

**Section E
SUPPORT SERVICES**

New code		Old Code	Notes
EA	Support Services Goals/Priority Objectives	EA	This is model.
EB	Environmental and Safety Program	EBB (part of it)	This is model.
EBAB	Hazardous Materials	EBB	This is model; same as most of your EBB.
EBBA	Prevention of Disease/Infection Transmission	New policy	This is new model developed with SDE; goes along with new versions in student and staff sections.
EBC	Emergencies	AFC, EBBC (part of it), EBBD, JGFA (part of it)	This is model.
EBCB	Safety Drills	EBBC, JGFA (part of them)	This is model; same information.
EBCE	School Closings and Cancellations	AFC, EBBD	This is model with new language and updated legal references.
EC	Buildings/Grounds/Property Management	EB (yours is different)	This is model - you don't have this.
ECA	Security	EBC	This is model; basically the same.
ECAC	Vandalism	EBCA	This is model with some additional language.
ECB	Building and Grounds Maintenance	EBG, EBI	This is model.
ED, -R	Materials and Equipment Management	EC, -R	This is model; similar to what you had but with updated terminology.
EDE	Resource Conservation/Waste Management and Recycling	EB	Same information.
EEA	Student Transportation	ED, JGG (part of it)	Same as your information; we have this as a separate policy.
EEAE, -R, -E	Bus Safety Program	ED (part of it)	This is model policy, rule and exhibit with lots more information than you had.

New code	Heading	Old Code	Notes
EEAEC, -R	Student Conduct on Buses	EDCB	This is model; note option for use of video cameras on buses.
EEAF	Special Use of School Buses	EDDA	This is your policy.
EEAG	Student Transportation in Private Vehicles	New policy	This is model; new for your district.
EGAD, -R	Copyright Compliance	IFAB, -R (you don't have)	This is model policy and rule.
EHB	Data/Records Retention	CN (you don't have)	This is model.
EI, -R	Insurance Program/Risk Management	EG, EGA, EGAA, EGD	This is model; less detail than what you have.

Left over

EGB - will be in new JLA

EGD - will be in new BIE

EFD - old language; will be covered in new JKA

SUPPORT SERVICES GOALS/PRIORITY OBJECTIVES

Code **EA** Issued **DRAFT/12**

Purpose: To establish the board's vision for the role of support services in the operation of the district.

Support services are essential to the successful function of a school system. The administration must design school business and other support operations to support a quality educational program. Education is the district's central function. All support services must be provided, guided and evaluated by this requirement.

In order to provide the appropriate services that are truly supportive of the educational program, the board establishes these broad goals.

1. to provide a physical environment for teaching and learning that is safe and pleasant for students, staff and public
2. to provide safe transportation for students to and from school and healthy meals for students
3. to provide an efficient and effective system for financial management and accountability
4. to provide support services with timely and high quality resources and assistance in the areas of accounting, transportation, food service and maintenance

Adopted 3/22/93; Revised ^

ENVIRONMENTAL AND SAFETY PROGRAM

Code **EB** *Issued* **DRAFT/12**

Purpose: To establish the board's vision for the district's environmental and safety program.

The district will take precautions to protect the safety of all students, employees, visitors and others present on district property or at school-sponsored events.

The practice of safety is an integral part of the instructional program -- including fire prevention, emergency procedures and drills, driver education, and traffic and pedestrian safety.

Adopted 1975; Revised 3/22/93, ^

HAZARDOUS MATERIALS

Code **EBAB** Issued **DRAFT/12**

Purpose: To establish the basic structure for dealing with hazardous substances.

The board is committed to creating and maintaining a safe and healthy environment for students, staff and community persons who use district facilities. The board, superintendent and district employees share the responsibility of maintaining healthful and safe conditions in the school buildings.

The board also recognizes that the daily operations of our schools entail the use of many potentially hazardous substances. Hazardous materials are defined as any substance or mixture of substances that constitutes a fire, explosive, reactive or health hazard.

Such substances may include, but are not limited to, the following.

- art supplies (for example, rubber cement, spray paints, chemical-based marking pens)
- paint thinners
- solvents (for example, gasoline, turpentine, mineral spirits)
- pesticides
- underground storage tank hazardous materials
- compressed gases and other liquids, compounds, solids or hazardous chemicals which might be toxic, poisonous or cause serious bodily injury

Insofar as possible, the superintendent or his/her designee will minimize the quantities of hazardous substances stored on school property. Hazardous materials on school property must be inventoried, used, stored and regularly disposed of in a safe and legal manner.

The board encourages staff to substitute less dangerous materials for hazardous ones whenever possible.

The board directs the superintendent or his/her designee to provide district personnel with procedures that address the purchase, storage, use, transportation and disposal of hazardous materials. The procedures will stress instruction in the importance of proper handling, storage, disposal and protection of all potentially hazardous substances. The procedures will also include emergency response and evacuation plans.

Adopted 1975; Revised 3/22/93, ^

PREVENTION OF DISEASE/INFECTION TRANSMISSION

Code **EBBA** Issued **DRAFT/12**

Purpose: To establish the basic structure for a healthful school environment.

The board is committed to providing a healthful environment for all students and employees. To prevent disease transmission and promote a healthy educational/social environment in the district, the board has adopted and the district has implemented an exposure-control plan based on recommendations from the Centers for Disease Control and Prevention (CDC) for all employees. This plan includes appropriate training for all employees as well as standard ~~(universal)~~ precautions that all employees must take when dealing with blood and other bodily fluids. A copy of the plan is on file in the superintendent's office and each school.

When the district takes action with respect to students or employees found to have a communicable disease, such action will be consistent with rights afforded individuals under state and federal statutory, regulatory and Constitutional provisions. The district will treat each case on an individual basis.

The district will continue to revise and update its policy and procedures in accordance with policy changes through the U.S. Centers for Disease Control and Prevention, the U.S. Occupational Safety and Health Administration and the S.C. Department of Health and Environmental Control.

Cf. GBGA, IHAM, JLCC, JRA

Adopted ^

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 44-29-135(f) - Confidentiality of sexually transmitted disease records.
 - 3. 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.

EMERGENCIES

Code **EBC** Issued **DRAFT/12**

Purpose: To establish the basic structure for preparation for, and reaction to, emergencies by the administration.

The board recognizes that appropriate crisis response to certain events is essential for the physical, emotional and mental welfare of its students, employees and the community. Those events may include, but are not limited to, suicide, death of employee or student, natural disaster and threat of harm. The board, therefore, directs the superintendent to establish and implement an emergency preparedness planning and management guide to deal with crisis situations at the district and school level.

The superintendent will establish a district response team and ensure the establishment of such teams at the school level. The involvement of other municipal, county, state or federal agencies should be encouraged and incorporated into the plan as needed. By utilizing all appropriate agencies and groups, the district will make every effort to minimize the effects of the crisis and maximize its resources while providing for the welfare of students, employees and the community.

The district will not disclose any information related to security plans or devices proposed, adopted, installed or utilized by the schools to the public.

Adopted 1974; Revised 10/28/91, 3/22/93, ^

Legal references:

- A. S. C. Code, 1976, as amended:
 - 1. Section 30-4-20(c) - Public records.
 - 2. Section 59-5-65 - Powers and responsibilities of state board of education.
 - 3. Section 59-63-310, et seq. - Safe Schools Act of 1990.
 - 4. Section 59-23-210, et. seq. - School building codes, specifications and inspections.
 - 5. Sections 59-63-910 through 59-63-930 - Fire drills.

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

SAFETY DRILLS

Code **EBCB** Issued **DRAFT/12**

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

Fire drills

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

Tornado drills and other disasters

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

Adopted 1974; Revised 10/28/91, 3/22/93, ^

Legal references:

- A. S. C. Code, 1976, as amended:
 - 1. Section 59-23-210, et. seq. - School building codes, specifications and inspections.
 - 2. Sections 59-63-910 through 59-63-930 - Fire drills.
- B. State Board of Education Regulations:
 - 1. R-43-166 - Student and school safety.
 - 2. R-43-181 - Building and grounds management - fire prevention.

SCHOOL CLOSINGS AND CANCELLATIONS

Code **EBCE** Issued **DRAFT/12**

Purpose: To establish the basic structure for dealing with school closings in the event of emergency or other specified situations.

The superintendent is empowered to close the schools in the event of hazardous weather, epidemics or other emergencies which threaten the safety or health of students or staff members. The superintendent will take such action only after consultation with knowledgeable authorities.

The superintendent also has the authority to delay the opening of any or all schools or to dismiss them early, due to weather conditions or other emergencies.

The superintendent will make the decision regarding school closings and cancellations as soon as possible (if possible, no later than 6 a.m. on the day concerned) and announce the decision to the local news media.

Any school days missed due to snow or other extreme weather conditions must be made up unless otherwise provided for by law (see policy IC).

Adopted 1974; Revised 8/27/84, ^

Legal references:

- A. S.C. Code, 1976, as amended:
 - 1. Section 59-1-425 - School terms, school days, make-up days.
- B. State Board of Education Regulations:
 - 1. R43-234 - Defined program, grades 9-12.

BUILDINGS/GROUNDS/PROPERTY MANAGEMENT

Code **EC** Issued **DRAFT/12**

Purpose: To establish the basic structure for the management of district property.

The care, custody and safekeeping of school property are the general responsibility of the superintendent. Within separate schools, the principal will be responsible for the proper care and maintenance of the buildings, equipment and grounds.

The principal will establish such procedures and employ such means from time to time as may be necessary to accomplish the following.

- Provide accurate information in regard to the nature, condition, location and value of school property.
- Safeguard schools against loss, damage or undue depreciation.
- Recover and restore to usefulness any school property which may be lost, stolen or damaged.
- Do everything necessary to ensure the proper maintenance and safekeeping of school property.
- Report immediately any physical deficiency or repair needs related to any school property.

Adopted ^

Legal references:

- A. State Board of Education Regulations:
 1. R-43-180 - Building and grounds maintenance.

SECURITY

Code **ECA** Issued **DRAFT/12**

Purpose: To establish the basic structure for security of district buildings and grounds.

The district maintains school buildings and grounds for the education and recreation of the school children in the district. No one may use the buildings or grounds in a way that would interfere with their most effective use for the benefit of the school children.

The principal is responsible for seeing that the school is secure at the close of the school day. The principal may designate an individual to be responsible for opening and/or closing the building on a daily basis.

The board requires and encourages close cooperation with the local police and sheriff's departments, the fire department and with insurance inspectors. The principal must immediately report all theft, vandalism or destruction of school property to law enforcement authorities.

Contacting law enforcement

The principal is empowered to take appropriate action (including calling the police and swearing out warrants) against any person(s) who willfully and unnecessarily interferes with the operation of the school, loiters without permission or acts in an ~~obnoxious~~ **unacceptable** manner.

The principal is required to contact law enforcement authorities immediately upon notice that a person is engaging in or has engaged in certain activities on school property or at a school sanctioned or sponsored activity. Those activities are ones which may result, or do in fact result, in injury or serious threat of injury to the person or to another person, or his/her property or disruption of a school event.

Adopted 8/28/75; Revised 3/22/93, ^

Legal references:

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

1. Section 16-17-420 - Authority to take appropriate action.
2. Section 59-19-90(5) - General authority to manage and control property of district.
3. Section 59-19-120 and 59-19-140 - Specific rule-making powers regarding district property.
4. Section 59-24-60 - Requires administration to contact law enforcement.
5. Section 63-7-310 - Persons required to report.
6. Section 16-3-612 - South Carolina Teacher Protection Act of 2004.

VANDALISM

Code **ECAC** Issued **DRAFT/12**

Purpose: To establish the basic structure for dealing with vandalism to district property.

The school district's buildings and grounds are built and maintained with public funds. The board urges every citizen of the district to cooperate in reporting any incidents of vandalism to district property and the name of the person(s) believed to be responsible.

The administration will take all necessary steps and seek police cooperation and action to protect school property from theft and vandalism.

The principal will report damage of any nature to school property, whether willful or otherwise, to the superintendent. The principal will also report break-ins to the superintendent and will report all suspected incidences of theft and vandalism to appropriate law enforcement authorities. Each employee of the district will report to the principal of the school every incident of vandalism known to the employee and, if known, the names of those responsible.

Any student of the district who enters or comes upon school grounds any time of the day or night and does damage to anyone's personal property on school grounds or property belonging to the school will be trespassing and subject to disciplinary action. The student(s) and parents/legal guardian will be responsible for the damage and may be required to pay for repairs and or replacement of the damaged property.

Adopted 3/22/93; Revised ^

Legal references:

- A. S.C. Code of Laws, 1976, as amended:
1. Section 16-7-170 - Entering building for purpose of destroying records or other property.
 2. Section 16-11-520 - Malicious injury to tree, house, outside fence or fixture; trespass upon real property.
 3. Section 16-11-530 - Malicious injury to real property; school trustees deemed owner of school property.
 4. Section 22-3-710 - Proceedings commenced on information.

BUILDINGS AND GROUNDS MAINTENANCE

Code **ECB** Issued **DRAFT/12**

Purpose: To establish the basic structure for maintaining and repairing district property.

The board is aware of the tremendous investment in school facilities. Therefore the district must establish a continuing program for the maintenance of all district property.

The superintendent is responsible for the overall maintenance of buildings and grounds. The district will maintain plants and equipment in first class condition and in compliance with state safety regulations by a continuous program of repair, reconditioning and remodeling.

The board, acting on recommendations from the superintendent, must approve the remodeling, reconditioning and improvement of school buildings.

Each building principal is responsible for operation and maintenance of his/her school and will supervise custodial staff members as they carry out regular operational and normal maintenance duties. Except in emergencies, the district will provide additional maintenance services only upon approval of the superintendent.

Adopted 1974; Revised 8/28/75, 3/22/93, ^

MATERIALS AND EQUIPMENT MANAGEMENT

Code **ED** Issued **DRAFT/12**

Purpose: To establish the basic structure for management of district materials and equipment.

The superintendent is responsible for overall supervision of materials and equipment management. This includes purchasing, receiving, storing and maintenance.

Staff may requisition equipment and materials on special forms from the business office.

The superintendent will develop procedures for managing equipment and supplies.

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

Legal references:

- A. S. C. Code, 1976, as amended:
 - 1. Section 59-19-130 - Acquisition of supplies and equipment.
 - 2. Section 59-19-140 - Use of equipment.

MATERIALS AND EQUIPMENT MANAGEMENT

Code **ED-R** Issued **DRAFT/12**

The district prohibits the use of district equipment for personal purposes. In addition, the district does not encourage employees to take district equipment home for professional use. However, district needs may make such use appropriate. In such instances, employees must receive prior written approval from the superintendent.

Occasionally employees will be required to use district equipment in presentations, etc., away from the district. For the employee's protection in these instances, the district will assume responsibility for loss, damage or theft only if the superintendent gives prior written consent.

Definition of district equipment

For the purposes of this section, "equipment" is instructional materials, technology hardware and movable furniture which have a normal life of more than one year, and which are not used up in instruction or the operation of the schools. Materials have a life of less than one year and are consumed in instruction and operation.

Requisition of equipment

Employees must requisition equipment on purchase order forms supplied by the school.

Ownership of equipment

Legally, all equipment purchased automatically becomes the property of the **board district**. Employees may transfer equipment from a building only after consulting with the principal and securing the consent of the superintendent.

Loaned equipment

The district will not loan any equipment without written authorization from the superintendent.

- Equipment and materials may be used for PTA meetings.
- Equipment may also be used for public relations presentations in which an employee or board member of the district is so identified and is explaining a function of the curriculum to a segment of the lay public. If equipment is to be taken out of the district, the employee must comply with the procedures set forth above.
- School groups composed of students with a faculty sponsor may use district equipment for purposes related to the instructional program.
- Professional educational groups may use district equipment for purposes related to the instructional program.

The superintendent will make decisions for situations that do not fit the above conditions.

Borrowed equipment

The district will assume no responsibility for any equipment that is borrowed by sponsors, coaches or teachers in the conduct of their daily work or for any special project or use in the schools. This is also true of all equipment owned by teachers or left in the buildings during the

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summer months or during the year. Employees must return all borrowed property at the close of each school year. The responsibility for return rests definitely upon the employee and the principal involved.

Transferred equipment and property

Employees must not move furniture or equipment from one building to another without permission from the superintendent.

Summer storage of equipment

Employees must take special care when storing sensitive equipment during the summer months. Employees should store all such equipment in a locked, dry, safe place.

Care of equipment

Employees must take every precaution to maintain equipment at its full efficiency. Teachers and principals will encourage proper attitudes toward equipment and instructional supplies furnished by the school district. Only qualified people may use equipment which requires specialized knowledge.

Loss or damage of equipment

Parents/Legal guardians of minor children are responsible for all loss or damage of equipment caused by such students. Principals are authorized to make a reasonable charge for any damage to school equipment because of the negligence or carelessness of the individual student.

Issued 3/22/93; Revised ^

RESOURCE CONSERVATION/WASTE MANAGEMENT AND RECYCLING

Code **EDE** Issued **DRAFT/12**

Purpose: To establish the board's vision for resource conservation and a basic structure for waste management and recycling.

The board believes that resource conservation should be an integral part of the physical operation of the school district and of the school curriculum. The board is committed to the conservation of energy and other resources as a part of prudent financial management. Schools must set an example of stewardship of our natural resources and develop responsible citizenship in our students.

The board directs the superintendent to develop and implement an energy management program that will result in energy conservation throughout the district. The program will ensure that employees, students and users of facilities cooperate and support measures designed to conserve energy.

The program will integrate the concept of resource conservation, including waste reduction and recycling, into the environmental education curriculum at all levels of the school system.

Specifically, the program should be designed to decrease the amount of waste of consumable materials in the following areas.

- reduction of the consumption of consumable materials wherever possible
- full utilization of all materials prior to disposal
- minimization of the use of nonbiodegradable products wherever possible

To the extent practical, the district will consider generally accepted concepts and principles of ecology when writing bid specifications for material used by the school district. Personnel responsible for both utilization and purchasing will have a joint responsibility to consider ecological implications of such material.

Fitness and quality being equal, the district will purchase recycled products whenever available at no more than the total cost of nonrecycled products.

In addition, the school district will cooperate with, and participate in, recycling efforts made by local governmental units.

Adopted 3/24/75; Revised 3/22/93, ^

STUDENT TRANSPORTATION

Code **EEA** Issued **DRAFT/12**

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

The superintendent is responsible for the overall bus transportation in the school district.

The district will provide transportation to all eligible students within the boundaries provided for by federal and state funds and state board of education regulations. The district will adhere to all applicable rules and regulations relative to the routing and operation of the transportation system.

In accordance with federal law, the district will also provide transportation to homeless students to and from their school of origin, students transferring from a Title I school identified for school improvement, a student who is a victim of a violent criminal offense occurring in or on the grounds of the school the student attends or a student transferring from a school identified as persistently dangerous for three consecutive years.

Students who travel to and from school on school buses or who make trips in connection with school sponsored activities are under school supervision.

Adults on school buses

Parents/Legal guardians and other adult school volunteers or employees may ride school buses under the following conditions.

- if a space is available (as determined by director of transportation)
- in conjunction with special programs sponsored by the district
- adults board (and get off) buses along the regularly scheduled route at regularly scheduled stops

The district will not re-route school buses to accommodate the pickup of adults authorized to ride buses under this policy.

Adopted 1/1/74; Revised 3/22/93, 1/23/95, 9/22/97, 11/26/07, ^

Legal references:

A. Federal Law:

1. McKinney-Vento Homeless Education Improvements Act of 2001, P.L. 107-110, 42 U.S.C. Sections 11431-11435.
2. No Child Left Behind Act of 2001, P.L. 107-110, Section 1116 and Title IX, Section 9532.

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

1. Section 59-67-410, *et seq.* - School bus transportation.
2. Section 59-67-545 - Authorizes certain adults to ride school buses.
3. Section 56-5-2770 - Signals and markings on school buses; meeting, overtaking and passing school bus; loading passengers along multi-lane highways.
4. Section 59-67-160 - Physical examination of school bus driver.

C. State Board of Education Regulations:

1. R-43-80 - Operation of public school transportation services.

BUS SAFETY PROGRAM

Code **EEAE** Issued **DRAFT/12**

Purpose: To establish the basic structure for a drug and alcohol misuse prevention program for all employees subject to CDL requirements.

The Omnibus Transportation Employee Testing Act of 1991 requires alcohol and drug testing for persons required to have a commercial driver's license (CDL). The superintendent or his/her designee will implement this program.

The term "drugs" as used in this policy refers to controlled substances as covered by the Omnibus Act including marijuana, cocaine, opiates, amphetamines and phencyclidine (PCP).

The district prohibits all employees subject to CDL requirements from the following.

- The use of drugs, unless a written prescription from a licensed doctor or osteopath is provided along with a written statement from said individual that the substance does not adversely affect the employee's ability to safely operate a motor vehicle or perform other safety-sensitive functions.
- Reporting for or remaining on duty when the driver uses any controlled substances.
- The use of alcohol under these conditions.
 - reporting for or remaining on duty while having a blood-alcohol concentration of .04 or greater
 - possessing alcohol while driving
 - using alcohol while driving
 - driving within four hours after using alcohol
 - using alcohol for eight hours following an accident, if the driver is required to take a post-accident alcohol test

Under the testing program, the district will do the following.

- Test drivers for alcohol and controlled substances before employment. ~~(Option: The district will also require pre-employment alcohol testing.)~~ Test drivers for alcohol and controlled substances after certain accidents; any time a supervisor has reasonable suspicion that a driver has violated federal rules; on a random, unannounced basis; and as part of a follow-up or return to duty program.

Procedures for this testing will include an evidential breath-testing device for alcohol testing. Controlled substance testing will require urine specimen collection and testing by a laboratory certified by the U.S. Department of Health and Human Services.

- Notify the driver orally or in writing before performing an alcohol or drug test that federal regulations require this test.
- Maintain records of district alcohol misuse and drug use prevention programs.
- Prohibit a driver from working if the driver violates these rules.

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- Provide detailed information about drug and alcohol misuse to employees, as well as copies of the district policy, testing requirements, and how and where drivers can get help for substance abuse. The district will maintain testing results and records under strict confidentiality and release them only in accordance with law.
- Furnish supervisors with at least one hour of training on alcohol misuse and another hour of training on drug misuse.

The district (~~option: applicant~~) will pay for all pre-employment drug and alcohol (~~option: and alcohol~~) testing costs. The district (~~option: employee~~) will pay for all current employee drug and alcohol testing including reasonable suspicion, random and post-accident testing.

The district will make all offers of employment or transfer to covered positions with the district contingent upon drug testing results. The district will not hire or transfer an individual who tests positive nor will the district consider individuals who refuse drug testing.

The district will regard current employees refusing to comply with testing requirements as testing positive. In accordance with board policy, the district will immediately discipline and may dismiss current employees who fall into this category.

Adopted 1/1/74; Revised 3/22/93, 1/23/95, 9/22/97, 11/26/07, ^

Legal references:

A. Federal legislation:

1. Omnibus Employee Testing Act of 1991, Public Law 102-143, Title V.
2. 49 CFR Part 40 - Procedures for Transportation and Workplace Drug and Alcohol Testing Programs; Part 382 - Controlled Substance and Alcohol Use and Testing; Part 391 - Qualification of Drivers.

B. State Board of Education Regulation:

1. R 43-80 - Operation of public pupil transportation services.

BUS SAFETY PROGRAM

Code **EEAE-R** Issued **DRAFT/12**

School bus drivers who operate a motor vehicle requiring a commercial driver's license (CDL) and other drivers who perform safety-sensitive functions are subject to a drug and alcohol testing program that fulfills the requirements of the Code of Federal Regulations, Title 49, Parts 40 and 382.

The Assistant Superintendent for Operations (~~a district contact person designated by the superintendent~~) will answer all questions regarding the board policy or regulation or the drug and alcohol testing program.

Definitions

Covered driver. Those individuals driving a vehicle weighing in excess of 26,001 pounds or a vehicle transporting 16 or more persons, including the driver and requiring a CDL to hold the driver position. (49 CFR 382.107) Covered drivers include coaches, teachers, administrators and others who drive a school vehicle meeting these requirements.

Safety-sensitive function. The on-duty functions of 1) waiting to be dispatched; 2) inspecting, servicing or conditioning vehicles or equipment; 3) driving; 4) duties other than driving performed in a vehicle; 5) unloading or supervising vehicles; 6) duties required after an accident; and 7) repairing, obtaining assistance or supervising disabled vehicles.

Testing company. An independent private company selected by the district (~~option: South Carolina Department of Education~~) to provide assistance to individual school districts in complying with the Omnibus Transportation Employee Testing Act of 1991.

Medical review officer (MRO). Physician employed by the testing company to perform certain services related to all covered employees.

Substance abuse professional. A licensed physician or a licensed or certified psychologist, social worker, employee assistance professional or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission) with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substance-related disorders.

Required hours of compliance. Drivers covered by this policy must not consume alcohol 1) while performing a safety-sensitive function, 2) four hours prior to performing a safety-sensitive function, and 3) up to eight hours following a motor-vehicle accident or until the driver undergoes a post-accident test, whichever occurs first.

The law prohibits the use and ingestion of prohibited drugs at all times.

- *On-duty time.* All time spent providing a breath sample or urine specimen, including travel time to and from the collection site, in order to comply with the random, reasonable suspicion, post-accident or follow-up testing as required by this law.
- *Stand-down.* The practice of temporarily removing an employee from the performance of safety-sensitive functions based on a report from a laboratory to the MRO of a confirmed positive test for a drug or a drug metabolite, an adulterated or a substituted test, before the MRO has completed verification of the test results.

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Required tests

Pre-employment drug testing

- A driver applicant must take a drug test before being hired for a safety-sensitive position. Before any existing worker in a department of transportation driver position will be assigned, transferred or otherwise permitted to operate a commercial motor vehicle on behalf of the district for the first time, he/she must also submit to testing. Employment with the district is contingent upon the employee receiving negative drug test results.
- The applicant will receive written notification of the drug tests prior to taking the tests. The applicant will be asked to sign a general consent and release to be tested for drugs.
- An employee may be exempt from the pre-employment drug test if he/she participated in a drug testing program within 30 days prior to the application for employment and while participating in that program was tested for drugs within the last six months (from the date of application) or participated in a random drug testing program in the previous 12 months, provided that the district has been able to make all verifications required by law.
- If a district contracts with a private company to provide drivers more than once a year, the district will assure itself once every six months that the drivers participate in an alcohol and controlled substances testing program that meets the rules.

Option: Pre-employment alcohol testing

The district will require pre-employment alcohol testing in accordance with the following.

All individuals considered for employment or transfer with the district and subject to federal regulations will be tested.

All tests will be conducted using the alcohol testing procedures of the federal regulation.

Such test must be conducted prior to the new or transferred employee's performance of safety-sensitive functions.

Post-accident drug testing

- Prior to performing safety-sensitive duties, drivers will receive instruction on post-accident procedures.
- Districts will conduct alcohol and controlled substance tests as soon after a motor-vehicle accident as is practicable on any driver under these conditions.
 - who was performing safety-sensitive functions with respect to the vehicle, if the accident involved loss of human life
 - who receives a citation under state or local law for a moving traffic violation arising from the accident
- No such driver will use alcohol for eight hours after the accident or until he/she undergoes a post-alcohol test, whichever comes first.
- If an alcohol test is not administered within two hours or if a drug test is not administered within 32 hours, the district will prepare and maintain records explaining why the tests were not conducted. There is no need to test for alcohol if the test is not administered within eight hours after the accident or within 32 hours for drugs.

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- Tests conducted by authorized federal, state or local officials will fulfill post-accident testing requirements provided they conform to applicable legal requirements and are obtained by the district. Breath tests will validate only the alcohol test and cannot be used to fulfill drug testing obligations.
- Districts will deem drivers who do not remain readily available for testing as refusing to submit to testing.

Random tests

- Tests will be conducted on a random basis at unannounced times throughout the year.
- The selection of drivers will be by a scientifically valid random process and each driver will have an equal chance of being tested each time selections are made.
- The testing company will determine the number of drivers to be randomly tested. The minimum annual percentage rate for random alcohol testing will be 10 percent of the average number of driver positions. For controlled substance testing, the rate will be 50 percent.
- Tests for alcohol will be conducted just before, during or just after the performance of safety-sensitive functions. "During" is to enable detection of drivers who use alcohol on the job. The purpose of testing "just before" and "just after" is to avoid the problem of interrupting some safety-sensitive functions for the performance of a test (e.g., driving a school bus).
- Random tests for drugs do not have to be conducted in immediate time proximity to performing safety-sensitive functions. Once notified of selection for drug testing, an employee must proceed to a collection site.

Reasonable suspicion testing

- Reasonable suspicion observations will be based on specific, contemporaneous and articulable observations concerning the appearance, behavior, speech or body odor of a driver.
- Reasonable suspicion observations will be made only by a district supervisor or official who has received at least 60 minutes of training on the physical, behavioral, speech and performance indicators of alcohol misuse and an additional 60 minutes of training that covers these indicators of controlled substance use.
- The person making the determination that reasonable suspicion exists will not conduct the test.
- Alcohol tests will be authorized for reasonable suspicion only if the required observations are made during, just before or just after the period of the workday when the employee must comply with alcohol prohibitions. If an alcohol test is not administered within two hours of a determination of reasonable suspicion, the district will prepare and maintain a record explaining why this was not done. Attempts to conduct alcohol tests will cease after eight hours.
- A supervisor or district official who makes a finding of reasonable suspicion must also make a written record of the observations leading to a reasonable suspicion drug test within 24 hours of the observed behavior or before the results of the drug test are released, whichever is earlier.

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Return to duty tests

- A drug or alcohol test will be conducted when a driver who has violated the district's drug or alcohol prohibition returns to performing safety-sensitive duties.
- A driver whose conduct involved misuse of drugs may not return to duty in a safety-sensitive function until the return to duty drug test produces a verified negative result.
- A driver whose conduct involved alcohol may not return to duty in a safety-sensitive position until the return to duty alcohol test produces a verified result that meets federal and district standards.

Follow-up tests

- After returning to duty, a driver is subject to six unannounced follow-up tests within 12 months for alcohol, drugs or both if the substance abuse professional determines both are necessary.
- The substance abuse professional can terminate the follow-up testing requirement after the first six tests have been completed or continue the follow-up testing for up to 60 months from the date of the driver's return to duty.
- Alcohol follow-up testing is done just before, during or just after performing a safety-sensitive function.

Stand-down

A covered employee will be subject to stand-down only with respect to the actual performance of safety-sensitive duties.

No adverse action affecting the employee's pay and benefits will be taken pending the completion of the MRO verification process. This includes continuing to pay the employee during the period of the stand-down in the same way the district would have paid him/her had the employee not been stood down.

The verification process will begin no later than the time an employee is temporarily removed from the performance of safety-sensitive functions. The period of stand-down for any employee will not exceed five days, unless the district is informed in writing by the MRO that a longer period is needed to complete the verification process.

In the event the MRO verifies the test negative or cancels it, the following will occur.

- The district will return the employee immediately to the performance of safety-sensitive functions.
- The employee will suffer no adverse personnel or financial consequences as a result.
- No individually identifiable record that the employee had a confirmed laboratory positive, adulterated or substituted test result is maintained. The district will maintain a record of the test only as a negative or cancelled test.

The district may, in its continuing efforts to enhance safety, request a waiver of federal prohibitions against standing down an employee before the MRO has completed the verification process. The written waiver request will be directed to the appropriate federal administrator.

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The district will not stand down an employee in the absence of a waiver or inconsistent with the terms of the waiver.

Testing procedures

Alcohol and split sample controlled substances testing will be conducted by the testing company.

Retention of records

An employer must maintain certain records pertaining to its alcohol misuse and controlled substance use prevention program for a specified period in a secure location with controlled access. The MRO/testing company will maintain copies of test results as a back-up.

There is a five-year record-keeping requirement for positive test results, refusals to take tests and other areas. The employer must maintain records related to the collection process for testing for two years. The employer will keep records of negative and canceled controlled substances test results and alcohol test results of less than 0.02 for a minimum of one year.

The employer will maintain driver drug and alcohol test results and records under strict confidentiality and release them only in accordance with law. Upon written request, a driver may receive copies of any records pertaining to his/her drug or alcohol tests. The employer will make records available to a subsequent employer or other identified persons only as expressly requested in writing by the driver.

The information an employer may release is limited to a positive controlled substances test result, alcohol test results of 0.04 or greater and refusals to be tested for the two years preceding the date of inquiry. The employer will obtain and review driver drug and alcohol test results and records no later than 14 days after the first time a driver performs safety-sensitive functions if it is not feasible to obtain the information beforehand. An employer may not permit a driver to perform safety-sensitive functions without obtaining the information.

Reporting

Each employer must generate and retain, at a minimum, an annual calendar year summary of the results of its alcohol and controlled substance prevention program. The federal government will randomly select a sample of employers to report data. The government will notify this group in January of the year in which the data are due. The report is due by the following March 15 in the format prescribed and provided by the Federal Highway Administration.

Notifications

Each driver will receive educational materials that explain the requirements of the Code of Federal Regulations, Title 49, Part 382, together with a copy of the district's policy and regulations for meeting these requirements. The information will identify the following.

- the person(s) designated by the district to answer driver questions about the materials
- the categories of drivers who are subject to drug and alcohol testing requirements
- sufficient information about the safety-sensitive functions performed by employees to make clear for what period of the work day driver compliance is required
- specific information concerning employee conduct that is prohibited
- circumstances under which a driver will be tested for drugs and/or alcohol

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- procedures that will be used for the presence of drugs and alcohol, protect the driver and the integrity of the testing processes, safeguard the validity of test results and insure that test results are attributed to the correct employee
- the requirement that a driver submit to drug and alcohol tests administered in accordance with federal regulations
- an explanation of what constitutes a refusal to submit to a drug or alcohol test and the attendant consequences
- consequences for employees found to have violated the drug and alcohol prohibitions including the requirement that the driver be removed immediately from safety-sensitive functions and the procedures for referral, evaluation and treatment
- consequences for drivers found to have an alcohol concentration of 0.02 or greater but less than 0.04
- information concerning the effects of drugs and alcohol on an individual's health, work and personal life; external and internal signs and symptoms of a drug or alcohol problem and available methods of intervening when a drug or alcohol problem is suspected including confrontation, referral to an employee assistance program and/or referral to administrative officials

Each driver will sign a statement certifying that he/she has received a copy of the above materials.

The district will notify an applicant of the results of a pre-employment drug/alcohol test (*option: alcohol test*) if the applicant requests such results within 60 calendar days of being notified of the disposition of the employment application.

The district will notify a driver of the results of random, reasonable suspicion and post-accident drug tests if the test results are verified positive. The district will also tell the driver which controlled substances were verified as positive.

No employer having actual knowledge that a driver has used a controlled substance or tested positive for controlled substances will permit the driver to perform or continue to perform a safety-sensitive function.

Drivers will inform the district if at any time they are using a controlled substance prescribed by their physician for therapeutic purposes. Such a substance may be used only if the physician has advised the employee that it will not adversely affect the ability to safely perform safety-sensitive functions.

Voluntary self-identification program

The district will establish a voluntary self-identification program consistent with federal requirements. Accordingly, an employee who admits to alcohol misuse or drug use will not be subject to certain referral, evaluation and treatment requirements provided the following occurs.

- The admission is in accordance with the policy and administrative rule.
- The driver does not self-identify in order to avoid required testing.
- The driver makes the admission prior to performing a safety-sensitive function (i.e., prior to reporting to duty).

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The driver does not perform a safety-sensitive function until the district is satisfied that the employee has been evaluated and has successfully completed education or treatment in accordance with the district's self-identification program guidelines.

Adverse action on the part of the district against any employee making a voluntary admission of alcohol misuse or drug use consistent with this policy and administrative rule is prohibited. The district is committed to providing sufficient opportunity for the employee to seek evaluation, education or treatment to establish control over his/her drug or alcohol problem.

Following successful completion of an educational or treatment program, as determined by a drug and alcohol abuse evaluation expert (i.e., employee assistance professional, substance abuse professional or qualified drug and alcohol counselor), the employee will be permitted to return to duty. The district will ensure that prior to the employee participating in a safety-sensitive function, the employee will be required to undergo a return to duty testing with a result indicating a breath alcohol content of less than 0.02 and/or a verified negative test result for drug use, as appropriate. The district may incorporate employee monitoring and include other follow-up testing as a part of its return to duty procedures under this program.

Enforcement

- If the district determines a driver has an alcohol concentration of .02 or greater but less than .04, the driver will not perform safety-sensitive functions until the start of his/her regularly scheduled duty period, but not less than 24 hours after the administration of the test.
- Any driver who refuses to submit to a post-accident, random, reasonable suspicion or follow-up test will not perform or continue to perform safety-sensitive functions.
- A driver who in any way violates district prohibitions related to drugs and alcohol will receive from the district the names, addresses and telephone numbers of substance abuse professionals and counseling and treatment programs available to evaluate and resolve drug and alcohol-related problems. The employee will be evaluated by a substance abuse professional who will determine what help, if any, the driver needs in resolving such a problem.

The district may assign a driver prohibited from performing safety-sensitive functions to non-safety-sensitive functions until such time as the driver complies with the requirement for returning to duty.

Any substance abuse professional who determines that a driver needs assistance will not refer the driver to a private practice, person or organization in which he/she has a financial interest, except under circumstances allowed by law.

Option

- ~~The district may/will pay for or provide rehabilitation for drivers affected by this policy.~~
- ~~The district may/will hold a job open for a driver affected by the requirements for drug and alcohol testing.~~

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Nothing in this policy, its supporting regulations or the law relating to drug and alcohol testing limits or restricts the right of the superintendent to discipline a driver, up to and including termination, for conduct which violates the school district's policies and procedures.

Issued ^

**DRUG AND ALCOHOL TESTING PROGRAM
ACKNOWLEDGEMENT FORM**

I, _____, have received a copy, read and understand the drug and alcohol testing program policy and its supporting regulation. I consent to submit to the drug and alcohol testing program as required by the policy, regulation and the law.

I understand that if I violate the drug and alcohol testing program policy, regulation or the law, I may be subject to discipline up to and including termination or I may be required to successfully participate in a substance abuse treatment program approved by the board. If I am required to do the latter and fail to successfully participate in a substance abuse treatment program, I understand I may be subject to discipline up to and including termination. I also understand that if I am required to successfully participate in a substance abuse treatment program and I refuse to participate, I may be subject to discipline up to and including termination.

I further understand that I must inform my supervisor of any prescription medication I use. I understand that medical information and other drug and alcohol testing records concerning me, are confidential and released in accordance with this policy, its supporting regulation and the law.

(Signature of employee)

(Date)

STUDENT CONDUCT ON BUSES

Code **EEAEC** Issued **DRAFT/12**

Purpose: To establish the basic structure for safe student transportation.

Safety is of prime importance for our students as we transport them to and from school and school-sponsored activities. Safety requires the cooperation of students, parents/legal guardians and school personnel.

The district charges students with the responsibility of conduct that will result in safe transportation, respect for school personnel and respect for other students. The school bus is an extension of school activity. Therefore, the board expects students to conduct themselves on the bus in a manner consistent with the established standards for safety and classroom behavior. All bus riders must cooperate fully with the bus driver and observe the bus rules.

The bus driver is responsible for supervision of students on the bus. The driver may stop the bus at any time when misbehavior or threatened misbehavior presents a hazard to safe driving.

The driver will report students who create a disturbance on school buses. The principal or his/her designee as authorized by state law and regulation, may suspend or deny bus transportation to a student whose conduct is persistently and/or flagrantly detrimental to safety and order on the bus.

Option: The board supports the use of video cameras on school buses used for transportation to and from school as well as for field trips, curricular and extracurricular events. The district will use video cameras to monitor student behavior. The district may use videos as evidence in a student disciplinary proceeding. The videos are student records subject to school district confidentiality, board policy and administrative regulations.

Adopted 1974; Revised 3/22/93, ^

Legal references:

- A. S. C. Code, 1976, as amended:
1. Section 59-67-100 - Seating space; aisle; seats; number and location of students.
 2. Section 59-67-180 - General supervision of bus by driver.
 3. Section 59-67-240 - Disciplinary powers of bus driver.
 4. Section 59-67-250 - Posting of copies of relevant statutes.
 5. Section 59-67-470 - Bus drivers; selection; eligibility; training and certificates (superintendent to supervise the conduct of pupils being transported and of school bus drivers).

STUDENT CONDUCT ON BUSES

Code **EEAEC-R** Issued **DRAFT/12**

~~TO BE USED ONLY IF OPTIONAL PORTION OF POLICY IS ADOPTED~~

Use of video cameras

The board supports the use of video cameras as a means to monitor and maintain a safe environment for students and employees. The district may use video cameras on buses used for transportation to and from school, field trips, curricular and extracurricular events. The contents of the videos may be used as evidence in a student disciplinary proceeding.

Student records

The content of the videos is a student record subject to board policy and administrative regulations regarding confidential student records. Only those persons with a legitimate educational purpose may view the videos.

Notice

The district will annually provide the following notice to students and parents.

The Spartanburg District Five board of trustees has authorized the use of video cameras on school district buses. The district will use the video cameras to monitor student behavior in order to maintain a safe environment. Students and parents are hereby notified that the content of the videos may be used in a student disciplinary proceeding. The content of the videos is a confidential student record. The district will retain the videos with other student records only if necessary for use in a student disciplinary proceeding or other matter as determined by the administration. Parents may request to view videos of their child if the district uses the videos in a disciplinary proceeding involving their child.

~~NOTE: If the board makes the determination that students will be notified when the video cameras are in use, this statement should be included in the annual notice.~~

The following notice will also be placed on all school buses equipped with a video camera.

- This bus is equipped with a video/audio monitoring system.

Review of videos

The school district will review videos when necessary as a result of an incident reported by a bus driver or student. The videos may be recirculated for erasure after five days.

~~Option 2: At least (weekly, monthly, etc.). The videos may be recirculated for erasure after ***** days. NOTE: Videos should be kept for a minimum of two weeks.~~

~~Option 3: Randomly. The videos may be recirculated for erasure after ***** days.~~

Only those individuals who have a legitimate educational purpose for doing so may view the videos. The district will keep a written log of those individuals viewing the videos. The log will state the time, name of the individual viewing and the date the video was viewed.

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Video monitoring system

Video cameras will be utilized only on a select number of state and district-owned school buses, in the following situations

Option 1: ~~Used on all state and district-owned school buses.~~

Option 2: ~~Rotated randomly on state and district-owned school buses.~~

The superintendent, in consultation with the building principals and transportation director, will determine how video cameras will be used and which school buses will be equipped with video equipment.

Student conduct

The district prohibits students from tampering with video cameras on the school buses. The district will discipline students found in violation of this regulation in accordance with the student behavior code. Students and/or parents/guardians will reimburse the district for any repairs or replacement necessary as a result of the tampering.

Issued ^

SPECIAL USE OF SCHOOL BUSES

Code **EEAF** *Issued* **DRAFT/12**

Purpose: To establish the basic structure for the special use of school buses by the district.

Schools may use school buses for school-sponsored trips only when such trips are for an educational purpose. The schools will pay the per mile rate.

Any trip out of state or overnight must have the approval of the principal and the superintendent or his/her designee.

Adopted 1974; Revised 3/22/93, ^

STUDENT TRANSPORTATION IN PRIVATE VEHICLES

Code **EEAG** Issued **DRAFT/12**

Purpose: To establish the basic structure for transporting students in private vehicles.

Note: There are liability issues involved with the use of private vehicles for student transportation. The board should consult with retained legal counsel prior to approving a policy which allows such use.

Only the superintendent may authorize the use of private vehicles for the transportation of school children to and from school-sponsored activities. The board does not encourage the use of private vehicles unless it is essential.

Adopted ^

COPYRIGHT COMPLIANCE

Code **EGAD** Issued **DRAFT/12**

Purpose: To establish the basic structure for district compliance with federal copyright laws and regulations.

The 1976 Federal Copyright Law makes it illegal to duplicate copyrighted materials without permission, except for certain exempt purposes. The federal law provides penalties for unauthorized copying of audio, visual or printed materials; computer software; and computer text or graphics found on the Web unless the copying falls within the bounds of the "fair use" doctrine.

Therefore, the superintendent will inform all personnel that unauthorized reproduction and/or use of copyrighted materials is illegal, unethical and not permitted by the board and that violations of the copyright law may result in criminal or civil suits and/or suspension or dismissal from employment in the district.

To protect staff members and the district against legal redress for alleged violation of the copyright laws, the person making the reproduction is responsible for determining that the action is within the law. Any time a person copies materials, he/she should request permission from the copyright holder, even if the materials copied fall under the fair use standard. If the copyright holder denies permission, the user should destroy the copied works. If approved, the user may keep the materials for as long as the permission is in effect.

The district will not honor requests to reproduce materials on district equipment unless the reproduction is legally permissible.

Adopted ^

Legal references:

A. Federal legislation:

1. Copyright Act of 1976, Title 17 USC Section 101 et seq., effective January 1, 1978.
2. H. R. Rep No. 94-1476, 94th Congress 2d Session, 63 (September 3, 1976).

COPYRIGHT COMPLIANCE

Code **EGAD-R** Issued **DRAFT/12**

The district will maintain detailed regulations governing the use of copyrighted materials in each media center. It is the responsibility of the school principal to schedule an annual review of the copyright law at school staff orientation. It is the responsibility of the media specialist to keep the school staff informed on the use of copyrighted materials.

Fair use

In determining whether use of copyrighted materials without permission in any particular case is “fair use”, the following factors are to be considered.

- the purpose and character of the use, including whether it is for nonprofit/public educational purpose(s)
- the nature of the copyrighted materials
- the amount and substantiality of the portion used as compared to the copyrighted materials as a whole
- the effect of the use on the potential market for, or value of, the copyrighted materials

Permission for reproduction

- Written permission from the copyright holder should always be obtained prior to the use of the material. Permission to copy must include this information.
 - title, author and/or editor and edition of materials to be duplicated
 - exact material to be used giving amount, page numbers, chapters and, if possible, a photocopy of the material
 - number of copies to be made
 - use to be made of duplicated materials
 - form of distribution (classroom, newsletter, etc.)
 - whether or not the material is to be sold
 - type of reprint (photocopy, digital, etc.)
- If written permission for reproduction is not received, the copyrighted material may not be used.
- Credit the source of all copyrighted material by indicating the copyright symbol and year, © 20__ and the copyright owner's name on the materials. State “with permission” if permission for reproduction has been granted.

Guidelines for reproduction and use of copyrighted material in print

- Teachers may make or have made a single copy of the following for instructional uses.
 - a chapter from a book
 - an article from a newspaper or periodical
 - a short story, essay or short poem, whether or not from a collective work
 - a chart
 - graph

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- diagram
- drawing cartoon
- picture from a book, periodical or newspaper
- Teachers may make multiple copies of the following for classroom use or discussion provided all of these requirements are met.
 - The copying meets the tests of brevity and spontaneity as defined below.
 - The copying meets the cumulative effect test as defined below.
 - Each copy includes a notice of copyright.
 - A teacher may not make a copy of the copyrighted material for every student he/she teaches. One class set may be made, distributed for the class instructional activity, taken up following the instructional activity and then destroyed. The class set may be used in each class for which the copyrighted material is appropriate. This restriction also applies to any copies made for staff development sessions.

Brevity

- a complete poem of less than 250 words
- an excerpt of no more than 250 words from a longer poem
- a complete prose work if it is less than 2,500 words
- an excerpt of no more than 500 words from a prose work of between 2,500 and 5,000 words
- an excerpt of not more than 10 percent of a prose work of between 5,000 and 10,000 words
- an excerpt of not more than 1,000 words from a prose work which is greater than 10,000 words
- one illustration per book or periodical use
- not more than two pages and 10 percent of the words of "special works" which are poetic or prose works which combine illustrations and less than 2,500 words (such as many children's books)

A teacher may not scan a book to create a digital copy of the book for use in the classroom, media center or other location.

A teacher may not make a recording of a book without prior express written permission of the copyright owners.

NOTE: Numerical limits may be exceeded in order to complete a line of poetry or a paragraph of prose.

Spontaneity

- The copying must be at the instance and inspiration of the individual teacher.
- The inspiration and decision to use the work and the moment of its use for maximum teaching effectiveness are too close in time that it would be unreasonable to expect a timely reply to a request for permission.
- The copying of the material must be for only one course in the school in which copies are made.

Cumulative effect

- Not more than one short poem, article, story, essay or two excerpts may be copied from the same author, nor more than three from the same collective work or periodical volume during one class term.

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- Not more than nine instances of such multiple copying for one course may occur during one class term.

NOTE: The limitations stated in the last two items above will not apply to current news periodicals and newspapers and current news sections of other periodicals.

- Performances by teachers or students of copyrighted dramatic works without authorization from the copyright owner are permitted as part of a teaching activity in a classroom or instructional setting. All other performances require permission from the copyright owner.
- Teachers may use copyrighted material in opaque projectors or document cameras for instructional purposes.
- The right to change the chart, picture, cartoon or illustration into a poster, slide, transparency, video or wall graphic (also called the right of adaptation) rests with the copyright holder. Modification of the original does not protect the user from liability.

Guidelines for reproduction and use of copyrighted music

- Teachers may make a single copy of a song, movement or short section from a printed musical work that is unavailable except in a larger work for purposes of preparing for instruction.
- Teachers may make multiple copies for classroom use of an excerpt of not more than 10 percent of a printed musical work if it is to be used for academic purposes other than performance, provided that the excerpt does not comprise a part of the whole musical work which would constitute a performable unit such as a complete section, movement or song.
- In an emergency, teachers may make and use replacement copies of printed music for an imminent musical performance when the purchased copies have been lost, destroyed or are otherwise not available, provided purchased replacement copies will be substituted in due course.
- Teachers may make and retain a single recording of student performances of copyrighted material when it is made for purposes of evaluation or rehearsal.
- Teachers may make and retain a single copy of excerpts from recordings of copyrighted musical works for use as aural exercises or examination questions.
- Teachers may edit or simplify purchased copies of music provided that the fundamental character of the music is not distorted. Lyrics will not be altered or added if none exist.
- Performance by teachers or students of copyrighted musical works is permitted without the authorization of the copyright owner as part of a teaching activity in a classroom or instructional setting. The purpose will be instructional rather than for entertainment.
- Performances of non-dramatic musical works which are copyrighted are permitted without the authorization of the copyright owner under the following conditions.
 - The performance is not for a commercial purpose.
 - None of the performers, promoters or organizers is compensated.
 - Admission fees are used for educational or charitable purposes only.

All other musical performances require permission from the copyright owner.

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Guidelines for off-air recording

- *Instructional television programs*

- Unlimited use designates a series that is leased or owned by the department of education. Programs in the series may be taped off-air and retained on tape for as long as the series is contained in the resources book.
- Designated time period use designates a series that may be taped off-air and retained on tape for a long as that series airs on the school television schedule. Broadcast and record rights are negotiated periodically; school personnel are notified when the tapes are to be erased. The South Carolina State Department of Education Instructional Television in the Office of e-Learning prints in its resources catalog the specific rights for each series.

The Office of e-Learning has no copyright jurisdiction over programs not airing on the ITV schedule. It does, however, have jurisdiction over the use of state-owned equipment for airing these programs and has adopted the following policy concerning Distance Educational Services (DES).

State owned and supplied equipment in these operations may only be used to record, transmit or broadcast state board of education approved resources (those contained each year in the ITV/R resources book or otherwise added during a year to the ITV schedule by the office of instructional technology.

- *Non-school television programs*

- A broadcast may be recorded simultaneously with the broadcast transmission and retained for a period of 45 calendar days after the date of recording. Recordings must be erased or destroyed at the end of the 45 days.
- Teachers may use broadcast recordings once in the course of relevant teaching activities and repeat the use once for instructional reinforcement during the first 10 consecutive school days within the 45-day retention period.
- After the first 10 consecutive school days, recordings may only be used up to the end of the 45-day retention period for evaluation purposes by teachers. This evaluation is to be used to determine the likelihood of using programs in the series or in purchasing a copy of the program.
- Broadcast recordings must be done only at the request of individual teachers. Recordings may not be made in anticipation of requests and no program may be recorded more than once at the request of the same teacher, regardless of the number of times the program is broadcast.
- A limited number of copies may be reproduced from each recording to meet the needs of teachers under these guidelines. Each such copy will be subject to all provisions governing the original off-air recording.
- The content of recordings may not be altered or merged, but recordings need not be used in their entirety.
- All copies of off-air recordings must include the copyright notice on the broadcast program as recorded.
- Off-air recording guidelines apply only to non-profit educational institutions.

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Guidelines for use of commercial movies

Instructional uses

Fair use guidelines allow for the use of commercial movies for instructional purposes without securing public performance rights as long as the following criteria are met.

- The recording (e.g., VHS, DVD) is a true and legal copy, not one dubbed from another source or from a premium television channel (e.g., HBO, Disney, TMC).
- The recording is used as part of face-to-face instruction during the instructional unit/lesson to which it applies.
- The recording directly relates to the teacher's curriculum and academic standards.
- The use of the recording is noted in the teacher's lesson plans as to how the viewing of the movie supports the goals and objectives of the unit/lesson.
- Students are involved in learning activities associated with the viewing of the movie.

Commercial movies may not be edited for showing in the classroom.

Non-instructional uses

Public performance rights must be secured in advance for any non-instructional use of commercial movies on school property. This applies to school events and activities (e.g., school/district-sponsored afterschool programs, PTO meetings, family literacy nights, fundraisers) and to community events and activities (e.g., afterschool programs sponsored by community organizations, churches, Scouts) held in district-owned buildings.

Guidelines for reproduction and use of copyrighted audiovisual material

No type of audiovisual work may be copied in any form without permission from the copyright holder. However, a teacher may make a single copy of an entire recording or a portion thereof, but only for the purpose of constructing aural exercises or examinations. Such copies must be retained by the school and/or by the teacher and may not be used in a performance.

Audiovisuals/Videos

The audiovisual section of the copyright provides a type of fair use exemption for schools. All of the following conditions must be met before a performance is considered exempt from public performance requirements.

- The performance must be presented by instructors of students.
- The performance must occur in the course of face-to-face teaching activities.
- The performance must take place in a classroom or similar place for instruction (including the library).
- The performance must be of a legally acquired (or legally copied) copy of the work. (The presenter is protected from liability for illegal copies if the presenter is unaware that the copies were not legally acquired or made.)

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The teacher must use videotapes/DVDs in accordance with labels on audiovisual materials. Restrictions printed on videotapes/DVDs are binding. Use is subject to licensing or other written permission.

Guidelines for reproduction and use of copyrighted materials in media center

- A media center may make a single copy of the following.
 - an unpublished work which is in its collection
 - a published work in order to replace it because it is damaged, deteriorated, lost or stolen, provided that an unused replacement cannot be obtained at a fair price
- A media center may provide a single copy of copyrighted material at no cost to a student or staff member. The copy must be limited to one article of a periodical issue or a small part of other material, unless the media center finds that the copyrighted work cannot be obtained elsewhere at a fair price. In the latter circumstance, the entire work may be copied. In any case, the copy will contain the notice of copyright and the student or staff member will be notified that the copy is to be used only for private study, scholarship or research. Any other use may subject the person to liability for copyright infringement.
- At the request of a teacher, copies may be made for reserve use. The same limits apply as for single or multiple copies designated in the sections on material in print.

Guidelines for reproduction and use of microcomputer software

The owner of a copy of a computer program may make or authorize the making of another copy or adaptation of that computer program under these circumstances.

- A new copy or adaptation is created as an essential step in the utilization of the computer program in conjunction with a machine and it is used in no other manner.
- Such new copy or adaptation is for archival purposes only and that all archival copies are destroyed in the event that continued possession of the computer program should cease to be rightful.

Plagiarism and copyright infringement

Employees will not plagiarize works found on the Internet. Plagiarism is taking the ideas or writings of others and presenting them as if they were the writer's.

Employees will respect the rights of copyright owners. Copyright infringement occurs when an individual inappropriately reproduces a work that is protected by a copyright. If a work contains language that specifies appropriate use of that work, employees must follow the expressed requirements. If an employee is unsure whether or not a work can be used, he/she should request in writing permission from the copyright owner.

Employees will not copy/install district owned software on personal computers at work or at home. This is a violation of the federal copyright law.

Employees will not install single user software on more than one machine. This is in violation of the federal copyright law.

Employees will not install personal software and/or personal computer equipment on district owned computers and/or the district network system. If an employee does install personal software on a district-owned computer, then he/she has transferred ownership of that software to the district.

PAGE 7 - EGAD-R - COPYRIGHT COMPLIANCE

Copying limitations

Circumstances will arise when personnel are uncertain whether or not copying is prohibited. In those circumstances the superintendent (or designated copyright compliance officer) should be contacted. Nonetheless, the following prohibitions have been expressly stated in federal guidelines.

- Reproduction of copyrighted material will not be used to create or substitute for anthologies, compilations or collective works.
- Unless expressly permitted by agreement with the publisher and authorized by district action, there will be no copying from copyrighted consumable materials such as workbooks, exercises, test booklets, answer sheets and the like.
- Personnel will not do the following.
 - Use copies to substitute for the purchase of books, periodicals, music recordings or other copyright material except as permitted by district procedure.
 - Copy or use the same item from term to term without the copyright owner's permission.
 - Copy or use more than nine instances of multiple copying of protected material in any one term.
 - Copy or use more than one short work or two excerpts from works of the same author in any one term.
 - Copy or use protected material without including a notice of copyright. The following is a satisfactory notice.

THIS MATERIAL MAY BE PROTECTED BY COPYRIGHT LAW.

- Personnel will not reproduce or use copyrighted material at the direction of someone in higher authority or copy or use such material in emulation of some other teacher's use of copyrighted material without permission of the copyright owner.

Issued ^

DATA/RECORDS RETENTION

Code **EHB** Issued **DRAFT/12**

Purpose: To establish the basic structure for maintenance and retention of district records.

District records are open to the public in compliance with the South Carolina Freedom of Information Act. Persons who wish to review those records must forward their requests to the superintendent.

Electronic communications which are sent or received by the board or district employees pertaining to the business of the district may be subject to disclosure and inspection as public records and subject to discovery during litigation as evidence in support of a claim.

The superintendent or his/her designee will establish and maintain a system for the securing, cataloging and storing of all records that is in compliance with state and federal law. Such system will include the suspension of routine record destruction practices, as applicable.

Adopted ^

Legal references:

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

1. Section 30-4-10, et seq. - South Carolina Freedom of Information Act.
2. Sections 30-1-10 through 30-1-140 - Public Records Act.
3. Sections 26-6-10 through 26-6-210 - South Carolina Uniform Electronic Transactions Act.

B. Department of Archives and History Regulations:

1. Regulation 12-901 through 12-906.6 - Article 9 - General retention schedules for school districts.

INSURANCE PROGRAM/RISK MANAGEMENT

Code **EI** Issued **DRAFT/12**

Purpose: To establish the basic structure for maintaining adequate insurance.

The superintendent will recommend to the board the purchase of adequate insurance to protect certain physical assets of the school system. The insurance will also protect personnel for civil liability and medical expenses to the extent of coverage.

The district will provide the health insurance program specified by the state of South Carolina to all full-time permanent employees of the district. (A full-time permanent employee is classified as an employee working a minimum of 30 hours per week in a permanent capacity such as teacher, aide, etc. Substitute teachers are not classified as permanent.)

Upon recommendation of the superintendent, the board will also authorize the individual purchase of other insurance protection including annuities by staff members, their spouses and families as well as for students. Staff members may use payroll deduction for certain approved insurance programs. The superintendent will develop and maintain procedures for provision of insurance and for payroll deduction.

Workers' compensation

~~Option: The board provides workers' compensation insurance coverage through the South Carolina School Boards Insurance Trust for all district employees. Volunteers who are not employees are exceptions to this policy.~~

The South Carolina Workers' Compensation Law is designed to provide medical and monetary benefits for an employee who sustains an accidental injury arising out of and in the course of his/her employment. The law provides medical care to bring about the earliest possible recovery from the injury, a percentage of wages and salary lost during the injured employee's disability, and, in case of death, compensation for the deceased employee's dependents.

Under the Workers' Compensation Law it is the responsibility of the school district to provide medical treatment for employees injured on the job. School employees must use those providers specified by the employer. Designation of medical treatment providers will be made by the school district in consultation with and upon the recommendation of the worker's compensation insurance carrier. The refusal of an employee to accept any medical, hospital, surgical or other treatment when provided by the employer will bar such employee from further compensation until such refusal ceases unless, in the opinion of the South Carolina Workers' Compensation Commission, the circumstances justified the refusal.

When an employee is absent from work as a result of accidental injury arising out of and in the course of his/her employment, available sick leave and annual leave and workers' compensation benefits can be coordinated to the extent such leave and benefits are available.

Every injured employee or his/her representative will immediately, on the occurrence of an accident or as soon thereafter as practicable, give or cause to be given to his/her principal or immediate supervisor and to the district office a notice of the accident.

PAGE 2 - EI - INSURANCE PROGRAM/RISK MANAGEMENT

Property and casualty insurance

Option: The board has selected the South Carolina School Boards Insurance Trust to provides property and casualty insurance for the district. The board will cooperate with the Trust carrier in areas of risk management.

Adopted 9/24/90, 3/23/93, 7/94, 10/24/05, 11/24/08, ^

Legal references:

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

1. Section 11-9-610 - 680 - State sinking fund.
2. Section 42-1-10, et seq. - The South Carolina Workers Compensation Law.

INSURANCE PROGRAM/RISK MANAGEMENT

Code **EI-R** Issued **DRAFT/12**

The board provides various insurance programs to its employees at no cost. Many district employees need and desire to purchase supplemental and additional insurance and/or employee benefit programs, including annuities, through payroll deduction. However, there is a limit to the number of deductions that can be efficiently managed by the bookkeeping department. Therefore, the following requirements are stipulated for a company to be eligible to offer an insurance program to district employees through payroll deductions.

- A company offering the insurance program must have A+ or A A.M. Best Rating.

Companies desiring to offer programs to district employees must make application to the school district representative annually, by September 15 of each year. After approval is given, the salesman may contact the principal to arrange a school visitation.

The act of allowing a salesman into the building is not an endorsement by the district of any product or company.

- Representatives of the company offering a proposed insurance program will not hold captive meetings with employees nor will cause any interruption of class time.

Schools will not stuff flyers/pamphlets in employees' boxes nor distribute company information by e-mail.

- A minimum of 25 employees must enroll in a proposed program before the district will consider payroll deduction.
- The company offering the program will pay all fees needed to maintain payroll deductions.
- Proposed programs must be made available to all full-time employees which include the following.
 - instructional staff members
 - administrative staff members
 - maintenance/custodial employees
 - food service employees
 - bus drivers
 - board members

No discrimination because of job function in the district will be allowed.

- Any company whose program is approved must provide a toll free or local telephone number to ensure fast service for school employees.

PAGE 2 – EI-R - INSURANCE MANAGEMENT

- The company offering the program must provide a guaranteed issue program with no physical examinations required.
- The company must guarantee that employees leaving the district will be allowed to continue in the program at the group rate.
- An open enrollment period will be held by all participating at the beginning of each school year. Employees enrolling during the open enrollment period will not be required to have physicals.
- Participation in the insurance program must be available to new employees hired at any time throughout the school year.
- Any relationship established is completely between the individual employee and the private company and not the school district. The school district is not responsible in any way with this relationship other than payroll deduction, if applicable.