

SCHOOL DISTRICT LEGAL STATUS

Code **AA** Issued **DRAFT/11**

Purpose: To establish the basic structure of public education in the district.

The General Assembly of South Carolina has provided for public school districts. A public school district is an area of territory comprising a legal entity whose sole purpose is that of providing school education, whose boundary lines are a matter of public record, and the area of which constitutes a complete tax unit.

In Spartanburg County the organizational pattern consists of seven public school districts, one of which is the District Five Schools of Spartanburg County.

The District Five Schools of Spartanburg County is a body politic and corporate. Under its name it may sue and be sued. It may enter into contracts to the extent of its school funds and may hold such real and personal property as it may come into possession of by an authorized purchase or by will or otherwise.

Adopted 1/25/93; Revised ^

Legal references:

A. S. C. Constitution:

1. Article X, Section 5 - Power of school district to assess and collect taxes.
2. Article XI, Section 1 - Creation of the state board of education.
3. Article XI, Section 2 - Creation of the position of state superintendent of education.
4. Article XI, Section 3 - Provides for a system of free public schools.

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

1. Title 59, Chapters 1 - 73 - Public education, K-12.
2. Section 59-1-160 - School district defined.
3. Section 59-3-30 - State superintendent of education; general duties.
4. Section 59-5-10 - Composition and organization of state board of education.
5. Section 59-17-10 - School districts as bodies politic and corporate.
6. Section 59-73-20 - School districts declared tax districts.

NONDISCRIMINATION/EQUAL OPPORTUNITY

Code **AC** Issued **DRAFT/11**

Purpose: To establish the basic structure for conduct of district programs in compliance with applicable laws.

The district is required by federal and state laws, executive orders, rules and regulations not to discriminate on the basis of race, religion, color, disability, sex, age, national origin, immigrant status or English-speaking status, or marital status. The district, therefore, commits itself to nondiscrimination in all its education and employment activities.

Further the board affirms the right of all students and staff to be treated with respect and to be protected from intimidation, discrimination, physical harm and/or harassment.

Harassment/Discriminatory behavior that denies civil rights or access to equal educational opportunities includes comments, name-calling, physical conduct or other expressive behavior directed at an individual or group that intentionally demeans the race, color, religion, national origin, immigrant status or English-speaking status, sex or disability of the individual or individuals or creates an intimidating, hostile or demeaning environment for education.

Resolution of discrimination complaints

The district will use the grievance procedures set forth in policy to process complaints based on alleged violations of Title VI of the Civil Rights Act of 1964; Title VII of the Civil Rights Act of 1964; Title IX of the Education Amendments Act of 1972; Section 504 of the Rehabilitation Act of 1973; and Titles I and II of the Americans with Disabilities Act of 1990 (referred to as "civil rights grievances").

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

Adopted ^

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.
2. Title VII of the Civil Rights Act of 1964 - Prohibits employment discrimination on the basis of race, color, national origin, religion or sex.
3. Section 504(b) of Rehabilitation Act of 1973 - Prohibits discrimination against "otherwise qualified" handicapped persons by federal grantees.
4. Title IX of the Education Amendments of 1972 - Prohibits sex discrimination by federal education grantees.
6. Equal Pay Act of 1972 - Nondiscrimination as to wages on basis of sex.
7. Age Discrimination in Employment Act - Nondiscrimination on the basis of age in employment.
8. Americans with Disabilities Act - Prohibits discrimination in employment and access to programs and facilities on the basis of disability.

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

1. Section 1-13-80 - Unlawful employment practices.

C. U.S. Supreme Court:

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

District Five Schools of Spartanburg County

SCHOOL DISTRICT GOALS AND OBJECTIVES

Code **ADA** Issued **DRAFT/11**

Purpose: To establish the board's vision and the basic structure for developing a district strategic plan and school renewal plans with annual updates.

Mission statement

The District Five Board of Trustees of Spartanburg County provides leadership to ensure students the best educational opportunities to improve their quality of life by establishing policies and monitoring the operations of the school district.

The district will implement this vision by providing lifelong learning opportunities that will develop the potential of all individuals and thereby improve the quality of life for all citizens of the district.

District strategic plan and school renewal plans

The district will develop a five-year strategic plan and schools will develop five-year school renewal plans that are focused on accountability and the improvement of student academic performance, data driven decision making and continuous improvement. These plans are required by the Education Accountability Act of 1998, Early Childhood Development and Academic Assistance Act of 1993 (Act 135), the No Child Left Behind Act of 2001 and State Board of Education Regulation 43-261.

Accountability system

As required by the Education Accountability Act of 1998, the board will ensure the establishment of a district system of performance-based accountability and incorporate it into the district's strategic plan. Each school will indicate the accountability components in its renewal plan.

The board must review and revise the overall accountability system annually.

The district must involve parents, teachers and principals in the development, annual review and revision of the district accountability system.

Strategic plan and school renewal plan

The district will develop and implement a five-year strategic plan and school renewal plans to meet the requirements of The Early Childhood Development and Academic Assistance Act of 1993. Act 135 establishes two main initiatives to be addressed in the plans.

- focus on early childhood development and the prevention of academic difficulties
- an emphasis on flexibility so there is a tailoring of service to meet the needs of students experiencing academic difficulties

The district will address the innovation initiative in its plans by encouraging research-based innovative approaches to improve student learning and accelerate student performance.

District and school plans will be based on strategies derived from scientifically-based education research. The plans must contain performance goals, interim performance goals and timelines for

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progress. Further, the district will develop methods of assessing the effectiveness of strategies to indicate whether strategies should be continued, modified or terminated.

The district will submit copies of its five-year comprehensive plans and annual updates to the state department of education for review in accordance with the law.

Adopted 1974; Revised 1/25/93, 10/23/95, ^

Legal references:

A. Federal law:

1. 20. U.S.C. Section 6301, et seq. - No Child Left Behind Act of 2001.

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

1. Section 59-20-60 - Improvement councils.
2. Section 59-18-1300 - District accountability system; development and review.
3. Section 59-18-1310 - Reports consolidated; submission dates.
4. Section 59-18-1500 - ...Review and revision of improvement plan.
5. Section 59-18-1510 - Assignment of external review committee; activities and recommendations.
6. Sections 59-139-05, et seq. - Early Childhood Development and Academic Assistance Act.

C. State Board of Education Regulations:

1. R43-261 - District and school planning.

SCHOOL DISTRICT GOALS AND OBJECTIVES

Code **ADA-R** Issued **DRAFT/11**

District and school plans and accountability system

The district and each school in the district will prepare a district performance-based accountability system and plans with annual updates. The school and district plans will be coordinated and will align improvement initiatives.

The board will approve the district strategic plan, school renewal plans and annual updates which will coordinate funding from local, state, federal and private sources and will be developed collaboratively by a broad-based group of stakeholders using a consensus process.

Each school improvement council will actively participate in the development of its school's plans.

The plans will address the following initiatives.

- early childhood initiative (preschool - grade three) which addresses a parenting/family literacy component; a plan for half-day child development programs; an academic assistance component for grades K through three; school practices in grades K through three; and other federal, state or district programs
- academic assistance initiative (grades four through 12)
- staff development initiative to provide ongoing long-range professional development which meets national professional development standards and provides participants the knowledge and skills necessary to implement the district strategic and school renewal plans
- parent/legal guardian involvement initiative including goals, objectives and method of evaluation
- an innovation initiative component designed to improve student learning and accelerate the performance of all students will be based on different categories; these categories may include defining new approaches as to what and how students learn, applying different teaching methods, redefining how schools operate and creating appropriate relationships between schools and other social service agencies

During the planning process, the district and each school will include these specific components.

- comprehensive needs assessment
- performance goals
- interim performance goals
- strategies and action plans
- evaluation of the strategies
- evidence of comprehensive consensus building
- assurances

The annual needs assessment must identify targeted areas of discrepancy between the desired performance levels and the current status as indicated by available data. The district will develop measurable performance goals and interim performance goals to address the major areas of

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discrepancy. The district will design strategies to meet the goals and incorporate certain components. The district will evaluate each strategy as to the level of effectiveness.

School improvement councils and report to the community

Refer to BDF and BDF-R, Advisory Committees, for changes according to Act 135 and the Education Accountability Act of 1998.

Alternative plan

Schools that use the Southern Association of Colleges and Schools Council on Accreditation and School Improvement (SCACS CASI) accreditation process may substitute the SACS CASI plan for the school renewal plan provided it includes the appropriate components.

Review of district and school plans

The district planning team will submit the district strategic plan, school renewal plans and annual updates to the board for review and approval prior to or following peer review.

The district will follow the department of education schedule for submission of combined strategic plan/school renewal plans.

The state department of education review panel will approve the plan, provisionally approve the plan pending suggested modifications or disapprove the plan. The department will provide technical assistance to schools needing help in modifying aspects of the plan not meeting approval criteria. Plans developed by deregulated schools are exempt from the peer review process.

Evaluation of program and strategies

Districts and schools will maintain financial records and collect sufficient program information to provide accountability for expenditures and results. This process applies particularly in the areas of K through three academic assistance, four through 12 academic assistance, parenting/family literacy, half-day child development programs, innovation and staff development as well as accountability elements.

Waivers

The board may request a waiver to regulations that would impede the implementation of an approved plan.

The department of education will provide guidelines outlining further information relating to the implementation of this regulation.

Issued ^

DRUG AND ALCOHOL-FREE WORKPLACE AND SCHOOLS

Code **ADB** Issued **DRAFT/11**

Purpose: To establish the basic structure to ensure the board's vision of a workplace and learning environment free of drugs and alcohol.

The district is committed to providing a drug and alcohol-free learning environment and workplace. Drug and alcohol abuse in the workplace or at school or in connection with school-sponsored activities on or off school grounds threatens the health and safety of our students and our employees and adversely affects the educational mission of the district. "Drug" means any narcotic drugs, marijuana, depressants, stimulants or hallucinogenic drugs, any counterfeit drugs, imitation controlled substances, "lookalike" substances, synthetic drugs, and any substance that is represented to be or is substantially similar in color, shape, size or markings to a prohibited substance, or other controlled substances as defined by the act and regulation cited below unless obtained from or pursuant to a valid prescription or ordered by a practitioner.

Employees

No employee will unlawfully manufacture, distribute, dispense, possess or use any drug on or in the workplace. No employee will manufacture, distribute, dispense, possess, use or be under the influence of alcohol on or in the workplace.

"Workplace" means the site for the performance of work. That includes any school building or any school premises and any school-owned vehicle or any other school-approved vehicle used to transport students to and from school or school activities. It also includes off-school property during any school-sponsored or school-approved activity, event or function such as a field trip or athletic event where students are under the jurisdiction of the school district.

As a condition of employment, each employee will notify his/her supervisor of his/her conviction of any criminal drug statute for a violation occurring in the workplace as defined above. The employee must notify the supervisor no later than five days after such conviction.

As a condition of employment, each employee must abide by the terms of the school district policy respecting a drug and alcohol-free workplace.

An employee who violates the terms of this drug-free workplace policy may be subject to disciplinary action including, but not limited to, nonrenewal, suspension or termination at the discretion of the board. Such employee may be required to satisfactorily participate in a drug abuse assistance program or rehabilitation program approved by the board.

The board will take such action in accordance with district policies and regulations as well as applicable state and federal law.

The board directs the administration to establish a drug-free awareness program in the district to include information on the dangers of drug abuse in the workplace, the district's policy on a drug-free workplace, and any drug counseling available to employees as well as any available rehabilitation and employee assistance programs.

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Students

No student, regardless of age, will possess, use, sell, purchase, barter, distribute or be under the influence of alcoholic beverages or other controlled substances in the following situations.

- on school property (including buildings, grounds, vehicles)
- at any school-sponsored activity, function or event whether on or off school grounds including any place (where an interscholastic athletic contest is taking place)
- during any field trip
- during any trip or activity sponsored by the board or under the supervision of the board or its authorized agents

No student will aid, abet, assist or conceal the possession, consumption, purchase or distribution of any alcoholic beverage by any other student or students in any of the circumstances listed above.

No student will market or distribute any substance which is represented to be or is substantially similar in color, shape, size or markings of a controlled substance in any of the circumstances listed above.

All principals will cooperate fully with law enforcement agencies and will report to them all information that would be considered pertinent or beneficial in their efforts to stop the sale, possession and use of controlled substances.

The administration will suspend students who violate this policy and the board may expel them. The board intends to expel all students who distribute any controlled substance on school grounds.

(Cf. GBEC, JICH)

Adopted 8/2/75; Revised 9/28/81, 1/28/91, 3/22/93, 4/25/94, 6/29/98, 1/28/05, 10/24/11

Legal references:

A. Federal statutes:

1. Drug-Free Workplace Act 102 Stat. 4305-4308.
2. Controlled Substances Act (21 U.S. C. 812) - Schedules I through V of Section 202.

B. Federal regulations:

1. 54 F.R. 4946 (1/31/89) - Relating to the Drug-Free Workplace Act.
2. 21 CFR 1300.11 through 1300.15 - Defining controlled substances.

C. State law:

(Alcohol)

1. S.C. Constitution:
 - a. Article XVII, Section 14 - Must be over 21 to possess distilled liquors.
2. S.C. Code of Laws, 1976, as amended:
 - a. Section 16-17-530 - Students who come to school in an intoxicated condition, or conduct themselves in a disorderly or boisterous manner, could be arrested for a misdemeanor.
 - b. Section 59-67-150 - Drinking alcoholic liquors on a school bus is prohibited.

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(Drugs)

1. S.C. Code, 1976, as amended:
 - a. Section 44-49-80 - Establishment of drug abuse treatment program in public schools.
 - b. Section 44-53-110, et seq. - Definitions; lists of illicit drugs.
 - c. Section 44-53-140 - Certain communications and observations shall be privileged.
 - d. Section 44-53-370 - Prohibited Acts A; penalties.
 - e. Section 44-53-440 - Distribution to persons under 18.

TOBACCO-FREE SCHOOLS (DRAFT 1)

Code **ADC** Issued **DRAFT/11**

Purpose: To establish the basic structure for tobacco-free schools.

Use of tobacco and tobacco products

The board believes that the use of tobacco is detrimental to the health of students and staff and contrary to the board's objectives to teach appropriate health values and habits. Therefore, the board prohibits the use of tobacco products by anyone in any of the buildings or on the grounds of the school district.

In addition, staff members will consider themselves under the provisions of this policy at any time while students are present under their jurisdiction off the school grounds.

The board directs the administration to ensure that signs are conspicuously displayed designating the prohibition of tobacco use at each building.

Potential employees will be informed of the district's drug and tobacco-free policy during the interview process.

In the event that this policy is not followed, the following sanctions will be taken.

Staff

- first offense verbal reprimand
- second offense written reprimand
- third offense considered insubordination and grounds for termination

Students

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

School administrators will develop procedures consistent with the discipline code of this district in order to enforce this policy.

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

(Cf. JICG)

Adopted 6/23/86; Revised 1/28/91, 3/22/93, 4/25/94, 1/28/05, ^

Legal references:

- A. United States Code:
 - I. 20 U.S.C. 6081 - Pro-Children Act of 1994.

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

1. Section 44-95-10, et seq. - Clean Indoor Air Act of 1990 and penalties for violations.
2. Section 16-17-490 - Contributing to the delinquency of a minor (school board rules and regulations may be exempt under certain circumstances).
3. Section 16-17-500 - Supplying minors with tobacco or cigarettes.
4. Section 59-67-150 - Qualifications of bus driver; drinking or smoking on bus.
5. Sections 16-17-500 and 501 - Youth Access to Tobacco Prevention Act of 2006.

WELLNESS POLICY ON PHYSICAL EDUCATION STANDARDS, NURSING AND NUTRITION STANDARDS

Code **ADF** Issued **DRAFT/11**

Purpose: To establish the board's vision for physical education, nursing and nutrition standards in the schools.

Physical education standards

The board believes that one goal of public education is to assist all students in reaching their full academic potential and that a student's health impacts his/her school attendance, readiness to learn, potential learning and achievement.

Therefore, the school district is committed to a sound, comprehensive health education program that is an integral part of each student's general education. One component of health education is physical education.

The district will do the following.

- Provide students in grades K through five with the appropriate amount of physical activity and physical education as required by law and based on the South Carolina Physical Education Curriculum Standards including an appropriate student-to-PE teacher ratio and age appropriate equipment/facilities.
- Ensure that each school designates a physical education teacher as the physical education activity director to plan and coordinate opportunities for additional physical activity for students to exceed the designated weekly PE instruction.
- Provide professional development to teachers on the importance of physical activity for young children and the relationship of activity and good nutrition to academic performance and healthy lifestyles.
- Report an individual student's fitness status to his/her parent/legal guardian during the student's fifth grade, eighth grade and high school physical education courses.
- Physical activity time is not to reduce time dedicated to instruction in the arts.

One unit of high school physical education is required for high school graduation. The district will offer the required unit of physical education encompassing a personal fitness and wellness component and a lifetime fitness component as outlined by the state physical education curriculum.

Exemptions

The superintendent may grant a waiver to a student exempting him/her from physical education requirements based on one of the following criteria.

- The student presents a physician's statement indicating that participation in physical education will jeopardize the student's health and well-being.

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- The parent/legal guardian or student must be a member of a recognized religious faith that objects to physical education as part of its official doctrine or creed. Further, the parent/legal guardian and student must show that attending these classes would violate their religious beliefs and not be merely a matter of personal objection.
- JROTC may be substituted for physical education.

Nurses

Spartanburg County School District Five will provide a registered nurse to staff the health room in each of the schools in order to provide health services for all students.

Nutrition standards

The district participates in the national school lunch program and provides nutritional, well-balanced breakfasts and lunches in all schools.

The purpose of the district food program is as follows.

- to maintain and improve the health and physical fitness of the school child by providing him/her with an adequate meal and appropriate time for consumption
- to provide a satisfactory learning experience in the food program which will contribute to the overall development of the child by all K-5 students receiving a weekly nutrition lesson in the health curriculum
- to provide free or reduced-price meals for students from economically deprived families

The superintendent, with the recommendation of the food service supervisor, sets meal prices for students and adults.

The food service program will be operated under the general recommendations and standards established by the South Carolina State Board of Education.

The district will not deny any child who a principal or teacher believes is improperly nourished a free lunch, milk or other food simply because the district has not received proper application from the child's parent/legal guardian.

The administration will establish rules and procedures which conform with state and federal requirements regarding participation in programs for free and reduced price meals and supplementary food. The administration will report such regulations to the board from time to time for its approval.

Principals have forms for requesting and establishing the need for free lunches in their school office.

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Competitive food sales/vending machines

Good nutrition is essential to peak academic performance for students and to long-term health. The district supports nutrition programs and nutrition education as an integral part of a high-quality education.

To ensure that foods served at schools address modern nutritional needs and to protect the health of students, the district administration will exercise control over the sale of non-cafeteria/competitive food. For purposes of this policy, "competitive food" means any food that is sold in competition with the school lunch or breakfast program.

The district will permit vending machines and the sale of competitive foods in the middle schools, high schools and career centers in accordance with this policy.

The district administration will monitor any sales in K-12 schools for nutritional content of food/drinks.

The school administration is responsible for ensuring that foods from vending machines and/or other non-cafeteria/competitive foods are sold in compliance with federal guidelines and district policy.

The board authorizes the superintendent to close a canteen or discontinue the sale of competitive foods if not properly operated.

Adopted 6/26/06; Revised 10/22/07, ^

Legal references:

A. Federal law:

1. Section 10(a) of the Child Nutrition Act of 1996 (CAN), as amended by P.L. 95-166 in 1997.
2. National School Lunch Program Regulations, Section 210.11.
3. School Breakfast Program Regulations, Section 220.12.

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

1. Section 59-29-100 - Supervision of administration of physical education program.
2. Students Health and Fitness Act of 2005, Sections 59-10-10 through 60 - Physical education standards.
3. Students Health and Fitness Act of 2005, Sections 59-10-210 through 380 - Nurses and Nutrition standards.