

## WEAPONS IN SCHOOL

Code **JICI** Issued **DRAFT/13**

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

### **Weapons**

It is the policy of the board of education to ensure the safety and welfare of its students and employees. The presence of firearms, knives with a blade length of over two inches, dirks, razors, metal knuckles, slingshots, bludgeons or any other deadly instrument used for the infliction of bodily harm or death on school district property poses a severe threat of serious harm or injury to students and staff.

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

### *Level of offense*

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

It is a misdemeanor offense, punishable by a fine of up to \$500 or imprisonment for up to 90 days, to carry a concealed dirk, slingshot, metal knuckles, razor or other deadly weapon.

### **Weapons (firearms)**

*Note: The following is directed specifically by the Gun-Free Schools Act 20 U.S.C. 7151.*

The board will expel any student who brings a weapon to school. For purposes of this policy, weapon means a firearm. The term firearm is defined extensively in the U. S. Code, but generally means a weapon (gun) or destructive device (explosive, incendiary).

The period of expulsion will be no less than one year.

The board directs ~~the superintendent to bring recommendations for~~ administrators to recommend expulsion consistent with this policy except that the superintendent, on a case-by-case basis, may modify this expulsion requirement.

The district will provide educational services in an alternative setting to students expelled under this policy when required under IDEA.

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

Adopted 9/26/77; Revised 4/25/94, 10/23/95, 6/26/05, ^

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Legal references:

- A. United States Code:
  - 1. 20 U.S.C. 7151 - Gun-Free Schools.

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

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

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

1. Section 59-63-235 - Expulsion of student determined to have brought firearm to school.
2. Section 59-19-90(3), (5) - General powers and duties of trustees.
3. Section 59-63-370 - Definition of a weapon.
4. Section 16-23-430 - Concealed weapons, school property exception.



# POSSESSION/USE OF ELECTRONIC COMMUNICATION DEVICES IN SCHOOL

Code **JICJ** Issued **DRAFT/13**

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

For purposes of this policy, electronic communication devices are defined as any telecommunications device (including cellular telephones, pagers, etc.) that emits an audible signal, vibrates, displays a message, or otherwise summons or delivers a communication to the possessor or someone else.

## ~~Model language for districts prohibiting student possession of electronic communication devices in school.~~

~~No student may possess an electronic communication device under the following circumstances:~~

- ~~• while on school property~~
- ~~• while attending a school sponsored or school related activity on or off school property~~

~~A student who is in possession of an electronic communication device as outlined in this policy is subject to discipline as provided under the district's code of student conduct.~~

~~A student in possession of an electronic communication device (may/will) have the device confiscated. The student's parent/legal guardian may pick up the confiscated device from the school at (district needs to decide details here: their convenience, within 10 days, at the end of the school year, etc.).~~

## ~~Model language for districts allowing student possession of electronic communications devices in school.~~

A student may possess an electronic communication device in school under the following circumstances.

- Possession of an electronic communication device by a student is considered to be a privilege, which may be forfeited by any student who fails to abide by the terms of this policy, or otherwise engages in the misuse of the device so as to violate school rules, board policy, or the law.
- Students may possess/use electronic devices during non-instructional time, or under the direct supervision of a staff member. Should the device cause any disruption to the instructional process or educational setting, the behavior will be addressed through the school discipline code.
- The district/school is not responsible for devices that are lost, stolen or broken while being used on school premises.
- All students must comply with the district/school Acceptable Use Policy regarding the use of electronic/digital devices.
- The creation of videos/pictures is not allowed without prior approval from an administrator.



- May not be used in any area where personal privacy of others must be respected, i.e., restrooms, dressing rooms, etc.

~~Note: Include district information here regarding times for student possession and or use, locations where use is appropriate and certain conditions where use is allowed (for example, student medical need or membership in a voluntary firefighting or emergency medical service organization).~~

~~A student in possession of an electronic communication device in conflict with this policy (may/will) have the device confiscated and is subject to discipline as provided under the district's code of student conduct. The student's parent/legal guardian may pick up the confiscated device from the school at (district needs to decide details here: their convenience, within 10 days, at the end of the school year, etc.).~~

~~Adopted~~<sup>△</sup>

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Legal references:

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

1. Section 59-63-280 - Possession of paging devices by public school students; mobile telephones included; adoption of policies.



## PREGNANT STUDENTS/STUDENTS WITH CHILDREN/ MARRIED STUDENTS

Code **JIE/JIF/JIG** Issued **DRAFT/13**

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Purpose: To establish the basic structure for school attendance of pregnant students, students with children and married students.

Pregnant students, married students and students with children are required to attend school under state attendance laws.

The ~~assistant superintendent for administration district attendance supervisor~~ may grant an attendance waiver to a student who has a child if the supervisor determines that suitable day care is unavailable. The student must consult with the district supervisor or his/her designee in a timely manner to consider all available day care options or the district will consider the student to be in violation of the compulsory attendance law which provides penalties for non-attendance.

Title IX regulations of the Educational Amendments of 1972 direct that a pregnant girl who for medical reasons finds it necessary to be on medical homebound instruction must be provided with the same services provided to other students who are on medical homebound instruction..

Adopted 4/22/74; Revised 10/23/95, ^

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### Legal references:

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

1. Section 59-65-10, et seq. - Compulsory attendance.
2. Section 59-65-30(e) - Exceptions.

B. United States Code:

1. 20 U.S.C.A. Section 1681. See also 34 C.F.R. Section 106 - Prohibits discrimination on the basis of sex or pregnancy-related conditions in any federally aided school program.



# STUDENT INTERROGATIONS, SEARCHES AND ARRESTS

Code **JIH** Issued **DRAFT/13**

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

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

## Searches

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

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

All searches must comply fully with the "reasonableness standard" set forth in *New Jersey v. T.L. O.*, 469 U.S. 328 (1985). This reasonableness standard recognizes that balancing the privacy interests of students with the substantial need of teachers and administrators to maintain order in the schools does not require that searches be based on probable cause to believe that the subject of the search has violated or is violating the law. Rather, the appropriateness of a search depends on the reasonableness, under all the circumstances, of the search. Determining the reasonableness of any search will involve a two-fold inquiry. First, a district or school administrator or official must determine that the search is justified at its inception and second, that the scope and conduct of the search is reasonably related to the circumstances justifying the search at its inception. In other words, all searches hereunder must be determined to: (1) have reasonable grounds for suspecting that the search will disclose evidence the student, or other person, has violated or is violating either the law or the rules of the district or school; and (2) be limited in scope and conduct to the extent that the measures utilized to carry out the search are reasonably related to the objectives of the search and not excessively intrusive in light of the age and sex of the person searched and the nature of the suspected infraction of the law or district or school rules.

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

Searches involving the use of metal detectors will be conducted in accordance with the procedures outlined in this policy and administrative rule JIH-R.

**District Five Schools of Spartanburg County**

(see next page)



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

### **Contacting law enforcement**

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

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

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

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

Administrators and teachers, as well as school resource officers, may question students about any matter pertaining to the operation of a school and/or enforcement of its rules. The questioning will be conducted discreetly and under circumstances which will avoid, to the extent practical under the circumstances, unnecessary embarrassment to the person being questioned. School resource officers will act consistently with law enforcement guidelines should any routine questioning turn into a criminal investigation. Any student who answers falsely or evasively or refuses to answer an appropriate question may be disciplined.

### **Interrogations by law enforcement**

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

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## **Custody or arrest**

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

## **Use of metal detectors**

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

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

Adopted 6/24/85; Revised 4/25/94, 10/25/04, ^

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### **Legal references:**

#### **A. U. S. Supreme Court Cases:**

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

#### **B. United States Constitution, Fourth Amendment.**

#### **C. South Carolina Constitution:**

1. Article I, Section 10.

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

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



## STUDENT INTERROGATIONS, SEARCHES AND ARRESTS

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

If a search yields evidence that a board policy, school rule or federal or state law has been violated, appropriate disciplinary action will be taken and in cases where the evidence suggests conduct which must be reported to law enforcement under S.C. Code Ann. 59-24-60, the appropriate law enforcement authorities will be immediately notified. As part of any school district investigation, school officials will take into consideration any findings or other information available from law enforcement.

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

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

Additionally, the search must be reasonable in its method and scope. A search must be carried out in such a manner that it targets the object of the search or the suspected evidence of a violation of law, district or school rules. The proper scope of the search is a case-by-case determination and is generally limited to the places in which it is reasonably suspected that the object of the search may be found.

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

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

The district provides lockers, desks and other school property to students for their use. Because the district retains ownership of this property, school officials may conduct searches of such property, including random and unannounced searches, with or without reasonable suspicion,

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when such search is determined by school officials to be otherwise reasonable in light of the needs of the school. However, objects belonging to students contained in such school property will not be opened or searched except as provided in the section above. Students will be notified expressly in writing in the student handbook that such school property may be searched at any time. In conducting searches of school property, student property will be respected and not damaged.

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

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

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

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

### **Use of trained dogs**

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

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

- Only trained and proven reliable dogs may be utilized on school grounds.
- Dogs will be under the control, direction and supervision of a trained dog handler and will be on a leash or subject to appropriate restraint at all times.
- Dogs will only be utilized when determined to be reasonable under all the circumstances by the school principal or his/her designee.



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- Dogs will not sniff an individual unless determined to be reasonable in all respects under the section above; however, actual physical contact between dogs and individuals should be avoided.

In all circumstances, school officials will make reasonable efforts to minimize the exposure of students to dogs. Should a dog alert its handler to the presence of any contraband, school officials may conduct a search in accordance with the procedures set forth above.

### **Use of metal detectors**

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

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

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

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

- The administration of the school has reasonable suspicion, based on reliable information or personal observation, to believe that weapons or dangerous objects are in the possession of unidentified students or individuals.
- There is a pattern of weapons or dangerous objects found at the school, on school property, at a school function or in the vicinity of a school.
- Violence involving weapons had occurred at the school or on school property, at school functions or in the vicinity of a school.

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

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

- Students will be notified via loudspeaker, assembly or by similar means of metal detector use in the school from time to time during the school year. Students will be notified that they must submit to a search conducted in accordance with the written procedures. Students who fail to cooperate will be subject to discipline for insubordination. Students and individuals will be given an opportunity to remove harmless metal objects from their person before entering the school premises, as is customary where metal detectors are otherwise used, so as to avoid needless embarrassment. Students or individuals who may be unable to participate

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in a metal detector search because of a verified medical condition will so notify the building principal or his/her designee. Those students or individuals will be escorted into the office, where an alternative method of search may, pursuant to district policy, be conducted.

- From time to time during the school year, metal detector scanning posts may be set up inside classrooms or offices or at the appropriate entrances to the school. All students or individuals entering the school must be searched. In order to facilitate the process, the administration may limit the search by use of any random formula. For example, the administration may choose to search every fifth person in line. Particular students may not be selected for a search unless there is reasonable cause to believe the student possesses a weapon. Hand-held scanning devices may only be used by a member of the same sex as the student being searched.
- The operators will explain the scanning process to each student or individual prior to a search, and will ask students or individuals to remove metal objects from their clothing. If a student's or individual's body activates the device, the operator will ask the student or individual to remove metal objects. A second scan will then be conducted. If the detector again indicates the presence of metal, the student or individual will again be asked to remove metal objects. A third scan will then be conducted. If the detector indicates the presence of metal for a third time, an operator, who must be the same sex as the student or individual, will escort the student or individual to a private area and again ask the student or individual to remove metal objects. If the student does not then produce a metal object, the operator may conduct a pat-down search. A witness will be present during all such searches. If the student or individual refuses to comply, the student's parent/legal guardian and/or the police will be called.
- The operators will also scan any bags or parcels carried by the student or individual. If a student's or individual's bag or parcel activates the scanning device, the operator will ask the student or individual to open the container for the limited purpose of determining whether a weapon is concealed therein.
- At no time will a strip search of a student or individual be conducted by an operator.
- All property removed from a student or individual as a result of the above procedures which may legitimately be brought onto school premises will be returned to the student or individual. Property removed from a student or individual, the possession of which violates school policy, will be confiscated, and the student will be disciplined in accordance with district policy. In cases where the student or individual may be in violation of state law, law enforcement will be notified.

Issued 2/3/06; Revised ^



## **STUDENT INTERROGATIONS, SEARCHES AND ARRESTS**

The following exhibit may be used as a checklist for administrators who are considering conducting a search of a student or the student's effects, locker, desk or motor vehicle.

- What factors cause you to have a reasonable suspicion that the search of this student or his/her effects, locker or automobile will turn up evidence that the student has violated or is violating the law or the rules of the school?
  - Eyewitness account
    - by whom
    - date/time
    - place
    - what was seen
  - Information from a reliable source
    - time received
    - how information was received
    - who received information
    - factors that make source reliable
    - description of information
    - suspicious behavior (explain)
- Note time of search.
- Describe location of search.
- Was student told purpose of search?
- Was consent requested?
- Was consent given?
- Was the search you conducted reasonable in terms of scope and intrusiveness?
  - What are you searching for?
  - Note sex of the student.
  - Note age of the student.
  - Describe exigency of the situation.
  - What type of search is being conducted?
  - Who is conducting the search (include name, position, sex)?
- Explanation of search
  - Describe the time and location of the search.
  - Describe exactly what was searched.
  - What did the search yield?
  - What was seized?
  - Were any materials turned over to the police?

## **STUDENT CONCERNS, COMPLAINTS AND GRIEVANCES**

Code **JII** Issued **DRAFT/13**

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Purpose: To establish the basic structure for a student grievance procedure.

The district provides a grievance procedure as a formal method for the resolution of any grievances concerning the treatment of students by district personnel. These grievances may arise from allegations of violations of student legal rights or district policy.

In addition, the board recognizes there may be conditions in the school system that the district could improve and that students should have some means by which they can effectively express their concerns.

The district will resolve student complaints and grievances through orderly processes and at the lowest possible level.

- A teacher will provide any student or his/her parent/legal guardian the opportunity to discuss a decision or situation that the student considers unjust or unfair.
- If the incident remains unresolved, the student, his/her parent/legal guardian or the teacher may bring the matter to the principal's attention for consideration and action.
- The student may also bring the matter to the attention of class officers or the student council (in grades and schools where such are elected) for possible presentation to the principal.
- If the matter is still unresolved after the procedure outlined above, the complaining party may bring the matter to the superintendent or his/her designee for consideration.
- If the matter is still unresolved, the complaining party may bring it in writing to the board for review. The chairman, at his/her discretion, may waive the written appeal if the circumstances warrant.

In all instances, the staff member who made the decision that is being appealed will have the right to be present.

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

### **Title IX complaints**

Students who believe that they have been discriminated against on the basis of their sex have the right to appeal to their principals. If the student is not satisfied with the decision of the principal, he/she may appeal to the district Title IX coordinator/superintendent and then to the board.

### **Section 504 complaints**

Students who believe that they have been discriminated against on the basis of their disabling condition have the right to appeal to their principals. If the student is not satisfied with the decision of the principal, he/she may appeal to the district Section 504 coordinator/superintendent and then to the board. The superintendent will schedule appeals to the board.



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Adopted 10/27/86; Revised 4/25/94, 10/26/09, ^

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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. Section 504(b) of Rehabilitation Act of 1973 - Prohibits discrimination against "otherwise qualified" handicapped persons by federal grantees.
4. Title IX of the Educational Amendments of 1972, 20 U.S.C. Section 1681, et seq. - Prohibits sex discrimination by federal education grantees.

B. U.S. Supreme Court:

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

## STUDENT ACTIVITIES

Code **JJ** Issued **DRAFT/13**

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Purpose: To establish the board's vision regarding student activities and the basic structure for the conduct of those activities.

The board regards student activities at the elementary and secondary school level as a vital part of the total educational program as long as the schools safeguard the development and well-being of the students. Schools should use these activities as a means of developing wholesome attitudes and good human relations as well as knowledge and skills.

The board sanctions student activities that traditionally have been a part of the overall school program provided school personnel properly supervise and operate the activities in accordance with school policies and regulations.

The board considers student activities to be learning experiences. The administration must develop, manage and evaluate these activities with this purpose in mind. The board considers student activities part of the total school curriculum. The administration should be included in regular curriculum planning, review and evaluation processes regarding these activities.

The principal will be responsible for the organization of all student activities. He/She will provide adequate supervision, administer student finances and approve all student activities with the assistance of delegated members of the faculty.

For purposes of this policy, definitions are as follows.

- Interscholastic activities are those extracurricular activities of the district involving participation or competition among or between schools, including interscholastic extracurricular music, speech, athletic and other such extracurricular activities.
- Extracurricular activities include school-sponsored activities for which preparation occurs outside of the regular school day, academic course enrollment is not required, eligibility may be verified by the district and/or the schools and the activity meets regularly through its season and/or through the school year. Eligibility for extracurricular activities will be based upon guidelines established by the organization's/activity's governing association or school policy.

### **Eligibility**

Individuals or members of groups involved in extracurricular activities which include out-of-school practice on more than one occasion weekly must meet eligibility requirements.

The board is responsible for the monitoring of all interscholastic activities other than those under the jurisdiction of the South Carolina High School League. Rules of the South Carolina High School League govern eligibility for interscholastic athletics.

Schools will determine academic eligibility at the beginning of each semester. Eligibility will be based on the previous semester's record of courses taken and grades achieved.

Eligibility requirements and fees for these activities will be the same for full time students of the resident school, homeschool students and eligible charter school students.



## **PAGE 2 - JJ - STUDENT ACTIVITIES**

### **Charter school student participation in extracurricular activities**

A charter school student is eligible to compete for, and if chosen, participate in any extracurricular activities not offered by the student's charter school which are offered at the resident public school he/she would otherwise attend, as well as any activities governed by the South Carolina High School League not offered at the charter school. The district may not impose any additional requirements for participation on charter school students that are not imposed on full time students.

### **Home school student participation in extracurricular activities**

A student residing in the district and eligible to attend schools of the district who has been taught in accordance with state law governing home schooling requirements for a full academic year prior to participating in an extracurricular activity may be eligible to participate in the extracurricular activities of the school where he/she is zoned to attend.

### **In addition**

The district will not allow an ineligible student to participate in any interscholastic and/or extracurricular activities.

Students diagnosed as disabled under the criteria established by the state board of education and satisfying the requirements of their Individualized Education Plan (IEP) as required may be eligible to participate in interscholastic and/or extracurricular activities.

Any challenge to a charter school or home school student's approval, denial or revocation of the privilege to participate in an interscholastic or extracurricular activity will be subject to the review and appeal procedures, if any, pertaining to the activity involved.

The superintendent or his/her designee will be responsible for disseminating this policy and supporting information to students, staff, parents/legal guardians, coaches, athletic directors, volunteers and members of the community through means to include, but not be limited to, student/staff handbooks, athletic handbooks, district website, parent notifications, etc.

Cf. IHBG, IHBH, JJA, JIG, JJI

Adopted 4/25/94; Revised 9/22/08, 10/22/12, ^

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### **Legal references:**

#### **A. Federal Legislation:**

1. Education of the Handicapped Act - Public Law 94-142 - Provides for free, appropriate, public education for all handicapped children.

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

1. Section 59-39-160 - Requirements for student participation in interscholastic activities.
2. Section 59-63-425 - Student may transfer.
3. Section 59-38-10 - South Carolina Education Bill of Rights for Children in Foster Care.
4. Section 59-65-40 - Home schooling programs.
5. Section 59-65-45 - Alternative home schooling requirements.
6. Section 59-65-47 - Associations or home schools; requirements.
7. Section 59-40-10, et. seq. - South Carolina Charter School Act of 1996.
8. Section 59-63-100, et. seq. - Equal Access to Interscholastic Activities Act.

#### **C. State Board of Education Regulations:**

1. R-43-244.1 - Interscholastic activities: academic requirements for participation.

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

## STUDENT ACTIVITIES

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

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### Definitions

There are four defined categories of activities in Spartanburg School District Five.

- Extracurricular activities include school-sponsored activities for which preparation occurs outside of the regular school day, academic course enrollment is not required, eligibility may be verified by the district and/or the schools, and the activity meets regularly through its season and/or through the school year. Eligibility for extracurricular activities will be based upon guidelines established by the organization's/activity's governing association or school policy.
- Curricular activities are those activities that are part of the regular curriculum for students. Curricular activities may have organized events, including rehearsals, which occur periodically through the school year. These activities are not extracurricular because the vast majority of the preparation occurs in an academic course. (i.e. concert-band, orchestra).
- Non-curricular activities are those activities that are not part of nor an extension of curricular activities sponsored and funded by the district, but occur irregularly or associated with a school-sponsored event and are part of the school culture and participation.
- Honor societies - These are organizations that recognize student achievement in the district.

Each school will develop and maintain a list of activities that fall into each of these categories.

### Charter school student eligibility

To be eligible to participate in a school's extracurricular activities, a charter school student must do the following.

- Be a resident of the district and provide proof of residency to the superintendent or his/her designee.
- Complete an application to participate in extracurricular activities prior to the commencement of the activity involved.
- Meet applicable academic, attendance and behavioral requirements to participate in district extracurricular and/or student activities, including applicable state regulatory requirements for interscholastic activity participation.
- Participate at his/her residentially assigned school and be responsible for payment of all fees and expenses associated with participation in the activity charged to student participants enrolled in the district.
- Not have available a similar activity or program offered by or through the charter school in which he/she is enrolled.

Any costs associated with a required aide, special services support, special transportation, etc. for a disabled charter school student with special needs necessary for participation in an extracurricular activity must be arranged and funded by the student's charter school. The charter



## **PAGE 2 - JJ-R - STUDENT ACTIVITIES**

school is responsible for complying with any requirements of Section 504 or the Individuals with Disabilities Education Act with respect to a student's participation in an extracurricular activity.

A charter school student participating in an extracurricular activity is responsible for transportation to the activity.

### **Home school student eligibility**

To be eligible to participate in a school's interscholastic extracurricular activities, a home school student must do the following.

- Be a resident of the district and provide proof of residency to the superintendent or his/her designee.
- Complete an application to the superintendent or his/her designee to participate in district interscholastic activities before the beginning date of the season for the activity.
- Meet applicable academic, attendance and behavioral requirements to participate in district interscholastic activities, including applicable state regulatory requirements for interscholastic activity participation.
- Participate at his/her residentially assigned school and be responsible for payment of all fees and expenses associated with participation in the activity charged to student participants enrolled in the district.

The district is responsible for ensuring reasonable accommodations are provided to home school students participating in district interscholastic activities who have a qualifying disability under Section 504 of the Rehabilitation Act or the Americans with Disabilities Act.

A former public school student who has been unable to maintain academic eligibility is ineligible to participate in interscholastic activities as a home school student for the following semester. To establish eligibility thereafter as a home school student, the student's teacher must certify by affidavit to the superintendent or his/her designee that the student meets the district's interscholastic activity participation requirements.

A home school student participating in an interscholastic activity is responsible for transportation to the activity.

### *Appeals*

If a charter school student or home school student is denied participation in a curricular or non-curricular activity, an appeal of the school principal's determination may be made to the Superintendent. It is the sense of the Board that participation should be granted unless the District or School is unable to maintain the quality, integrity, discipline or intent of the program.

Issued 10/22/12; Revised ^

**REQUEST/VERIFICATION FORM FOR CHARTER SCHOOL STUDENT PARTICIPATION  
IN EXTRACURRICULAR ACTIVITY**

**(To be completed by the charter school administrator and student's parent/legal guardian)**

Pursuant to H. 3241 59-40-50 Section 6, a charter school student is eligible to participate in extracurricular activities at the student's resident public school consistent with eligibility standards as applied to full-time students of the resident public school.

I understand the following conditions are required.

- The charter school student is requesting to participate in extracurricular activities at his/her zoned school (contact the district office).
- The charter school student must meet the appropriate requirements of the charter school education program as determined by the charter school governing board.
- The charter school student will agree to meet the same standards of academic performance, behavior and other identified requirements as all other district students.
- The charter school student must contact the school to obtain all information involving dates and procedures for "tryouts."
- The charter school student or parent/legal guardian will agree to pay any participation fees normally charged to all district students.
- The charter school does not offer a similar extracurricular program or activity.

The charter school student must agree to a release of educational records to the district necessary to verify compliance with participation requirements.

If approved and selected to participate, the charter school student is responsible for transportation to and from the extracurricular activity.

**(To be completed by the charter school administrator)**

Charter school name: \_\_\_\_\_ Student name: \_\_\_\_\_

Extracurricular activity: \_\_\_\_\_ School year (2012-2013): \_\_\_\_\_

Name of charter school administrator: \_\_\_\_\_ Official title: \_\_\_\_\_

Administrator's phone number: \_\_\_\_\_ Email: \_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

*Note: Send completed form to the designated administrator of the participating school and send a copy to the district.*

\_\_\_\_\_  
Parent/Legal guardian signature

\_\_\_\_\_  
Date



**INTENT TO PARTICIPATE IN INTERSCHOLASTIC ACTIVITIES**  
**Home School Student**

Dear Superintendent,

I am writing to notify you of the intent to participate in interscholastic activities by a home school student. I hereby attest that this student was a home school student for a full academic year prior to participation in the activity and resides within the boundaries of the school for which the student will participate. I understand this student must meet all school district eligibility requirements with the exception of the school district's school or class attendance requirements, or the class and enrollment requirements of the associations administering the interscholastic activities.

We look forward to this involvement in our community. Please let us know if you need any additional information.

Sincerely,

\_\_\_\_\_  
(Parent/Legal guardian signature)

\_\_\_\_\_  
(Parent/Legal guardian printed name)

*Note: The home school student must agree to a release of educational records to the district necessary to verify compliance with participation requirements.*

*The contact information for your district superintendent may be found at [www.ed.sc.gov/schools](http://www.ed.sc.gov/schools).*

**Student information**

Full name: \_\_\_\_\_

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

Public school district\*: \_\_\_\_\_ Public school: \_\_\_\_\_

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

Birth date (mm/dd/yy): \_\_\_\_\_ Grade level (for participating year): \_\_\_\_\_

Home school association\*\*: \_\_\_\_\_

Association phone: \_\_\_\_\_ Association email: \_\_\_\_\_

**Interscholastic activity/activities**

I am seeking to participate in the following activity/activities.

Athletics\*\*\* (list sports): \_\_\_\_\_

Music (list activity): \_\_\_\_\_

Other (list activity): \_\_\_\_\_

\_\_\_\_\_  
Student signature

\_\_\_\_\_  
Date (mm/dd/yy)

*\*To find your school district by your address visit: [schooldistrictfinder.com](http://schooldistrictfinder.com)*

*\*\*A list of SC home school accountability groups may be found at: [PalmettoFamily.org/Homeschool](http://PalmettoFamily.org/Homeschool)*

*\*\*\*See the [www.schsl.org](http://www.schsl.org) calendar for high school sports dates and deadlines.*

## STUDENT ORGANIZATIONS

Code **JJA** Issued **DRAFT/13**

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Purpose: To establish the basic structure for the conduct of student organizations.

The activities and financial affairs of student body organizations in the school district will be conducted in accordance with state law and the policies, rules and regulations of the school district.

The board is authorized to regulate, control or prohibit clubs or other such activities on school property or during school hours. The board delegates to the principal of each school jurisdiction over all athletic, student organizations and activity funds.

### **Qualifications for membership in student organizations**

The public school is a democratic institution which requires that membership in clubs and other organizations of the school be based on objective criteria. These criteria must permit all students to compete for membership without prejudice as to race, creed or subjective judgement of their peers.

Any combination of the following may be used as the basis for selecting students for membership.

- scholarship
- citizenship
- grade level
- subject level
- special proficiency evaluated by certificated personnel on the basis of predetermined standards

Under no circumstances will the membership in a school club be determined by the subjective judgment of students constituting the club.

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.



## LIMITED OPEN/CLOSED FORUM

Code **JJAB** Issued **DRAFT/13**

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Purpose: To establish the basic structure for the open (or closed) forum for non-curriculum related student groups to meet on school premises.

The district has the option of not providing a limited public forum.

The Equal Access Act requires that public secondary schools grant equal access to student groups who wish to meet for religious, political or philosophical purposes if the school allows other types of non-curriculum related student groups to meet. The district will provide a limited open forum for secondary student non-curriculum related groups to meet on school premises.

Secondary schools may not deny equal access to or discriminate against those students conducting meetings that may contain religious, political or philosophical speech or ideas with which the school disagrees. These meetings must not be otherwise unlawful or materially or substantially interfere with the orderly conduct of educational activities within the school.

The principal will establish the time for such meetings either before or after school or during the lunch hour in order to ensure equal access to student groups wishing to meet.

The principal may approve student groups' use of facilities to conduct a meeting during the open forum provided that the following conditions are met.

- The meeting will take place during the open forum at a time the principal designates.
- The meeting is voluntary and student initiated. The principal must be assured that students are the ones promoting such activities and that they are participating of their own volition. Only students enrolled in the school may request the meetings.
- Neither school authorities nor district employees may promote, lead or participate in such meetings. Principals may assign personnel to supervise these meetings. This action does not constitute sponsorship by the district of such meetings. School employees may, however, hold meetings that are held as part of a curriculum related or other school sponsored activity such as a school play or an athletic activity.
- The meeting does not in any way interfere with the conduct of the regular instructional activities of the schools. Since the education of the student is the prime responsibility of the school, any other activities are secondary. The school may deny facilities to students on the basis that such activities or meetings interfere with the instructional program.
- Student meetings are not controlled, conducted or directed by persons or groups not affiliated with the school. The principal must approve visitors to the school for such meetings prior to the meeting.
- The meeting must be open to all students without regard to race, gender, religion, immigrant status or English-speaking status, or national origin. The school may not in any way limit the meetings to a particular number of students.

This limited open forum policy does not apply to elementary school children.

Adopted 4/25/94; Revised ^

# PAGE 2 - JJAB - LIMITED OPEN/CLOSED FORUM

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## Legal references:

### A. United States Statutes at Large:

1. The Equal Access Act, Public Law 98-377 - Providing for equal access by students to limited open forums.
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 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 59-1-150 - "Kindergarten," "elementary school," "middle school," "secondary school," "junior high school," and "high school" defined.
2. Section 59-63-270 - Regulation or prohibition of clubs or like activities.
3. Section 59-63-40 - Discrimination on account of race, creed, color or national origin prohibited.
4. Section 59-1-435 - Religious Viewpoints Antidiscrimination Act.

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

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



**APPLICATION FOR FORMATION OF  
NON-CURRICULUM RELATED STUDENT CLUB/ORGANIZATION**

(All clubs and organizations must gain administrative approval in the year prior to the club/  
organization's official establishment.)

1. Complete name of the club/organization and commonly used abbreviation: \_\_\_\_\_  
\_\_\_\_\_
2. Club/Organization's president/chairman/spokesperson: \_\_\_\_\_  
\_\_\_\_\_
3. Clearly describe the mission of the club/organization: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
4. Academic or special membership requirements (class, initiation fee, etc.): \_\_\_\_\_  
\_\_\_\_\_
5. Provide a summary of programs/activities planned or anticipated for this year (attach list if  
necessary):  
\_\_\_\_\_  
\_\_\_\_\_
6. If this club/organization is associated with any other group (school, local, national, etc.), please  
describe the nature of the affiliation. The student needs to state the mission of any state or national  
organization.  
  
The student needs to provide contact information for any state or national organization, such as web  
sites and phone numbers (attach if necessary):  
\_\_\_\_\_  
\_\_\_\_\_
7. Anticipated number of students in this club/organization: \_\_\_\_\_
8. Name of certified staff member(s) that will serve as sponsor: \_\_\_\_\_  
\_\_\_\_\_
9. Attach a copy of the club/organization's official bylaws.

We certify the following.

- a.) The information on this application is accurate.
- b.) We will notify the school principal of any changes in this information in a timely manner.
- c.) We will comply with the district's code of student conduct and the Spartanburg County School  
District 5 policy and administrative rule regarding non-curriculum related student clubs.

\_\_\_\_\_  
*Signature of person making request*

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Signature of sponsor*

## **STUDENT SOCIAL EVENTS**

Code **JJB** Issued **DRAFT/13**

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

Schools may sponsor multi-class social activities. The following guidelines will be observed.

- The student government will submit a list of all activities for the school year to the principal for approval.
- Students, teachers and parents/legal guardians will plan the activities.
- Participants will not use school time for fundraising, planning, decorating or cleaning.
- The administration will treat misconduct at school-sponsored activities in the same manner as misconduct at school.

The district will restrict these activities to students attending the school, one guest per each student, district staff members, chaperones and entertainers selected by the sponsoring group.

Adopted prior to 1974; Revised 2/8/88, 4/25/94, ^



## STUDENT FUNDRAISING ACTIVITIES

Code **JJE** Issued **DRAFT/13**

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Purpose: To establish the basic structure for the conduct of student fundraising activities.

Schools will keep fundraising campaigns to a minimum so as not to impair the efficiency and effectiveness of the education program. In addition, schools may undertake such campaigns only under the following circumstances.

- ~~No one may solicit monetary contributions from students at any time.~~
- Fundraising campaigns sponsored within the school must be in support of specific student activities or projects that will contribute to the improvement of the school's program.
- The principal will approve and supervise each campaign.
- Students may not participate in fundraising activities during school hours without the express approval of the principal.
- Students will not solicit personal contributions to meet the basic needs of the school. ~~or to finance extracurricular activities.~~

No student or organization may sell, distribute or advertise services, written materials or items from private sources on school premises or in the school or school district without the permission of the principal of the school involved and the superintendent.

Organizations or students seeking to distribute materials to students unrelated to the individual school or school district must have the permission of the superintendent.

Adopted prior to 1074; Revised 4/28/75, 6/26/89, 4/25/94, ^

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Legal references:

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

1. Section 16-17-420 - Board can regulate any activity that would disturb school.

## STUDENT FUNDRAISING ACTIVITIES

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

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All fundraising activities that take place must be conducted by an organization, not an individual. Any club or organization requesting permission to hold a fundraiser must have a valid charter and board-approved bylaws and have been in existence for at least four months prior to making the request. The principal ~~and superintendent~~ must approve the fund-raising activities of both parent/legal guardian and student-governed organizations. The approval must be in writing and issued prior to the beginning of the fundraising activity.

Organizations must make written requests for fundraising activities to include the following.

- the inclusive dates of the activity or sales campaign
- the type of activity clearly explained
- name of supplier of sales items or activity
- intended use of the money raised
- how this use of funds can improve the school

~~The district will limit each club or organization to one fundraising project per school year.~~

All information, advertising, tickets and other materials used for promotion of the activity must carry the name of the sponsoring club or organization. Organizations may not use a board of trustees endorsement on any materials, notices or advertising without the specific written consent of the board.

No student, teacher or employee of the district will be required to participate in any fundraising activity sponsored by a parent/legal guardian or student group such as, but not limited to, PTA, band boosters, etc.

Issued ^



## STUDENT ACTIVITIES FUNDS

Code **JJF** Issued **DRAFT/13**

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Purpose: To establish the basic structure for the management of student activities funds.

The principal has jurisdiction over all athletic, student organization and other activity funds. The principal must approve all expenditures from any of the activity funds in advance. Organizations may use the funds only for authorized purposes. ~~All financial activity and accounting activity must comply with the Student Activities and Accounting Procedures Manual.~~

The certified public accountant selected by the district will audit the student activity funds at the close of each fiscal year, or at any other time when circumstances so demand. Schools will keep financial records of activity funds on file in compliance with state and federal law.

### Liquidation of activities funds

Schools will carry over funds remaining in the account of a student, class or alumni organization at the end of each fiscal year. The school will carry over funds until the next year as long as that organization continues to function. If an organization does not meet at least once annually and elect officers, the school will consider that organization inactive and liquidate their funds. The school will place the funds in the general fund school account.

Adopted prior to 1974; Revised 3/22/93, 4/25/94, ^

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Legal references:

- A. Department of Archives and History Regulations:
  - 1. Regulation 12-901 through 12-906.6 - Article 9 - General retention schedules for school districts.

## STUDENT ACTIVITIES FUNDS

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

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### Expenditures

- The principal (or in his/her absence a designee) must manually sign all checks (see policy DGA).
- The designee authorized to sign checks in the principal's absence must not be a secretary/bookkeeper. The designee may be an assistant principal or other professional approved by the principal. The designee must have signature authority with the bank before signing any checks.
- The sponsor must give written approval authorizing payment for all expenditures from his/her ledger account.
- The principal must give written approval authorizing payment for any expenditure for accounts that have no sponsor.
- Every check must be supported by written documentation (i.e. invoice, receipt, voucher or affidavit).
- Check number must be referenced on the appropriate documentation (i.e. invoice, receipt, voucher or affidavit).
- The principal must be informed by the sponsor and/or bookkeeper of any expenditure that would cause a ledger account to exceed its balance. Approval by the principal for such expenditure should be obtained prior to making a commitment of funds and approved only in rare circumstances.
- Cash should never be used to make an expenditure.
- Signature stamps should never be used to approve an expenditure.
- No checks should be written from the school activities funds to employees for stipends, honorariums, compensation for services, etc.
- No checks should be written from school activities funds for gifts to individual employees without prior written permission from the superintendent.

### Receipts

- All funds must be deposited in a timely manner (see policy DM). "All principals are responsible for having school monies deposited on a daily basis and at the end of each school day or to make arrangements with local banks for night depository privileges and use these facilities when necessary. In rare circumstances when it becomes necessary for money to be in a school, it must be secured in a locked vault until the next banking day. Persons making deposits after banking hours must be accompanied by a police officer."
- Written records (receipts) must support all money collected.
- Pre-numbered receipts must be used. A log must be maintained of the receipt books distributed.



## **PAGE 2 - JJF-R - STUDENT ACTIVITIES FUNDS**

- All deposits must be supported by copies of receipts which are to be attached to the bank receipt and copy of the deposit slip.

### **General procedures**

- Separate ledger accounts will be maintained for all major activities.
- Receipts and expenditures must be recorded in the appropriate ledger accounts.
- All transfers between ledger accounts must have written approval by the principal and any sponsor affected should be informed.
- A copy of account detail is to be shared with the sponsor as needed (monthly for high activity accounts, such as, athletics and souvenirs) for his/her review.
- A copy of accounts summary is to be given to the principal monthly.
- A copy of accounts summary is to be given to the finance director annually.
- A copy of check reconciliation is to be submitted to the finance director monthly.

The finance director should be made aware of any accounts opened by the school including, but not limited to, checking, savings, CDs, credit cards (including Sam's, Costco).

Issued 1/02; Revised 8/23/10, ^

## CONTESTS FOR STUDENTS

Code **JJG** Issued **DRAFT/13**

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Purpose: To establish the basic structure for the conduct of contests involving students.

The district will cooperate with individuals, community organizations and agencies desiring to sponsor activities in the public schools in keeping with the purposes and educational aims of the district provided such activities can be integrated into the school program without disruption or loss of instructional time and without imposing an unreasonable added workload on the staff of the school.

In addition to the conditions stated above, schools may sponsor or promote contests involving agencies outside the school as a part of the school program only when all of the following criteria are met.

- The contest has definite educational value.
- The contest emphasizes educational value rather than prizes.
- The contest is integrated into the regular instructional program.
- Student participation is voluntary.

Each principal will determine which contests may be held in his/her school.

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



## **INTERSCHOLASTIC ATHLETICS (STUDENT ATHLETICS)**

Code **JJI** Issued **DRAFT/13**

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Purpose: To establish the basic structure for the conduct of student athletic activities.

Rules of the South Carolina High School League govern interscholastic athletics.

These rules require that the principal be ultimately responsible in all matters that concern interscholastic contests. The league also holds him/her responsible for the vote of the school on all conference and league issues.

Rules and regulations of the league cover the age, health, transfer, scholarship, amateurism, etc. of students engaging in interscholastic athletic contests; the qualifications of head coaches; the sponsorship, supervision and number of games; practice and playing seasons; the fulfillment of interscholastic contracts; the employment of game officials; and other matters important to sound administration of high school interscholastic athletics.

The requirements for participation in interscholastic activities set out in policy JJ will also govern participation in interscholastic athletics.

### **Dual sports participation**

During the season for any high school league sport except for football, a student who is a member of a school team may participate on an independent team under the following conditions.

- Participation does not interfere with the scheduled league games or practices of the school squad or team.
- A signed statement is on file with the school's athletic director to include parent/legal guardian permission for the student to participate in dual sports as well as signed acknowledgement by the independent coach that the student's participation will not interfere with scheduled league games or practices.

A school or student will not be declared ineligible for participation in an interscholastic high school league sport except for football because of dual sports participation under this policy.

Adopted 3/17/75; Revised 10/84, 4/25/94, 11/25/96, 2/07/02, 11/03, ^

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Legal references:

A. Federal Legislation:

1. Education of the Handicapped Act - Public Law 94-142 - Provides for free, appropriate, public education for all handicapped children.

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

1. Section 59-39-160 - Requirements for student participation in interscholastic activities.
2. Section 59-63-55 - Report required of certain injuries.
3. Section 59-63-70 - High school student participation in independent organized sports teams.
4. Section 59-63-425 - Transfer upon violation of restraining order; interscholastic activity eligibility.

## **PAGE 2 - JJI - INTERSCHOLASTIC ATHLETICS (STUDENT ATHLETICS)**

5. Section 59-38-10 - South Carolina Education Bill of Rights for Children in Foster Care.
  6. Section 59-65-40 - Home schooling programs.
  7. Section 59-65-45 - Alternative home schooling requirements.
  8. Section 59-65-47 - Associations or home schools; requirements.
  9. Section 59-40-10, et. seq. - South Carolina Charter School Act of 1996.
  10. Section 59-63-100, et. seq. - Equal Access to Interscholastic Activities Act.
- C. State Board of Education Regulations:
1. R-43-244.1 - Interscholastic activities: academic requirements for participation.



## **INTERSCHOLASTIC ATHLETICS (STUDENT ATHLETICS)**

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

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- All school-sponsored activities which are held on Sunday must have prior approval from the principal and the superintendent.
- The district prohibits students in grades one through six from participating in school-sponsored competitive sports of a varsity pattern.
- Practice periods of interscholastic contests will not be excessive in length or number.
- Each student who participates in any athletic practice or contest must be provided with adequate and safe equipment and must have adequate medical insurance.
- The principal will be responsible for providing adequate information and supervision to all students who participate in interscholastic activities which insure growth in citizenship.
- Practices for any sport held on Monday through Thursday may not begin prior to the end of the regular school day and should end prior to 9 p.m.

Issued 8/28/75; Revised 4/25/94, 5/02, ^

# **RANDOM DRUG AND ALCOHOL TESTING OF STUDENT ATHLETES**

Code **JJIE** Issued **DRAFT/13**

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Purpose: To establish the basic structure for random drug and alcohol testing of student athletes.

The use of illegal drugs or alcohol by student athletes poses a significant threat to the health and safety of all students who participate in athletics.

Therefore, the board authorizes the administration to implement a program for random drug and alcohol testing of student athletes. The accompanying administrative rule covers the procedures for conducting these tests and the appropriate recourse for positive results. This testing program is consistent with the mission of the district, as stated below.

The mission of District Five Schools of Spartanburg County is to ensure that all students succeed in life choices and function as productive citizens by providing quality educational experiences in a safe, caring and nurturing environment.

Primary emphasis in administering the random drug and alcohol testing program should be directed toward deterrence rather than punishment of student athletes who test positive for illegal drugs or alcohol. Sanctions and corrective action should be designed accordingly. This policy is not intended to be disciplinary or punitive in nature. The district will not suspend or expel a student from the district's curricular program as a sole result of any positive test conducted under the district's random drug and alcohol testing program.

This policy applies to all district students who participate in any high school athletic programs not required for graduation.

Adopted 6/28/10; Revised ^

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## Legal references:

### A. United States Supreme Court Decisions:

1. Vernonia Sch. Dist. 47J v. Acton, 515 U.S. 646 (1995); Bd. of Educ. of Indep. Sch. Dist. No. 92 of Pottawatomie County v. Earls, 536 U.S. 822 (2002)

# **RANDOM DRUG AND ALCOHOL TESTING OF STUDENT ATHLETES**

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

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## **Testing coordinator**

The principal or an administrative designee will coordinate and supervise the testing program at both middle and high schools in the district.

## **Eligibility for testing**

Students who participate in high school athletic programs not required for graduation are eligible for random drug testing.

A student will submit the consent to test form for each sport in which the student desires to participate. The student will submit the form to the testing coordinator seven days before the student participates in that sport. The consent to test form must be signed by the student and his/her parent/legal guardian. A student becomes eligible for testing upon submission of the consent to test form. A student who refuses to submit the consent to test form is ineligible to participate in that sport.

A student remains eligible for random drug and alcohol testing from the date the consent to test form is submitted throughout the season of that sport. A student may be randomly selected for drug and alcohol testing more than one time per season.

If a student eligible for random drug and alcohol testing withdraws from an athletic team, the student may submit an athletic team drop form to the testing coordinator. A submitted athletic team drop form signed by the student, parent/legal guardian, coach and principal effectively removes the student from the random testing pool for that sport.

## **Substances tested**

In administering the random drug testing program, the district will test for the presence of certain substances that may include, but not be limited to, the following.

- alcohol
- marijuana (THC)
- opiates
- cocaine
- methamphetamines
- phencyclidine (PCP)
- MDMA (Ecstasy)

## **Selection of students for testing**

Testing will occur only on student contact days during the academic year.

Selection of eligible students for testing will be conducted on a random basis, to be carried out as follows.

- The testing coordinator will compile a roster of ID numbers of students eligible for testing.



## **PAGE 2 - JJIE-R - RANDOM DRUG AND ALCOHOL TESTING OF STUDENT ATHLETES**

- During each athletic season, the testing coordinator will randomly select ID numbers for the student athletes participating in a sport from a pool containing the ID numbers of all the student athletes participating in a sport.
- The district will make a reasonable effort to contact the parents/legal guardians of student athletes who have been selected for random testing.
- The students selected for testing will be escorted to the location designated as the testing site.
- The testing site will be at the school in an area that has a secured bathroom that will maximize the student's privacy.

### **Administering the test**

All aspects of the random drug testing program, including the collection of specimens, will be conducted so as to safeguard the student's privacy rights to the maximum extent possible. All urine testing will be conducted in a closed-door restroom without direct observation by adult monitors.

The student will produce a urine specimen in a closed stall. An adult monitor of the same sex as the student will listen for the normal sounds of urination. A student who has trouble producing a specimen will remain in the collection area until he/she is able to do so.

Should a student refuse testing, the consequences will be the same as if the student tested positive.

Once the student produces the specimen, the student will give it to the adult monitor who will check it for temperature or tampering and transfer it to a vial. If a student attempts to tamper with the specimen collection process, the student's specimen will be deemed positive.

The adult monitor and student will complete a specimen control form that will guarantee the chain of custody. The testing coordinator will forward the specimen, marked with the student's ID number, to a licensed laboratory for testing.

### **Test results and notification**

The student's test results will be treated as a confidential health record pursuant to both federal and state regulations. Any information obtained from the testing program that would identify a student as a drug or alcohol user may be disclosed only for those purposes and under those conditions permitted by federal regulations.

A student's test records will not be used to initiate or substantiate any investigation of the student or criminal charges against the student. Test results will not be turned over to any law enforcement authorities, except under circumstances in which the school district is legally compelled to disclose the test results.

A student's test results will be kept for no longer than one year post graduation in confidential files separate from the student's educational records.

The test results will be disclosed only to the student, the student's parent/legal guardian and personnel who have a need to be informed in order to execute the drug testing program. The district may disclose the test results to other individuals only with the written consent of the student and his/her parent/legal guardian.



# PAGE 3 - JJIE-R - RANDOM DRUG AND ALCOHOL TESTING OF STUDENT ATHLETES

## Consequences

### *First positive result*

A student who tests positive for drugs or alcohol for the first time must attend a conference with the student's parent/legal guardian, principal, head coach and athletic director. At the conference, the student will be given the option of either of the following.

- participating in substance abuse services, counseling, with a certified clinical counselor, including random urinalysis, for 12 weeks
- being suspended from athletics for 90 days

If a student tests positive during the 12 weeks ~~of counseling~~, the consequences will be the same as a second offense.

### *Second positive result*

A student who tests positive for drugs or alcohol for the second time must attend a conference with the student's parent/legal guardian, principal, head coach and athletic director. At the conference, the student will be declared ineligible from participating in athletics for 90 days.

To regain eligibility, the student must participate in substance abuse services, counseling, with a certified clinical counselor, including random urinalysis, for 12 weeks.

### *Third or more positive result*

A student who tests positive for drugs or alcohol for the third time or more must attend a conference with the student's parent/legal guardian, principal, head coach and athletic director. At the conference, the student is declared ineligible from participating in athletics for one calendar year. The student will not be eligible to participate until the beginning of a sports season following the one-year suspension.

To regain eligibility, the student must participate in substance abuse services, counseling, with a certified clinical counselor, including random urinalysis, for 12 weeks.

## Appeal procedure

A participating student and his/her parent/legal guardian may request a retest of the specimen at their own expense at a laboratory designated by the district. Appeals must be made in writing to the testing coordinator within 48 hours of receiving the test results.

Issued 6/28/10; Revised ^

**RANDOM DRUG AND ALCOHOL CONSENT TO TEST FORM**

I plan to participate in the following athletic activity/activities \_\_\_\_\_  
for the \_\_\_\_\_ school year.

I understand that my participation in athletics and the reputation of my school are dependent on my conduct as an individual. I hereby agree to accept and abide by the standards, rules and regulations set forth by the District Five Board of Trustees of Spartanburg County.

I authorize the district to test my urine for drugs and alcohol, pursuant to board policy and the accompanying administrative rule, if my name is selected from a random pool. I also authorize the release of the test results to district personnel needed to execute the random drug and alcohol testing program.

\_\_\_\_\_  
Student's name

\_\_\_\_\_  
Student's ID number

\_\_\_\_\_  
Student's signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Parent/Legal guardian name

\_\_\_\_\_  
Parent/Legal guardian telephone no.

\_\_\_\_\_  
Parent/Legal guardian signature

\_\_\_\_\_  
Date



## STUDENT DISCIPLINE

Code **JK** Issued **DRAFT/13**

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

The school is a community. It is responsible for educating those children who attend and, therefore, it must establish and enforce guidelines and procedures that provide for reasonable order and an atmosphere where learning can take place.

In keeping with the philosophy that discipline is a means of teaching and that most effective teaching is done in a positive manner, disciplinary efforts are to be as positive as possible. Positive means of working with students include individual discussion and counseling, involvement of students in defining acceptable behavioral standards and involvement of parents/legal guardians.

Under the direction of the superintendent, school personnel will establish, periodically review and, if necessary, revise procedures for disciplining students.

All procedures and guidelines will be fair, just, flexible and in the best interest of the individual students and the school community. In addition, all procedures and guidelines will comply with the appropriate statutes and constitutional provisions.

Adopted 4/25/94; Revised ^

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### Legal references:

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

1. Section 59-19-90(3) - Gives district trustees authority to prescribe rules of pupil conduct including provisions for suspension or dismissal of those failing to comply with such rules.
2. Section 59-63-210 - Grounds for suspension, expulsion or transfer.
3. Section 59-63-220 - Suspension by administrators.
4. Section 59-63-230 - Notice of suspension, conferences with parents.
5. Section 59-63-240 - Expulsion hearings.

## CORPORAL PUNISHMENT/PHYSICAL FORCE

Code **JKA** Issued **DRAFT/13**

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

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

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

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

Adopted 9/26/77; Revised 4/25/94, 2/7/02, ^

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### Legal references:

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

## SUSPENSION OF STUDENTS

Code **JKD** Issued **DRAFT/13**

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

It is the policy of this board to provide due process of law to students, parents and school personnel through procedures for the suspension or expulsion of students which are consistent with federal law, state law and regulation and local policy.

According to state law, the board may suspend a student from school for commission of any crime, gross immorality, gross misbehavior, persistent disobedience or for violation of written rules and regulations established by the district board of trustees, a county board or the state board of education. The board may also suspend a student when the presence of the student is detrimental to the best interest of the school.

Suspension is the exclusion of a student from school and school activities for a period of time not to exceed 10 school days for any one offense or 30 days in any one school year.

The board delegates the power of suspension to the principal or his/her designee.

The board uses the word suspension in this policy to mean either suspension from school or in-school suspension as determined by the principal. In-school suspension is the exclusion of a student from regular classes for a period of not more than 10 days. The school will provide the student with work during the school day. School personnel will supervise the students.

Review of suspension will be discretionary with the board. However, the board must review a suspension that occurs within the last 10 days of the school year which would make a student ineligible to receive credit for the final grading period, school year.

Whenever a student who is classified as disabled commits a suspendable offense, the principal or his/her designee will confer with the coordinator for special programs before initiating suspension procedures.

Adopted 9/26/77; Revised 4/25/94, 10/23/95, 6/26/06, ^

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### Legal references:

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

1. Section 59-19-90(3) - Gives district trustees authority to prescribe rules of pupil conduct, including provisions for suspension or dismissal of those failing to comply with such rules.
2. Section 59-63-210, et seq. - Grounds for suspension, expulsion or transfer.
3. Section 59-63-240 - Expulsion hearings - times, procedures, legal rights appeals.



## SUSPENSION OF STUDENTS

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

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The board has conferred the authority for the school principal to suspend a student from a teacher's class or from school. By law, such suspension will not be more than 10 days for any one offense and for not more than 30 days in any one school year. However, no principal may suspend a student from school during the last 10 days of a year if the suspension will make the student ineligible to receive credit for the school year without approval of the board unless the presence of the student constitutes an actual threat to a class or a school or a hearing is granted within 24 hours of the suspension.

When a principal considers suspending a student, he/she will have a conference with the student. At this conference, the principal will notify the student of the charges against him/her. If the student denies the charges, the principal will offer the student an explanation of the evidence and an opportunity to present his/her side of the story. The principal will keep a written record of this conference.

Upon request, the principal will send a report of all suspensions to the superintendent.

As soon as practical after the suspension, the principal will send ~~by regular mail~~ written notice of the action to the student's parent/legal guardian. The notice will state the reason(s) for the action taken, the effective dates of suspension, the parent/legal guardian's right to a conference with the principal, and a proposed time and place for the conference.

At the parental conference, the principal will discuss the charges and suspension with the parents/legal guardians. He/She will also discuss the proposed remedy and any follow-up procedures he/she deems desirable.

Issued 9/26/77; Revised 4/25/94, 2/7/02, 2/28/05, 3/26/07, 3/22/10, ^



## EXPULSION OF STUDENTS

Code **JKE** Issued **DRAFT/13**

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

It is the policy of this board to provide due process of law to students, parents/legal guardians and school personnel through procedures for the expulsion of students which are consistent with federal law, state law and regulation and local policy.

Expulsion is the removal of a student from a school for the remainder of the school year or until readmitted by the hearing committee or the board.

A student may be expelled for any reason listed in the student behavior code JICDA-R or school handbooks, for the commission of any crime, gross immorality, gross misbehavior or the violation of any other written rules and regulations established by the board or the state board of education, or when the presence of the student is deemed to be detrimental to the best interests of the school. Expulsion means the student cannot attend school or be on the school grounds, cannot attend any school-related events or activities on or off campus, and cannot ride a school bus.

### **Procedures for expulsion**

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

At the hearing, the parent/legal guardian will have the right to legal counsel and to all other regular legal rights, including the right to question any witnesses or read witness statements in a manner determined by the district hearing committee.

Every expelled student will have the right to petition for readmission for the succeeding school year.

### **Readmission of students**

Any student who has been expelled from a district school for the remainder of the school year may petition the board for readmission for the succeeding school year.

Unless otherwise specified by the board, any student who has been expelled must apply in writing to the superintendent or his/her designee of the school from which he/she was expelled. The superintendent or his/her designee will decide whether or not he/she will readmit the student and will set up the conditions for readmission. The superintendent or his/her designee will put conditions in writing and place them in the student's permanent record folder. The student may appeal the decision of the superintendent or his/her designee to the board.

The superintendent or his/her designee should make counseling on a regular basis a part of the condition for readmission. Principals, guidance counselors and teachers should participate in the counseling.

## PAGE 2 - JKE - EXPULSION OF STUDENTS

The district will not enroll students expelled or suspended from another district. However, the superintendent may consider extenuating circumstances and waive the provisions of this policy.

### Weapons

See policy JICI for expulsion relating specifically to weapons (firearms).

Adopted 9/26/77; Revised 2/25/91, 4/25/94, 10/23/95, 6/26/06, 3/22/10, ^

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### Legal references:

#### A. United States Code:

1. 20 U.S.C. 7151 - Gun-Free Schools.
2. Education of Individuals with Disabilities, 20 U.S.C. Sec. 1400, et seq.
3. 29 U.S.C. Section 794, et seq. (Section 504 of the Rehabilitation Act of 1973, as amended).
4. Code of Federal Regulations, 34 CRF parts 300 and 301.
5. Code of Federal Regulations, 34 CFR Part 104.

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

1. Section 59-19-90(3) - Gives district trustees authority to prescribe rules of pupil conduct, including provisions for suspension or dismissal of those failing to comply with such rules.
2. Section 59-63-210 - Grounds for suspension, expulsion or transfer
3. Section 59-63-235 - District must expel student.
4. Section 59-63-240 - Expulsion hearings - times, procedures, legal rights appeals.

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

1. Davis v. The School District of Greenville County, 374 S.C. 39, 647 S.E.2d 219 (S.C. 2007).



## EXPULSION OF STUDENTS

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

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The superintendent or his/her designee will notify the student's parents/legal guardians of the time and place of a hearing before the hearing committee.

At the hearing, the parents/legal guardians will have the right to legal counsel and to all other regular legal rights, including the right to question all witnesses.

The hearing will take place within 10 days of the written notification at a time and place designated by the hearing committee and a decision will be rendered as soon as possible.

The student is suspended from school and all school activities during the time of expulsion procedures, except for scheduled conferences.

The student may appeal the action of the hearing committee to the board.

The parents/legal guardians of an expelled student may appeal for readmission of the student at the beginning of the next school year or at a time set by the superintendent or his/her designee.

Should the hearing committee or the board reject an administrative recommendation for suspension or expulsion or should a court of final disposition reverse the suspension or expulsion action, the superintendent or his/her designee will excuse all student absences resulting from said action.

Grades for expelled students will be addressed according to policy IHA.

~~Grades for expelled students will not be recorded on the student transcript. Students may have the opportunity to retake the course the returning semester. Academic transcripts will not reflect an expulsion. However, the transcript will reflect the courses from which the student was removed.~~

Issued 9/26/77; Revised 4/25/94, 2/7/02, 2/28/05, 3/26/07, 3/22/10, ^

## STUDENT INSURANCE COVERAGE

Code **JLA** Issued **DRAFT/13**

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Purpose: To establish the basic structure for the provision of and requirements for student insurance coverage.

The district offers a low-cost supplemental accident insurance program for students. At the minimum, the insurance will provide accident coverage for students on the way to and from school, while they are at school, and whenever they are engaging in school-sponsored activities.

The district requires that all students participating in the following activities have accident insurance.

- interscholastic athletics ~~on the varsity and junior varsity level and B teams~~
- intramural football
- high school band
- ~~high school physical education~~
- ROTC
- career and technology courses
- after-school program participants
- other offerings and courses as determined by the principal/director

The district will not require those students to have accident insurance if the student provides documentation from the parent/legal guardian stating that the student has adequate insurance coverage and does not wish to participate in the district accident insurance plan, or releases the district from responsibility/liability.

Adopted 1975; Revised 3/22/93, ^

## COMMUNICABLE/INFECTIOUS DISEASES

Code **JLCC** Issued **DRAFT/13**

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**Purpose:** To establish the basic structure for dealing with students who have communicable or infectious diseases.

The board reserves the right to remove or exclude any child (after consultation with the medical director or his/her designee of the local department of health and environmental control) whose physical condition would interfere with his/her ability to learn or would expose other students to infection. When a student has been prohibited from school attendance as provided above, the school board may require a satisfactory certificate from the department of health and environmental control that his/her attendance is no longer a risk to the student or to others attending school.

Notification of other students and staff of the existence of a communicable disease will be accomplished in accordance with regulations and guidelines propounded by the Department of Health and Environmental Control and the Center for Disease Control and Prevention.

State regulations require that the superintendent, school nurse or other health professional who receives notice of a minor's human immunodeficiency virus (HIV) infection must keep the information strictly confidential. This information cannot be recorded in the student's permanent record. If this information is included with a transfer record, the information will be removed upon receipt. The information should only be revealed to public school personnel who have a bona fide need to know. Violation of the confidentiality requirements is a violation of state law.

Cf. EBBA, GBGA, IHAM, JRA

Adopted 3/21/88; Revised 4/25/94, 2/25/08, 10/24/11, ^

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Legal references:

- A. South Carolina Code, 1976, as amended:
  - 1. Section 44-29-200 - Attendance of teachers or pupils with contagious or infectious disease may be prohibited.
  - 2. Section 44-29-195 - Requirements for returning to school after having head lice; department to provide treatment vouchers.
  - 3. Section 44-29-135(f) - Confidentiality of sexually transmitted disease records.
  - 4. Section 59-10-220 - Adoption and notification of Centers for Disease Control and Prevention (CDC) recommendations on universal precautions for bloodborne disease exposure.
- B. Federal regulations:
  - 1. U. S. Occupational Safety and Health Administration, CFR 1910.134 - Respiratory protection.
  - 2. U. S. Occupational Safety and Health Administration, CFR 1910.1030 - Bloodborne pathogens.
- C. South Carolina Department of Health and Environmental Control Regulations:
  - 1. R-61-20 - Communicable diseases.
  - 2. R-61-21 - Sexually transmitted diseases.



## COMMUNICABLE/INFECTIOUS DISEASES

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

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The district will allow a person with a communicable disease who has appropriate documentation (refer to policy JLCC) that he/she presents no appreciable infection risk to others or risks no potential harm to him/herself under normal school operating conditions to participate in the school environment with no restrictions.

Students with communicable diseases will be permitted to attend school in accordance with this administrative rule only.

Except with respect to students with acquired immunodeficiency syndrome (AIDS) or human immunodeficiency virus (HIV) infection, or otherwise provided by law, parents/legal guardians should inform the principal of the school when their child or ward is suffering from a communicable disease. If a child is suffering from AIDS or HIV infection, the district will be notified by the South Carolina Department of Health and Environmental Control (DHEC). Once notice is received from the parent/legal guardian or DHEC, the superintendent will ensure that a committee is formed to monitor and/or evaluate the student's health status. The committee will consist of the parent/legal guardian, personal physician, appropriate public health professional and appropriate school district personnel.

In the case of a child with AIDS/HIV infection, the child's primary health provider is responsible for conducting an ongoing medical evaluation of the child to evaluate any changes in the child's health. The committee will periodically monitor the health status of the child. Evaluation of the child's potential for transmitting the HIV should be made by the health professional evaluating the child's status. Information shared during the monitoring process is strictly confidential.

Generally, children with AIDS or HIV infection should be permitted to attend school and school activities without restriction provided their health status allows. If it is determined, based on sound medical evidence and in accordance with the procedures set forth herein, that any child with any communicable disease poses a significant risk to the health and safety of other students in his/her current placement, a determination will be made whether an appropriate adjustment can be made to the student's school program to eliminate the risk. If such adjustments are not possible, an alternative educational program should be offered. This placement will continue, with periodic evaluation, until the risk to others has been abated. The board reserves the right to require a satisfactory certificate from one or more licensed physicians that the student's attendance is no longer a risk to others.

If it is determined that the student has limited strength, vitality or alertness due to a chronic or acute health problem that adversely affects the student's educational performance, the committee will refer the student for possible identification and placement as a student with special needs.

In order to prevent the spread of communicable disease, DHEC or Center for Disease Control (CDC) guidelines for necessary health and safety precautions, including handling of blood and bodily fluids, will be distributed by the administration from time to time and should be followed by all school employees and students.

The district will include in its curriculum health, hygiene and safety education. The curriculum will include age appropriate information concerning safe health practices that will inhibit and prevent the spread of communicable disease.

## **PAGE 2 - JLCC-R - COMMUNICABLE/INFECTIOUS DISEASES**

The district will make decisions regarding placement in the school environment of persons known to have a communicable disease (upon appropriate documentation from the local department of health and environmental control). The superintendent will make the final decision. If deemed necessary, the district will refer the case to a committee appointed by the superintendent on a case-by-case basis. The committee will consist of the superintendent, the immediate supervisor, the medical director or his/her designee of the local department of health and environmental control and others as deemed appropriate by the superintendent. The group may also include the district's attorney. The superintendent will inform the board and the person(s) involved of action taken by the committee.

The persons directly involved in any aspect of the case will hold in confidence the identity of any person with a communicable disease affected by the district policy or the placement process and any procedures related thereto.

If a person with a communicable disease objects to the recommended placement, or requires services not ordinarily rendered by the district, that person may appeal or ask for an administrative hearing. The outcome of the hearing will further determine action by the district.

Issued 3/21/88; Revised 9/27/93, 2/25/08, ^



## ASSISTING STUDENTS WITH MEDICATIONS

Code **JLCD** Issued **DRAFT/13**

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Purpose: To establish the basic structure for assisting students with medications.

School personnel will not dispense medications except as provided below and in administrative procedures (JGCD-R) developed by the superintendent.

The principal or his/her designee may assist students with oral medications during school hours at the written request of the healthcare provider and parent/legal guardian.

Students who bring medication to school to take during the school day must have written permission from both the parent/legal guardian and the prescribing physician to take the medication. All medication must be properly labeled and in its original container.

Students must keep all medication brought to school in the nurse's office. The medication will be kept in a locked case.

Students will not share any medication with another student. Each year, the district will notify students in writing of this prohibition and that violations may result in disciplinary action including, but not limited to, suspension or expulsion.

### **Individual Healthcare Plan (IHP)**

The district will provide certain students with special healthcare needs an individual healthcare plan. This plan will meet the needs for the student for health monitoring and care during the school day or at school-sponsored events.

In accordance with this plan, the district authorizes the student to self-monitor and self-administer medication as prescribed by the student's healthcare provider for chronic medical conditions, unless there is sufficient evidence that unsupervised self-monitoring or self-medicating would seriously jeopardize the safety of the student or others.

The district will grant permission to self-monitor and self-administer medication on a year-by-year basis based on appropriate written authorization from the parent/legal guardian and the student's healthcare provider who prescribed the medication.

The district will notify the parents/legal guardians at the beginning of each school year of all available services and rights under this policy pursuant to law.

The parent/legal guardian will sign a statement acknowledging that the district will incur no liability as a result of any injury arising from taking or using medications or self-monitoring devices by the student and that the parent/legal guardian will indemnify and hold harmless the district and its employees and agents against any claims arising out of the self-monitoring or self-administration of medication by the student.

Adopted 8/20/90; Revised 4/25/94, 2/27/06, ^

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#### Legal references:

- A. S.C. Code of Laws, 1976, as amended:
1. Section 40-33-70 - Amends law relating to on-site supervision of a nurse.
  2. Sections 59-63-80 and 90 - Policy for individual healthcare plan for certain students.
  3. Section 15-78-60 - Immunity from liability for districts and employees.
  4. Section 44-53-360 - Prescriptions.



## ASSISTING STUDENTS WITH MEDICATIONS

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

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If a student becomes ill at school, a school official will notify the parent/legal guardian and ask that the student be picked up by a responsible adult. A student may remain out of class one period, after which he/she will be required to return to class or go home. Students who become ill at school may use the health room as a holding area while waiting for parents/legal guardians (one period only).

Students are not allowed to bring medications to school except as directed below.

### Administration of oral medications

Prior to administering any oral medication prescribed by a physician, the following procedures must be followed.

- A signed and dated statement from the prescribing physician or prescription bottle giving specific information concerning the medication administration must be on file. Adjustment in previously prescribed medications will be accepted over the telephone ~~to~~ by the nurse.
- A written statement from the parent/legal guardian must be on file outlining the medication, time of administration and dates to be administered. This must be updated each year.
- The prescribed medication, the physician's statement (prescription bottle) and the parental statement must be delivered to the school nurse or district health official.

### Medication regulations

- Medication adjustments of dosage, such as Ritalin, may be taken over the telephone from the physician by the nurse.
- Any oral, non-prescription medication such as Tylenol, aspirin, toothache medication or cough syrup will not be administered by any school personnel or volunteer on school property without a prescription.
- No ointments or lotions, such as Calamine or Caladryl lotion, etc., will be applied by any school personnel or volunteer on school property.
- Topical antiseptics and cleansers, such as alcohol, peroxide, etc., will be administered by school personnel or volunteers on school property.
- The district health coordinator or school nurse will be available to discuss any medication questions with school personnel, parents/legal guardians or physicians.
- The district health coordinator or school nurse will coordinate any needed standing orders with the physician and athletic staff.

The principal or his/her designee is authorized to give oral medication as outlined above.

The principal or his/her designee will keep a record of all instances when the student is assisted with medication.

# **PAGE 2 - JLCD-R - ASSISTING STUDENTS WITH MEDICATIONS**

## **Procedures for returning medication to students**

No medication is to be returned home, except under the following procedures.

- The parent/legal guardian may pick the medication up from the school nurse, district health coordinator, principal or his/her designee.
- No medication is to be returned home with students.
- The parent/legal guardian will reclaim any unused medications within one week of the termination of treatment or by the last day of school. The school will destroy any unused medications after this time.

Neither the school district nor its personnel will be responsible for the occurrence of any adverse drug reaction when the medication has been given in the manner prescribed.

The school district retains the discretion to reject requests for assisting students with medication.

## **Individual Healthcare Plan (IHP)**

Students may be authorized to self-monitor and self-administer medication for chronic medical conditions as prescribed by the student's healthcare provider with written authorization from the parent/legal guardian for the student to self-monitor or self-administer medication as well as a written statement from the student's healthcare provider verifying that the student has a medical condition and has been instructed and demonstrates competency in self-monitoring or self administration of medication or both.

Receipt of the above will authorize a student to possess and administer medication while in the classroom or on school grounds, at a school-sponsored activity, in transit to and from school or school-sponsored activities, or during before or after-school activities on school-operated property.

The district may revoke a student's permission to self-monitor or self-administer medication if the student endangers him/herself or others through misuse of the monitoring device or medication.

Issued 8/20/90; Revised 4/25/94, 2/27/06, ^



## **PARENT/LEGAL GUARDIAN LETTER**

Dear Parent/Legal guardian:

District Five is aware that some students have health needs that must be taken care of during the school day. Many healthcare services can be provided to students at school, which will keep students in school.

A new law (Sections 59-63-80 and 59-63-90 of the 1976 Code of Laws of South Carolina, amended May 26, 2005) requires school districts to let parents/legal guardians know about the rights that students with special health needs may have if they qualify for services related to Section 504 of the Rehabilitation Act of 1973 (Section 504), the Individuals with Disabilities Education Act (IDEA), and/or medical homebound regulations. The new law also requires individual healthcare plans for students with special healthcare needs.

The district is writing this letter to help you better understand how schools can help students who have special healthcare needs. Included is information about individual healthcare plans, Section 504, the IDEA and medical homebound. If you have any questions, please let us know.

### **Individual healthcare plans**

Section 59-63-80 of the Code of Laws of South Carolina requires school districts to adopt a policy that students with special healthcare needs have individual healthcare plans. The law also requires school districts to adopt a policy for authorizing a student to self-monitor and self-administer medication as prescribed by the student's healthcare provider unless there is sufficient evidence that unsupervised self-monitoring or self-medicating would seriously jeopardize the safety of the student or others. The requirement regarding self-monitoring and self-administration of medications does not mean that all students must self-monitor and/or self-administer their medications, but gives that option to students who meet the requirements of their school district's policy and whose parents/legal guardians want them to self-monitor or self-administer medications.

Individual healthcare plans are written by a registered nurse for meeting the health monitoring and care of a specific student during the school day or at school-sponsored functions. The nurse works with the student and the student's parents/legal guardians, healthcare providers and teachers to write an individual healthcare plan that will meet the student's special healthcare needs. Individual healthcare plans should be written for students who have health conditions that are medically fragile, require complicated or lengthy health procedures during the school day, who require several contacts with the nurse or health assistant during the school day, who have conditions that may require emergency care or who have been granted permission to self-medicate and/or self-monitor in accordance with the local school board's policy.

For more information about individual healthcare plans, talk with your child's school nurse or the school district nurse.

### **Section 504 of the Rehabilitation Act of 1973**

Section 504 protects the rights of individuals with disabilities that substantially limit one or more major life activities to take part in programs and services supported by federal funds. Schools that get federal funding must provide a free and appropriate public education in the least restrictive environment to students with physical and mental health impairments that qualify under Section 504. A team of individuals who know about the student's needs decides if a student is eligible for services under Section 504. The team usually includes a parent/legal guardian, the student (if able), a teacher, a principal, a school nurse and other school staff. If the student is eligible, the team develops an individual accommodation plan. The purpose of the individual accommodation plan is to ensure that students with disabilities have educational

**District Five Schools of Spartanburg County**



opportunities equal to those provided to students who do not have disabilities. Section 504 is administered through the United States Department of Education Office for Civil Rights.

More information about Section 504 can be found ~~on the Internet at [www.ed.gov/print/about/offices/list/ocr/504faq.html](http://www.ed.gov/print/about/offices/list/ocr/504faq.html) (this link seems to be correct)~~ or by calling the Office for Civil Rights. ~~at (800) 421-3481.~~

### **Individuals with Disabilities Education Act (IDEA)**

The IDEA provides eligible students with disabilities, who are determined to need special education and related services to benefit from their educational programs, the legal right to receive a free and appropriate public education in the least restrictive environment. Students, ages three through 21 years, may be eligible for services under the IDEA if they need special education and related services to learn. Using the criteria in the state board of education regulation 43-243.1, a multi-disciplinary team, including the parents/legal guardians, decides if a student is eligible and identifies the health services, if any, that are necessary to enable the student to attend school and to participate fully and safely in educational activities. The team then develops an individualized education program for the student. A diagnosed illness or special healthcare need alone will not qualify a student for eligibility under the IDEA.

More information about special education services in South Carolina under the IDEA can be found on the state department of education's website. ~~at [www.myschools.com/offices/ec/publications/documents/ParentsGuide\\_000.doc](http://www.myschools.com/offices/ec/publications/documents/ParentsGuide_000.doc) (this link needs to be updated)~~

### **Medical homebound regulations**

Medical homebound instruction is a service that is available for both disabled and nondisabled students who cannot attend school for a medical reason, even if transportation were furnished. A physician must certify that such a medical condition exists and must complete the medical homebound form that the local school district provides. The district superintendent or his/her designee must then decide whether to approve the student's participation in a program for medical homebound instruction. In making a decision about medical homebound instruction, schools should consider the severity of the student's illness or injury, the length of time that the student will be out of school, the possibility that the student's healthcare needs might be met at school and the impact that a long period away from school will have on the student's academic success.

More information about medical homebound services can be found on the state department of education's website. ~~at [www.myschools.com/offices/ec/publications/MedicalHomeboundInstruction.doc](http://www.myschools.com/offices/ec/publications/MedicalHomeboundInstruction.doc) (this link needs to be updated)~~

If you think that your child has a special health need, please contact the nurse at your child's school.

Sincerely,

Superintendent

**PARENT/LEGAL GUARDIAN AUTHORIZATION FOR STUDENT  
SELF-MONITORING OF MEDICAL CONDITION**

I hereby authorize my child, \_\_\_\_\_, to self-monitor a medical condition as ordered by his/her physician and described in the attached physician authorization, while at school, on school grounds, at school-sponsored activities, in transit to or from school or school-sponsored activities or during before or after-school activities on school-operated property.

I understand that this authorization must be updated annually, including an updated physician's authorization. I also understand that my child's permission to self-monitor a medical condition will be revoked if he/she endangers himself/herself or others through misuse of the monitoring device.

I hereby acknowledge that District Five schools, its employees and agents are not liable for any injury arising from such possession or self-administration. Further, I hereby agree to indemnify and hold harmless District Five schools, its employees and agents against any claim arising from my child's possession of a monitoring device or self-monitoring of a medical condition.

\_\_\_\_\_  
Child's name

\_\_\_\_\_  
Child's date of birth

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

\_\_\_\_\_  
Date



**PARENT/LEGAL GUARDIAN AUTHORIZATION  
FOR STUDENT SELF-MEDICATION**

I hereby authorize my child, \_\_\_\_\_, to possess and self-administer medication as prescribed by his/her physician and described in the attached physician authorization, while at school, on school grounds, at school-sponsored activities, in transit to or from school or school-sponsored activities or during before or after-school activities on school-operated property.

I understand that this authorization must be updated annually, including an updated physician's authorization. I also understand that my child's permission to self-administer medication will be revoked if he/she endangers himself/herself or others through misuse of the medication.

I hereby acknowledge that District Five schools, its employees and agents are not liable for any injury arising from such possession or self-administration. Further, I hereby agree to indemnify and hold harmless District Five schools, its employees and agents against any claim arising from my child's possession or self-administration of medication.

\_\_\_\_\_  
Child's name

\_\_\_\_\_  
Child's date of birth

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

\_\_\_\_\_  
Date

**DISTRICT FIVE SCHOOLS OF SPARTANBURG COUNTY**

**PHYSICIAN AUTHORIZATION FOR STUDENT  
SELF-MEDICATION**

I hereby authorize student, \_\_\_\_\_, to possess and self-administer \_\_\_\_\_ (medication) in accordance with the following order(s):

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I verify that this student's medical condition is such that self-administration of this medication at school, on school grounds, at school-sponsored activities, in transit to or from school or school-sponsored activities, or during before- or after-school activities on school-operated property is appropriate.

I further verify that the student has been trained and has demonstrated competency to me in the self-administration of this medication.

\_\_\_\_\_  
Child's Name

\_\_\_\_\_  
Child's Date of Birth

\_\_\_\_\_  
Physician's Signature

\_\_\_\_\_  
Date



**DISTRICT FIVE SCHOOLS OF SPARTANBURG COUNTY**

**PHYSICIAN'S AUTHORIZATION FOR STUDENT  
SELF-MONITORING OF MEDICAL CONDITION**

I hereby authorize student, \_\_\_\_\_, to self-monitor the medical condition, \_\_\_\_\_ in accordance with the following order(s):

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I verify that this student's medical condition is such that self-monitoring of this condition at school, on school grounds, at school-sponsored activities, in transit to or from school or school-sponsored activities, or during before- or after-school activities on school-operated property is appropriate.

I further verify that the student has been trained and has demonstrated competency in the self-monitoring of this condition.

\_\_\_\_\_  
Child's Name

\_\_\_\_\_  
Child's Date of Birth

\_\_\_\_\_  
Signature of Physician

\_\_\_\_\_  
Date

## FIRST AID AND EMERGENCY CARE

Code **JLCE** Issued **DRAFT/13**

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Purpose: To establish the basic procedure for the administration of first aid and emergency care.

The school nurse or principal's designee will be responsible for providing emergency services in case of injury to, or sudden illness of, a child or staff member.

~~If a school employs a licensed practical nurse (LPN), a registered nurse (RN) must be available on call (by phone, fax, pager).~~

### Procedures

Each school will develop procedures for the proper handling of such emergencies. The administration will distribute these procedures to the staff.

The procedures will include the following requirements.

- The school nurse or another trained person will be responsible for administering first aid.
- The school will notify the student's parent/legal guardian of the student's illness or injury. The school will request that the parent/legal guardian make appropriate arrangements for the student's care.
- If the school cannot contact the parent/legal guardian immediately when a very serious accident occurs or when a child becomes alarmingly ill, the school will summon medical service or an ambulance to take the child to the appropriate medical facility. Schools will notify the parent/legal guardian as soon as possible.
- Schools will administer first aid/emergency care and the routine delivery of health services to students according to the procedures specified in the Health Services Procedures Manual or other appropriate document.

Adopted 8/28/75; Revised 4/25/94, 2/7/02, ^

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### Legal references:

- A. S.C. Code of Laws, 1976, as amended:
  1. Section 40-33-70 - Amends law relating to on-site supervision of a nurse.
  2. Section 44-76-10 through 50 - South Carolina Automated External Defibrillator Act.



## EMERGENCY MEDICAL CARE (AUTOMATED EXTERNAL DEFIBRILLATORS)

Code **JLCEE** Issued **DRAFT/13**

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Purpose: To establish the basic structure for the use of automated defibrillators in the district.

The board of trustees of Spartanburg County School District Five recognizes that from time to time medical emergencies may arise that justify the use of an automated external defibrillator (AED). The district does not guarantee that an AED will be available for all cardiac emergencies. The board approves the use of AED units subject to the following conditions.

- All designated AED users will have current training in CPR and AED use. This training must conform to the American Heart Association, American Red Cross and/or National Safety Council standards. Requirements for the frequency of any recurrent training will be specified by the district.
- ~~All certified users of the AED must verify with their signature that they have read and understand the AED program policy and procedures.~~

### **Immune from civil liability**

In accordance with Section 44-76-40 of the South Carolina Automated External Defibrillator Act, AED users acting in good faith and in accordance with their required training will be immune from civil liability for the application of the AED unless the individual is grossly negligent in its application. Also any person or entity, acting in good faith and gratuitously, that teaches or provides a training program for cardiopulmonary resuscitation that includes training in the use of automated external defibrillator is immune from civil liability for providing this training.

Adopted 9/22/08; Revised ^

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### Legal references:

- A. South Carolina Code of Laws, 1976 as amended:
  1. Section 44-76-10, et. Seq., - South Carolina Automated External Defibrillator Act.



## SCHOOL NURSES

Code **JLCF** Issued **DRAFT/13**

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Purpose: To establish the basic structure for meeting the health needs of students while under the charge of individuals employed or contracted to act on behalf of the district.

The district will employ or contract for the services of licensed nurses to provide school nursing services for students during the regular school hours and will work toward meeting or exceeding the minimum caseload assignments for nurses considered optimal by the National Association of School Nurses and/or governmental agencies such as the U.S. Department of Health and Human Services. Nurses must possess a current unrestricted license recognized by the South Carolina Board of Nursing for nursing practice in South Carolina. The duties and responsibilities of nurses will be set in accordance with the laws and regulations governing nursing in South Carolina.

### **Provision of school health services**

A licensed nurse employed by or contracted to work for the district may train school personnel who are not licensed nurses to provide certain nursing tasks and services for specific students. Training will occur in accordance with South Carolina Board of Nursing Advisory Standards. All training must be provided using procedures and curricula approved through the appropriate district processes.

Consistent with the laws governing nursing practice in South Carolina and the most current South Carolina Board of Nursing Advisories, training for school personnel who are not licensed nurses may include the following.

- Performing nursing tasks related to meeting a student's needs for personal hygiene; meeting a student's needs related to nutrition, ambulation or elimination; taking a student's vital signs; maintaining asepsis; and observing, recording and reporting any of the tasks enumerated above.
- Providing emergency medications and assistance for specific students in the event that the students experience an emergency event when a licensed nurse is not available.
- Assisting students with routine medications (i.e., medications given on a routine schedule) if the licensed nurse assigned to the school on a full-time basis is absent or not available.

A registered nurse who is an employee of the district will be available via telecommunications to provide support for trained school personnel who are providing nursing tasks and services in the absence or unavailability of a licensed nurse.

The district will comply with Section 504 of the Rehabilitation Act of 1973 and the Individuals with Disabilities Education Act to assure that the need for health services does not impede any student's access to a free appropriate public education in the least restrictive environment.

For quality assurance purposes, all school personnel and contract personnel providing health services will follow district procedures for reporting errors related to medications and other health services.

# PAGE 2 - JLCF - SCHOOL NURSES

## Student health services

Cumulative school health records will be established for all students and kept up to date by the school nurse. Teachers will have the cooperation of a school nurse and/or social worker in working with parent/legal guardians to meet student needs.

Adopted 1974; revised 4/25/94, 3/22/10, ^

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### Legal references:

- A. Individuals with Disabilities Education Act:
  - 1. 34 C.F.R. Part 104 - The purpose of this part is to effectuate section 504 of the Rehabilitation Act of 1973.
  - 2. 20 USCA Sections 1400-1485 - The Individuals with Disabilities Education Act.
  - 3. The Individuals with Disabilities Education Improvement Act of 2004.
- B. SC Code of Laws, 1976, as amended:
  - 1. Section 40-33-30 - Does not prohibit nursing assistance in case of an emergency.
  - 2. Section 40-33-42 - Tasks delegable to persons not licensed to practice nursing.
  - 3. Section 30-33-44 - Exceptions to supervision requirements for licensed practical nurses.
- C. SC Code of Regulations
  - 1. Section 43-205 - Administrative and Professional Personnel Qualifications, Duties, and Workloads.

### Other references

- *Board of nursing advisory opinion # 33*: Is it within the role and scope of a licensed practical nurse (LPN) to practice without on-site registered nurse (RN) supervision under certain circumstances? <http://www.llr.state.sc.us/POL/Nursing/index.asp?file=AdvisoryOp/advisoryop.htm>
- *Board of nursing advisory opinion # 50*: Is it within the role and scope of a licensed nurse practicing in a school setting to select, train, determine competency and evaluate unlicensed school personnel in the provision of treatments and the administration of medications required to meet a specific student's needs in the event that a medical emergency occurs when a licensed nurse is not readily available? Role of RN and LPN in training related to medical emergencies <http://www.llr.state.sc.us/POL/Nursing/index.asp?file=AdvisoryOp/advisoryop.htm>
- *Board of nursing advisory opinion # 51*: Is it within the role and scope of a licensed nurse practicing in a school setting to select, train, determine competency of and evaluate unlicensed school personnel in the provision of select nursing tasks required in order for a student to attend school? Role of RN and LPN in training related to select nursing tasks <http://www.llr.state.sc.us/POL/Nursing/index.asp?file=AdvisoryOp/advisoryop.htm>
- *Board of nursing advisory opinion #52*: Is it within the role and scope of a registered nurse (RN) or licensed practical nurse (LPN) practicing in a school setting to select, train, determine the competency of and evaluate unlicensed school personnel for assisting students with medications taken on a routine schedule? Role of RN and LPN in training related to routine medications <http://www.llr.state.sc.us/POL/Nursing/index.asp?file=AdvisoryOp/advisoryop.htm>
- *Caseload assignments (National Association of School Nurses)* <http://www.nasn.org/PolicyAdvocacy/PositionPapersandReports/NASNPositionStatements>
- *Healthy People 2020 ECBP-5 (U.S. Department of Health & Human Services)*: Increase the proportion of the nation's elementary, middle and senior high schools that have a full-time registered school nurse-to-student ration of at least 1:750. <http://healthypeople.gov/2020/topicsobjectives2020/objectiveslist.aspx?topicId=11>

## District Five Schools of Spartanburg County

## **GUIDANCE AND COUNSELING**

Code **JLD** Issued **DRAFT/13**

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Purpose: To establish the board's vision for school guidance and counseling.

A comprehensive developmental guidance and counseling program, which provides all students the opportunity for optimum development, is an essential component of the instructional program. Students should develop skills and traits that enable them to become productive citizens. To ensure that this service is provided to all students, the district will establish a guidance program in each school.

The guidance program is based on the following beliefs.

- All children are unique and are to be treated with respect and dignity.
- Every student can achieve at high levels.
- Learning is a lifelong process.
- A positive self-concept leads to responsible and productive citizenship. Fostering that positive self-concept is the responsibility of the school, home and community.
- The guidance program is an integral part of the educational program and serves as a critical link to the instructional program. The program provides developmental opportunities and experiences as it addresses student development areas: learning to live, learning to learn and learning to work.

The guidance department, working closely with the administration and instructional staff, will accomplish the following.

- Analyze and evaluate students' abilities, interests, skills and achievements to assist students in making individualized educational, academic and career-oriented choices; in setting career goals; and in developing individual graduation plans to achieve these goals.
- Help students adjust to new in-school and out-of-school situations through counseling and support and/or referral to outside agencies.
- Assist teachers, staff and parents/legal guardians in understanding the needs and problems of individuals and groups of students.
- Interpret cognitive, aptitude and achievement test data to students and parents/legal guardians.
- Interpret student records to include grades earned, test data, personal data and career development records.
- Ensure student records are maintained in accordance with state and federal regulations



## **PAGE 2 - JLD - GUIDANCE AND COUNSELING**

### **Career guidance and counseling**

The district will make available to all students a comprehensive system of academic guidance and career development that includes career awareness, career exploration and career preparation.

#### *Elementary school*

The district will lay the foundation for the clusters of study system by providing career awareness activities for students in pre-K through fifth grades.

#### *Middle school*

Counseling and career exploration programs on the clusters of study will be implemented by the district and made available to all sixth through eighth grade students.

The process of creating and updating developmentally appropriate career plans will begin with students in grade six and directly involve the parent/legal guardian as well as the student.

Before the end of the second semester of the eighth grade, students will select a preferred cluster of study and begin to develop an individual graduation plan (IGP) in consultation with their parents/legal guardians. The IGP is a student specific educational plan detailing the courses necessary for a student to prepare for graduation and to successfully transition into the workforce or postsecondary education and will meet specific requirements as outlined by the state department of education. A certified school counselor must sign the IGP. The IGP will be reviewed and revised at least annually with the assistance of parents/legal guardians, teachers and counselors.

#### *High school*

Certified school counselors - as well as career specialists under the supervision of these counselors - will advise students during the ninth and tenth grades on further defining their career cluster goals and further refining their IGPs.

Students in their tenth-grade year will declare an area of academic focus, known as a career major, within a cluster of study before the end of the second semester.

Work exploration guidance activities and career awareness programs that combine counseling on career options and experiential learning with academic planning will be provided to assist students in fulfilling the IGPs. Work exploration activities may include, but are not limited to, the following.

- traditional mentoring experiences
- community and short-term shadowing experiences
- service learning experiences
- school-based activities providing opportunities to explore basic business practices and entrepreneurial enterprises
- internships and cooperative education experiences
- youth apprenticeships for students 16 years and older
- extended learning opportunities to include senior-year projects or community involvement or leadership

The district will implement the career guidance program model developed by the state department of education or submit a prototype to the department for approval for use by the district in the high schools.

## PAGE 3 - JLD - GUIDANCE AND COUNSELING

The district will promote increased awareness and career counseling by encouraging students to utilize career guidance technology and by providing access to the South Carolina Occupational Information System (SCOIS) or to another computer-assisted career information system that has been approved by the state department of education.

The district will provide students in middle and high school with the services of a qualified and appropriately trained career specialist as outlined in law. Each middle and high school will have a student-to-guidance personnel ratio of 300:1. Guidance personnel will include certified school guidance counselors and career specialists.

Guidance services are available for every student in the district's schools as required by state law, the defined program and other regulations of the state board of education. All students will participate in career development activities regardless of their race, color, national origin, sex or disability.

Materials or tests used for appraising or counseling students will not be different for students on the basis of their sex. The use of materials will not require different treatment of students on such basis unless such different materials cover the same occupations and interest areas and the use of such different materials is shown to be essential to eliminate sex bias.

Cf. IG, IGCA, IHAK, IHAQ, IHBC, IHCA, IKF, KB

Adopted 4/25/94; Revised 5/7/02, ^

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Legal references:

- A. United States Code:
  - 1. Title IX of the Education Amendments of 1972 - Prohibits sex discrimination by federal education grantees.
- B. S.C. Code of Laws 1976, as amended:
  - 1. Section 59-59-10, et. seq. - South Carolina Education and Economic Development Act.
- C. State Board of Education Regulations:
  - 1. R43-205 - Administrative and professional personnel qualifications, duties and workloads.
  - 2. R43-234 - Defined program, grades 9-12.
- D. South Carolina State Department of Education:
  - 1. South Carolina Education and Economic Development Act Guidelines (2006).

## SELF-ESTEEM PROMOTION/SUICIDE PREVENTION

Code **JLDBB** Issued **DRAFT/13**

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Purpose: To establish the board's vision for the district's suicide awareness and prevention program.

The board recognizes that suicide is a major killer of young people between the ages of 10 and 24. The district staff, students and parents/legal guardians all can contribute significantly towards the prevention of adolescent suicide. Therefore, the board directs the superintendent to consider each of these segments of the school community when developing appropriate awareness and prevention programs in the district.

Local mental health agencies and training guidelines from the South Carolina Department of Education are resources that can provide the necessary assistance that will help the district staff, parents/legal guardians and students to do the following.

- Understand the developmental stages of adolescence.
- Understand how feelings of depression and despair can lead to suicide.
- Recognize the early warning signs of suicide.
- Learn how to help in a suicidal crisis.
- Identify community resources where students can obtain help.
- Address the impact of such a tragedy.

The superintendent will ensure implementation of the required training in this area for the renewal of credentials for individuals employed in a middle or high school.

Adopted 10/23/78; Revised 11/03, 9/27/10, ^

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Legal references:

- A. S.C. Code, 1976, as amended:
1. Section 59-1-150 - Kindergarten, elementary school, middle school, secondary school, junior high school and high school defined.
  2. Section 59-26-110 - Jason Flatt Act; youth suicide prevention teacher training.



## STUDENT WELFARE

Code **JLF** Issued **DRAFT/13**

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Purpose: To establish the basic structure for the reporting of child abuse (sexual, physical or mental) and neglect.

The schools of this district will cooperate vigorously to expose the problems of child abuse and neglect.

Any principal, assistant principal, school teacher, school attendance officer, nurse or counselor who has received information in his/her professional capacity which gives him/her reason to believe that a child under the age of 18 has been or may be abused or neglected as defined by law must report such a situation. These individuals may make the report to a law enforcement agency in the county where the child resides or to the county department of social services.

Other school employees who have reason to believe that a child under the age of 18 has been or may be abused or neglected as defined by law may also report or cause a report to be made, and are encouraged to do so, as stated above.

The State of South Carolina provides both civil and criminal immunity to those reporting suspected child abuse or neglect. Anyone required to report who knowingly fails to do so may be guilty of a misdemeanor.

### Reporting procedures

School personnel who suspect child abuse or neglect may make a report in good faith. It is not the responsibility of school personnel to prove that the child has been abused or neglected, or to make a determination of whether the child is in need of protection. Any involvement of school personnel in investigation or treatment should be in conjunction with the local child protection unit of the department of social services.

The teacher or other school employee first suspecting the abuse must make an oral report by telephoning or otherwise which includes the following information.

- name, address and age of student
- name and address of parent/legal guardian or caretaker
- nature and extent of injuries or description of neglect
- any other information that might help to establish the cause of the injuries or condition

The person making the report should tell the principal of the school of any oral or written report submitted in a case of child abuse or neglect.

School employees who make child abuse or neglect reports must maintain the confidentiality of the information contained in the report. Employees will release this information only to the department of social services or, in the alternative, the county law enforcement agency.

### District liaison

The superintendent assistant superintendent of administration will designate a specific person or persons to serve as the district liaison and forward that information to the local child protection unit of the department of social services.

## PAGE 2 - JLF - STUDENT WELFARE

It will be the responsibility of the liaison to arrange for training and information necessary to assist staff members in identifying possible instances of child abuse and neglect, including annual updates regarding any changes in the law. Additionally, the liaison is charged with implementing a planned program of personal safety and awareness education, including methods for preventing sexual abuse, that will be provided to staff, students and parent/legal guardians.

Adopted 10/23/78; Revised 4/25/94, 2/7/02, 11/03, 9/27/10, ^

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Legal references:

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

1. Section 63-1-10, et seq. - South Carolina Children's Code.
2. Section 63-7-20 - Definitions.
3. Section 63-7-310 through 350 - Persons required to report.

## STUDENT DISMISSAL PRECAUTIONS

Code **JLIB** Issued **DRAFT/13**

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**Purpose:** To establish the basic structure for the dismissal of students before the end of the school day.

No staff member will excuse any student from school prior to the end of the school day or into any person's custody without the direct prior approval and knowledge of the building principal. The principal will authorize early or otherwise irregular dismissal only when it is requested in person or in writing by the student's parent/legal guardian. The parent/legal guardian must request all non-emergency early dismissals in writing prior to the time of the requested dismissal.

Students who become ill during the day may not leave before obtaining permission from the office.

### **Release of child to noncustodial parent**

For children whose parents are divorced, the school will dismiss the student only into the custody of the parent with legal custody. The school will release the child to either parent if the parents are divorced and have joint custody. The school will release a child to a noncustodial parent only if there is permission for doing so signed by the custodial parent on file at the school office.

If possible, the school should obtain a copy of the parent's custody papers to have on file in the event the other parent attempts to remove the child from school.

Adopted ^



## STUDENT FEES, FINES AND CHARGES

Code **JQ** Issued **DRAFT/13**

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Purpose: To establish the basic structure for the assessment of student fees, fines and charges.

### **Fees**

The board recognizes that it may charge student fees to offset the cost of educational materials and supplies. The district will not deny any student an education because of his/her failure to pay these supplementary charges.

No school will charge a fee that has not been approved by the superintendent.

The superintendent will work with principals to formulate the necessary controls and records to assure that all fees are uniform and held to a minimum.

The district will not charge instructional fees to students who receive free lunches and will prorate instructional fees for students who receive reduced-price lunches.

### **Fines and charges**

No student is exempt from charges for books, lockers, materials, supplies and equipment that are lost or damaged.

Adopted 10/24/05; Revised ^

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Legal references:

A. S.C. Code of Laws:

- I. Section 59-19-90(8) - General powers and duties of school trustees; charge matriculation and incidental fees.

## STUDENT RECORDS

Code **JRA** Issued **DRAFT/13**

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Purpose: To establish the basic structure for maintenance of and access to student records.

The principal of each school is the legal custodian of all student records for that school.

Students and parents/legal guardians will have access to their school records. The schools will notify parents/legal guardians and adult students of the following.

- type of records kept
- procedure for inspecting and copying these records
- right for interpretation
- right to challenge data thought to be erroneous, the procedures for expunging such data or inserting a rebuttal statement
- right to lodge a complaint with the U.S. Department of Education if mandates are not adequately implemented

Cumulative record folders for all students will be kept in each school office. The educational records or school records include all materials directly related to a student that a school maintains. Records and notes maintained by a teacher, administrator, school physician or school psychologist for his/her own use, and which are not available to others, are exempted from this definition.

The school will require prior written consent before information may be divulged to third parties.

Exceptions to this rule exist for school district employees who have legitimate interests in viewing the records, officials in other schools in which the student seeks to enroll, and military recruiters who seek student contact information. At the time of transfer, parents/legal guardians may review the materials.

State and national educational organizations that require student data for confidential research and statistical purposes are also exempted from the parental consent prerequisite. An exemption also exists for material under court order, although parents/legal guardians must be notified of the order.

The district, with certain exceptions, may disclose directory information, which may include names, addresses, telephone listings and dates of birth, without first obtaining written parental permission. However, the district must define directory information to the public before disclosures.

The superintendent will establish administrative regulations for compliance with the Family Educational Rights and Privacy Act and other applicable acts and regulations.

The principal will maintain juvenile criminal records and information provided by the department of youth services in accordance with this policy and applicable district procedures.

The principal will destroy such juvenile criminal records upon the juvenile's completion of secondary school, or when the juvenile reaches 21 years of age, whichever occurs earlier.

Adopted 9/22/97; Revised ^

## PAGE 2 - JRA - STUDENT RECORDS

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### Legal references:

#### A. United States Code, Annotated:

1. Section 438 of the General Education Provisions Act, as amended - The Family Education Rights and Privacy Act [20 U.S.C. 1232 (g)].
2. 10 USC Section 503 - National Defense Authorization Act of 1999, as amended by the Hutchinson Act.
3. P.L. 107.56 - The Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act.
4. 20 U.S.C. Section 7165 (2001) - No Child Left Behind Act.
5. McKinney-Vento Homeless Education Improvements Act of 2001, P.L. 107-110, 42 U.S.C. Sections 11431-11435.

#### B. South Carolina Code of Laws, 1976 as amended:

1. Section 44-29-135 - Confidentiality of sexually transmitted disease records.
2. Section 63-19-2020 - Confidentiality.
3. Section 63-19-2030 - Law enforcement.
4. Section 59-63-50 - Provides for students to be fingerprinted.
5. South Carolina School Safety Act of 1997 - Sections 16-3-612, 63-19-820, 22-3-560, 59-63-370 through 390.
6. Section 63-5-30 - Rights and duties of parents regarding minor children.
7. Section 59-38-10 - South Carolina Education Bill of Rights for Children in Foster Care.

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

1. R43-273 - Transfers and withdrawals.

#### D. Court order:

1. Alexander S. by and through Bowers v Flora Brooks Boyd, 876 F.Supp 773 (1995).



## STUDENT RECORDS

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

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### General provisions

A student's "education records" are those records directly related to a student and maintained by the school district or a party acting for the school district.

"Parent" refers to a parent, a legal guardian, a person acting as a parent, a surrogate appointed in accordance with laws regulating programs for disabled students or a student who is 18 years of age or over, or a student who is attending an institution of postsecondary education on a full-time basis.

"Written consent" as used in this policy and administrative rule includes signed and dated written consent in electronic format that does the following.

- identifies and then indicates a particular person as the source of the electronic consent
- indicates the person's approval of the information in the electronic consent

Whenever a student is 18 or is attending an institution of postsecondary education, the rights accorded to and the consent required of the parent of the student will thereafter only be accorded to and required of the eligible student unless the school district has received notice that a court has awarded legal guardianship beyond the age of majority or the student is dependent on the parent/legal guardian for support and is claimed as dependent for tax purposes under the Internal Revenue Code. The school will document such notice.

In maintaining student records, the schools will follow applicable state and federal laws and regulations.

### Location of the student records

The school or the district records office (if a student is no longer enrolled) will maintain a cumulative record folder that contains directory information, scholastic information, standardized test data, health records, discipline records and other information. This cumulative record will include, but not be limited to, the following information.

- name (last, first and middle), also the preferred name (nickname)
- date of birth (verified) along with the sex and ethnic background
- address and telephone number
- names of parents and/or legal guardians
- health record, including surveys for vision, speech and hearing
- standardized test scores
- end of year assessment scores
- attendance and scholarship record card
- special services contact report
- reading and mathematics continual record
- appropriate correspondence with parents
- discipline records
- criminal record (if convicted of certain crimes)
- incident reports relating to charges for certain offenses outlined in the Juvenile Justice Code, and relating to other offenses if requested by the principal

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- other information in the form of notice by a law enforcement agency that a child has been charged with an offense as outlined in the Juvenile Justice Code, or upon final disposition of a case as outlined in the code

Except as provided in paragraph 4 of this section, the district maintains copies of psychological reports and related records if the district has given psychological evaluations to the student as follows.

- in the office of special services
- in the student's school in a file especially for psychological reports

The appropriate personnel in the district office and/or the appropriate school will keep records concerning students who have had administrative hearings.

Once a student graduates, the district files the student's records in the high school. If a student drops out of school before graduation, the school will file his/her records for five years and then transfer the records to the district's central location for record storage.

### **Directory information**

Schools will treat each student's education records as confidential and primarily for local school use. The exception to this rule is for directory information, which includes the following information about a student.

- name
- address
- telephone number
- date and place of birth
- participation in officially recognized activities and sports
- weight and height of members of athletic teams
- dates of attendance
- diploma or certificate and awards received
- electronic mail address
- photographs, digital images, images on videotape and other electronic images (as related to school-sponsored or district-sponsored events, activities and special recognitions)
- grade level
- most recent previous educational agency or institution attended by the student
- other similar information which may appear in newspaper articles, on television, in radio broadcasts, on displays, on the world wide web or in district or school promotional pieces

The district will not release directory information to any person or agency for commercial use. The district expects its employees to use good judgment in releasing directory information so it serves the best interests of the student.

Within 15 days after the annual distribution of notification of privacy rights, the parent of the student or the eligible and currently enrolled student has the right to refuse to permit the designation of any or all of the categories of personally identifiable information as directory information. The parent/eligible student's notification must be in writing. The written notification will become part of the student's education record. The principal of the school the student is attending is responsible for notifying appropriate personnel of the request, filing the request in the student's cumulative folder and marking the folder as specified by the superintendent or his/her designee.



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This notification of privacy will include notice to parents that military recruiters are entitled to some student directory information and that parents have the right to deny this access.

### **Release of school records**

The Family Education and Privacy Act of 1974 requires the following procedures in the release of school records.

- The district cannot release school records to any person or agency (employer, government agency, etc.) without the written consent of a student's parent. If the student is 18 years of age, he/she may sign for the release of his/her records.
- The district will release school records, without prior written consent of parent or eligible student, to officials of other educational institutions in which the student seeks or intends to enroll. The school will notify the student's parent of the transfer only if he/she has requested this exception to the district's policy.

The USA PATRIOT Act authorizes the district to release student records without parental consent to federal law enforcement officials in some circumstances relevant to a terrorism investigation.

### **Records made by an employee**

A school district employee's personal records on a student are not part of the student's education record as long as that person keeps the notes solely for his/her own use and maintains them separately from the school files.

A substitute who performs the employee's duties on a temporary basis may use these personal records. However, the employee may not pass the records on to a successor.

### **Management of records**

The district will protect the confidentiality of personally identifiable data on children during collection, storage, disclosure and destruction.

School district personnel, school psychologists under contract with the school district and other eligible state and federal employees who need the records to carry out their assigned duties and who have a legitimate educational interest will have access to or may receive information from the education records. The superintendent will maintain a current list of such individuals. The district will also give access to parents and eligible students as provided below.

The appropriate administrative head of each group collecting or using personally identifiable information will give instruction regarding these regulations to the group.

### **Students transferring to another school**

When a student transfers to another school or a school district, the school will send the student's permanent school records, including incident reports relating to charges for certain offenses outlined in law and the discipline record of suspensions and expulsions, to the receiving school and notify the parent of the transfer.

### **Disclosure (except for directory information)**

The school district has the right to disclose personally identifiable information from the education records of a student to appropriate parties in connection with an emergency, if



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knowledge of the information is immediately necessary to protect the health or safety of the student or other individuals.

The school will require a written request or consent from a parent or eligible student for each act of release of information. Blanket authorization for release of information is not permissible. Written requests or consent will include the types of information to be released, the purpose(s) for the disclosure, the parties or class of parties to whom the disclosure may be made, the date signed and the signature of the parent or eligible student.

The district will not require prior consent for disclosure when state and federal officials request the information as authorized by statutes or regulations implementing statutes.

The district will not require prior consent to disclose information to organizations conducting studies for, or on behalf of, the district for the purpose of developing, validating or administering predictive tests, administering student aid programs, and improving instruction as long as students and/or their parents are not personally identified and the records are destroyed when no longer needed for the prescribed purpose.

The district will not require prior consent when disclosing information to accrediting organizations in order for them to carry out their accrediting functions.

The district will not require prior consent when disclosing information in order for the school district to comply with a request from a judicial order, a lawfully issued subpoena, or a family court judge or his/her duly authorized representative acting in an official capacity.

Except as provided elsewhere in this administrative rule, the school district will keep a record of disclosures not authorized by the parent, eligible student or this administrative rule.

The student's cumulative folder will provide the following information.

- name of the party receiving the information
- data released
- legitimate purpose for which the data was requested

On the same day, the person releasing the information must mail written notification of the above to the parent or eligible student at the last known address if there is no evidence that the parent or eligible student is aware of the release of information.

### **Students in foster care**

Upon enrollment of a child in foster care, the Department of Social Services (DSS) will provide a copy of the court order to the school district for inclusion in the student's records.

The district will request school records of a student in foster care within two days of placement into a school and will transfer records within two days of receiving a request for school records of a student in foster care.

The district may permit an authorized representative of DSS to have access to the records of a child in foster care for the purpose of fulfilling educational case management responsibilities required by law and to assist with the school transfer or placement of the child.

### **Annual notification of rights**

Each school will distribute annual notice of privacy rights to parents and eligible students in attendance at the time of notification.

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### **Request for inspection**

Anyone who wants to inspect the records must make the request for inspection (or an explanation or interpretation) of a student's record to the principal of the school in which the student is enrolled or where the record is housed.

Principals or designated district office administrators will set a time and place for the inspection of such records within a reasonable period of time, but in no case more than 45 days after the request has been made. If a hearing concerning the student is pending, the employee will honor the request for inspection of the student's record prior to the hearing.

At the inspection, the principal will have appropriate personnel available to interpret information on the records.

The school district is responsible for the maintenance of each student's record. Therefore, school personnel are not to turn the original record or microfilmed copy of a record over to any person or organization unless they have a specific, written judicial order for such action.

If the parent or eligible student believes that the information in the education record is inaccurate, misleading or violates the privacy or other rights of the student, he/she can request an amendment to the record. The school official receiving the request will either amend the record, if appropriate, or notify the parent or eligible student within 15 working days in writing that the request is denied and that he/she has the right to request a hearing as provided below.

Each parent of a child has the right to inspect and review the child's record unless the school district has written evidence that there is a legally binding instrument or a court order governing such matters as divorce, separation or custody which provides to the contrary. The same applies to parental requests for disclosure to other individuals and to organizations.

A parent or an eligible student has the right to give written authorization for a representative to inspect and review the education records of the student.

### **Hearings to challenge information in students' records**

Parents or eligible students will make requests for hearings to the principal where the record is housed. The principal or his/her designee may conduct the hearing.

Principals or administrators will set a date, time and place for the hearing and notify the requester in writing of the date, time and place. The principal will establish the hearing date within five working days of receipt of the request. The principal must mail written notice of the hearing to the parent or eligible student at least 10 days prior to the hearing.

A school district official who does not have a direct interest in the outcome will conduct the hearing.

At the hearing, the principal or administrator will try to have present the person who has entered the information in question if the person is known and reasonably available. The parent or student who requested the hearing will have the right to question that person if present and be able to show evidence that would correct inaccurate, misleading or otherwise inappropriate information. Such evidence will become a permanent part of the student's record.

The parent of the student or the eligible student will have a full and fair opportunity to present relevant evidence, and may be assisted or represented at their expense by legal counsel.

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If, as a result of the hearing, the school district decides that the information is inaccurate, misleading or otherwise in violation of the privacy or other rights of the student, it will inform the parent or eligible student in writing that he/she has the right to place in the education record a statement commenting upon the information in the record and/or setting forth any reasons for disagreeing with the decision. Any such statement must remain with the record as long as the contested portion remains in the record. Disclosure of the contested portion must include the statement of the parent or eligible student.

The school district will send its decision (including a summary of the evidence), the reasons for the decision and the right to a judicial appeal in writing to the parent or eligible student within five working days after the conclusion of the hearing. The school district will base its decision solely on evidence.

### **Destruction of education records**

The school district may destroy data that are no longer needed for providing direct educational services as long as the following conditions apply.

- There is no outstanding request to inspect and review the education record.
- The district keeps the record of disclosures as long as it maintains the education record to which it relates.
- The data do not concern the referral, evaluation, staffing and placement of a disabled student or a student suspected at one time of having a disability. Such data will be sent to the office of programs for the disabled when no longer needed for providing direct educational services to a student.

No one may remove the following items from a student's cumulative record at any time.

- name (last, first and middle), also the preferred name (nickname)
- date of birth (verified), along with the sex and ethnic background
- address and telephone number
- names of parents
- health record, including surveys for vision, speech and hearing
- standardized test scores
- end of year assessment scores
- attendance and scholarship record card

Special service contact report is to be removed from a student's cumulative record at the end of five years if the student is not enrolled in a special program. The curriculum coordinator or guidance counselor will remove this record. The continual reading and mathematics records K through eight are to be removed and made a part of the record keeping system to be in force for grades nine through 12. Correspondence with parents should be reevaluated and thrown away after five years. Any materials relating to a child's preschool and kindergarten experiences should be discarded after second grade.

### **Record provided by the department of juvenile justice**

A person's juvenile criminal record must be provided by the department of juvenile justice to the principal of the school which the juvenile is eligible to attend immediately upon the person's release from the department of juvenile justice.



## **PAGE 7 - JRA-R - STUDENT RECORDS**

The principal will ensure that the student's juvenile criminal record is maintained in the school disciplinary file or other such confidential location. Access to the record will be restricted to school personnel having need for such information in order to adequately address the educational needs of the student.

These records must be destroyed upon the student's completion of secondary school or upon reaching 21 years of age.

### **Fingerprint records**

In accordance with law, the county will provide each school in the county with the forms and ink pads necessary to record each student's fingerprints in kindergarten through grade 12.

The district schools with the assistance of the State Law Enforcement Division and/or local law enforcement agencies will fingerprint school children in kindergarten and grades one through 12 when the parent of a child requests in writing that his/her child be fingerprinted for identification purposes for the child's protection.

The school will give the fingerprints to the student's parents.

### **The Family Educational Rights and Privacy Act Office**

Parents/Legal guardians and eligible students have the right to file written complaints concerning alleged violations of the Family Educational Rights and Privacy Act. Written complaints should be sent to the following address.

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, S.W.  
Washington, DC 20202-4605

This office has the responsibility for investigating, processing and reviewing alleged violations. This office will refer appropriate cases to a review board for adjudication.

Issued 8/28/75; Revised 8/27/84, 4/25/94, 10/23/95, 9/22/08, ^

**MODEL NOTIFICATION RIGHTS FOR ELEMENTARY AND  
SECONDARY SCHOOLS**

The Family Educational Rights and Privacy Act (FERPA) affords parents/legal guardians and students over 18 years of age ("eligible students") certain rights with respect to the student's education records. These rights are:

**The right to inspect and review the student's education records within 45 days of the day the school receives a request for access.**

Parents/Legal guardians or eligible students should submit to the school principal, or appropriate school official, a written request that identifies the record(s) they wish to inspect. The school official will make arrangements for access and notify the parent/legal guardian or eligible student of the time and place where the records may be inspected.

**The right to request the amendment of the student's education records that the parent/legal guardian or eligible student believes are inaccurate, misleading or otherwise in violation of the student's privacy rights under FERPA.**

Parents/Legal guardians or eligible students who wish to ask the school to amend a record should write the school principal, or appropriate school official, clearly identify the part of the record they want changed and specify why it should be changed. If the school decides not to amend the record as requested by the parent/legal guardian or eligible student, the school will notify the parent/legal guardian or eligible student of the decision and advise them of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent/legal guardian or eligible student when notified of the right to a hearing.

**The right to privacy of personally identifiable information in the student's education records, except to the extent that FERPA authorizes disclosure without consent.**

One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. A school official is a person employed by the school as an administrator, supervisor, instructor or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the school board; a person or company with whom the school has outsourced services or functions it would otherwise use its own employees to perform (such as an attorney, auditor, medical consultant or therapist); a parent/legal guardian or student serving on an official committee, such as a disciplinary or grievance committee; or a parent/legal guardian, student or other volunteer assisting another school official in performing his/her tasks.

A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

*Optional: Upon request, the school discloses education records without consent to officials of another school district in which a student seeks or intends to enroll, or is already enrolled if the disclosure is for purposes of the student's enrollment or transfer. NOTE: FERPA requires a school district to make a reasonable attempt to notify the parent/legal guardian or student of the records request unless it states in its annual notification that it intends to forward records on request.*

**The right to file a complaint with the U.S. Department of Education concerning alleged failures by the school to comply with the requirements of FERPA. The name and address of the office that administers FERPA are as follows.**

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202-8520

**District Five Schools of Spartanburg County**

## **MODEL NOTICE FOR DIRECTORY INFORMATION**

The Family Educational Rights and Privacy Act (FERPA), a federal law, requires that the district, with certain exceptions, obtain your written consent prior to the disclosure of personally identifiable information from your child's education records. However, the district may disclose appropriately designated "directory information" without written consent, unless you have advised the district to the contrary in accordance with district procedures. The primary purpose of directory information is to allow the district to include this type of information from your child's education records in certain school publications. Examples include the following.

- a playbill, showing your student's role in a drama production
- the annual yearbook
- honor roll or other recognition lists
- graduation programs
- sports activity sheets, such as for wrestling, showing weight and height of team members

Directory information, which is information that is generally not considered harmful or an invasion of privacy if released, can also be disclosed to outside organizations without a parent/legal guardian's prior written consent. Outside organizations include, but are not limited to, companies that manufacture class rings or publish yearbooks. In addition, two federal laws require a district receiving assistance under the Elementary and Secondary Education Act of 1965 (ESEA) to provide military recruiters, upon request, with names, addresses and telephone listings, unless parents/legal guardians have advised the district that they do not want their student's information disclosed without their prior written consent.

If you do not want the district to disclose directory information from your child's education records without your prior written consent, you must notify the district in writing by *insert date*. The district has designated the following information as directory information. *NOTE: A district may, but does not have to, include all the information listed below.*

- student's name
- address
- telephone listing
- electronic mail address
- photograph
- date and place of birth
- major field of study
- dates of attendance
- grade level
- participation in officially recognized activities and sports
- weight and height of members of athletic teams
- degrees, honors, and awards received
- most recent educational agency or institution attended
- student ID number, user ID or other unique personal identifier used to communicate in electronic systems that cannot be used to access education records without a PIN, password, etc. (a student's SSN, in whole or in part, cannot be used for this purpose)