

**Section J  
STUDENTS**

<b>NEW CODE</b>	<b>HEADING</b>	<b>OLD CODE</b>	<b>NOTES</b>
JA	Student Policies Goals/Priority Objectives	JA	This is model.
JB	Equal Educational Opportunity/ Nondiscrimination	JAA	This is your language from 2012. Legal references have been updated and crossreferences added.
JCA	Assignment of Students to Schools	New policy	This is model with very general language about the assignment of students.
JE, -E	Student Attendance	JBA, -E	This is model with updated language for receipt of Carnegie units. Form is yours.
JEB	Entrance Age	JBB	This is model (very similar to what you had).
JFAA, -E	Admission of Resident Students	JGCB, JBC, -E	This is the model policy which is basically your same information arranged differently. Added your information about suspension and expulsion. Affidavit has been updated.
JFAB	Nonresident Students	JBCB	This is model policy with some updated language under tuition. Included your 10 days requirement for payment and information about students who move during the school year.
JFABC	Transfers and Withdrawals	JBCD	This is your policy.
JFABD, -R, -E(1), (2), (3)	Admission of Homeless Students	JFABD, -R, -E(1), (2) and (3)	You had this information included under the new code. Policy has been updated; rule is same; second form has minor changes.

NEW CODE	HEADING	OLD CODE	NOTES
JFB, -R, -E	School Choice	JBCCA, -R	This is model information for Title I schools and a persistently dangerous school. Your information in JBCCA-R about limited school choice has been added to the policy and the remainder left as the rule. Form is yours.
JH, -R	Student Absences and Excuses	JBD, -R	This is model with revised language for 120 hours and students in foster care. Legal references are updated also. Rule is your information.
JHCB	Released Time for Religious Instruction	JBF	This is your policy with the additional model language about elective credit. Remember this program is elective for the district if the board wishes to revisit this decision.
JJ, -R, -E	Student Rights and Responsibilities	JC, JCAC -R, JCAC-E	This is model policy and rule which combine student rights and responsibilities (same as your information) with sexual harassment. Your information on "other harassment" will be in the new separate hazing and bullying policies. Please read carefully to ensure it is covered to your satisfaction.
JIA	Student Due Process Rights	JCAA	This is your policy.
JIB	Student Involvement in Decision Making	JCB	This is model (similar to your language).
JIBA	Student Government	JHCB	This is your policy with a little editing.
JIC	Student Conduct	JCD	This is model policy; basically the same as your policy.
JICA	Student Dress	JCDB	This is your policy with the phrase "disruptive to the instructional process" added.

**District Five Schools of Spartanburg County**

NEW CODE	HEADING	OLD CODE	NOTES
JICDA, -R	Code of Conduct	JCDA-R	This is the model policy and rule for the student behavior code. Format is similar to yours but contains updated information, especially in the section on discipline of students with disabilities. We did add your information to levels of offenses.
JICEA	School-Related Student Publications	JHCC	This is model; we left out your "24 hours"- please add if you still adhere to this.
JICF	Secret Societies/Gang Activity	New policy	This is model.
JICFA	Hazing	New policy	This is model.
JICFAA, -R	Harassment, Intimidation or Bullying	JCAC, -R	The policy is the same as you had. The rule is your JCAC-R and is included here. Note that we added the model procedure for sexual harassment to the new JI-R. To add your procedures here for harassment, intimidation and bullying may be a duplication. One option would be to use your JCAC-R as the procedure for ALL harassment and just refer to it in the new JI (for ex., "see the procedures in JICFAA-R for handling a complaint of sexual harassment"). Need to talk through this one although I would recommend just one procedure since sexual harassment, hazing, intimidation and bullying are all forms of harassment, but state law requires all the separate board policies.
JICG	Tobacco Use by Students	JCDAA, -R	This is the same language as is in the student portion of your new ADC.

**District Five Schools of Spartanburg County**

## STUDENT POLICIES GOALS/PRIORITY OBJECTIVES

Code **JA** Issued **DRAFT/13**

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Purpose: To establish the board's vision for the goals and priority objectives of the district's policies pertinent to students.

Through its policies that affect the lives of students, the board seeks to advance the following goals.

- to enhance equal educational opportunity for all students
- to promote faithful attendance as a key factor in student achievement
- to ensure that the constitutional rights of all students as citizens in a democracy have practical meaning and application
- to develop in students a deep sense of personal responsibility for their actions
- to attend vigorously to matters of student safety, health and welfare
- to deal justly and constructively with all students in matters of discipline
- to help all students feel that they are valued as individual persons in the school environment

Adopted 4/25/94; Revised ^

## EQUAL EDUCATIONAL OPPORTUNITY/ NONDISCRIMINATION

Code **JB** Issued **DRAFT/13**

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Purpose: To establish the board's vision regarding equal educational opportunities for all students in the district.

The board believes that the district must provide public education in an atmosphere where differences are understood and appreciated. The district should treat all persons fairly, with respect, and without discrimination or threats of violence or abuse.

Every student of this school district will have equal educational opportunities regardless of ethnic or racial background, religious beliefs, sex, disability, immigrant status or English-speaking status, and economic or social conditions. The district schools will not refuse to admit or exclude any person based on these criteria. The district will advertise this nondiscrimination policy.

This concept of equal educational opportunity serves as a guide for the board and the staff in making decisions related to students. It will be the superintendent's responsibility for developing a plan and providing procedures to assure support of this policy. Each building principal will be responsible for working with the staff and students in his/her school to ensure equal opportunity for all students in all building level programs and activities.

Cf. AC, GBA, GBAA, GBK, JI, JII

Adopted 10/13/75; Revised 4/25/94, 10/26/09, 9/27/10; Revised ^

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### Legal references:

#### A. Federal statutes:

1. Title VI of the Civil Rights Act of 1964, 42 U.S.C. Sec. 2000d - Prohibits discrimination by recipients of federal financial assistance on the basis of race, color or national origin.
2. Title IV of the Civil Rights Act of 1964, 42 U.S.C. Sec. 2000c-6 - Prohibits discrimination on the basis of race, color or national origin, among other factors, by public elementary and secondary schools.
3. Title IX of the Educational Amendments of 1972, 20 U.S.C. Section 1681, et seq. - Prohibits sex discrimination by federal education grantees.

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

1. Section 59-63-40 - Discrimination on account of race, creed, color or national origin prohibited.
2. Section 59-1-435 - Religious Viewpoints Antidiscrimination Act.

#### C. U.S. Supreme Court:

1. Plyler vs. Doe, 457 U.S. 202 (1982).

## ASSIGNMENT OF STUDENTS TO SCHOOLS

Code **JCA** Issued **DRAFT/13**

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Purpose: To establish the basic structure for assignment of students to schools.

The district will assign students to attend the school that serves their legal places of residence as determined by the board of trustees for the current school year. The district administration may make special exceptions.

The district will permit eligible disabled students to attend school in another attendance area if facilities within the attendance areas where they reside do not house needed special education programs.

Cf. JFB

Adopted ^

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Legal references:

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

1. Section 59-19-90 (9) - Transfer and assignment authority.
2. Section 59-63-470 - Transfer of pupils when enrollment of such pupils threatens to disturb peace.
3. Section 59-63-32(b)(2) - Requirements to enroll child in public school; affidavit; penalties for providing false information.

B. U.S. Supreme Court:

1. Parents Involved in Community Schools v. Seattle School District No. 1, 127 S. Ct. 2738 (2007).

# STUDENT ATTENDANCE

Code **JE** Issued **DRAFT/13**

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Purpose: To establish the basic structure for student attendance.

State law requires all children between the ages of five and 17 to attend regularly a public or private school or kindergarten approved by the state board of education or the South Carolina Independent Schools Association or to be approved by the district for home schooling. A parent/legal guardian whose child or ward is not six years old on or before September 1st of the school year may waive kindergarten attendance for his/her child.

The board expects children to attend school regularly. Regular attendance is necessary if students are to make the desired and expected academic and social progress.

Attendance is the presence of a student on days when school is in session. A school may count a student present only when he/she is actually at school, on medical homebound instruction or is present at a school activity which is authorized by the school. This may include field trips and similar curriculum-related activities.

In order to receive one Carnegie unit of credit, a student must be attendance at least 120 hours, per unit, regardless of the number of days missed.

Cf. JH

Adopted 1974; Revised 8/27/84, 4/25/94, 11/25/96, ^

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Legal references:

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

1. Section 59-35-10 - Each district to provide a kindergarten program.
2. Section 59-63-20(3) - Entrance age for kindergarten program.
3. Section 59-63-20(4) - Entrance age for first grade.
4. Section 59-63-20(6) - Four-year-olds may attend optional child development programs.
5. Section 59-65-10 - Compulsory attendance age group in South Carolina includes children ages five through 17; parents may waive compulsory kindergarten attendance requirement.

B. State Board of Education Regulations:

1. R-43-274 - Student attendance.

**STATE OF SOUTH CAROLINA  
FORM TO ELECT NON-ATTENDANCE IN COMPULSORY KINDERGARTEN**

Child's legal name: \_\_\_\_\_ Date of birth: \_\_\_\_\_  
(Verify from birth certificate)

Birth certificate number: \_\_\_\_\_

Parent/legal guardian: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

District/Elementary school: \_\_\_\_\_

Address: \_\_\_\_\_

I am fully aware that kindergarten attendance is compulsory for children in South Carolina who are five years of age on or before September 1.

However, I do not elect to enroll my child in a kindergarten program during the 20\_\_\_\_ - 20\_\_\_\_ school year.

I understand that this may affect my child's education in later years and I accept responsibility for this action.

\_\_\_\_\_  
Signature of parent/legal guardian

\_\_\_\_\_  
Signature of witness (school personnel)

\_\_\_\_\_  
Date

This form will be filed in your child's school record at the time of school entry and remain a part of that permanent record.



## ENTRANCE AGE

Code **JEB** Issued **DRAFT/13**

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Purpose: To establish the basic structure for the appropriate age for students entering school.

### **Preschool-age children with disabilities**

The district provides a free appropriate public education consistent with the federal Individuals with Disabilities Education Act for all three-, four- and five-year-old children with disabilities who reside in the district.

### **Kindergarten**

Students may enroll in kindergarten if they meet one of these criteria.

- They will attain the age of five on or before September 1 of the school year.
- They substantially began attending a public school kindergarten program in another state which has a different attendance age requirement.

### **First grade**

Students may enroll in the first grade if they meet one of these criteria.

- They will attain the age of six on or before September 1 of the school year.
- They substantially began a first grade program in another state that has a different attendance requirement.
- They have attended a public school kindergarten program for one full school year.

Adopted 8/27/84; Revised 4/25/94, 10/23/95, ^

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Legal references:

- A. S.C. Code, 1976, as amended:
  1. Section 59-19-340 - Child development programs.
  2. Section 59-36-10 - Preschool programs for children with disabilities.
  3. Section 59-63-20(3) - Kindergarten entrance age.
  4. Section 59-63-20(4) - First grade entrance age.
- B. State Board of Education Regulations:
  1. R43-272 - School admissions.

## ADMISSION OF RESIDENT STUDENTS

Code **JFAA** Issued **DRAFT/13**

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Purpose: To establish the basic structure for admitting to district schools those students who reside in the district.

Generally, all persons of legally defined and mandated school age who reside in the district and who have presented required birth certificates and certificates of immunization may attend the public schools without charge.

### **First-time enrollment**

When a student seeks to enroll in the district for the first time, the board may consider whether the student meets the district's standards of conduct and behavior. The board will consider non-school records and the student's disciplinary records in any school in which the student was previously enrolled. The board will consider these records as they relate to the adjudication of delinquency in any jurisdiction for violent crimes, unlawful use or possession of weapons, or unlawful sale of drugs.

If the board does not allow the student to enroll based on his/her record, the board will notify the student's parent/legal guardian. The board will give the student a hearing and other procedural rights in accordance with administrative rule JKE-R (Expulsion).

A student not eligible to attend a school in a district other than District Five because of suspension or expulsion will not be eligible to enroll in a District Five school. However, the superintendent may consider extenuating circumstances and waive the provisions of this policy.

The bar to enrollment applies for a maximum of one year. After the bar is lifted, the student may reapply.

### **Criteria for admission**

Under South Carolina law, the district may admit a student who lives in the district provided the student meets one of the following criteria.

- lives with his/her parents
- lives with his/her legal guardian
- lives with his/her foster parents
- is emancipated
- is homeless or is a child of a homeless individual, as defined in Public Law 100-77
- resides in an emergency shelter located within the district
- lives in a residential community-based care facility licensed by the South Carolina Department of Social Services or operated by the South Carolina Department of Social Services or the South Carolina Department of Juvenile Justice

If an adult resident of the district signs an affidavit as required by law, the district must admit a student who lives with an adult resident of the district provided the child resides with the adult as a result of any of the following.

- the death, serious illness, or incarceration of a parent/legal guardian
- the relinquishment by a parent/legal guardian of the complete control of the child as evidenced by the failure to provide substantial financial support and parental guidance

## PAGE 2 - JFAA - ADMISSION OF RESIDENT STUDENTS

- abuse or neglect by a parent/legal guardian
- the physical or mental condition of a parent/legal guardian is such that he/she cannot provide adequate care and supervision of the child
- a parent/legal guardian's homelessness, as that term is defined by Public Law 100-77
- a parent/legal guardian's military deployment or call to active duty more than 70 miles from his/her residence for a period greater than 60 days; provided, however, that if the child's parent/legal guardian returns from such military deployment or active duty prior to the end of the school year, the child may finish that school year in the school he/she attends without charge even if the child resides in another school district for the remainder of the school year due to his/her parent/legal guardian returning home

In addition, the adult must attest that the child's claim of residency in the district is not primarily related to attendance at a particular school. The adult must also accept responsibility for educational decisions for the child.

In all cases the student must do the following.

- have maintained a satisfactory scholastic record in accordance with scholastic standards of achievement set by the board
- not have been guilty of violating the rules of conduct and behavior that must be met by all students as a condition to the right to attend the public schools of the district as set by the board

The district will not deny admission to any student on the basis of race, religion, color, creed, sex, immigrant status or English-speaking status, national origin or disabling condition.

Adopted prior to 1974; Revised 2/2/87; Revised 8/26/91, 4/25/94, 2/7/02, 8/23/04, 9/22/08, 10/26/09, ^

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Legal references:

A. Federal Law:

1. Homeless Assistance Act, Pub.L.No. 100-77, 101 Stat. 482-538 (1987), also known as the McKinney Act.
2. Title VI of the Civil Rights Act of 1964, 42 U.S.C. Sec. 2000d - Prohibits discrimination by recipients of federal financial assistance on the basis of race, color or national origin.
3. Title IV of the Civil Rights Act of 1964, 42 U.S.C. Sec. 2000c-6 - Prohibits discrimination on the basis of race, color or national origin, among other factors, by public elementary and secondary schools.
4. Uniform Tax Act (Section 1524, Internal Code) Section 610 E, Code Section 6676 E - All dependents age five and above required to have social security number.
5. No Child Left Behind Act of 2001, P.L. 107-110, Section 4155.

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

1. Section 16-1-60 - Violent crimes.
2. Section 44-29-180 - Student must show immunization prior to admission.
3. Section 59-63-30 - Qualifications for attendance.
4. Section 59-63-31 - Additional qualifications for attendance at public school.
5. Section 59-63-32 - Requirements to enroll child in public school; affidavit; penalties for providing false information.

## PAGE 3 - JFAA - ADMISSION OF RESIDENT STUDENTS

6. Section 59-63-217 - Board of trustees may consider non-school records and prior school disciplinary records in determining whether a school district may refuse to enroll a student for the first time.
  7. Section 59-63-390 - Ages of attendance.
  8. Sections 59-63-480 and 490 - Attendance of non-resident students.
  9. Section 59-19-90(10) - Power of board to transfer and assign pupils.
  10. Section 59-38-10 - South Carolina Education Bill of Rights for Children in Foster Care.
- C. State Board of Education Regulations:
1. R-43-272 - School admission.
- D. South Carolina Department of Health and Environmental Control Regulations:
1. R-61-8 - Immunization of students.
- E. U.S. Supreme Court:
1. Parents Involved in Community Schools v. Seattle School District No. 1, 127 S. Ct. 2738 (2007).
  2. Plyler vs. Doe, 457 U.S. 202 (1982).

State of South Carolina }  
County of \_\_\_\_\_ }

**AFFIDAVIT**

1. My name is \_\_\_\_\_.

I live at \_\_\_\_\_.

I get my mail at \_\_\_\_\_.

Telephone number (home) \_\_\_\_\_ (work) \_\_\_\_\_.

2. The child, \_\_\_\_\_, has lived with me since \_\_\_\_\_. The child's relation to me is \_\_\_\_\_.

3. The child is living with me and is qualified to attend school in this district because (check one):

I have legal custody of the child (copy of custody papers required).

I am the child's foster parent, licensed by the department of social services.

The child lives at \_\_\_\_\_, which is a facility licensed or operated by the department of social services or the department of youth services (circle one).

The child's mother/father (circle one or both) is dead or seriously ill and unable to care for the child or is in jail or prison (explain). \_\_\_\_\_.

The child's mother/father (circle one or both) left the child with me. I have complete control of the child as shown by mother's/father's failure to provide substantial financial support and parental guidance.

The child was being abused or neglected by a parent or legal guardian. (NOTE: The school is required by law to report suspected child abuse or neglect.)

The child's mother/father (circle one or both) has a physical or mental condition which prevents her/him from providing adequate care or supervision for the child.

The child is emancipated from the control of his/her mother and father.

The child's family does not have a fixed, regular and adequate nighttime residence or a nighttime residence that is a shelter or institution that provides temporary living accommodations.

A parent/legal guardian's military deployment or call to duty more than 70 miles from his/her residence for a period greater than 60 days.

4. The child's claim of residency is not primarily related to attendance at a particular school in this district.

5. I understand that by enrolling the child in this school district, I agree to certain duties, including but not limited to, the following.

- making sure that the child attends school regularly
- accepting notices about the child's behavior and taking part in any required meetings with school officials
- signing the child's report card
- signing permission slips for field trips and athletic activities
- cooperating with the district, parents or any surrogate parent if the child needs special education services
- informing the school district of the addresses of the parents, if known
- notifying the school if the child returns to his/her parent(s) or other person with legal custody

6. **I understand that I am signing this affidavit under penalty of perjury. I understand that I can be fined up to \$200 and/or sent to jail for up to 30 days if I do not tell the truth. I also understand that I may have to pay the district the cost of educating the child if I have not told the truth.\***

\_\_\_\_\_  
Adult resident of school district

Sworn and subscribed before me this

\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
(Notary public)

My commission expires \_\_\_\_\_.

\*If it is found that information contained in this affidavit is false, the child must be removed from school. The district will give notice of an opportunity to appeal the removal in accordance with the appropriate district grievance policy.

## ADMISSION OF NONRESIDENT STUDENTS

Code **JFAB** Issued **DRAFT/13**

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Purpose: To establish the basic structure for admitting to district schools those students who do not reside in the district.

The district will follow applicable state law with regard to all student admissions and student transfers into or out of the district. The superintendent will examine all inter-district student transfer requests in close consultation with the district's retained legal counsel.

The superintendent will make a recommendation based on his/her examination and the advice of legal counsel at the time the board acts on inter-district transfer requests.

In all cases of non-resident student admission, the parent/legal guardian must assume responsibility for transportation. The board will hold non-resident students to the behavioral and academic requirements set out in policy JFAA (Admission of Resident Students).

### **Tuition**

The district may charge tuition to non-resident students seeking to enroll in district schools. For students who qualify for attendance under circumstances set out in Section 59-63-30 of the S.C. Code of Laws, the district will charge tuition in an amount equal to the prior year's per student revenue less the amount of school taxes paid on the real property owned by the child.

Examples of such circumstances include the following.

- a student who presents a certificate from the county auditor verifying that he/she, in his/her own name, owns real estate in the district assessed at \$300 or more (59-63-30)
- a child in one county who resides closer to schools in an adjacent county (59-63-480)
- a person so situated as to be better accommodated by a school of an adjoining district (59-63-490)

The district will require payment of nonresident tuition within 10 days following the beginning of the school year in which the child is enrolled. State law requires the district to remove a child for nonpayment after giving notice.

~~The district will not require a nonresident student enrolled prior to September 9, 1996, to pay tuition as long as the student is continuously enrolled in the district and meets other legal qualifications for attendance.~~

However, the district will not charge tuition to students in the following categories.

#### *Students planning to move into district*

Students of any parent/legal guardian residing out-of-district at the time of admission but in the process of building, buying or renting a residence in the district may request enrollment in the attendance area's school of the new residence. The parent/legal guardian must present a statement from the builder, buyer or lessor in support of this request. The parent/legal guardian must also present an official release from the district in which he/she resides. The superintendent has authority to admit students under this provision.

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### *Children of employees*

The district may admit children of employees of the district provided they submit a release from the school district in which they reside. The district reserves the right to make the school assignment.

### *Students who move during the school year*

Students who have been in the district for three quarters and who move out of the district after the third reporting period may continue attending the district schools for the remainder of the year without tuition provided the new district of residence grants permission and the superintendent of District Five concurs. Further, the concurrence of the superintendent will depend upon the student's behavioral and attendance records for the current and previous school years.

### *Foreign exchange students*

The district will admit students from foreign countries who are the age of eligibility and who are participating in a foreign student exchange program approved by the school board.

The district will not deny admission to any student on the basis of race, religion, color, creed, sex, immigrant status or English-speaking status, national origin or disabling condition.

*See policy and administrative rule JRA for information pertaining to the transfer of student records.*

Adopted 8/30/99; Revised 2/27/03, 6/28/04, ^

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### Legal references:

#### A. Federal Law:

1. Homeless Assistance Act, Pub.L.No. 100-77, 101 Stat. 482-538 (1987), also known as the McKinney Act.
2. Title VI of the Civil Rights Act of 1964, 42 U.S.C. Sec. 2000d - Prohibits discrimination by recipients of federal financial assistance on the basis of race, color or national origin.
3. Title IV of the Civil Rights Act of 1964, 42 U.S.C. Sec. 2000c-6 - Prohibits discrimination on the basis of race, color or national origin, among other factors, by public elementary and secondary schools.
4. Uniform Tax Act (Section 1524, Internal Code) Section 610 E, Code Section 6676 E - All dependents age five and above required to have social security number.
5. No Child Left Behind Act of 2001, P.L. 107-110, Section 4155.

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

1. Section 44-29-180 - Students must show immunization prior to admission.
2. Section 59-63-30 - Qualifications for attendance.
3. Section 59-63-45 - Reimbursement for attending another school district.
4. Section 59-63-480 & 490 - Attendance of non-resident students.
5. Section 59-19-90(10) - Power of board to transfer and assign pupils.
6. Section 59-38-10 - South Carolina Education Bill of Rights for Children in Foster Care.

#### C. Federal Court Decisions:

1. Milliken v. Bradley, 418 U.S. 717.
2. Tasby v. Estes, 412 F.Supp. 1185, aff'd 572 F.2d 1010.
3. Evans v. Buchanan, 393 F.Supp. 428.
4. Armour v. Nix, No.79-6108 (N.D. Ga. May 12, 1979).



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D. U.S. Supreme Court:

1. Parents Involved in Community Schools v. Seattle School District No. 1, 127 S. Ct. 2738 (2007).
2. Plyler vs. Doe, 457 U.S. 202 (1982).

E. State Board of Education Regulations:

1. R-43-272 - School admission.
2. R-43-273 - Transfers and withdrawals.

## TRANSFERS AND WITHDRAWALS

Code **JFABC** Issued **DRAFT/13**

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Purpose: To establish the basic structure for the transfer and withdrawal of students in the district.

Students will attend the school located in the attendance area where their parents/legal guardians reside.

The administration may make exceptions when they determine a hardship exists or when they determine it is in the best interest of the student based on the student's special needs.

Student transfers will follow board policy and state laws.

### **Intra-district transfers**

The district will consider student transfers from one school to another within the district if at least one of the following criteria is met.

- Children or wards of persons employed at least half-time daily in the district schools may attend school at the facility where the parent/legal guardian works provided such transfer does not adversely affect class size. If the child is assigned to a grade not taught at the employee's school, the district may assign the student to the nearest logical assignment. In such cases, the parent/legal guardian will furnish transportation.
- Eligible disabled students may attend school in another attendance area if facilities within the attendance areas where they reside do not house needed special education programs.
- Students who change residence during the year but before the first grading period will attend the school located in the attendance area where they legally reside. Students who change residence during the year after the first grading period may continue in the school in which they enrolled at the beginning of the year. Parents/Legal guardians must be responsible for the transportation of the students attending school out of the attendance area.
- Children who are under psychological or psychiatric care, or who, for reasons of physical handicaps or disabilities, could benefit from the services of another school in this district may make a hardship request to attend school in another school zone. Parents/Legal guardians must present a written request along with a physician's certification justifying the rationale for change. The superintendent must give final approval.
- The administration may consider hardship as a criterion for student transfer. The board defines hardships as extraordinary circumstances such as parental separation or death.

### **Transfers out of the district**

The administration may grant requests for students to transfer out of the district. The parent/legal guardian must submit the request in writing to the superintendent. The district will assume no responsibility for tuition to the receiving district.

The board will grant transfers due to change of residence or legal guardian provided the student has completed all payments due and returned textbooks and library books. The district will not furnish transcripts or records to receiving schools until the student meets the above requirements.

## PAGE 2 - JFABC - TRANSFERS AND WITHDRAWALS

Adopted 1974; Revised 4/25/94, 9/22/08, ^

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Legal references:

- A. S. C. Code, 1976 as amended:
1. Section 59-19-90(10) - School trustees have power to transfer and assign students.
  2. Section 59-63-30 - Qualifications for attendance.
  3. Section 59-63-40 - Discrimination on account of race, creed, color or national origin prohibited.
  4. Section 59-63-210 - Grounds for which trustees may expel, suspend or transfer students; petition for readmission.
  5. Section 59-63-250 - Transfer of students.
  6. Section 59-63-470 - Transfer of students when enrollment of such students threatens to disturb peace.
  7. Section 59-63-480 - Attendance at schools in adjacent county.
  8. Section 59-63-510 - County board of education authorized to order transfer.
  9. Section 59-63-520 - Consent required for transfer.
  10. Section 59-63-425 - Student may transfer.

## ADMISSION OF HOMELESS STUDENTS

Code **JFABD** Issued **DRAFT/13**

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Purpose: To establish the basic structure for the admission of homeless students to schools in the district.

Homeless students in the district will have access to the education and other services needed to ensure that an opportunity is available to meet the same academic achievement standards to which all students are held.

A liaison for students in homeless situations will be designated by the district to carry out duties as required by law.

The district will ensure that homeless students are not stigmatized nor segregated on the basis of their status as homeless. A homeless student will be admitted to the district school in the attendance area in which the student is actually living or to the student's school of origin as requested by the parent/guardian and in accordance with the student's best interest. Transportation will be provided to and from the student's school of origin at the request of the parent/guardian, or in the case of an unaccompanied student, the district's liaison for homeless students.

An unaccompanied youth or the parent/guardian of a homeless student may request a state-level review of the district's final decision regarding an enrollment issue. Under no circumstances will the resolution of a dispute delay the enrollment of said student.

The district will not deny admission to any student on the basis of race, religion, color, creed, sex, immigrant status or English-speaking status, national origin or disabling condition.

The superintendent will develop administrative procedures to implement this policy.

(Cf. EEA, IHBA, JFAA, JH, JRA)

Adopted 11/03; Revised ^

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Legal references:

A. Federal Law:

1. McKinney-Vento Homeless Education Improvements Act of 2001, P.L. 107-110, 42 U.S.C. Sections 11431-11435.
2. No Child Left Behind Act of 2001, P.L. 107-110, Section 1115.
3. Title VI of the Civil Rights Act of 1964, 42 U.S.C. Sec. 2000d - Prohibits discrimination by recipients of federal financial assistance on the basis of race, color or national origin.
4. Title IV of the Civil Rights Act of 1964, 42 U.S.C. Sec. 2000c-6 - Prohibits discrimination on the basis of race, color or national origin, among other factors, by public elementary and secondary schools.
5. Uniform Tax Act (Section 1524, Internal Code) Section 610 E, Code Section 6676 E - All dependents age five and above required to have social security number.

B. State Board of Education Regulations:

1. R43-272.2 - Review process for homeless children and unaccompanied youth.

C. U.S. Supreme Court:

1. Parents Involved in Community Schools v. Seattle School District No. 1, 127 S. Ct. 2738 (2007).
2. Plyler vs. Doe, 457 U.S. 202 (1982).

## ADMISSION OF HOMELESS STUDENTS

Code **JFABD-R** Issued **DRAFT/13**

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### Definitions

*Enrollment* - attending classes and participating fully in school activities.

*School of origin* - the school that the student attended when permanently housed or the school where last enrolled.

*Homeless student* - individual who lacks a fixed, regular and adequate nighttime residence and includes the following.

- Student who is sharing the housing of other persons due to loss of housing, economic hardship or a similar reason; is living in a motel, hotel, trailer park or camping ground due to lack of alternative adequate accommodations; is living in emergency or transitional shelter; is abandoned in a hospital; or is awaiting foster placement.
- Student who has a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for a human being.
- Student who is living in a car, park, public space, abandoned building, substandard housing, bus or train station or similar setting.
- Migratory student who qualifies as homeless because the student is living in circumstances described above.

*Unaccompanied student* - includes a student not in the physical custody of a parent/guardian.

### Assignment to school

The district will, according to the student's best interest, continue the student's education in the school of origin for the duration of homelessness, or enroll the student in a school in the attendance area in which the homeless student is actually living on the same basis as other students.

In determining the best interest of the student, the district will do the following.

- To the extent feasible, keep a homeless student in the school of origin, unless doing so is contrary to the wishes of the student's parent/guardian.
- Provide a written explanation, including a statement regarding the right to appeal and to request a state-level review, if the district sends a homeless student to a school other than the school of origin or a school requested by the parent/guardian.
- In the case of an unaccompanied student, ensure that the district's liaison helps in placement or enrollment decisions, considers the views of the student and provides notice of the right to appeal and to request a state-level review.

## **PAGE 2 - JFABD-R - ADMISSION OF HOMELESS STUDENTS**

### **Enrollment**

The district will immediately enroll the student in the school selected even if the student is unable to produce records normally required for enrollment such as academic records, medical records, proof of residency or other documentation.

The district will immediately contact the school last attended to obtain relevant academic and other records.

If the student needs to obtain immunizations or immunization or medical records, the district will immediately refer the parent/guardian to the district's liaison who will help in obtaining necessary immunizations or records.

### **Records**

Any records ordinarily maintained by the district including immunization or medical records, academic records, birth certificates, guardianship records and evaluations for special services or programs will be maintained so that the records are available, in a timely fashion, when a homeless student enters a new school or district, consistent with state and federal law.

### **Enrollment disputes**

If a dispute arises over school selection or enrollment, the student will be immediately admitted to the school requested pending resolution of the dispute.

The parent/guardian of the student will be provided with a written explanation of the district's decision regarding school selection, including the rights of the parent/guardian or student to appeal the decision.

The student or parent/guardian will be referred to the district's liaison who will ensure the resolution process is carried out as expeditiously as possible. In the case of an unaccompanied student, the district's liaison will ensure the student is immediately enrolled in school pending the resolution of the dispute. That is, during the pendency of any administrative or judicial proceeding regarding an enrollment dispute, the student must continuously be enrolled in school, be provided all relevant services and be allowed to participate fully in all school activities.

When it is determined that a dispute cannot be settled at the district level, the district will do the following in a timely manner.

- Inform the unaccompanied youth or parent/guardian of a homeless child of his/her right to request a South Carolina State Department of Education (SDE) review of the district decision. This request must be made either on the district-supplied request-for-review form or by a telephone interview with the appropriate SDE contact.
- Give the individual a copy of the appropriate form and the SDE contact information.
- Inform the individual that he/she may seek the assistance of advocates or attorneys for the review.

Upon receipt of the submitted request form and any relevant documentation back from the SDE, the district will then send a written response to the SDE and the individual filing the state review request within five business days from receipt of the request-for review form.

*See JFABD- E (1-3) for further information regarding the settlement of enrollment disputes.*

# **PAGE 3 - JFABD-R - ADMISSION OF HOMELESS STUDENTS**

## **Services**

Each homeless student will be provided services comparable to services offered to other students, including the following.

- transportation services
- education services for which the student is eligible, such as the following.
  - Title I
  - special education
  - programs for students with limited English proficiency
  - professional technical programs
  - talented and gifted programs
- school nutrition programs

## **Coordination**

The district will coordinate the provision of services to homeless students with local social service agencies and other agencies or programs providing services to homeless students and their families. Services will also be provided in cooperation with other districts on interdistrict issues, such as transportation or transfer of school records, to ensure that homeless students have access to available education and related services.

## **District liaison**

The district's liaison will ensure the following.

- Homeless students are identified.
- Homeless students enroll in and have a full and equal opportunity to succeed in district schools.
- Homeless families and students receive educational services for which they are eligible and referrals to healthcare services, dental services, mental health services and other appropriate services.
- The parent/guardian of a homeless student is informed of the educational and related opportunities available to the student and is provided with meaningful opportunities to participate in the education of his/her child.
- Public notice of the educational rights of homeless students is distributed where such students receive services (e.g., schools, family shelters and soup kitchens).
- Enrollment disputes are mediated.
- The parent/guardian of a homeless student or any unaccompanied student is informed about and assisted in requesting a state-level review of the district's final enrollment decision.
- The parent/guardian of a homeless student, or any unaccompanied student, is fully informed of all transportation services, including transportation to the school of origin, and is assisted in accessing transportation to the school selected.
- School personnel, service providers and advocates working with homeless students and their families are informed of the liaison's duties.

## **PAGE 4 - JFABD-R - ADMISSION OF HOMELESS STUDENTS**

The district's liaison will coordinate and collaborate with the state coordinator, community and school personnel responsible for the provision of education and related services to homeless students.

Issued 10/17/07; Revised ^



## **DISPUTE RESOLUTION PROCEDURES**

### **Responsibilities of the school district**

When it is determined that a dispute cannot be settled at the district level, the school district must carry out the following responsibilities in a timely manner.

- Inform the unaccompanied youth or the parent/guardian of the homeless child concerning his/her right to request that the state department of education review the decision of the school district.
- Inform the unaccompanied youth or the parent/guardian of the homeless child that this request must be made either on the district-supplied request-for-review form or by a telephone interview with the coordinator in the State Department of Education's Office of Coordinator for Education of Homeless Children and Youth (1-888-565-7261).
- Give the unaccompanied youth or the parent/guardian of the homeless child a copy of the state department of education's request-for-review form and the contact information for the Office of Coordinator for Education of Homeless Children and Youth.
- Inform the unaccompanied youth or the parent/guardian of the homeless child that he/she may seek the assistance of advocates or attorneys for the review.

Once the Office of Coordinator for Education of Homeless Children and Youth has received either the completed request-for-review form or has conducted a full telephone interview with the youth or the parent/guardian, the coordinator will send a copy of the completed form and any other relevant material to the school district.

The school district must send a written response to the state and to the person filing the state review request within five business days from the date it receives the request-for-review form.

### **Responsibilities of the youth or the parent/guardian**

The unaccompanied youth or the parent/guardian of the homeless child must complete and return the request-for-review form to the address designated on the form or must telephone the state department of education coordinator in the Office of Coordinator for Education of Homeless Children and Youth and make an oral report on the circumstances surrounding the request for review (1-888-565-7261).

The youth or the parent/guardian either may attach to the form any additional information he/she thinks is relevant or may telephone the coordinator and provide the information orally.

### **Responsibilities of the state department of education coordinator**

The coordinator will conduct all state reviews requested by unaccompanied youths or the parents/guardians of the homeless children.

The coordinator will review all written documents submitted concerning the particular dispute. The coordinator may request additional information from the parties in making his/her determination.

The coordinator will make a final decision within 10 business days of receiving the written response from the school district. The decision of the coordinator is binding and will be effective immediately.

**WRITTEN NOTIFICATION OF ENROLLMENT DECISION  
(Denial of Enrollment Request)**

To be completed by the receiving school when an enrollment request is denied.

Date: \_\_\_\_\_ School: \_\_\_\_\_

Person completing form: \_\_\_\_\_ Title: \_\_\_\_\_

In compliance with Section 722(g)(3)(E) of the McKinney-Vento Homeless Education Assistance Act of 2001, this written notification is provided to the following.

Student(s): \_\_\_\_\_

After reviewing your request to enroll the student(s) listed above, the enrollment request is denied. This determination was based upon the following.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

You have the right to appeal this decision by completing form JFABD-E(3) or by contacting the school district's local homeless education coordinator.

Liaison's name: \_\_\_\_\_ Title: \_\_\_\_\_

Phone number: \_\_\_\_\_

In addition:

- The student listed above has the right to immediately enroll in the school of choice pending resolution of the dispute.
- You may provide written or verbal documentation to support your position. You may use form JFABD-E(3) attached to this notification .
- You may complete the appropriate form or contact the state coordinator for homeless education to request a state-level review of the district's final decision regarding an enrollment issue.

Contact information for the state coordinator.

*Optional: Name*  
**State Department of Education**  
**(1-888-565-7261)**

- You may seek the assistance of advocates or attorneys.

A copy of our state's enrollment dispute resolution process for students experiencing homelessness is attached.

**WRITTEN NOTIFICATION OF ENROLLMENT DECISION (DISPUTE)**

This form is to be completed by the parent, guardian, caretaker or unaccompanied youth when a dispute arises. This information may be shared verbally with the local liaison as an alternative to completing this form.

Date submitted: \_\_\_\_\_ Student: \_\_\_\_\_

Relation to student: \_\_\_\_\_

I may be contacted at (phone or e-mail): \_\_\_\_\_

School: \_\_\_\_\_

I have been provided with the following.

- A written explanation of the school's decision.
- Contact information for the local homeless education liaison.
- A copy of the state's enrollment dispute resolution process for students experiencing homelessness.
- A copy of the state's request-for-review form, if applicable.

*You may include a written explanation to support your appeal in this space or provide your explanation verbally.*

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The school provided me with a copy of this form when submitted. \_\_\_\_\_ (initial)

## SCHOOL CHOICE

Code **JFB** Issued **DRAFT/13**

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Purpose: To establish the basic structure for offering school choice as part of the district's educational plan.

### **Limited school choice**

Limited school choice attempts to provide parents/legal guardians that are legal residents of Spartanburg School District Five with the means to enroll their children in a specific school based on an identified need. Choice requests will be granted based on mitigating circumstances and the enrollment capacity of the requested school.

Optimum enrollment capacity will not be exceeded for any school nor will students zoned to a school be displaced due to school choice requests.

When requesting school choice, parents/legal guardians must agree to transport the student; ensure punctuality/daily attendance and behavior acceptable to school administration; and be accessible to the school as needed. Students who are approved for school choice must remain at the school of choice until the end of the school year. The board and the district administration supports the implementation of limited school choice as determined by the guidelines and application process. Approval is granted on a year to year basis. Parents/Legal guardians must apply each year if they wish to continue to attend a school outside of their attendance area.

### **Persistently dangerous school**

Students who attend a school identified as persistently dangerous, or who are victims of a violent criminal offense occurring in or on the grounds of the school the student attends, must be allowed to transfer to a safe school in the district not identified for improvement.

### **School choice (Title I schools)**

Students enrolled in a Title I school identified for school improvement pursuant to federal law may transfer to another safe public school, including a public charter school, within the district. The transfer will be allowed in accordance with law. The district will give priority to the lowest-achieving children from low-income families. The district will provide transportation.

Schools in the following categories must offer public school choice to their students.

- first year of school improvement
- second year of school improvement
- corrective action
- planning year for restructuring

Students may not transfer to any schools that have been identified for improvement, corrective action or the planning year of restructuring, or that have been identified by the state as persistently dangerous.

The district will identify the schools to which students may transfer on an annual basis.

If an eligible student exercises the option to transfer to another public school, the district must permit the student to remain in that school until he/she has completed the highest grade in the school. However, the district is no longer obligated to provide transportation for the student after

## PAGE 2 - JFB - SCHOOL CHOICE

the end of the school year in which the student's school of origin is no longer identified for school improvement, corrective action or in the planning year for restructuring.

The district will offer choice to all students in an eligible Title I school until the school is no longer identified for school improvement.

### *Supplemental educational services*

Eligible students enrolled in continuing school improvement and corrective action schools who do not request transfers will be eligible for supplemental educational services. These services may include tutoring, remediation and other educational interventions consistent with state academic standards and the content and instruction used by the district. Supplemental services will be provided outside of the school day. Only state-approved providers may be paid from Title I funds.

### *Parental notification*

The district will notify parents/legal guardians of students attending identified schools in compliance with law. The administration will send out the notification ~~by (insert date here) or~~ within 10 days of receiving state notification of school status.

Transfer requests must be received ~~by (insert date here) or~~ 30 calendar days after receipt of notification.

In providing school choice, the district will not discriminate on the basis of race, color, national origin, immigrant status or English-speaking status, sex, religion, disability or age consistent with Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990 (ADA), and the Age Discrimination Act of 1975.

Adopted 2/05; Revised 11/27/06, ^

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### Legal references:

#### A. Federal law:

1. Title I of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the No Child Left Behind Act of 2001, P.L. 107-110, Section 116.
2. Title VI of the Civil Rights Act of 1964, 42 U.S.C. Sec. 2000d - Prohibits discrimination by recipients of federal financial assistance on the basis of race, color or national origin.
3. Title IV of the Civil Rights Act of 1964, 42 U.S.C. Sec. 2000c-6 - Prohibits discrimination on the basis of race, color or national origin, among other factors, by public elementary and secondary schools.
4. Title IX of the Education Amendments of 1972, 20 USC Section 1681, et seq. - Prohibits discrimination on the basis of sex.

#### B. U.S. Supreme Court:

1. Plyler vs. Doe, 457 U.S. 202 (1982).

# SCHOOL CHOICE

Code **JFB-R** Issued **DRAFT/13**

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## Guidelines for limited school choice

- Documentation supporting the request must be provided in order to be considered for approval based on priority reasons.
- Parents/Legal guardians agree to transport the student to the requested school, ensure punctuality and good attendance, and adhere to the discipline policy.
- Applications will be approved according to need and optimum capacity of classes.

## Application process

- Obtain the application from the office of any Spartanburg County District Five School or the district office located at 100 N. Danzler Road in Duncan, SC., or download the application in PDF format as follows.

Limited school choice application - requires Adobe Acrobat Reader.

- Submit the application to the office of the assistant superintendent for administration and operations.
- Provide appropriate documentation at the time of submission.

Issued 2/05; Revised 11/27/06, ^

**SPARTANBURG COUNTY SCHOOL DISTRICT FIVE  
Limited School Choice Application**

**All Spartanburg School District Five residency requirements must be met before a school choice application can be submitted.**

Please complete the limited school choice application and return it to the address below **before** the first Monday in May.

Assistant Superintendent  
Administration and Operations  
Spartanburg School District Five  
P.O. Box 307  
Duncan, SC 29334

Student's legal name: \_\_\_\_\_

Gender: Male \_\_\_\_\_ Female \_\_\_\_\_

Birthdate: \_\_\_\_\_ (MO/DA/YR)

Student's Social Security number: \_\_\_\_\_

Parent/Legal guardian: \_\_\_\_\_

Home address: \_\_\_\_\_  
\_\_\_\_\_

Home phone: \_\_\_\_\_ Work phone: \_\_\_\_\_

Present school of attendance or school zoned for: \_\_\_\_\_

School requested: \_\_\_\_\_ Grade 2005-2006 \_\_\_\_\_

Reason for school choice request: (Please check the appropriate box and attach the required or supporting documentation.)

- \_\_\_\_\_ Medical needs
- \_\_\_\_\_ Specific instructional program
- \_\_\_\_\_ Sibling placement with district assigned program
- \_\_\_\_\_ Childcare provisions
- \_\_\_\_\_ Parent/Legal guardian's work location
- \_\_\_\_\_ Other \_\_\_\_\_

Parent/Legal guardian's signature \_\_\_\_\_ Date \_\_\_\_\_

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**(FOR DISTRICT USE ONLY)**

Date received: \_\_\_\_\_ Requested priority: \_\_\_\_\_  
Approval date: \_\_\_\_\_ Denial date: \_\_\_\_\_  
Parent/Legal guardian's notification letter sent: \_\_\_\_\_ (MO/DA/YR)  
Sending school's notification letter sent: \_\_\_\_\_ (MO/DA/YR)  
Receiving school's notification letter sent: \_\_\_\_\_ (MO/DA/YR)

## STUDENT ABSENCES AND EXCUSES

Code **JH** Issued **DRAFT/13**

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Purpose: To establish the basic structure for allowing and excusing student absences.

The board believes that attendance is a key factor in student achievement. Any absence from school represents an educational loss to the student. However, the board recognizes that some absences are unavoidable.

In order to receive one Carnegie unit of credit, a student must be in attendance at least 120 hours, per unit, regardless of the number of days missed. ~~The board may grant approval of excessive absences in accordance with board policy.~~

The district will utilize a written intervention plan for improving student attendance. The purpose of the plan will be to link students with attendance problems and their families to all appropriate school and community resources.

The board recognizes that truancy is primarily an educational issue and will take all reasonable, educationally sound and corrective actions prior to resorting to the juvenile justice system.

Any student who misses school must present a written excuse, signed by his/her parent/legal guardian. The excuse will contain such other information as directed by the administration. The school administration will keep all excuses confidential.

If a student fails to bring a valid excuse to school, he/she will automatically receive an unexcused absence. If a student brings a false (or forged) excuse, the teacher will refer the student to the school administration for appropriate action.

The district will consider students **lawfully** absent under the following circumstances. *(Note: Board may include other reasons here.)*

- They are ill and their attendance in school would endanger their health or the health of others.
- There is a death or serious illness in their immediate family.
- There is a recognized religious holiday of their faith.
- Prearranged absences for other reasons and/or extreme hardships at the discretion of the principal.
- A child in foster care who must be absent due to a certified court appearance or related court ordered activity including, but not limited to, court ordered treatment services.

The district will consider students **unlawfully** absent under the following circumstances.

- They are willfully absent from school without the knowledge of their parent/legal guardian.
- They are absent without acceptable cause with the knowledge of their parent/legal guardian.

Suspension is not to be counted as an unlawful absence for truancy purposes.



## PAGE 2 - JH - STUDENT ABSENCES AND EXCUSES

The principal will be responsible for implementing and expediting medical homebound instruction for students experiencing a prolonged illness or injury requiring them to be absent from school.

Adopted 1974; Revised 8/27/84, 4/25/94, 11/25/96, 4/23/01, 9/26/05, ^

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Legal references:

A. Federal law:

1. 20 U.S.C. Section 7112 (2002) - No Child Left Behind Act of 2001.
2. 42 U.S.C. Section 5601, et seq. (2002) - Juvenile Justice and Delinquency Prevention Act of 1974.
3. McKinney-Vento Homeless Education Improvements Act of 2001, P.L. 107-110, 42 U.S.C. Sections 11431-11435.

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

1. Section 59-65-90 - State Board to establish rules and regulations defining lawful and unlawful absences.
2. Section 59-38-10 - South Carolina Education Bill of Rights for Children in Foster Care.

C. State Board of Education Regulations:

1. R-43-274 - Student attendance.

## STUDENT ABSENCES AND EXCUSES

Code **JH-R** Issued **DRAFT/13**

The board designates the principal of the school to promptly approve or disapprove any student's absence of more than 10 days.

### **Unlawful absences**

A student ages 6 to 17 years who has three consecutive unlawful absences or a total of five unlawful absences is considered truant as defined by state board of education regulation.

A student ages 12 to 17 years who fails to comply with the school's intervention plan and accumulates two or more additional unlawful absences is considered a habitual truant.

A student ages 12 to 17 years who has been through the school intervention process, has reached the level of a habitual truant, has been referred to family court and placed on an order to attend school and continues to accumulate unlawful absences is considered a chronic truant.

### *Intervention*

In order to encourage and assist students in attending school regularly, the administration will administer the following intervention procedures.

Once a student is determined to be truant, school officials will make every reasonable effort to meet with the parent/legal guardian to identify the reasons for the student's continued absence, including telephone calls, home visits, written messages and e-mails.

A written intervention plan will be developed by school administrators in conjunction with the student and the parent/legal guardian. The intervention plan must include, but is not limited to, the following.

- a designated person to lead the intervention team (may be someone from another agency)
- reasons for the unlawful absences
- actions the parent/legal guardian and student will take to resolve the causes of the unlawful absences
- documentation of referrals to appropriate service providers and, if available, alternative school and community-based programs
- actions to be taken by intervention team members
- actions to be taken in the event unlawful absences continue
- signature of parent/legal guardian or evidence that attempts were made to include them
- documentation of involvement of team members
- guidelines for making revisions to the plan

School officials may utilize a team intervention approach to include representatives from social services, community mental health, substance abuse and prevention, and other persons deemed appropriate in formulating the intervention plans.

### *Referrals and judicial intervention*

The district will not refer a child ages 6 to 17 years to the family court to be placed on an order to attend school prior to the written intervention plan being completed by the school with the parent/legal guardian. The district will not use a consent order from any local school or district as an intervention plan.

## **PAGE 2 - JH-R - STUDENT ABSENCES AND EXCUSES**

Refusal by the parent/legal guardian to cooperate with school intervention planning can result in a referral of the student to family court and the filing of a report against the parent/legal guardian with social services in accordance with law.

The district will inform the parent/legal guardian and/or the student of their right to have legal representation and their right to a trial at this time.

If the situation continues to where the student is classified as a habitual truant, school officials may file a petition for a school attendance order. Once a school attendance order has been issued by the family court and the student continues to accumulate absences to the point of becoming a chronic truant, school officials may refer the case back to family court. The school and district will exhaust all reasonable alternatives prior to petitioning the family court to hold the student and/or parent/legal guardian in contempt of court.

### *Transfer to another school*

If a student transfers to another public school in the state, the district will forward the student's intervention plan to the receiving school.

### **Approval of absences in excess of 10 days**

After 10 lawful or unlawful absences or a combination thereof, the principal of the school will approve or disapprove each succeeding absence.

### **Make-up work**

In order to receive one Carnegie unit of credit, a student must be in attendance at least 120 hours per unit, regardless of the number of days missed. Therefore, districts should allow students whose excessive absences are approved to make up work missed to satisfy the 120-hour requirement. Examples of make-up work that address both time and academic requirements of a course may include the following.

- after-school and/or weekend make-up programs
- extended-year programs

All make-up time and work must be completed within 30 days from the last day of the course. The board may extend the time for completion of the requirements due to a student's medical circumstances.

School principals will exert every realistic effort to provide assurance that this regulation is adhered to in a fair and consistent manner. Principals will place special emphasis on coordinating implementation affecting students within the same family.

Issued 4/25/94; Revised 11/25/96, 3/30/01, 9/26/05, ^

## RELEASED TIME FOR RELIGIOUS INSTRUCTION

Code **JHCB** Issued **DRAFT/13**

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Purpose: To establish the basic structure for released time for students for religious instruction.

The board will release a student in grades seven through eight from school, at the written request of his/her parent/legal guardian, for the purpose of religious instruction for no more than one class period per week. The student will attend school at least the legal minimum school day.

The board will only allow the student to miss instructional time from a non-Carnegie unit exploratory class for the purpose of religious instruction.

When approving the release of a student for religious instruction, the board assumes no responsibility for the program or liability for the students involved. Its attitude will be one of cooperation with the various sponsoring groups of the school district.

The sponsoring group or the student's parent/legal guardian is completely responsible for transportation to and from the place of instruction. The district assumes no responsibility or liability for such transportation.

Religious instruction must take place away from school property and at a regularly designated location.

District officials will ensure that no public funds will be expended to support a released time program and that district staff and faculty will not promote or discourage participation by district students in a released time program.

Adopted 4/24/07; Revised ^^

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Legal references:

- A. S. C. Code of Laws, 1976, as amended:
  - 1. Section 59-1-460 - South Carolina Released Time for Religious Education Act.
  - 2. Section 59-39-112 - South Carolina Released Time Credit Act.
- B. State Board of Education Regulations:
  - 1. R43-234 - Defined program, grades 9-12.

## STUDENT RIGHTS AND RESPONSIBILITIES

Code **JI** Issued **DRAFT/13**

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Purpose: To establish the board's vision for student rights and responsibilities.

The board believes that students have rights that should be recognized and respected. It also believes that every right carries with it certain responsibilities.

Students have the right to a quality education and the responsibility to put forth their best efforts during the educational process. Students have the right to expect school personnel to be qualified in providing that education. Students have the responsibility to respect the rights of other students and all persons involved in the educational process.

Students have civil rights, including the right to equal educational opportunity and freedom from discrimination. They have the responsibility not to discriminate against others.

Students have the right to attend free public schools. They have the responsibility to attend school as required by law and to observe school rules and regulations essential for permitting others to learn at school.

Students have the right to due process of the law with respect to suspension, expulsion, and unreasonable searches and seizures. They also have the privilege of appealing administrative decisions that they believe have deprived them of their rights.

Students have the right to free inquiry and expression. They have the responsibility to observe reasonable rules regarding these rights.

Students must be made aware of their legal rights and also of the legal authority of the board to make, or delegate authority to its staff to make, rules and regulations regarding the orderly operation of the schools.

Students have the right to advocate change of any law, policy or regulation. Students may exercise their right to freedom of expression through speech, approved time for assembly, petition and other lawful means. The exercise of this right may not interfere with the rights of others. Students may not use this freedom of expression to present material that is obscene or slanderous, or to defame character. They may not use this freedom to advocate violation of federal, state and local laws, or school policies, rules and regulations.

The district will accord all students privileges and rights without regard to race, religion, sex, creed, disability, national origin, or immigrant status or English-speaking status.

Students may present complaints to teachers or administration officials. The administration will provide adequate opportunities for students to exercise this right through channels established for considering such complaints and grievances.

### **Sexual harassment**

Not all behavior with sexual connotations constitutes sexual harassment under federal law. In order to qualify as a complaint under Title IX, sexual harassment must be sufficiently severe, persistent or pervasive that it does one of the following.

## PAGE 2 - JI - STUDENT RIGHTS AND RESPONSIBILITIES

- adversely affects a student's education
- creates a hostile or abusive educational environment

A one time incident must be severe to rise to the level of sexual harassment.

The district prohibits sexual harassment of students by district employees, other students or third parties. All students and employees must avoid any action or conduct which could be viewed as sexual harassment or inappropriate conduct of a sexual nature. This includes any action or conduct communicated or performed in person, in writing or electronically through such means as a telephone, cell phone, computer or other telecommunication device and includes text messaging and instant messaging.

Sexual harassment consists of unwelcome (as determined based on the age of the student) sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature under any of the following circumstances.

- Submission to such conduct is made either expressly or implicitly a term or condition of a student's education.
- Submission to or rejection of such conduct by an individual is used as the basis for any decisions affecting a student.
- Such conduct has the purpose or effect of unreasonably interfering with a student's education or creating an intimidating, hostile or offensive school environment.

Any student who feels he/she has been subjected to sexual harassment is encouraged to file a complaint in accordance with administrative rule JI-R. A parent/legal guardian may also file a complaint on behalf of his/her child. All allegations will be investigated promptly and confidentially. The district prohibits retaliation or reprisal in any form against a student who has filed a complaint of sexual harassment.

Any employee or student who is found to have engaged in sexual harassment will be subject to disciplinary action, up to and including termination in the case of an employee, or expulsion in the case of a student. A third party found to have engaged in sexual harassment will be dealt with accordingly. The district will take all other appropriate steps to correct or rectify the situation.

Adopted 4/2/72; Revised 10/28/75, 3/5/84, 4/25/94, 9/25/06, ^

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Legal references:

A. Federal statutes:

1. Title VI of the Civil Rights Act of 1964, 42 U.S.C. Sec. 2000d - Prohibits discrimination by recipients of federal financial assistance on the basis of race, color or national origin.
2. Title IV of the Civil Rights Act of 1964, 42 U.S.C. Sec. 2000c-6 - Prohibits discrimination on the basis of race, color or national origin, among other factors, by public elementary and secondary schools.
3. Title IX of the Education Amendments of 1972, 20 USC Section 1681, et seq. - Prohibits discrimination on the basis of sex.

B. U. S. Supreme Court:

1. Morse v. Frederick, 127 S. Ct. 2618 (2007).
2. Plyler vs. Doe, 457 U.S. 202 (1982).

## STUDENT RIGHTS AND RESPONSIBILITIES

Code **JI-R** Issued **DRAFT/13**

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### **Sexual harassment**

These procedures are intended to do the following.

- Discourage employees and students from sexually harassing students of the district.
- Promote a harassment-free school environment.
- Remedy in a speedy manner any consequences of sexual harassment.
- Establish on-going education and awareness of the problem of sexual harassment.
- Provide information about how to resolve claims of sexual harassment.

### **Definition of sexual harassment**

Sexual harassment includes unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature under the following conditions.

- Submission to such conduct is made either expressly or implicitly a term or condition of a student's education.
- Submission to or rejection of such conduct by an individual is used as a basis for educational decisions affecting a student.
- Such conduct has the purpose or effect of unreasonably interfering with a student's education or creating an intimidating, hostile or offensive school environment.

Sexual harassment may include, but is not limited to: verbal harassment, including sexually offensive comments or slurs; physical harassment, physical interference with movement or work; or visual harassment such as sexually offensive cartoons, drawings or posters.

Sexual harassment is prohibited against members of the same sex as well as against members of the opposite sex.

### **Behavior prohibited of all employees**

No employee may condition an individual student's education, educational benefit or educational opportunity on the student's acquiescence to any of the sexual behaviors defined above.

No employee may retaliate against any student because that student has filed a complaint, testified, assisted or participated in any manner in a sexual harassment investigation, proceeding or hearing conducted by an authorized agency.

No employee will tolerate a sexually hostile or offensive school environment created by any other employee or student who engages in sexual harassment.

No employee will destroy evidence relevant to an investigation of sexual harassment.

### **Behavior prohibited of all employees and all students**

No employee or student of this district will create a sexually hostile or offensive school environment for any other student by engaging in any sexual harassment.

## PAGE 2 - JI-R - STUDENT RIGHTS AND RESPONSIBILITIES

No employee or student of this district will assist any individual in doing any act which constitutes sexual harassment against any other student.

### **Obligations of administrators/supervisors**

#### *Preventive action*

The district policy on sexual harassment and this administrative rule will be referenced in employee and student handbooks.

All administrators/supervisors will give a copy of district policy on sexual harassment and this administrative rule to all employees. The district will give a copy of the student handbook to all students.

The district policy on sexual harassment and this administrative rule will be available online ~~in each school's media center~~ and in the district office.

Annually, administrators/supervisors will insure that the provisions of the district policy on sexual harassment and this administrative rule as well as an orientation on the definition of sexual harassment, the procedures for registering a complaint about sexual harassment and the redress which is available are reviewed with all employees and students. With regard to students, such review and orientation will take into consideration, and be appropriate to, the students' ages.

The district will make information from the U. S. Department of Education, Office of Civil Rights (OCR) about filing claims of sexual harassment with OCR available through the personnel office.

Annually, the administrators/supervisors will attend a training session on sexual harassment which will cover the definition of sexual harassment, the district's commitment to eliminating and avoiding sexual harassment in the schools, the penalties for engaging in sexual harassment, and the procedures for reporting incidents of sexual harassment.

#### *Investigative/corrective action*

Any student who feels that he/she has been the object of sexual harassment is encouraged to file a complaint with the student's principal (except for situations covered in the following paragraph). Such a complaint may be filed by the student's parent/legal guardian.

Under no circumstances will a student be required to first report allegations of harassment to the principal if that person is the individual the student is accusing of the harassment. In such cases, the student or the student's parent/legal guardian will contact the director of personnel.

The administrator/supervisor will, within three working days, initiate an investigation of any incident of alleged sexual harassment reported to them or observed by them. Personnel will maintain confidentiality throughout the investigation. Only those who have an immediate need to know may be provided the identity of the complainant.

Upon the completion of the investigation, the administrator/supervisor will report in writing the results of any investigation of sexual harassment, including corrective or disciplinary action taken, to the personnel director and to the complainant and/or the complainant's parent/legal guardian.

If an employee or student is determined to have sexually harassed a student, the administrator/supervisor will take whatever disciplinary action he/she determines is warranted, up to and including termination of an employee or expulsion of a student.



## **PAGE 3 - JI-R - STUDENT RIGHTS AND RESPONSIBILITIES**

Even if the employee has been terminated or the student expelled, the administrator/supervisor will follow up within three months of any reported incident of sexual harassment to determine whether the complainant has been subjected to any further sexual harassment.

The administrator/supervisor having reason to believe that a child's physical or mental health or welfare has been or may be adversely affected by abuse or neglect will report such conduct in accordance with S. C. Code Section 20-7-510 and board policy on reporting child abuse or neglect (JLF).

### **Obligations of all employees and students**

All employees and students will report to their immediate supervisor or teacher, respectively, any conduct on the part of non-employees, such as sales representatives, service vendors or employees from another district, etc. which is believed to constitute sexual harassment. The supervisor or teacher will report this information in writing to the supervisor of the non-employee for investigation. This information must also be reported to the appropriate principal and the director of personnel.

All employees and students will cooperate with and maintain the confidentiality of any investigation of alleged acts of sexual harassment conducted by the district or by any appropriate governmental agency.

The district prohibits any action to discourage any student from reporting alleged sexual harassment.

The district prohibits retaliation in any way against an employee or student who has provided information as a witness to an incident of sexual harassment.

Issued 2/28/05; Revised 2/3/06, 11/27/06, ^

## STUDENT DUE PROCESS RIGHTS

Code **JIA** Issued **DRAFT/13**

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Purpose: To establish the basic structure for ensuring due process rights for students.

The board and its administrators will treat all students with fairness.

Before school authorities administer disciplinary measures, they will make reasonable inquiry to determine the truth of what happened. The nature of the inquiry will vary with the seriousness of the offense and the consequences.

The board directs school authorities to adhere to due process requirements when making decisions directly affecting students' protected rights under federal and state law.

Such requirements may include the following.

- sufficient notice of charges and of hearing rights
- the opportunity to be heard
- hearing before an impartial body (i.e. not subject to the same person for both prosecution and decision)
- punishment as prescribed by the general assembly, state board of education and/or board policy with the right to judicial review

If a student feels that teachers, principals, superintendents or any agents of the board have injured his/her rights, he/she may appeal the action in accordance with the district grievance procedure (policy JII).

Adopted 4/25/94; Revised ^

## **STUDENT INVOLVEMENT IN DECISION MAKING**

Code **JIB** Issued **DRAFT/13**

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Purpose: To establish the board's vision for students' involvement in the decisions which affect them.

The board recognizes the value of student participation in decision making for the school district. The board encourages students to attend school board meetings and take part in the public participation periods. Students share with the board, the administration and the faculty the responsibility for developing a climate in the school that is conducive to wholesome learning and living.

The board encourages students to express their opinions in establishing policies in the area of student privileges and other areas of student activities. The board encourages principals to develop procedures for meaningful involvement of students in school government.

In the development of rules, regulations and arrangements for the operation of the school system, the superintendent will include at the planning stage, whenever feasible and appropriate, a representative of those students who will be affected by such provisions.

Adopted 4/25/94; Revised ^

## **STUDENT GOVERNMENT**

*Code* **JIBA** *Issued* **DRAFT/13**

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Purpose: To establish the basic structure for student participation in student government.

To encourage student participation in the various activities of school life and to provide the opportunity for training in democratic processes, the district may maintain and operate a student government program in the middle and high schools of the district.

Adopted 1974; Revised 4/25/94, ^

## STUDENT CONDUCT

Code **JIC** Issued **DRAFT/13**

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

The board expects students to conduct themselves in an orderly, courteous, dignified and respectful manner. This requirement refers to their actions toward other students and teachers, their language, their dress and their manners. The board believes self-discipline is an interpersonal goal of public education.

Students have a responsibility to know and respect the policies, rules and regulations of the school and district. Violations of such policies, rules and regulations will result in disciplinary actions.

The board directs the administration to establish rules and regulations necessary to create and preserve conditions essential to orderly operation of the schools. The board authorizes its school authorities to employ probation and suspension and to recommend expulsion, if necessary, to enforce this policy (see policies JKD and JKE).

For more specific information on student conduct, the board directs students to policy JICDA and the student handbook for their individual school.

Adopted prior to 1974; Revised 4/25/94, ^

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### Legal references:

- A. S. C. Code, 1976, as amended:
1. Section 59-5-65 - Minimum standards for student conduct, attendance and scholastic achievement; enforcement.
  2. Section 59-19-90(3) - General powers and duties of school trustees - regulation of student conduct.
  3. Section 59-63-210 - Grounds for which trustees may expel, suspend or transfer pupils; petition for readmission.
  4. Section 59-63-220 - Suspension of pupils by administrators.
  5. Section 59-63-230 - Notices of suspensions, conferences with parents or guardian.
  6. Section 59-63-240 - Expulsion for remainder of years; hearings.
  7. Section 59-63-250 - Transfer of pupils.
  8. Section 59-63-260 - Corporal punishment.
  9. Section 59-63-270 - Regulation or prohibition of clubs or like activities.
  10. Section 59-67-240 - Other duties of driver; discipline of pupils for misconduct.

## **STUDENT DRESS**

Code **JICA** Issued **DRAFT/13**

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Purpose: To establish the basic structure for a dress code for students.

Students will dress and groom in a clean, neat manner which does not distract or interfere with the operation of the school. Student attire should not be destructive to school property, disruptive to the instructional process or immodest or revealing and should comply with requirements for health and safety.

Schools may develop specific guidelines appropriate to their grade levels. Principals, faculty members and students will be involved in the development of the guidelines.

The administration may establish such rules and regulations as necessary to enforce this policy.

Adopted 4/25/94; Revised ^

# CODE OF CONDUCT

Code **JICDA** Issued **DRAFT/13**

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Purpose: To establish the basic structure for a code of conduct and discipline for students.

The district's code of conduct and discipline is established to achieve and maintain order in the schools. In administrative rule JICDA-R, the board and the administration offer a list of offenses along with the required or recommended dispositions for the information of students, parents/legal guardians and school personnel.

Disciplinary actions will include appropriate hearings and review. The removal of a student from the learning environment will occur only for just cause and in accordance with due process of law. The administration will consider extenuating circumstances when taking disciplinary action.

The administrative rule is effective during the following times and in the following places.

- on the school grounds during and immediately before or immediately after school hours
- on the school grounds at any other time when the school is being used by a school group
- off the school grounds at a school activity, function or event
- en route to and from school on a school bus or other school vehicle

Adopted 4/25/94; Revised ^

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Legal references:

- A. S.C. Code of Laws, 1976, as amended:
  1. Section 59-19-90 - General powers and duties of school trustees.
  2. Sections 59-63-210 through 270 - Grounds for which trustees may expel, suspend or transfer pupils; petition for readmission; notices and parent conferences; expulsion for remainder of year and hearings; transfer of pupils; corporal punishment; regulation or prohibition of clubs or like activities.
  3. Section 59-67-240 - Other duties of bus driver; discipline of students for misconduct.
  4. Section 59-63-280 - Possession of paging devices by public school students; mobile telephones included; adoption of policies.
  5. Section 16-3-1040 - Threatening the life, person or family of a public official.
- B. State Board of Education Regulations:
  1. R43-279 - Minimum standards of student conduct and disciplinary enforcement procedures to be implemented by local school districts.

# CODE OF CONDUCT

Code **JICDA-R** Issued **DRAFT/13**

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## **Level 1 - disorderly conduct**

Disorderly conduct includes any activity in which a student engages that tends to impede orderly classroom procedures or instructional activities, orderly operation of the school, or the frequency or seriousness of which disturb the classroom or school.

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

- School or classroom tardiness
- cheating on examinations or classroom assignments
- lying
- acting in a manner so as to interfere with the instructional process
- abusive behavior or language between or among students
- failure to complete assignments or carry out directions
- use of forged notes or excuses
- cutting class
- disrespect or rudeness to school personnel
- truancy
- possession of an electronic communications device in conflict with district policy
- other disorderly acts as determined by the board

The staff will follow these basic enforcement procedures in instances of disorderly conduct.

- When the staff member observes (or is notified about and verifies) an offense, the staff member will take immediate action to correct the misconduct. The staff member will use an appropriate sanction, and maintain a record of the misconduct and the sanction.
- If certain misconduct is not immediately correctable, the staff member should refer the problem to the appropriate administrator for action specified under this policy.
- The administrator should meet with the reporting staff member, and, if necessary, the student and the parent/legal guardian, and should effect the appropriate disciplinary action.
- The administrator will maintain a complete record of the procedures.
- The staff may apply sanctions in cases of disorderly conduct which may include, but are not limited to, the following.
  - verbal reprimand
  - parental contact
  - withdrawal of privileges
  - demerits
  - detention
  - in-school suspension
  - other sanctions as approved by the board

## **Level II - disruptive conduct**

Disruptive conduct includes those activities in which students engage that are directed against persons or property and the consequences of which tend to endanger the health or safety of



## PAGE 2 - JICDA-R - CODE OF CONDUCT

themselves or others in the school. Some instances of disruptive conduct may overlap certain criminal offenses, justifying both administrative sanctions and court proceedings.

The administration may reclassify disorderly conduct (Level I) as disruptive conduct (Level II) if the student engages in the activity three or more times.

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

- use of an intoxicant
- fighting
- harassment, intimidation or bullying
- vandalism (minor)
- stealing
- threats against others
- trespassing
- abusive language to staff
- refusal to obey school personnel or agents (such as volunteer aides or chaperones) whose responsibilities include supervision of students
- possession or use of unauthorized substances, as defined by law or local school board policy
- illegally occupying or blocking school property in any way with the intent to deprive others of its use
- unlawful assembly
- disrupting lawful assembly
- hazing
- any other acts as determined by the board

The staff will follow these basic enforcement procedures in instances of disruptive conduct.

- When the administrator observes (or is notified and verifies) an offense, he/she will investigate the circumstances of the misconduct and confer with staff on the extent of the consequences.
- The administrator will notify the parent/legal guardian of the student's misconduct and related proceedings. The administrator will meet with the student and, if necessary, the parent/legal guardian; confer with them about the student's misconduct; and effect the appropriate disciplinary action.
- The administrator will keep a complete record of the procedures.
- The administration may apply sanctions in cases of disruptive conduct which may include, but are not limited to, the following.
  - temporary removal from class
  - alternative education program
  - in-school suspension
  - out-of-school suspension
  - transfer
  - referral to outside agency
  - expulsion
  - restitution of property and damages, where appropriate, should be sought by local school authorities
  - other sanctions as approved by the board

## **PAGE 3 - JICDA-R - CODE OF CONDUCT**

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

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

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

- assault and battery
- extortion
- bomb threat
- illegal pulling of or tampering with a fire alarm
- fireworks (possession or use of)
- disturbing the school
- possession, use or transfer of dangerous or "look alike" weapons
- sexual offenses
- vandalism (major)
- theft, possession or sale of stolen property
- arson
- furnishing or selling unauthorized substances, as defined by board policy
- furnishing, selling or possession of controlled substances (drugs, narcotics or poisons)
- distribution, sale, purchase, manufacture or unlawful possession of a controlled substance while in or within a radius of one-half mile of school grounds
- threatening to take the life of or inflict bodily harm upon a teacher, principal or members of their immediate family

The staff will follow these basic enforcement procedures in instances of criminal conduct.

- When an administrator observes (or is notified of and verifies) an offense, the administrator will confer with the staff involved, effect the appropriate disciplinary action, and, if appropriate, meet with the student.
- If warranted, the administrator should immediately remove the student from the school environment. The administrator will notify a parent/legal guardian as soon as possible.
- If appropriate, school officials should contact law enforcement authorities.
- Staff will follow established due process procedures when applicable.
- The administrator will keep a complete record of the procedures.
- The administration may apply sanctions in cases of criminal conduct which may include, but are not limited to, the following.
  - out-of-school suspension
  - assignment to alternative schools
  - referral to an outside agency
  - expulsion
  - restitution of property and damages, where appropriate, should be sought by local school authorities
  - other sanctions as approved by the board

## **PAGE 4 - JICDA-R - CODE OF CONDUCT**

### **Extenuating, mitigating or aggravating circumstances**

The board entrusts the appropriate administrator with the authority to consider extenuating, mitigating or aggravating circumstances which may exist in a particular case of misconduct. The administrator should consider such circumstances in determining the most appropriate sanction.

### **Discipline of disabled students**

#### *Disciplinary process*

Disabled students are not exempt from school disciplinary processes, nor are they entitled to remain in a particular educational program when their conduct substantially impairs the education of other children in the program. However, federal and state laws and regulations require the public schools to meet the individual educational needs of disabled children to the extent that current educational expertise permits.

#### *Program prescriptions*

A disabled student's staffing committee may prescribe or prohibit specified disciplinary measures for an individual student by including appropriate provisions in the student's Individual Education Plan (IEP). The committee must take into consideration the student's disabling condition when deciding whether or not staff may use a particular form of discipline. Administrative authorities should observe any such provisions contained in a disabled student's individual education plan, except that a staffing committee may not prohibit the initiation of proceedings for suspension or expulsion which are conducted in accordance with regulation.

#### *Suspensions*

The administration may suspend a disabled student unless a suspension is prohibited by the student's individual education plan. At the end of the suspension, the school should return the student to the same educational placement, if appropriate. The school may suspend a student for not more than 10 consecutive school days, and for additional removals of not more than 10 consecutive school days in that same school year for separate incidents of misconduct (as long as those removals do not constitute a change in placement under the law).

However, students who bring weapons to school or a school function or knowingly possess or use illegal drugs or solicit the sale of controlled substances or have inflicted serious bodily injury upon another person while at school or a school function may be removed for up to 45 days at a time. If school officials believe that a child with a disability is substantially likely to injure self or others in the child's regular placement, they may ask an impartial hearing officer to order that the child be removed to an interim alternative educational setting for a period up to 45 days.

#### *Expulsions*

Expulsion of a disabled student is equivalent to a change in educational placement and therefore requires special procedures. Before a disabled student may be expelled, a multi-disciplinary team must determine whether or not there is a connection or causal relationship between the disabling condition and the misconduct. If so, then expulsion resulting in cessation of educational services for the student would be unallowable.

The district will continue to provide a free and appropriate education as set forth in a student's IEP to expelled students with disabilities.

## **PAGE 5 - JICDA-R - CODE OF CONDUCT**

### *Immediate removal*

Nothing contained in this administrative rule will be construed as limiting an administrator's ability to remove a disabled student from school immediately under emergency conditions.

Issued 6/24/85; Revised 9/23/91, 2/7/02, ^

## SCHOOL-RELATED STUDENT PUBLICATIONS

Code **JICEA** Issued **DRAFT/13**

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Purpose: To establish the basic structure for student publications.

The board sanctions student publications as long as students are willing to accept the responsibilities of the freedoms of speech and of the press. The board or its designee will make rules as to time and place for distribution of such publications and any other regulations necessary to assure that student publications do not infringe on the rights of others.

The designated sponsor(s) of any officially recognized school-sanctioned and school-financed publication (e.g., newspaper, yearbook, literary magazine, et al.) will assume the initial responsibility of screening and editing all materials earmarked for publication. Although journalism students should be given meaningful editorial latitude, the sponsor(s) retains the inherent obligation to delete any article or comment likely to create substantial disruption of, or significant interference with, school activities.

Any student objecting to a sponsor's exercise of discretion in this regard should bring the objection to the attention of the sponsor in writing. The school principal will hold a conference to discuss the complaints with the complainant(s), the sponsor and the principal. It is the principal's responsibility to decide the matter in close consultation with the district superintendent and legal counsel.

Adopted 4/25/94; Revised ^

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Legal references:

A. U. S. Supreme Court:

1. January 13, 1988, Hazlewood vs. Cathy Kuhlmeir - Gives principals new authority to monitor the content of school publications.
2. Morse v. Frederick, 127 S. Ct. 2618 (2007).

## SECRET SOCIETIES/GANG ACTIVITY

Code **JICF** Issued **DRAFT/13**

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Purpose: To establish the basic structure for the district's prohibition of student secret societies and gang activities.

The board finds that gangs that initiate, advocate or promote activities threatening the safety or well-being of persons or property on school grounds or gangs that disrupt the school environment are harmful to the educational process. The district prohibits the use of hand signals, graffiti or the presence of any apparel, jewelry, accessory or manner of grooming that, by virtue of its color, arrangement, trademark, symbol or any other attribute indicates or implies membership or affiliation with a group that presents a clear and present danger contrary to the school environment and educational objectives.

The district administration will maintain conditions on school property and at school-sponsored events in order to ensure as safe an environment as possible for students and staff in accordance with law and the standards set by the board. In establishing such standards, the board prohibits the presence and activities of gangs on or near school property and at school-sponsored events.

The district prohibits incidents involving initiations, hazings, intimidations or related activities of such group affiliations that are likely to cause bodily danger, physical harm, or personal degradation or disgrace resulting in physical or mental harm to students.

The administration will establish procedures and regulations to ensure the discipline of any student wearing, carrying or displaying gang paraphernalia, exhibiting behavior or gestures that symbolize gang membership, or causing or participating in activities that intimidate or affect the attendance of another student.

The administration will provide inservice training in gang behavior and characteristics to facilitate staff identification of students at-risk and promote membership in authorized school groups or activities as an alternative.

Adopted ^

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Legal references:

- A. S.C. Code, 1976, as amended:
1. Section 59-63-270 - Regulation or prohibition of clubs or like activities.
  2. Section 59-63-275 - Student hazing prohibited; definitions.

## HAZING

Code **JICFA** Issued **DRAFT/13**

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Purpose: To establish the basic structure for maintaining a safe, positive environment for students and staff that is free from hazing.

The district prohibits hazing by students, staff and third parties as a part of any school-sponsored activity. All students and employees must avoid any action that could be viewed as planning, directing, encouraging, assisting or engaging in any hazing activity. Further, no administrator, coach, sponsor, volunteer or district employee will permit, condone or tolerate any form of hazing.

For purposes of this policy, state law defines hazing as “the wrongful striking, laying open hand upon, threatening with violence or offering to do bodily harm by a superior student to a subordinate student with intent to punish or injure the subordinate student, or other unauthorized treatment by the superior student of a subordinate student of a tyrannical, abusive, shameful, insulting, or humiliating nature.”

Any hazing activity, whether by an individual or a group, will be presumed to be a forced activity, even if a student willingly participates.

Any student who feels he/she has been subjected to hazing is encouraged to file a complaint in accordance with policy JII. All complaints will be investigated promptly and confidentially. The district prohibits retaliation or reprisal in any form against a student who has filed a complaint of hazing.

Any student or employee who is found to have engaged in hazing will be subject to disciplinary action, up to and including termination in the case of an employee or expulsion in the case of a student. Individuals may also be referred to law enforcement officials. The district will take all other appropriate steps to correct or rectify the situation.

The superintendent will be responsible for ensuring notice of this policy is provided to students, staff and parents/legal guardians.

Cf. GBEB, JIC

Adopted ^

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Legal references:

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

1. Section 16-3-510 - Organizations and entities revised (hazing unlawful; definitions).
2. Section 59-19-90 - General powers and duties of school trustees.
3. Sections 59-63-210 through 270 - Grounds for which trustees may expel, suspend or transfer pupils; petition for readmission; notices and parent conferences; expulsion for remainder of year and hearings; transfer of pupils; corporal punishment; regulation or prohibition of clubs or like activities.
4. Section 59-63-275 - Student hazing prohibited.
5. Section 59-67-240 - Other duties of bus driver; discipline of students for misconduct.

B. State Board of Education Regulations:

1. R43-279 - Minimum standards of student conduct and disciplinary enforcement procedures to be implemented by local school districts.

## HARASSMENT, INTIMIDATION OR BULLYING

Code **JICFAA** Issued **DRAFT/13**

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Purpose: To establish the basic structure for maintaining a safe, positive environment for students and staff that is free from harassment, intimidation or bullying.

The board prohibits acts of harassment, intimidation or bullying of a student by students, staff and third parties that interfere with or disrupt a student's ability to learn and the school's responsibility to educate its students in a safe and orderly environment whether in a classroom, on school premises, on a school bus or other school-related vehicle, at an official school bus stop, at a school-sponsored activity or event whether or not it is held on school premises, or at another program or function where the school is responsible for the student.

For purposes of this policy, harassment, intimidation or bullying is defined as a gesture, electronic communication, or a written, verbal, physical or sexual act reasonably perceived to have the effect of either of the following.

- harming a student physically or emotionally or damaging a student's property, or placing a student in reasonable fear of personal harm or property damage
- insulting or demeaning a student or group of students causing substantial disruption in, or substantial interference with, the orderly operation of the school

Any student who feels he/she has been subjected to harassment, intimidation or bullying is encouraged to file a complaint in accordance with procedures established by the superintendent. Complaints will be investigated promptly, thoroughly and confidentially. All school employees are required to report alleged violations of this policy to the principal or his/her designee. Reports by students or employees may be made anonymously.

The district prohibits retaliation or reprisal in any form against a student or employee who has filed a complaint or report of harassment, intimidation or bullying. The district also prohibits any person from falsely accusing another as a means of harassment, intimidation or bullying.

The board expects students to conduct themselves in an orderly, courteous, dignified and respectful manner. Students and employees have a responsibility to know and respect the policies, rules and regulations of the school and district. Any student or employee who is found to have engaged in the prohibited actions as outlined in this policy will be subject to disciplinary action, up to and including expulsion in the case of a student or termination in the case of an employee. Individuals may also be referred to law enforcement officials. The district will take all other appropriate steps to correct or rectify the situation.

Students, parents/legal guardians, teachers and staff members should be aware that the district may take disciplinary actions for conduct initiated and/or created off-campus involving the inappropriate use of the Internet or web-based resources if such conduct poses a threat or substantially interferes with or disrupts the work and discipline of the schools, including discipline for student harassment and bullying.

The superintendent will be responsible for ensuring notice of this policy is provided to students, staff, parents/legal guardians, volunteers and members of the community, including its applicability to all areas of the school environment as outlined in this policy.



## PAGE 2 - JICFAA - HARASSMENT, INTIMIDATION OR BULLYING

The superintendent will also ensure that a process is established for discussing the district policy with students.

Cf. GBEB, JIC, JICDA, J

Adopted 6/27/95; Revised 2/7/02, 1/28/05, 11/27/06, 10/24/11, ^

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### Legal references:

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

1. Section 16-3-510 - Organizations and entities revised (hazing unlawful; definitions).
2. Section 59-19-90 - General powers and duties of school trustees.
3. Sections 59-63-210 through 270 - Grounds for which trustees may expel, suspend or transfer pupils; petition for readmission; notices and parent conferences; expulsion for remainder of year and hearings; transfer of pupils; corporal punishment; regulation or prohibition of clubs or like activities.
4. Section 59-63-275 - Student hazing prohibited.
5. Section 59-67-240 - Other duties of bus driver; discipline of students for misconduct.
6. Section 59-63-110, et. seq. - Safe School Climate Act.

#### B. State Board of Education Regulations:

1. R-43-279 - Minimum standards of student conduct and disciplinary enforcement procedures to be implemented by local school districts.

#### C. Court cases:

1. Purdham v. Fairfax Co. Sch. Bd., 637 F.3d 421, 427 (4<sup>th</sup> Cir. 2011).
2. Kolwaski v. Berkeley County Schools, 652 F.3d 565 (4<sup>th</sup> Cir. 2011).

## HARASSMENT, INTIMIDATION OR BULLYING

Code **JICFAA-R** Issued **DRAFT/13**

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The district takes sexual and other types of harassment, intimidation and bullying of students seriously and prohibits such conduct by employees, students and third parties associated with district schools. These procedures are intended to do the following.

- Discourage employees, students and third parties from subjecting district students to sexual or other harassment, intimidation and bullying.
- Promote a school environment free of harassment, intimidation and bullying.
- Establish on-going education and awareness of the problem of harassment, intimidation and bullying.
- Provide information about how to report allegations of harassment, intimidation and bullying.
- Ensure a prompt, thorough and impartial investigation of allegations of harassment, intimidation and bullying.
- Effectively and appropriately address all harassment, intimidation and bullying found to have occurred or be occurring.

### **Types of behavior which constitute harassment**

#### *Quid pro quo harassment*

A school employee explicitly or implicitly conditions a student's participation in an educational program or activity or bases an educational decision on the student's submission to unwelcome sexual advances, requests for sexual favors or other verbal, nonverbal or physical conduct of a sexual nature, whether the student resists or submits to the conduct.

#### *Hostile environment*

An employee, student or third party engages in such conduct as inappropriate sexual advances, requests for sexual favors or other verbal, nonverbal or physical conduct of a sexual nature or based on the student's race, color, national origin, religion or disability, which is sufficiently severe, persistent or pervasive that it limits a student's ability to participate in or benefit from an education program or activity or creates a hostile or abusive educational environment.

### **Preventive action**

Periodically, the district will ensure the following.

- Information is made available to students about the nature of sexual or other harassment, intimidation and bullying, the procedures for registering a complaint and the possible redress which is available. Such information will stress that the district does not tolerate harassment, intimidation and bullying and that students can report inappropriate behavior without fear of adverse consequences. The information provided will take into consideration and be appropriate to the ages of students. Written summaries of harassment, intimidation and bullying procedures are included in student/parent handbooks or other appropriate documents distributed to students and/or parents/legal guardians.

## **PAGE 2 - JICFAA-R - HARASSMENT, INTIMIDATION OR BULLYING**

- Each school has selected a male and female administrator or faculty member to serve as the school's harassment, intimidation or bullying contact persons.
- All administrators and designated harassment, intimidation and bullying contact persons are informed of the district's harassment, intimidation and bullying procedures and understand how to implement them. For example, they will be made aware of the conduct that constitutes harassment, intimidation or bullying; the district's commitment to eliminating and avoiding harassment, intimidation or bullying in the schools; the penalties for engaging in such conduct; the procedures for reporting incidents of such conduct; and the procedures for conducting a harassment, intimidation or bullying investigation.
- All certified employees and support staff are informed about the nature of sexual and other harassment, intimidation and bullying and the district's general procedures for handling and reporting student complaints.
- Information from the office of civil rights (OCR) about filing claims of harassment with the OCR is made available to students and parents/legal guardians.

The district will designate a Title IX Coordinator. The name, address and business telephone number of the coordinator will be disseminated throughout the district and be made available to students and/or parents/legal guardians.

### **Reporting and response procedures**

Any student who feels that he/she has been the object of harassment, intimidation and bullying is encouraged to file a complaint with his/her principal or one of the designated school contact persons (except for situations covered in the following paragraph). Such a complaint may also be filed by the student's parent/legal guardian. (See attached complaint form which may be used to file a complaint.)

Under no circumstances will a student be required to first report allegations of harassment, intimidation or bullying to the principal or a school contact person if that person is the individual who is accused of the conduct. In such cases, the student or the student's parent/legal guardian will file the complaint with another contact person at the student's school or with the district Title IX Coordinator. In cases where the contact person is subordinate to the person accused of the harassment, the complaint will be forwarded directly to the district Title IX Coordinator.

If any employee receives a complaint of harassment, intimidation or bullying or observes any behavior which could amount to harassment, intimidation or bullying, the employee will transmit the complaint to one of the school's designated contact persons or report the behavior to the principal or one of the school contact persons as soon as practicable. Conduct to be reported includes graffiti on school property, hazing of students, etc.

All principals and/or school contact persons will report any incident of alleged harassment, intimidation or bullying reported to them to the district Title IX Coordinator(s) as soon as practicable.

If a student alleges that he/she is the victim of harassment, intimidation or bullying, the school should promptly attempt to notify the student's parent/legal guardian. The principal, school contact person and/or the Title IX Coordinator should initially discuss with the student and, if appropriate, his/her parents/legal guardians, what actions are being sought and the investigation procedures that will be followed. Interim measures designed to protect the student from further harassment during the investigation of a complaint should be taken where appropriate.

## **PAGE 3 - JICFAA-R - HARASSMENT, INTIMIDATION OR BULLYING**

In cases involving potential criminal conduct or where a child's physical or mental health or welfare has been or may be adversely affected by abuse, appropriate school personnel should report the situation to appropriate authorities in accordance with S.C. Code Ann. § 20-7-510 and/or § 59-24-60.

The Title IX Coordinator(s) and the school principal and/or one of the school contact persons will promptly initiate an investigation of the alleged harassment, intimidation or bullying. The investigation will include appropriate steps to determine what occurred and to take actions reasonably calculated to end the harassment, eliminate the hostile environment if one has been created, and prevent harassment from occurring again. The school will take steps to assist in remedying the effects of harassment on the individual student or students subjected to the harassment. This administrative rule does not create an obligation for the district to incur any expenses associated with a student's participation in private counseling or medical services. As part of any school district investigation, school officials will take into consideration any findings or other information available from law enforcement.

The district will be responsible for ensuring that reasonable efforts are made to prevent public disclosure of the names of all parties involved in the harassment allegations, except to the extent necessary to carry out an investigation and comply with statutory obligations.

If the investigation determines that harassment has occurred, the district or school administration will take reasonable, timely, age-appropriate and effective corrective action. Examples of corrective action include, but are not limited to, the following.

- disciplinary action against the harasser, up to and including termination of an employee or expulsion of a student
- special training or other interventions
- apologies
- dissemination of statements that the school does not tolerate sexual or other harassment
- independent reassessment of student work
- tutoring
- referrals to counseling services

The principal or the Title IX Coordinator will report the general results of any investigation of harassment, including corrective action taken, to the superintendent or his/her designee. The student and his/her parents/legal guardians will be informed that appropriate actions were taken and will be advised how to report any subsequent problems.

All principals and/or school contact persons will follow up periodically on any incident of harassment, intimidation or bullying they were involved in investigating to determine whether the student has been subjected to any further harassment since the corrective action was taken.

In the event that a school learns of possible harassment through other means than a student, parent/legal guardian or employee complaint, such as a witness to an incident or anonymous letter or telephone call, the administration will consider the following factors in formulating an appropriate response.

- source and nature of the information
- seriousness of the alleged incident
- specificity of the information
- objectivity and credibility of the source of the report
- whether any individuals can be identified who were subjected to the alleged harassment
- whether those individuals want to pursue the matter

## **PAGE 4 - JICFAA-R - HARASSMENT, INTIMIDATION OR BULLYING**

If, based on these factors, it is reasonable for the school to investigate and the principal, school contact person and/or Title IX Coordinator can confirm the allegations, the investigation will proceed as delineated above.

### **Additional obligations of all employees and students**

All employees and students will report to the principal, school contact persons or in appropriate cases the employee's immediate supervisor, any conduct on the part of third parties, such as sales representatives or service vendors, which is believed to constitute sexual or other harassment.

All employees and students will cooperate with and maintain the confidentiality of any investigation of alleged acts of harassment conducted by the district or by an appropriate governmental agency. Failure to do so could result in disciplinary action against the individual who failed to cooperate or who violated the confidentiality of the matter.

No employee or student of this district will take any action to discourage any student from reporting alleged harassment. However, any person who intentionally provides false information in connection with a report or investigation of harassment may be subject to disciplinary action.

No employee or student of this district will retaliate in any way against an employee or student who has provided information regarding an incident of harassment.

Issued 2/28/05; Revised 2/3/06, 11/27/06, ^

**SEXUAL HARASSMENT  
FORMAL COMPLAINT FORM**

Name of student complainant: \_\_\_\_\_

Address: \_\_\_\_\_

Phone number: \_\_\_\_\_

Parent's name: \_\_\_\_\_

School: \_\_\_\_\_

Grade: \_\_\_\_\_

Name(s) of alleged harasser(s): \_\_\_\_\_

Approximate date(s) of alleged harassment or when harassment began, if ongoing:  
\_\_\_\_\_  
\_\_\_\_\_

Location or situation where alleged harassment occurred, or is occurring:  
\_\_\_\_\_  
\_\_\_\_\_

Nature of the harassment: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Name and position of individual who conducted your informal consultation:  
\_\_\_\_\_  
\_\_\_\_\_

Other individuals in whom you have confided about the alleged sexual harassment:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Individuals you believe may have witnessed, or also been subjected to, the alleged sexual harassment: \_\_\_\_\_

\_\_\_\_\_

Remedy sought: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Signature of complainant or  
complainant's parent/legal guardian

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of individual receiving complaint

\_\_\_\_\_  
Date

## TOBACCO USE BY STUDENTS

Code **JICG** Issued **DRAFT/13**

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

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

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

Professional personnel will carry on programs of education designed to inform students about the hazards of smoking.

Adopted 6/23/86; Revised 4/25/94, 2/7/02, ^

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Legal references:

A. United States Code:

1. 20 U.S.C. 6081 - Pro-Children Act of 1994.

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

1. Section 16-17-490 - Contributing to the delinquency of a minor (school board rules and regulations may be exempt under certain circumstances).
2. Section 16-17-500 - Supplying minors with tobacco or cigarettes.
3. Section 59-67-150 - Qualifications of bus driver; drinking or smoking on bus.
4. Sections 16-17-500 and 501 - Youth Access to Tobacco Prevention Act of 2006.



## DRUG AND ALCOHOL USE BY STUDENTS

Code **JICH** Issued **DRAFT/13**

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

No student will do the following.

- knowingly or intentionally possess or distribute on school premises, school buses or at official school functions narcotic drugs, marijuana, depressants, stimulants or hallucinogenic drugs, any counterfeit drugs, imitation controlled substances, "lookalike" substances, synthetic drugs, and any substance that is represented to be or is substantially similar in color, shape, size or markings to a prohibited substance, or other controlled substances unless obtained from or pursuant to a valid prescription or ordered by a practitioner
- knowingly or intentionally possess or distribute on school premises, school buses or at official school functions beer, wine or distilled liquors
- possess or distribute on school premises, school buses or at official school functions any uncontrolled medicine or prescribed medicine without reporting the fact of possession to the principal or homeroom teacher upon arrival at school; the amount of any uncontrolled medicine or prescribed medicine may be limited by the principal and/or homeroom teacher

The district will suspend any person who violates the first two bullets above and the principal will recommend expulsion for the remainder of the school year. Any person who violates the third bullet above may be suspended or expelled or subject to such other lesser penalty as will be determined to be appropriate.

Students who come to school or any school function in an intoxicated condition or under the influence of alcohol or drugs or conduct themselves in a disorderly or boisterous manner may be arrested for a misdemeanor under Section 16-17-530, S.C. Code, as well as suspended and/or expelled from school.

If a student violates this alcohol or drug use policy, the principal will contact the parent/legal guardian and the local police and suspend the student from school. Any alcohol or drugs taken from a student will be turned over to the police.

Students who are addicted to or dependent upon a controlled substance may seek advice concerning such problems and obtain treatment without fear of arrest or being reported to law enforcement authorities.

Adopted 8/2/75; Revised 9/28/81, 4/25/94, 6/29/98, 10/24/11, ^

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Legal references:

I. Alcohol:

A. S.C. Constitution:

1. Article XVII, Section 14 - Must be over 21 to possess distilled liquors.

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

1. Section 16-17-530 - Students who come to school in an intoxicated condition, or conduct themselves in a disorderly or boisterous manner, could be arrested for a misdemeanor.
2. Section 59-67-150 - Drinking alcoholic liquors on a school bus is prohibited.

## PAGE 2 - JICH - DRUG AND ALCOHOL USE BY STUDENTS

### II. Drugs:

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

1. Section 44-49-80 - Establishment of drug abuse treatment program in public schools.
2. Section 44-53-110, et seq. - Definitions; lists of illicit drugs.
3. Section 44-53-140 - Certain communications and observations shall be privileged.
4. Section 44-53-160 - Manner in which changes must be made to schedules of controlled substances.
5. Section 44-53-190 - Substances added to Schedule 1 controlled substances.
6. Section 44-53-370 - Prohibited Acts A; penalties.
7. Section 44-53-440 - Distribution to persons under 18.