.

*Certification*

A request for leave to care for a seriously ill 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 or for the employee's own serious health condition must be supported by a certification issued by the healthcare provider of the employee or family member. The district has pre-approved forms available which an employee may use for this purpose.

The certification must contain the following information:

- date on which the serious health condition commenced
- probable duration of the condition
- appropriate medical facts regarding the condition
- for leave taken to care for a seriously ill 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, a statement that the employee is needed to care for the 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 and an estimate of the amount of time the employee will be needed for that purpose
- for leave taken due to an employee's serious health condition, a statement that the employee is unable to perform the essential functions of the position
- for intermittent or reduced schedule leave for planned medical treatment, the dates on which such treatment is expected to be given and the duration of such treatment
- for intermittent or reduced schedule leave for an employee's serious health condition, the statement of the medical necessity for the intermittent or reduced schedule leave and the expected duration of such leave
- for intermittent or reduced schedule leave to care for a seriously ill 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, a statement that the employee's intermittent or reduced schedule is necessary for the care of the 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 or will assist in their recovery and the expected duration and schedule of the intermittent or reduced schedule leave

If the superintendent or his/her designee or the employee's immediate supervisor has reason to doubt the validity of a certification, he/she may require, at the district's expense, the employee obtain the opinion of a second healthcare provider designated or approved by the superintendent or his/her designee.

A healthcare provider designated or approved by the superintendent or his/her designee will not be one who is employed on a regular basis by the school district.

If the first and second opinions of the healthcare providers are conflicting, the opinion of a third healthcare provider designated or approved jointly by the superintendent or his/her designee may require the employee or family member to submit to an examination (though not treatment) to obtain a second or third certification from a healthcare provider other than a Christian Science practitioner.

The superintendent or his/her designee may require subsequent recertification on a reasonable basis, but no more often than every 30 days, unless one of the following occurs:

- the employee requests an extension of leave
- the circumstances described by the original certification have changed significantly
- the superintendent or his/her designee receives information which casts doubt on the continuing validity of the prior certification

#### *Designation of leave as FMLA*

The school district must designate the leave as paid or unpaid FMLA leave within five business days of learning that an FMLA reason supports the leave. The district must also provide other written information concerning the employee's rights and obligations under FMLA. If the district does not make the designation on time or provide appropriate information, the absence will not count against the employee's FMLA entitlement.

#### *Employment and benefits protection*

##### Restoration to position

Any employee who takes leave for the intended purpose of the leave will be entitled, on return from leave, to be restored to the position of employment held by the employee when the leave commenced, or to an equivalent position with the equivalent employment benefits, pay, and other terms and conditions of employment.

The taking of leave will not result in the loss of any employment benefits accrued prior to the date on which leave commenced.

A restored employee is not entitled to the accrual of any seniority or employment benefits during any period of leave or any right, benefit, or position of employment other than that to which the employee would have been entitled had the leave not been taken.

As a condition of restoration for an employee who has taken leave due to his/her own serious health condition, the employee must provide a certification from the healthcare provider stating that the employee is able to resume work. Until such a certification is provided, reinstatement will be denied.

An employee on leave must report periodically to his/her immediate supervisor on his/her status and intention to return to work.

#### *Exemption of certain highly compensated employees*

The superintendent or his/her designee may deny restoration to a salaried employee who is among the highest paid 10 percent of school district employees under the following circumstances:

- such denial is necessary to prevent substantial and grievous economic injury to the operations of the school district
- the superintendent or his/her designee notifies the employee of the intent to deny restoration at the time he/she determines such injury would occur
- if leave has commenced, the employee decides not to return to work.

If the superintendent or his/her designee believes that reinstatement may be denied to a key employee, the superintendent or his/her designee must give written notice to the employee at the time leave is requested that he/she qualifies as a key employee. In addition, the employee must be fully informed of the potential consequences with respect to reinstatement and maintenance of health benefits if it is determined that substantial and grievous economic injury will result from the employee's reinstatement.

As soon as the superintendent or his/her designee determines that such an injury will result from reinstatement, he/she must again notify the employee in writing of this determination and advise the employee that the school district cannot deny leave but that it intends to deny restoration to employment on completion of the leave. This notice must be delivered in person or by certified mail. It also must explain the basis for the finding that substantial and grievous economic injury will result and must provide the employee a reasonable time in which to return to work.

If the employee elects to remain on leave, the school district will continue to maintain his/her health benefits until the employee gives notice that he/she no longer wishes to return to work or until reinstatement is actually denied at the conclusion of the leave.

Once the key employee's leave has expired, he/she still is entitled to request reinstatement. The superintendent or his/her designee must then determine whether there will be substantial and grievous economic injury from reinstatement, based on the facts at that time. If it is determined that such an injury will result, the superintendent or his/her designee will notify the employee in writing of the denial of restoration. This notice must be delivered in person or by certified mail.

### *Maintenance of health benefits*

During an employee's leave, the school district will maintain coverage under any group health plan at the level and under the conditions coverage would have been provided if the employee had continued in employment continuously for the duration of the leave.

The employee must continue to pay his/her portion of all insurance premiums to maintain coverage. If an employee's premium payment is more than 30 days late, the school district may discontinue coverage of the employee under the policy. The district will provide 15 days advance notice before any such cancellation of coverage.

If coverage lapses because an employee has not made premium payments, upon the employee's return from leave, the school district will restore the employee to coverage and benefits equivalent to those the employee would have had if leave had not been taken and the premium payments had not been missed.

If the school district continues coverage under the policy by paying the employee's portion of the premiums, the district is entitled to recover all such payments. Further, the school district may recover from an employee its share of health plan premiums paid during a period of leave under this policy if the employee fails to return to work at the expiration of the leave, unless the reason for the employee's failure to return is due to the continuation, recurrence, or onset of a serious health condition or other circumstances beyond the employee's control. If an employee fails to return because of the continuation, recurrence, or onset of a serious health condition, the employee must provide a certification of the employee's or family member's serious health condition. The district also will not seek recovery for its share of premiums for any portion of paid leave substituted or used by an employee.

### *Intermittent or reduced schedule leave for instructional employees*

If an eligible employee employed principally in an instructional capacity requests leave to care for a seriously ill 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, for the employee's own serious health condition or leave to care for a covered service member which is foreseeable based on planned medical treatment and the employee would be on leave for greater than 20 percent of the total number of working days in the period during which the leave would extend, the superintendent or his/her designee, in consultation with the school principal, may require that the employee elect either of the following:

- to take leave for periods of a particular duration, not to exceed than the duration of the planned medical treatments
- to transfer temporarily to an available alternative position for which the employee is qualified and that has equivalent pay and benefits, and which better accommodates recurring periods of leave

Rules applicable to periods near the conclusion of an academic term for employees employed principally in an instructional capacity.

If an eligible employee employed principally in an instructional capacity begins leave more than five weeks prior to the end of an academic semester, the superintendent or his/her designee, in

consultation with the school principal, may require the employee to continue taking leave until the end of the semester under the following circumstances:

- the leave is of at least three weeks duration
- the return would occur during the three-week period before the end of the term

If an eligible employee employed principally in an instructional capacity begins leave for the birth or placement of a child or to care for a seriously ill 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 during the period that commences five weeks prior to the end of an academic semester, the superintendent or his/her designee, in consultation with the school principal, may require the employee to remain on leave until the end of the semester under the following circumstance:

- the leave is greater than two weeks
- the return to employment would occur during the two-week period before the end of the term

If an employee employed principally in an instructional capacity begins leave for the birth or placement of a child or to care for a seriously ill 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 during the period that commences three weeks prior to the end of an academic semester and the duration of the leave is greater than five working days, the superintendent or his/her designee, in consultation with the school principal, may require the employee to continue taking leave until the end of the term.

If the school district requires an employee to remain on leave until the end of an academic term and this results in the employee taking more leave than is necessary to resolve the condition which necessitated the leave, the additional leave time required to be taken will not be deducted from the employee's total available FMLA leave. The employee, however, will continue during this time to be entitled to the maintenance of health benefits and job restoration in accordance with this administrative rule.

Issued 9/27/93; Revised 10/23/95, 9/25/06, 2/23/09, 11/26/12, 8/27/18, [3/23/2026](#)

## SUPPORT STAFF LEAVES AND ABSENCES

Code **AR GDC-R** Issued **3/26**

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### *Procedures regarding absences*

An employee must notify his/her principal or immediate supervisor as early as practicable when it is necessary for him/her to be absent. Unless the length of absence has been definitely set through prior communications, each employee who is absent must notify the school or department daily in accordance with procedures established by the school principal or supervisor.

An employee who has been absent must sign a statement setting forth the specific reason(s) for his/her absence. Such statement must be made on the district absence report form and filed within two days after the employee returns to work.

An employee who anticipates taking an extended leave of absence for five or more consecutive working days must submit the request for leave to his/her supervisor at least 30 calendar days prior to the effective date of the leave or as soon as practicable. If an emergency situation arises, the employee should submit the request for leave as soon as feasible. The leave request must include a statement to the director of personnel from a licensed medical doctor stating the anticipated length of convalescence or period required for medical treatment. Any employee returning from an extended leave of absence must present a statement from the attending physician certifying the employee's ability to return to a normal work schedule.

Upon written request, the superintendent or his/her designee may grant an employee leave without pay following the exhaustion of all accrued sick leave for personal illness. Leave with or without pay will not exceed 91 workdays in any school year unless approved by the board.

### *Verification and use of leave*

The use of sick leave for personal illness or the illness of an immediate family member is subject to verification. Specifically, the district may require an employee to submit a physician's statement verifying an illness when the employee has utilized sick leave for more than 10 working days within a school year, after an absence for personal illness of three consecutive days or more, or if the employee is requesting extended leave. The district also reserves the right to require an employee to submit a medical physician's statement verifying an illness when the administration believes verification is needed or when an employee's use of leave for personal illness forms a pattern or abuse is suspected.

Additionally, the district reserves the right to require an employee to submit a medical physician's statement verifying the illness of an immediate family member for absences of three consecutive days or more.

If the employee does not provide the required physician's statement within five working days upon written request, the district may take appropriate disciplinary actions, up to and including a recommendation of termination from employment.

The district may require the opinion of a second physician designated and paid for by the board regarding verification of any illness or disability.

The district may require an employee to provide a physician's statement attesting to his/her ability to perform required duties before returning to work.

Ordinarily, employees will be expected to return to work the first school day after the recuperative period is completed.

### **Family and Medical Leave Act (FMLA)**

Pursuant to board policy GBRIB, the District Five Schools of Spartanburg County adopts the following guidelines to provide a fair and systematic procedure by which eligible employees may take unpaid leaves of absence for family and medical reasons.

#### *Eligibility requirements*

To qualify for leave under this policy, an employee must have been employed by the school district for at least 12 months, as of the date on which the requested leave will commence. In addition, the employee must have worked at least 1,250 hours during the 12-month period immediately preceding the commencement of the leave.

#### *Leave entitlement*

An eligible employee is entitled to a total of 12 workweeks of unpaid leave during any fiscal year (July 1 through June 30) for the following.

- the birth of a son or daughter of the employee
- the placement of a child with the employee for adoption or foster care
- to care for a spouse, son, daughter or parent of the employee, if such spouse, son, daughter or parent has a serious health condition
- because of a serious health condition of the employee that renders the employee unable to perform the essential functions of the position
- a family member (spouse, son, daughter or parent) is on active duty or has been called to active duty for any "exigency situation" as defined in federal regulation

However, an eligible employee who is the spouse, son, daughter, parent or next of kin (nearest blood relative of the individual) of a covered service member is entitled to a total of 26 workweeks of leave in a single fiscal year to care for the service member with a serious illness or injury incurred in the line of duty on active duty. Leave under this paragraph is available only during a single year. During that year, the employee is entitled to a combined total of 26 workweeks of leave under this policy.

An eligible employee who desires to take leave under this administrative rule will request such leave from his/her immediate supervisor who will then notify the superintendent or his/her designee of the request. Requests will be responded to in a timely manner.

The entitlement to leave for the birth or placement of a child for adoption or foster care expires 12 months after the date of such birth or placement.

If circumstances require, an employee may take family leave prior to the birth or placement of a child for prenatal care or to prepare for placement, e.g., to attend counseling sessions or appear in court.

“Foster care” is 24-hour care for children in substitution for and away from, their parents or guardian, by or with the agreement of the state or pursuant to a judicial determination.

“Son or daughter” means a biological, adopted or foster child, stepchild, legal ward or child or a person standing in loco parentis, who is either under age 18 or age 18 or older and incapable of self-care because of a mental or physical disability. Persons who are “in loco parentis” include those with day-to-day responsibilities to care for and financially support a child or, in the case of an employee, who had such responsibility for the employee when the employee was a child.

A “serious health condition” is an illness, injury, impairment or physical or mental condition that involves any of the following.

- any period of incapacity or treatment in connection with or consequent to inpatient care in a hospital, hospice or residential medical care facility
- any period of incapacity requiring absence from work or other regular daily activities of more than three calendar days, that also involves continuing treatment by a healthcare provider
- continuing treatment by a healthcare provider for a chronic or long-term health condition that is incurable or so serious that, if not treated, would likely result in a period of incapacity of more than three calendar days; or for prenatal care.

“Continuing treatment by a healthcare provider” means any of the following.

- the employee or family member is treated two or more times for the injury or illness by a healthcare provider
- the employee or family member is treated for the injury or illness two or more times by a provider of healthcare services (e.g., physical therapist) under orders of or on referral by, a healthcare provider or is treated for the injury or illness by a healthcare provider on at least one occasion which results in a regime of continuing treatment under the supervision of the healthcare provider
- the employee or family member is under the continuing supervision of, but is not necessarily being actively treated by, a healthcare provider due to a serious long-term or chronic condition or disability which cannot be cured

- Approved leave for the care of a family member's serious health condition terminates on the date of death

A "healthcare provider" is defined as follows.

- a doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the state in which the doctor practices
- a podiatrist, dentist, clinical psychologist, optometrist or chiropractor (limited to treatment of manual manipulation of the spine to correct a subluxation as demonstrated by x-ray to exist), authorized to practice in the state and performing within the scope of his/her practice as defined under state law
- a nurse practitioner or nurse midwife who is authorized to practice under state law and who is performing within the scope of his/her practice as defined under state law
- a Christian Science practitioner listed with the First Church of Christ, Scientist in Boston, Massachusetts

#### ***Intermittent or reduced schedule leave***

"Intermittent leave" is leave taken in separate blocks of time due to a single illness or injury, rather than for one continuous period of time and may include leave periods from one hour or more to several weeks.

A "reduced schedule leave" is a leave schedule that reduces an employee's usual number of working hours per workweek or hours per workday.

Leave for the birth or placement of a child will not be taken intermittently or on a reduced schedule without the written consent of the superintendent or his/her designee, who will consult with the employee's immediate supervisor before granting such consent.

Leave to care for a seriously ill spouse, son, daughter or parent or for the employee's own serious health condition or for a serious injury or illness of a covered service member which requires treatment by a healthcare provider periodically, rather than for one continuous period of time may be taken intermittently or on a reduced schedule only when medically necessary.

If an employee requests intermittent or reduced schedule leave that is foreseeable based on planned medical treatment, the superintendent or his/her designee may require such employee to transfer temporarily to an available alternative position for which the employee is qualified that (1) has equivalent pay and benefits; and (2) better accommodates recurring periods of leave or family leave (for instructional employees, see section entitled "Rules applicable to periods near the conclusion of an academic term for employees employed principally in an instructional capacity" below).

#### ***Substitution of paid leave***

An eligible employee may elect or the superintendent or his/her designee may require the employee to substitute any available accrued vacation leave or personal leave or family leave of the employee for leave taken for either of the following.

- the birth or placement of a child
- to care for a seriously ill spouse, child or parent

An eligible employee may elect or the superintendent or his/her designee may require the employee to substitute any of the available accrued vacation leave, personal leave or medical or sick leave of the employee for leave taken for either of the following.

- to care for a seriously ill spouse, child or parent
- for the employee's own serious health condition

Vacation or personal leave may be substituted, at either the employee's or the school district's option, for any qualified unpaid family or medical leave without limitation. Paid family, medical or sick leave may be substituted for unpaid leave under this policy only if the circumstances necessitating the leave entitle the employee to paid leave under the applicable policy.

### ***Foreseeable leave/notice required***

When the necessity for leave for the birth or placement of a child is foreseeable based on an expected birth or placement, the employee must provide at least 30 days notice to his/her immediate supervisor of the anticipated timing and duration of the employee's leave. The failure to provide such notice with no reasonable excuse for the delay may result in the denial of a request for leave until 30 days after the employee provides notice.

If the date of the birth or placement requires leave to begin in less than 30 days, the employee must provide as much notice as is practicable.

When leave to care for a seriously ill spouse, child or parent or for an employee's own serious health condition is foreseeable based on planned medical treatment, the employee must do the following.

- Make a reasonable effort to schedule the treatment so as not to disrupt unduly the school district's operations, subject to the approval of the healthcare provider and duration of the employee's leave, except that if the date of treatment requires leave to begin in less than 30 days, the employee must provide as much notice as practicable.
- Provide at least 30 days notice to his/her immediate supervisor of the anticipated timing and duration of the employee's leave, except that if the date of treatment requires leave to begin in less than 30 days, the employee must provide as much notice as practicable.

### ***Spouses employed by the school district***

~~If a husband and wife~~ **Spouses** who are both eligible for family and medical leave and are employed by the school district and both take leave for the birth, foster placement or adoption of a child or to care for a seriously ill parent, the aggregate number of workweeks of leave to which both may be entitled may not exceed 12 workweeks during any 12-month period.

~~A husband and wife~~ Spouses who are both eligible for family and medical leave and are employed by the school district may be granted family and medical leave only for a combined total of 26 workweeks of leave per fiscal year if the leave is to care for a covered service member with a serious illness or injury.

### ***Certification***

A request for leave to care for a seriously ill spouse, child or parent or for the employee's own serious health condition must be supported by a certification issued by the healthcare provider of the employee or family member. The district has pre-approved forms available which an employee may use for this purpose.

The certification must contain the following information.

- date on which the serious health condition commenced
- probable duration of the condition
- appropriate medical facts regarding the condition
- for leave taken to care for a seriously ill spouse, child or parent, a statement that the employee is needed to care for the spouse, child or parent and an estimate of the amount of time the employee will be needed for that purpose
- for leave taken due to an employee's serious health condition, a statement that the employee is unable to perform the essential functions of the position
- for intermittent or reduced schedule leave for planned medical treatment, the dates on which such treatment is expected to be given and the duration of such treatment
- for intermittent or reduced schedule leave for an employee's serious health condition, the statement of the medical necessity for the intermittent or reduced schedule leave and the expected duration of such leave
- for intermittent or reduced schedule leave to care for a seriously ill spouse, child or parent, a statement that the employee's intermittent or reduced schedule is necessary for the care of the spouse, child or parent or will assist in their recovery and the expected duration and schedule of the intermittent or reduced schedule leave

If the superintendent or his/her designee or the employee's immediate supervisor has reason to doubt the validity of a certification, he/she may require, at the district's expense, the employee obtain the opinion of a second healthcare provider designated or approved by the superintendent or his/her designee.

A healthcare provider designated or approved by the superintendent or his/her designee will not be one who is employed on a regular basis by the school district.

If the first and second opinions of the healthcare providers are conflicting, the opinion of a third healthcare provider designated or approved jointly by the superintendent or his/her designee may require the employee or family member to submit to an examination (though not treatment) to obtain a second or third certification from a healthcare provider other than a Christian Science practitioner.

The superintendent or his/her designee may require subsequent recertification on a reasonable basis, but no more often than every 30 days, unless one of the following occurs.

- the employee requests an extension of leave
- the circumstances described by the original certification have changed significantly
- the superintendent or his/her designee receives information which casts doubt on the continuing validity of the prior certification

### ***Designation of leave as FMLA***

The school district must designate the leave as paid or unpaid FMLA leave within five business days of learning that a FMLA reason supports the leave. The district must also provide other written information concerning the employee's rights and obligations under FMLA. If the district does not make the designation on time or provide appropriate information, the absence will not count against the employee's FMLA entitlement.

### ***Employment and benefits protection***

#### **Restoration to position**

Any employee who takes leave for the intended purpose of the leave will be entitled, on return from leave, to be restored to the position of employment held by the employee when the leave commenced or to an equivalent position with equivalent employment benefits, pay and other terms and conditions of employment.

The taking of leave will not result in the loss of any employment benefits accrued prior to the date on which leave commenced. A restored employee is not entitled to the accrual of any seniority or employment benefits during any period of leave or any right, benefit or position of employment other than that to which the employee would have been entitled had the leave not been taken.

As a condition of restoration for an employee who has taken leave due to his/her own serious health condition, the employee must provide a certification from the healthcare provider stating that the employee is able to resume work. Until such a certification is provided, reinstatement will be denied.

An employee on leave must report periodically to his/her immediate supervisor on his/her status and intention to return to work.

### ***Exemption of certain highly compensated employees***

The superintendent or his/her designee may deny restoration to a salaried employee who is among the highest paid 10 percent of school district employees under the following circumstances.

- such denial is necessary to prevent substantial and grievous economic injury to the operations of the school district
- the superintendent or his/her designee notifies the employee of the intent to deny restoration at the time he/she determines such injury would occur
- if leave has commenced, the employee decides not to return to work

If the superintendent or his/her designee believes that reinstatement may be denied to a key employee, the superintendent or his/her designee must give written notice to the employee at the time leave is requested that he/she qualifies as a key employee. In addition, the employee must be fully informed of the potential consequences with respect to reinstatement and maintenance of health benefits if it is determined that substantial and grievous economic injury will result from the employee's reinstatement.

As soon as the superintendent or his/her designee determines that such an injury will result from reinstatement, he/she must again notify the employee in writing of this determination and advise the employee that the school district cannot deny leave but that it intends to deny restoration to employment on completion of the leave. This notice must be delivered in person or by certified mail. It also must explain the basis for the finding that substantial and grievous economic injury will result and must provide the employee a reasonable time in which to return to work.

If the employee elects to remain on leave, the school district will continue to maintain his/her health benefits until the employee gives notice that he/she no longer wishes to return to work or until reinstatement is actually denied at the conclusion of the leave.

Once the key employee's leave has expired, he/she still is entitled to request reinstatement. The superintendent or his/her designee must then determine whether there will be substantial and grievous economic injury from reinstatement, based on the facts at that time. If it is determined that such an injury will result, the superintendent or his/her designee will notify the employee in writing of the denial of restoration. This notice must be delivered in person or by certified mail.

### ***Maintenance of health benefits***

During an employee's leave, the school district will maintain coverage under any group health plan at the level and under the conditions coverage would have been provided if the employee had continued in employment continuously for the duration of the leave.

The employee must continue to pay his/her portion of all insurance premiums to maintain coverage. If an employee's premium payment is more than 30 days late, the school district may discontinue coverage of the employee under the policy. The district will provide 15 days advance notice before any such cancellation of coverage.

If coverage lapses because an employee has not made premium payments, upon the employee's return from leave, the school district will restore the employee to coverage and benefits

equivalent to those the employee would have had if leave had not been taken and the premium payments had not been missed.

If the school district continues coverage under the policy by paying the employee's portion of the premiums, the district is entitled to recover all such payments. Further, the school district may recover from an employee its share of health plan premiums paid during a period of leave under this policy if the employee fails to return to work at the expiration of the leave, unless the reason for the employee's failure to return is due to the continuation, recurrence or onset of a serious health condition or other circumstances beyond the employee's control. If an employee fails to return because of the continuation, recurrence or onset of a serious health condition, the employee must provide a certification of the employee's or family member's serious health condition. The district also will not seek recovery for its share of premiums for any portion of paid leave substituted or used by an employee.

### ***Intermittent or reduced schedule leave for instructional employees***

If an eligible employee employed principally in an instructional capacity requests leave to care for a seriously ill spouse, child or parent, for the employee's own serious health condition or leave to care for a covered service member which is foreseeable based on planned medical treatment and the employee would be on leave for greater than 20 percent of the total number of working days in the period during which the leave would extend, the superintendent or his/her designee, in consultation with the school principal, may require that the employee elect either of the following.

- to take leave for periods of a particular duration, not to exceed the duration of the planned medical treatments
- to transfer temporarily to an available alternative position for which the employee is qualified and that has equivalent pay and benefits and which better accommodates recurring periods of leave

### **Rules applicable to periods near the conclusion of an academic term for employees employed principally in an instructional capacity**

If an eligible employee employed principally in an instructional capacity begins leave more than five weeks prior to the end of an academic semester, the superintendent or his/her designee, in consultation with the school principal, may require the employee to continue taking leave until the end of the semester under the following circumstances.

- the leave is of at least three weeks duration
- the return would occur during the three-week period before the end of the term

If an eligible employee employed principally in an instructional capacity begins leave for the birth or placement of a child or to care for a seriously ill child, spouse or parent during the period that commences five weeks prior to the end of an academic semester, the superintendent or his/her designee, in consultation with the school principal, may require the employee to remain on leave until the end of the semester under the following circumstance.

- the leave is greater than two weeks

- the return to employment would occur during the two-week period before the end of the term

If an employee employed principally in an instructional capacity begins leave for the birth or placement of a child or to care for a seriously ill spouse, child or parent during the period that commences three weeks prior to the end of an academic semester and the duration of the leave is greater than five working days, the superintendent or his/her designee, in consultation with the school principal, may require the employee to continue taking leave until the end of the term.

If the school district requires an employee to remain on leave until the end of an academic term and this results in the employee taking more leave than is necessary to resolve the condition which necessitated the leave, the additional leave time required to be taken will not be deducted from the employee's total available FMLA leave. The employee, however, will continue during this time to be entitled to the maintenance of health benefits and job restoration in accordance with this administrative rule.

Issued 9/27/93; Revised 10/23/95, 9/25/06, 2/23/09, 11/26/12, 3/6/2026

# PROFESSIONAL STAFF VACATIONS AND HOLIDAYS/BREAKS

Code GCD Issued 3/2026

Effective July 1, 2025

Purpose: To establish the basic structure for professional staff vacations and holidays.

## School-Year Personnel

The school calendar, as adopted by the board, establishes the school recess periods and holidays for instructional staff members employed on a school-year basis.

## Administrators and Year-Round Personnel

Staff employed on a 12 month basis are entitled to vacation days exclusive of school holidays. Vacation accrual for service in the district of full-time staff will be as follows:

- 0 – five years - 5/6<sup>th</sup> day per month - 10 days
- after five years - 1 day per month – 12 days
- after ten years – 1.25 days per month – 15 days

Vacation days may be taken as accumulated, subject to the approval of the immediate supervisor. Vacation should be arranged as far in advance as possible so as not to disrupt the continuity of the educational process. Anything beyond five consecutive days must be approved by the superintendent. Any accumulated vacation days in excess of 24 days will be forfeited at the end of the fiscal year. Any accumulated vacation will be lost at the termination of employment unless other specific arrangements are agreed upon in writing by the superintendent or his/her designee. Upon retirement from the district, a staff member will be compensated up to 24 days of accrued vacation.

## *Holidays/Breaks*

Independence day	one day
Labor Day	one day
<u>October Fall Break</u>	<u>one day</u>
Election Day	one day (general election-even years)
Thanksgiving	three days
Christmas/New Year's	number of days varies by school year ( <i>maintenance employees and full-time custodians will work five days</i> )
Martin Luther King	one day
<u>February Mid-Winter Break</u>	<u>one day</u>
Spring Vacation	five days ( <i>maintenance employees and full-time custodians will work three days</i> )
Memorial Day	one day
Juneteenth	one day

**District Five Schools of Spartanburg County**

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If an employee's job requires him/her to work on a holiday, the employee may take that day at a later date.

~~Administrative personnel and district office level personnel who are 12-month employees will observe the school calendar holidays:~~

Adopted 3/22/93; Revised 9/27/93, 2/7/02, 10/24/05, 9/25/06, 6/23/08, 11/26/12, 4/28/25, 3/23/2026

# SUPPORT STAFF VACATIONS AND HOLIDAYS/BREAKS

Code **GDD** Issued **3/2026**

Effective **July 1, 2025**

Purpose: To establish the basic structure for support staff vacations and holidays.

## **School-Year Personnel**

The school calendar, as adopted by the board, establishes the school recess periods and holidays for staff members employed on a school-year basis.

## **Administrative Year-Round Personnel**

Regular full-time administrators employed on a full-year basis (52 weeks) and year-round instructional personnel will receive vacations and holidays as follows:

### *Vacations*

Staff employed on a 12 month basis are entitled to vacation days exclusive of school holidays. Vacation accrual for service in the district of full-time staff will be as follows:

- 0 – five years - 5/6<sup>th</sup> day per month - 10 days
- after five years - 1 day per month – 12 days
- after ten years – 1.25 days per month – 15 days

Vacation days may be taken as accumulated, subject to the approval of the immediate supervisor. Vacation should be arranged as far in advance as possible so as not to disrupt the continuity of the educational process. Anything beyond five consecutive days must be approved by the superintendent. Any accumulated vacation days in excess of 24 days will be forfeited at the end of the fiscal year. Any accumulated vacation will be lost at the termination of employment unless other specific arrangements are agreed upon in writing by the superintendent or his/her designee. Upon retirement from the district, a staff member will be compensated up to 24 days of accrued vacation.

### *Holidays/Breaks*

Independence day	one day
Labor Day	one day
<u>October Fall Break</u>	<u>one day</u>
Election Day	one day (general election-even years)
Thanksgiving	three days
Christmas/New Year's	number of days varies by school year (maintenance employees and full-time custodians will work five days)
Martin Luther King	one day
<u>February Mid-Winter Break</u>	<u>one day</u>
Spring vacation	five days

**District Five Schools of Spartanburg County**

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*(maintenance employees and full-time custodians will work three days)*

Memorial Day	one day
Juneteenth	one day

If an employee's job requires him/her to work on a holiday, the employee may take that day at a later date.

~~Administrative personnel and district office level personnel who are 12-month employees will observe the school calendar holidays.~~

Adopted 3/22/93; Revised 9/27/93, 2/7/02, 10/24/05, 9/25/06, 6/23/08, 11/26/12, 4/28/25, 3/23/2026

# ARTIFICIAL INTELLIGENCE RESPONSIBLE USE

*Code I.IND Issued 03/26*

The board recognizes that artificial intelligence can be a valuable educational tool that can enrich the district's instructional program by providing students with innovative and effective learning experiences when incorporated and used in a responsible and ethical manner.

To promote the continued improvement and responsible use of technology to enhance the educational experience of the district's students, the use of artificial intelligence (AI) programs in the day-to-day curriculum and instruction will be left to the discretion of the classroom teacher.

The use of AI in the instructional program will be limited to approved educational purposes and will comply with the applicable state and federal laws, including, but not limited to, the Family Educational Rights and Privacy Act (FERPA), the Children's Internet Protection Act (CIPA), the Children's Online Privacy Protection Act (COPPA), and the Individuals with Disabilities Education Act (IDEA).

The district will inform staff members, students, and parents/legal guardians of the district's policy and procedures regarding the enforcement of this policy by posting them on the district website and making them available for review at the district office.

AI platforms and programs will be used in a manner consistent with district policy, IJNDB, Acceptable Use of Technology Resources.

## **Definitions**

For the purposes of this policy, the term "AI programs" encompasses generative artificial intelligence, open-source artificial intelligence, and any other artificial intelligence computer systems or programs.

*Artificial Intelligence, or "AI "* refers to a computer system that performs tasks that ordinarily require human intelligence, such as recognizing patterns, learning from experience, drawing conclusions, and making predictions.

*Generative Artificial Intelligence* refers to a type of artificial intelligence capable of creating various types of content (e.g., visual/audio, text, conversational, and data augmentation), solving problems, understanding language, and recognizing patterns by mimicking human intelligence. For purposes of this policy, Generative AI includes, but is not limited to, applications such as ChatGPT, Bing AI, Google Gemini, Meta AI, or chatbots.

*Open-source Artificial Intelligence* refers to AI programs and resources designed for use on publicly available platforms.

*Personally identifiable information* includes, but is not limited to, a person's name, email address, phone number, social security number, medical information, education records, and information regarding a student's individualized education program (IEP) or Section 504 plan.

## **Acceptable Use**

Students may, with permission from the classroom teacher, use AI in the classroom to assist with completing classroom assignments. Assignments completed using AI may not be submitted as

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the student's original work and should include proper citations. Students should fact-check their work as AI may not always provide accurate or up-to-date information. The classroom teacher will oversee the use of AI in the classroom to ensure academic integrity and maintain a balance between technology and traditional learning methods.

The superintendent or his/her designee will develop procedures to promote student safety and to ensure that AI programs and resources are not used for any purposes prohibited by law or board policy. AI programs used in the district schools and educational programs will be evaluated on an ongoing basis for age-appropriateness, privacy protections, bias, accessibility standards, and data security.

Before using any AI programs, staff members must educate themselves. Teachers must only use AI programs and resources that have been approved for use by the district's Information and Technology Department.

### **Prohibited Uses**

#### *Academic Dishonesty*

Students are prohibited from obtaining improper assistance from AI programs to complete assignments, engage in cheating, plagiarism, or any other form of academic dishonesty. Students are expected to complete assignments independently and without the assistance of generative AI programs.

The improper use of generative AI programs to complete assignments will be considered a violation of the student conduct policy.

#### *Privacy Violations*

Students will not share personally identifiable or confidential information about themselves, other students, staff members, or other individuals with AI programs.

#### *Discrimination, Bullying, and Harassment*

The district prohibits the use of AI programs for the purpose of harassing, intimidating, or bullying students or staff members. Students found to be in violation of this policy will be subject to discipline, up to and including expulsion, consistent with policy JICA, Code of Conduct.

The district prohibits the use of AI programs to discriminate against any individual on the basis of race, religion, sex (including pregnancy, childbirth, or any related medical conditions), color, disability, age, genetic information, national origin, or any other applicable status protected by local, state, or federal law.

### **Discipline and Reporting**

If any user violates this policy or any related procedures, the student's access to the district's internet system and computers or other technology devices will be suspended, revoked, or denied, and he or she may be subject to additional disciplinary action. Actions that violate local, state, or federal law may be referred to local law enforcement.

## **Warranties/Indemnification**

The district makes no warranties of any kind, express or implied, in connection with its provision of access to and use of its computer networks, the internet, and AI programs provided under this policy. This policy does not imply endorsement by the district of any AI programs or resources.

The district is not responsible for any information that may be lost, damaged, or stolen when using AI programs or resources.

The district is not responsible for the dissemination, replication, or alteration of any information or data input into any AI tool or resource by any student or staff. The district is not responsible for any unauthorized charges or fees resulting from access or use of AI programs or resources.

[This policy will be reviewed regularly and revised as needed.](#)

Issued 03/23/2026

### Legal References:

#### A. United States Code of Laws, as amended:

1. Americans with Disabilities Act of 1990, 42 U.S.C.A. Section 12101, *et seq.*
2. Children's Internet Protection Act of 2000, 47 U.S.C.A. Section 254(h).
3. Children's Online Privacy Protection Act of 1998, 15 U.S. 6501.
4. The Digital Millennium Copyright Act of 1998, 17 U.S.C.A. Section 512 - Limitations on liability relating to material online.
5. Family Education Rights and Privacy Act of 1974, 20 U.S.C.A. Section 1232(g).
6. Individuals with Disabilities
7. Section 504 of the Rehabilitation Act of 1973, 29 U.S.C.A. Section 701, *et seq.*