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## STUDENTS

### Equal Educational Opportunities

The District supports educational opportunities for students free from limitations based upon race, sex, color, religion, national origin, age, disability, immigrant status, English-speaking status, or any other characteristic protected by applicable federal or S.C. law in the provision of educational opportunities.

This concept of equal educational opportunity serves as a guide for the District and the staff in making decisions relating to school facilities, employment of personnel, selection of educational materials, equipment, curriculum, and regulations affecting students.

#### Notification requirement

Handbooks, brochures, and other appropriate materials concerning education programs or activities for students that are provided to students, parents, and employees must contain District-approved nondiscrimination information as provided by the Office of Instructional Support Services.

#### Separate programs/activities on the basis of sex

As may be permitted by law or regulation, a school may provide or otherwise carry out any of its programs or activities separately on the basis of sex or require or refuse participation therein by any of its students on the basis of sex. Single-sex programs such as, but not limited to, single-sex classes, must have the written approval of the Superintendent except for the following:

1. Physical education classes, activities, or athletic programs during participation in football, basketball, wrestling, and other sports in which the purpose or major activity involves bodily contact;
2. Grouping of students in physical education classes and activities by ability as assessed by objective standards of individual performance developed and applied without regard to sex;
3. Classes or portions of classes dealing primarily with human sexuality; or
4. A chorus or choruses of one or predominantly one sex resulting from requirements based on vocal range or quality.

*Federal regulations.*

*34 CFR Part 106 – Nondiscrimination on the Basis of Sex in Education Programs or Activities ....*

*Revised: 2-17-06; 7-1-07.*

### Communication Rights

If the fact that a parent or eligible student does not understand written English is brought to the attention of a school or the District, appropriate notification will be provided by other means.

### Visitors

Visitors must report to the main office of the school to obtain visiting clearance and an identification pass.

Parents are always welcome to visit their child's school as long as their visit does not interrupt the teaching and learning process. The District tries to protect the integrity of the instructional day; therefore, parents may make an appointment to visit with a teacher during his/her consultation period by telephoning the school office.

Students are not encouraged to bring a person to visit during a normal day, unless there is a specific purpose for his/her attendance. No visitation by another student will be allowed without at least one day's prior clearance from the school administration.

The principal is empowered to take appropriate action against non-students who enter the building, grounds, or other school property. Such action includes the right to call a law enforcement agency and swear out warrants.

## Identification Numbers

The District may assign an identification number to any student who does not have a social security number or whose parent (or the eligible student) does not wish to disclose the student's social security number. The ~~SASI~~ data quality clerk at each school can obtain an identification number that may be used instead of a social security number.

*Adopted: 7-1-04; 7-1-14.*

## Organization for Schools and Learning

The District uses the following organization for schools and learning:

Primary schools	Child Development through Grades 1 or 2
Elementary schools	Child Development through Grades 5 or 6
Intermediate schools	Grades 4 through 5
Middle schools	Grades 6 through 8
Secondary schools	Grades 9 through 12.

*Adopted: 7-1-04; 7-1-08.*

## Entrance Age

### Preschool-age children with disabilities

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

### Child development program

Students may enroll in the District's optional child development programs if funding and space are available and if they meet the following criteria:

1. They will attain the age of four on or before September 1 of the school year, and
2. They meet eligibility requirements as established by the District and the S.C. Department of Education.

### Kindergarten

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

1. As determined by the District, they will attain the age of five on or before September 1 of the school year, or
2. As determined by the District, they substantially initiated a public school kindergarten program in another state which has a different attendance age requirement. "Substantially initiated" means generally that a student has completed nine weeks of public school kindergarten.

See, also: “Kindergarten” in the “Instruction” section.

### **First grade**

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

1. As determined by the District, they will attain the age of six on or before September 1 of the school year; or
2. As determined by the District, they substantially initiated a first-grade program in another state that has a different attendance requirement; or
3. As determined by the District, they have attended a public school kindergarten program for one full school year.

### **Requests for waivers to entrance-age requirements**

The District does not grant waivers to the State minimum entrance-age requirements.

#### *Legal references.*

##### *State.*

*S.C. Code § 59-19-340 – Child development programs.*

*S.C. Code § 59-63-20(3) – Kindergarten entrance age.*

*S.C. Code § 59-63-20(4) – First grade entrance age.*

*Revised: 7-1-03.*

## **Admission of Resident Students**

The District does not discriminate in admission to school on the basis of race, color, national origin, religion, sex, disability, immigrant status, English-speaking status, or any other characteristic protected by applicable federal or S.C. law.

The District will follow applicable S.C. law and regulations of the S.C. Department of Health and Environmental Control (“DHEC”) with regard to student admissions:

1. Generally, a person of legally defined school age may attend District schools:
  - a. If he/she resides in the District,
  - b. If, for entry into a child development program, kindergarten or first grade, the District has a copy on file of a birth certificate (or other documentation to verify a birth record in special situations as authorized by the Superintendent or his/her designee), and
  - c. If the District has on file appropriate documentation that he/she has complied with the regulations of DHEC concerning vaccinations/immunizations.
2. A student under 21 with a GED may enroll in a District school;
3. A student who reaches the age of 21 may attend through the rest of the school year if he/she is otherwise qualified to do so and if he/she is in the graduating class or if the Superintendent or his/her designee grants special permission.

The District will not deny admission due to the lack of proof of immigration status, and employees are not to request that information of a parent or student.

See, also: “Homeless students.”

### **First-time enrollment**

When a student seeks to enroll in the District for the first time, the District may consider whether the student meets the District's standards for conduct and behavior. The District may also consider non-school records and the student's disciplinary records in any school in which the student was previously enrolled. The District will consider these records as they relate to the adjudication of delinquency in any jurisdiction, within or without South Carolina, for violent crimes, including but not limited to, assault and

battery, the unlawful use or possession of weapons, or the unlawful sale of drugs. Based on consideration of the student's record, the District may bar the enrollment of a student in District schools.

If the District does not allow the student to enroll based on his/her record, the District will notify the student's parent in writing. Upon request by the student or his/her parent, a hearing will be scheduled and other procedural rights afforded the student in accordance with District policy. A bar to first-time enrollment applies for a maximum of one calendar year. After the bar is lifted, the student may reapply for enrollment, and the District shall enroll the student if he/she otherwise meets District enrollment criteria.

### Criteria for admission

Except as provided under "First-time enrollment" above, the District uses the below criteria for admission.

1. The District will admit all children who live in the District, provided that the child lives with his/her parent, legal guardian, or foster parent.

A residence is that place where one has established his/her home and where one is habitually present, and to which, when one departs, he/she intends to return. Merely superficial residence in the District, obtained for the sole or primary purpose of taking advantage of District facilities, will not entitle the child in question to school attendance privileges.

2. If an adult resident of the District signs an affidavit as required by State law, the District will admit a child if he/she meets one of the following conditions:
  - a. The child's custody has been awarded by a court of competent jurisdiction to a person who is not the child's parent or legal guardian but is an adult resident of the District; or
  - b. The child lives in a residential, community-based care facility licensed by the Department of Social Services or operated by the Department of Social Services or the Department of Youth Services; or
  - c. The child resides with an adult resident of the District as a result of:
    - (1) The death, serious illness, or incarceration of a parent or legal guardian;
    - (2) The relinquishment by a parent or legal guardian of the complete control of the child as evidenced by the failure to provide substantial financial support and parental guidance;
    - (3) Abuse or neglect by a parent or guardian;
    - (4) The physical or mental condition of a parent or legal guardian is such that he/she cannot provide adequate care and supervision of the child; or
    - (5) A parent's or legal guardian's homelessness, as that term is defined by Public Law 100-77; or
  - d. The child is emancipated and resides in the District;
  - e. The child is homeless or is a child of a homeless individual, as defined in Public Law 100-77, as amended; or
  - f. The child resides in an emergency shelter located in Horry County.
  - g. The child's parent or legal guardian's military deployment or call to active duty is more than 70 miles from his/her residence for a period greater than 60 days; provided, however, that if the child's parent/legal guardian returns from such military deployment or active duty prior to the end of the school year, the child may finish that school year in the school he/she attends without charge even if the child resides in another school district for the remainder of the school year due to his/her parent/legal guardian returning home.



In all cases described above, the student must do the following:

- a. The child must have maintained a satisfactory scholastic record in accordance with scholastic standards of achievement prescribed by the District, and
- b. The child must not have been guilty of infraction of the rules of conduct promulgated by the District.

In accordance with State law, however, an adult who seeks to enroll a child under the conditions listed above must complete and sign an affidavit:

- a. Confirming the qualifications set out above establishing residence of the child in the District;
- b. Attesting that the child's claim of residency in the District is not primarily related to attendance at a particular school within the District; and
- c. Accepting responsibility for educational decisions for the child.

If it is found that information contained in the affidavit provided is false, the child will be removed from the District after notice and an opportunity to respond to the allegations. Pursuant to State law, if it is found that a person willfully and knowingly provided false information in the affidavit, the maker of the affidavit is guilty of a misdemeanor and upon conviction, may be subject to a fine in an amount not to exceed two hundred dollars or imprisoned for not more than 30 days and also may be required to pay to the District an amount equal to the cost to the District of educating the child during his/her period of enrollment. Repayment does not include funds paid by the State.

### Homeless students

Homeless students, as defined by the McKinney-Vento Act of 1987, have equal access to the same free public education and other services that are provided to other students; therefore, homeless students will have the same opportunity to achieve the same challenging state content and performance standards as all other students. Each school will designate a homeless school liaison that will report to the designated District liaison. The District's liaison for homeless students shall ensure that public notice of the educational rights of homeless students is distributed where such students receive services (e.g., schools, shelters, and other appropriate places).

The District will enroll each homeless student **in the school of origin or** in the school that non-homeless students in the same attendance area are eligible to attend. If the Executive Director for Student Affairs places a homeless student in a school other than the one requested by the parent, a written explanation will be provided including a statement regarding the right to appeal the placement decision. The school that the District selects on the basis of the best interest determination must immediately enroll the homeless student regardless of whether records normally required for enrollment are provided (such as previous academic records, medical records, proof of residency, or other documentation).

It is the responsibility of the enrolling school to immediately contact the school last attended by the student to obtain relevant academic or other records. If a child needs to obtain immunizations, or immunization or medical records, the enrolling school representative must immediately refer the parent to the District's Homeless Liaison to assist in obtaining the immunizations or records.

If a dispute arises between the District and parents concerning school selection or enrollment, the District must immediately enroll the student in the school the parent chooses until the dispute is resolved. The Executive Director for Student Affairs must provide the parent with a written statement of the school placement decision and appeal rights as well as refer the parent to the District Homeless Liaison who must expeditiously carry out the dispute resolution process consistent with the District's grievance policies.

If the dispute cannot be settled by the Board, the student or his/her parent has the right to contact the S.C. Department of Education ("SCDE"), 803-734-~~830~~**6010** **within ten (10) days after receipt of the**

**District's decision.** If the SCDE cannot successfully negotiate a settlement, the matter could be referred to the U.S. Office for Civil Rights or the appropriate court of jurisdiction.

*Revised: 8-8-12; 7-1-13; 7-1-14.*

### **Admission of Part-time Students**

Part-time students may be admitted when space is available in the class(es) that they wish to attend. A part-time student shall pay a percentage of any fees based upon the percentage of time that he/she enrolls in a District school.

1. If a part-time student's admission is such that the District will be unable to collect funds for the education of the student from the S.C. Department of Education, the District will charge the parent an appropriate percentage of the revenue a similarly situated full-time student would generate from State funds during a school year, and if the student enrolls in a dual-credit course, the District also will charge the parent the tuition amount required by the college or university.
2. If the part-time student is enrolled in a charter school, the District will charge the sending charter school an appropriate percentage of the per pupil support distributed by the District to the charter school, and if the student enrolls in a dual-credit course, the District also will charge the charter school the tuition amount required by the college or university.

Excluding athletics (required by the S.C. High School League), a child who is not enrolled in a District school may be allowed to participate in a school or District-wide program held outside the school day when space is available, when the child meets eligibility criteria, and with the permission of the principal or District-level staff member having responsibility for the program (for certain Fine Arts programs, the District has the exclusive right to determine instrumentation or voicing for musical balance). A lawful decision as to whether or not a child is allowed to participate shall be final. If the student's participation is such that the District will be unable to collect funds, if any, for the student from the funding source for the program, the District will charge the per student amount provided by the funding source for eligible students.

See, also: "Charter Schools Sponsored by the District."

#### *Legal references:*

##### *Federal.*

*McKinney-Vento Homeless Education Improvements Act of 2001, P.L. 107-110, 42 U.S.C. Sections 11431-11435.*

##### *State.*

*S.C. Code § 44-29-180 – School pupils ... to be vaccinated or immunized ....*

*S.C. Code § 59-63-31 – Additional qualifications for attendance.*

*S.C. Department of Education Regulation R 43-272 – School Admission.*

*Department of Health and Environmental Control Regulation R 61-8 – Vaccination, Screening and Immunization Regarding Contagious Diseases.*

*Revised: 7-1-04; 6-15-05; 2-17-06; 3-24-06; 6-19-06; 7-1-08; 7-1-09; 6-16-10; 7-20-10; 7-1-11.*

### **Nonresident Students: Admission and Tuition**

The District will follow State law with regard to qualifications for attendance and student transfers into or out of the District. The Superintendent or his/her designee will examine all interdistrict student transfer requests in consultation with the District's retained legal counsel, as appropriate, in order to guard against transfers which significantly contribute to a re-separation of the races in either the sending or receiving district. A student may not be qualified to attend District schools if he/she has been found guilty of an infraction of the rules of conduct promulgated by a former school district.

In all cases of nonresident student admission, the parent must assume responsibility for transportation. The District will hold nonresident students to the behavioral and academic requirements set out in District policy.

## Admission

The District will admit a child who presents a certificate from the county auditor verifying that the child, in his/her own name, owns real estate in the District assessed at \$300.00 or more. The rules for determining whether the student attends free or pays an adjusted tuition rate are set forth below under "Tuition."

At its discretion, the District may admit nonresident students from an adjacent school district if the child in the adjacent district resides closer to schools in Horry County or if a person so situated could be better accommodated by a District school. The sending district's board of education must consent to the transfer.

The District reserves the right to make the school assignment for all non-resident students admitted to the District.

## Tuition

Except as noted below, the District will charge tuition to nonresident students qualified to enroll in its schools in an amount equal to the prior year's per pupil local revenue received. However, if the child presents a certificate from the county auditor verifying that the child, in his/her own name, owns real estate in the District assessed at \$300 or more,

1. The amount of school taxes paid on the real property owned by the child in Horry County will be deducted from the tuition charge, or
2. He/she will not be required to pay tuition as long as he/she meets the above requirement of property ownership, was enrolled prior to September 9, 1996, has been continuously enrolled in the District since that date, and meets other legal qualifications for attendance.

Nonresident tuition will be paid within 10 days following the child's enrollment in the District. The District may remove a child for nonpayment after giving notice. If a student, who has paid tuition, moves out of the District, the District will refund a prorated amount of the tuition.

## Exceptions

The District will not charge tuition to students in the following situations:

1. The child's parent is in the process of building, buying, or renting a residence in the District (the parent must present a statement from the builder, buyer or lessor in support of this request, along with an official release from the district in which he/she resides; the District will admit students for a maximum of one year under this provision);
2. The student is from a foreign country, is an appropriate age, and is participating in an approved foreign student exchange program; or
3. During the period of time that the child's parent is an employee of the District (this provision begins with the 2004-2005 school year, is not retroactive to preceding school years, is rescindable by March 1 for the following school year solely at the discretion of the District, and is dependent upon the employee's providing Horry County Schools with documentation from the district in which the child resides that the trustees of the district have consented to the transfer).

### Legal references.

#### State.

*S.C. Code § 44-29-180 – Students must show immunization prior to admission.*

*S.C. Code § 59-63-30 – Qualifications for attendance.*

*S.C. Code § 59-63-45 – Procedures for reimbursement for districts for cost of educating non-resident students.*

*S.C. Code § 59-63-480 and 490 – Attendance of non-resident students.*

*S.C. Code § 59-19-90(10) – Power of board to transfer and assign pupils.*

*S.C. Board of Education Regulation R 43-272 – School admission.  
Revised: 7-1-02; 4-12-04.*

## **Foreign Students**

Except when a foreign student seeks admission and identifies himself/herself as an F-1, F-2, J-1, or J-2 student, school personnel are not to inquire into the immigration status of a child due to the fact that the U.S. Supreme Court has held that the Equal Protection Clause of the Fourteenth Amendment of the U.S. Constitution prohibits a state from denying an illegal alien child the free public education that it provides to all other students.

### **Students with F-1 visas**

District personnel must comply with Federal laws and regulations when a student with an F-1 visa enrolls in a District school. Such students must be approved by the Department of Homeland Security's Bureau of Citizenship and Immigration Services ("BCIS"). F-1 students, who are foreign students pursuing a full-time course of study in one of the District's academic high schools, have the following restrictions:

1. They are prohibited from attending public primary, elementary, or middle schools (grades K through 8) or publicly funded adult education programs;
2. They are restricted to an aggregate of 12 months of study at any public high school(s) (grades 9 through 12).
3. They are required to reimburse the District for the full, unsubsidized per capita cost of education for the intended period of study. Note that this is substantially greater than out-of-district tuition because the full, unsubsidized per capita cost includes all public expenditures for education in Horry County Schools, including the building program.
4. They are required to have a current, properly executed SEVIS Form I-20, a "Certificate of Eligibility for Nonimmigrant (F-1) Student Status – for Academic and Language Students." The form is available in, and must be completed through, the Office of Policy and Legal Issues. [SEVIS is the Federal Student and Exchange Visitor Information System – an Internet-based system which is designed to maintain accurate and current information on non-immigrant students (F visas), exchange visitors (J visas), and their dependents.]
5. They are prohibited from engaging in off-campus employment, which means the rendering of services, on either a part-time or full-time basis, for compensation, financial or otherwise. It includes employment with others and self-employment.

### **Students with F-2 visas**

An F-2 student is a foreign student who is the spouse or qualifying child of an F-1 student who is pursuing a full course of study in a college, university, seminary, etc. F-2 students do not have to pay tuition.

### **Students with J-1 visas (exchange students)**

A J-1 student is a foreign student who has been selected by a sponsor designated by the U.S. Department of State to participate in an exchange visitor program in the United States. J-1 students do not have to pay tuition.

### **Students with J-2 visas (exchange students)**

A J-2 student is a foreign student who is the spouse or qualifying child of a J-1 student. J-2 students do not have to pay tuition.

**Reporting requirements for a student with a F-1 visa or a F-2 visa**

Foreign students with an F-1 or an F-2 visa must inform the Office of Policy and Legal Issues of any changes to their name or of any change of their physical and/or mailing address within 10 days of the change. Principals or their designees are responsible for notifying the Office of Policy and Legal Issues immediately of any of the following concerning such foreign students:

1. Enrollment if the school has been notified of the date the student intends to enroll;
2. Failure to enroll if the school has been notified of the date the student intends to enroll;
3. Name change;
4. Physical address change;
5. Mailing address change;
6. Off-campus employment if the student's status is F-1;
7. Failure to maintain a full course of study without prior authorization from the Office of Policy and Legal Issues;
8. Failure to fulfill school, District, and State requirements in his/her course of study;
9. Failure to attend school;
10. Disciplinary action taken by the school against the student as a result of the student's being convicted of a crime;
11. Withdrawal from school.

*Legal references.**Federal.**8 U.S.C. § 1101 et seq – Immigration and Nationality Act.**Fourteenth Amendment of the U.S. Constitution.**Revised: 7-1-03; 7-1-04; 7-1-09.***Student Assignment to Schools**

Except as noted below, students are required to attend the school in the attendance area in which they reside except in cases in which a transfer has been approved by the Superintendent or his/her designee. Each case shall be considered separately and a decision made accordingly. A student may not transfer to another District school on the basis of S.C. Report Card designations, and notwithstanding the provisions of Public Law 106-554, a student may not transfer to another school on the basis that the student attends a school designated for "school improvement" pursuant to Section 1116(c) of Part A of Title I of the Elementary and Secondary Education Act of 1965 as may be amended.

An employee's child will be allowed to attend a school which serves students in the high school attendance area in which the employee works.

Students whose transfer requests are approved are responsible for their own transportation to and from school.

Transfer requests are approved only for the period comprising a single academic year except as noted in the following sentence. Transfer requests do not have to be submitted for a student to remain in the same school for which his/her transfer request was previously approved as long as he/she meets the same conditions that led to the prior approval.

Approval of the transfer request for a student does not guarantee that approval will be granted for his/her siblings either for the same academic year or for future academic years. The application for a sibling will be considered according to the regulations associated with the category of the school to which the sibling wishes to transfer. For example, the application of a sibling to attend a Category 1 school will not be accepted. The application of a sibling to attend a Category 2 school will be considered only in terms of the hardship rules noted below.

Each year, applications for transfer will be subject to the policies and regulations in effect at that time. The capacity of a school is subject to change; therefore, parents should carefully consider the potential effect on the family if their children attend schools in more than one attendance area.

1. Based upon the most recent 45-day enrollment data, the Office of Facilities Management shall classify each school (excluding academies and the alternative school) into one of two capacity categories which will affect the decisions made concerning student transfer requests.
  - a. Category 1: schools with a projected enrollment which is 100 percent or more of the design capacity of the facilities and/or schools designated as Category 1 schools because they are projected to be high growth schools by the Office of Facilities Management. [Note: The percent is subject to change by the District.]

New transfer requests will not be accepted except as otherwise provided by this policy. Exceptions will not be granted for a student whose sibling has had a transfer request approved for another school which serves students in the same high school attendance area.

Out-of-county students will not be allowed to attend Category 1 schools.

- b. Category 2: schools with a projected enrollment which is less than 100 percent of the design capacity of the facilities. [Note: The percent is subject to change by the District.]

Transfer requests will be approved subject to the hardship rules as noted below.

2. Applications for transfer are available through the website of the Office of Student Affairs. Subject to the above categories, the parent will submit a written application for transfer to the Executive Director of Student Affairs requesting permission for the child to attend a school outside his/her attendance area. The application shall specify the reason(s) for the request. For Category 2 schools, hardship cases may include, but are not limited to, the following:
  - a. Lack of an academic course or program within the normal school day in the school to which a student has been assigned;
  - b. After school child care due to:
    - (1) Parent's work schedule and/or work location; or
    - (2) Lack of afternoon child care at sending school or in its area;
  - c. Health of child and/or parent;
  - d. Purchase of a lot and planning to build or building a house intended as the parent's primary residence (proof of purchase must be furnished and if the transfer is approved, evidence indicating substantial progress towards completion must be furnished for an application for transfer to be approved the following year);
  - e. Traditional/year-round school calendars.
3. Transfers will not be allowed in order for a student to participate in an extra-curricular program.
4. Applications should be received by the Executive Director of Student Affairs no later than the date published by the District each school year. However, students who move into the District from another county or state after the published date have three weeks after arrival to apply for a transfer.
5. The Executive Director of Student Affairs will provide an opportunity for the sending principal and the receiving principal to present their recommendations concerning the transfer of the student. In making his/her recommendation, the receiving principal must give consideration to the capacity of his/her facilities by grade level or programmatic area. A record of excessive absences, discipline

problems, or tardiness could be grounds for non-approval, non-renewal, or termination of the transfer application/permission.

6. The Executive Director of Student Affairs will approve or disapprove transfer requests based upon the information associated with the request for transfer and the policy on assignment to schools.
7. The decision of the Executive Director of Student Affairs may not be appealed to anyone other than the Superintendent or his/her designee, including the Board.
8. If a student changes residences after mid-year from one school attendance area to another within the District, the student may elect to complete the current year in the same school.

*Legal references.*

*State.*

*S.C. Code § 59-19-90 (9) – Transfer and assignment authority.*

*S.C. Code § 59-63-425 – Student may transfer.*

*S.C. Code § 59-63-470 – Transfer of pupils when enrollment of such pupils threatens to disturb peace.*

*Revised: 7-1-03, 7-1-04; 7-1-07; 7-1-11.*

## **Student Attendance and Attendance for Course Credit/Promotion**

State law requires a parent to cause his/her children, from age five until the attainment of their seventeenth birthday or graduation from high school, to attend regularly a public or private school, unless the child meets an exception contained in State law. If a child is not six years of age on or before the first day of September in a particular school year, the parent/guardian may elect for his/her child not to attend kindergarten; in which case, the parent must sign and provide to the District a written document making such an election.

The school year consists of 180 days. In order to receive credit for a term (90-day) course, high school students cannot be absent for more than five days. For two-term (180-day) courses, high school students cannot be absent more than ten days.

Students may be counted present only when they are actually at school, on homebound instruction, on approved home instruction, or are present at a school-day activity which is authorized by the school – this may include field trips, athletic contests, music festivals, student conventions, and other similar activities. However, attendance at an activity or program (such as “Saturday School”) which takes place outside a normal school day cannot be used to replace a school-day absence in order for a student to maintain a perfect attendance record.

For attendance purposes, a middle school (grades 6 through 8) or high school (grades 9 through 12) student is considered in attendance for a class period if he/she is present for a majority of the official class period time. An elementary student is considered in attendance when present for at least three hours of a school day.

### **Perfect attendance**

Prior to July 1, 2006, each school will use the criteria it previously established for determining perfect attendance. Beginning with the 2006-2007 school year, perfect attendance for all students is defined as being present a minimum of three hours during each school day for the entire school year except as noted below.

Note that a student is also considered present if:

1. He/she is on approved homebound instruction,
2. He/she is on approved home-based instruction, or
3. He/she is present at a school-day activity which is authorized by the school (such as, but not limited to, field trips, athletic contests, music festivals, student conventions, and other similar activities). However, attendance at an activity or program (such as “Saturday School”) which

takes place outside a normal school day cannot be used to replace a school-day absence in order for a student to maintain a perfect attendance record.

### **Appeals concerning attendance records**

If a parent believes that the attendance record is incorrect, he/she may meet with the principal to present his/her reasons why he/she believes the record should be changed along with any documentation relative to the disputed day(s). After the above, if the parent is not satisfied with the principal's decision, an appeal may be made to the Executive Director of Student Affairs. To request an appeal, the parent must write a letter to the Executive Director of Student Affairs within five workdays after the conference with the principal, advising the Executive Director of Student Affairs why it is believed that the principal's decision should be reversed.

The appeal hearing, which should be held within ten workdays of the request for an appeal, will be conducted as an informal hearing by the Executive Director of Student Affairs (or his/her designee) or other Superintendent's designee (hereinafter "Hearing Officer"). The principal (or his/her designee), parent, and student may be present. If the Hearing Officer and the parent agree, the student may be dismissed during portions of the hearing. The parent, student, and principal (or his/her designee) will be allowed to address the Hearing Officer.

Within ten workdays of the hearing, the Hearing Officer shall render a decision as to whether or not the attendance record should be changed. The Hearing Officer shall report his/her decision in writing to the parents and the school. The decision of the Hearing Officer ends the appeals process in such matters.

*Revised: 6-15-05; 6-19-06; 3-26-07.*

### **Lawful absences**

Lawful absences include, but are not limited to, the following:

1. Students who are ill and whose attendance in school would endanger their health or the health of others;
2. Students in whose immediate family there is a serious illness or death;
3. Students who are absent for recognized religious holidays of their faith; and
4. Prearranged absences for other reasons and/or extreme hardships at the discretion of the principal.

### **Unlawful absences**

Unlawful absences include, but are not limited to, the following:

1. Students who are willfully absent from school without the knowledge of their parent;
2. Students who are absent from school without acceptable cause with the knowledge of their parent.

### **Absences in excess of ten days**

The principal shall approve or disapprove any absences exceeding ten days, whether lawful, unlawful, or a combination thereof, for students in grades K through 12. A record of absences shall be maintained in the student's cumulative record. Cumulative absences that exceed ten days shall be reviewed by the Executive Director of Student Affairs.

1. High school and middle school students who miss over five class periods of a subject in a one term course will receive no credit for that subject regardless of the grade. If over ten class periods of a subject in a school-year course are missed, no credit for that subject is allowed. All subjects taken



are affected when a full day is missed. Exceptions beyond these limitations must be appealed through the appeal process described below.

2. Elementary school students who miss more than ten days of school will not be promoted to the next grade level. Exceptions beyond this limitation must be appealed through the appeal process described in the next paragraph.
3. Parent excuses are acceptable for up to ten days of absences. A student absent for more than ten days may appeal for subject credit or promotion by furnishing a doctor's statement of absence due to medical reasons to the principal. All other student absences must not exceed the ten-day rule.

### **Approved school activities**

Students may participate in activities sponsored by the school, the District, the region, the State, and recognized national groups on regular school days provided that absences do not exceed three school days or classes beyond ten days. These special activities are to focus on the pursuit of the overall objectives and concepts of the curriculum and instructional program of the Horry County Schools. The school principal will determine which activities are to be considered approved. If students miss more than three days of classes (by period) for such approved events, these absences must be counted toward their ten-day absences by day or class unless otherwise approved by the principal.

Absences, reasonable in number from classes for counseling and Workforce Investment Act (WIA) activities, are permitted without restriction based on a student's needs. However, rotation of counseling and WIA activities that remove a student from a class period must be provided to assure the same classes are not missed repeatedly.

### **Early dismissal for spring sports and tournaments**

School principals and athletic directors are required to schedule athletic events at times which will not conflict with the instructional day of the school. However, there will be times when tournaments and playoffs sanctioned by the S.C. High School League will require that students miss classes in order to participate. The principal may give permission for students to participate in such post-season playoffs or tournaments; these are lawful absences. Students who participate in such play-offs or tournaments and have absences which exceed ten days for the year will have those absences approved so that no loss of credit can result from such participation. No student may be permitted to miss class for athletic practice of any kind.

### **Suspensions**

Students who are assigned to in-school suspension programs are considered present in school. No in-school suspension days need to be approved since the student is considered present in the class even though he/she may be sitting in the in-school suspension room. Absences which are caused by out-of-school suspension are to be counted as absences which will be approved if the student misses more than ten days of school for a year-long course or five days for a semester course as long as the student makes up his/her work consistent with District policy.

*Revised: 6-15-05.*

### **Transportation absences**

Students who are late to school or class due to mechanical failure of the school bus or other school bus problems will be counted present, and no absence will be reflected in their records.

### **Intervention for unlawful absences**

Upon three consecutive or five total unlawful absences, the principal or his/her designee will immediately attempt to establish contact with the parent to arrange a conference. During this conference, the principal

or his/her designee will develop a written plan with the parent to insure that the parent, the student, and the school have an understanding regarding the future attendance of the student. If after such a conference is held, the student is unlawfully absent again, he/she will be immediately referred to the District's Attendance Coordinator. The Attendance Coordinator may refer the student to Family Court for a motion for court-ordered attendance. No student who is lawfully absent will be referred.

*Revised: 7-1-03; 6-19-06.*

### **Absences, make-up work, and student grading**

Students are expected to be in school on a regular basis to achieve specific curriculum objectives and develop concepts adopted by the District. They will be required to make up all work missed. Instructional personnel will provide information on assignments, provide help, and permit the completion of work missed due to absences.

When lawful absences occur, immediate attention is to be given by the teacher, student, and parent to work missed by the student. Special efforts must be made by each of these to see that missed work has been made up. The teacher will specify a reasonable period of time to make up the missed work based on the length of absence and school time missed. An automatic unsatisfactory grade for absences in this category is not permitted. However, after reasonable efforts have been made by school personnel without success, an unsatisfactory grade may be given.

When unlawful absences occur, students and/or parents are to request information on assignments missed. Teachers are to clearly inform students and/or parents of required assignments and are to give students one week to make up the work missed on their own. If work is not completed satisfactorily in one school week, an unsatisfactory grade may be assigned for the work. The weight of this grade will be no greater than that which the assignments would ordinarily carry.

### **Students who begin school late**

All students are expected to attend school for the full year, beginning with the first day of school. Students who enter school after the first ten days of school and whose reasons for failing to attend school are not approvable will not receive credit for the school year. Students who enter school late, and as a result will not receive credit, will still be required to attend school as required by the Compulsory School Attendance Law. Absences at the beginning of the school year without good cause are unlawful.

### **Students who transfer from out of District or State**

1. If a student begins school in another state or district and then transfers into the Horry County Schools, the following rules will be observed:
  - a. Students who transfer into the District during the first 90 days of school will be eligible for credit if they do not miss more than ten days of school. If they miss more than ten days of school, their reasons for being absent must be approvable.
  - b. Students who transfer into the District during the second 90 days of school will be eligible for credit if they do not miss more than five days of school. If they miss more than five days of school, their reasons must be approvable.
2. Units earned by a student in an accredited secondary school of this state or in a school of another state which is accredited under the regulations of the board of education of that state or the appropriate regional accrediting agency (New England Association of Colleges and Schools, Middle States Association of Colleges and Schools, AdvancED, North Central Association of Colleges and Schools, Western Association of Colleges and Schools, and the Northwest Association of Colleges and Schools), will be accepted at the same value which would apply to students in the school to which they transferred.
3. If a student transfers from a school that is not accredited as indicated above, he/she shall be given tests to evaluate prior academic work and may be given a tentative assignment in classes for a

probationary period. After reviewing the results of the tests, the principal shall determine whether or not to award credit for the courses the student has taken. Within five calendar days of the principal's decision, a student may file a written appeal of an adverse decision to the Executive Director for Secondary Schools, who will issue his/her decision within 14 calendar days. The decision of the Executive Director for Secondary Schools shall be final.

*Legal reference.*

*State.*

*S.C. Board of Education Regulation R 43-273 – Transfers and Withdrawals.*

*Revised: 7-1-08; 7-1-11.*

## Dismissal Precautions

Each school shall set up procedures to validate requests for early dismissal to assure that students are released only for proper reasons and into proper hands. No student may be released on the basis of a telephone call which has not been validated. A child of separated or divorced parents may be released only upon the request of the parent whom the court holds directly responsible for the child and who is the parent registered on the school record. The schools cannot be a party to other arrangements with estranged parents.

If the school has on file a court order addressing custody and/or educational rights, school personnel are to follow the orders included therein. The principal or his/her designee should contact the District's staff attorney if interpretation is needed.

Students may not be sent away from school on errands. This involves the loss of educational opportunities and may subject the students to traffic and other hazards.

*Revised: 6-15-05.*

## Student and Adult Education Fees, Fines, and Charges

The District shall comply with the provisions of State laws and regulations as they pertain to the charging of student fees.

Student fees shall be held to a minimum. The schedule approved by the District sets forth the maximum that is to be charged; however, students shall be required to pay only those fees which are necessary. The fee schedule should be appropriate for each school; in many schools, a fee is not necessary. When a fee is charged, the maximum may be charged only when it is needed.

In all instances, money collected as student fees shall be used for the purpose for which it was collected.

If a school desires to charge a fee not listed in the schedule or charge more than allowed by the schedule, the following procedure shall be as follows:

1. A request will be made in writing to the Chief Financial and Human Resources Officer.
2. The Chief Financial and Human Resources Officer (who will serve as chairperson) will call a meeting of the fee committee, which shall consist of the Chief Financial and Human Resources Officer, the Chief Academic Officer, and an appropriate executive director.
3. The principal will present his/her request to the fee committee for consideration.
4. The fee committee will make a decision after hearing the request and notify the principal of the decision.

Refunds for transfer students shall be handled in the following manner:

1. Refunds for textbooks rented through the Office of Instructional Materials, S.C. Department of Education, will be in accordance with the policy of that office.
2. Refunds for other fees will be made in accordance with a schedule adopted by the District.

No student is exempt from charges for books, locks, materials, supplies, and equipment which are lost or damaged. Students will be charged for lost library books damaged beyond repair according to the following schedule:

1. If the book is lost or damaged beyond repair, the charge for replacement will be the original cost of the book as indicated in the book record within DESTINY Library Management records with an additional \$1.00 charge for cost of book processing.
2. The fee will be waived if the parent or student replaces the book with a book of the same title if it is in a condition better than or similar to the book lost or damaged beyond repair.

Except for basic adult education financed by the State, adult students shall pay fees for all other offerings for adults based on the cost of providing the particular course.

### **Student fees and charges**

If a parent or student presents the school with a copy of verification of free or reduced lunch status (available through the Office of School Food Services), the school will:

- reduce fees and charges if the student is eligible for reduced-price lunches;
- waive the fees and charges if the student is eligible for free lunches.

Fees and charges which will be reduced or waived for eligible students are as follows:

Agenda books,  
Athletic insurance,  
Camps (if the student is required to attend for a course or for participation in an extracurricular activity),  
Club fees,  
Distance learning,  
Driver's education,  
Field trips, including admission fees, meals, and overnight expenses, if applicable,  
Laboratory fees (science classes),  
Lunch,  
On-line courses,  
Student identification badges/cards,  
Summer school fees, and  
Uniforms, if applicable.

Student costs for which all students may be charged are as follows:

Admission to plays, sporting events, etc.,  
Camps, if attendance is not required for a course or for participation in an extracurricular activity,  
Child care fees,  
Class rings,  
Damage to state or District property such as, but not limited to, buses, books, lockers, equipment, supplies, materials,  
Graduation cap and gown rental,  
Graduation invitations,  
Lost or damaged state or school district property such as, but not limited to, books, equipment, supplies, and materials,  
Optional testing programs,  
Parking permits,  
Returned check fees,  
Student 24-hour insurance,  
Student pictures,

Student-initiated book or magazine orders, and Yearbooks.

*Legal reference.*

*State.*

*S.C. Code § 59-19-90 – Charge matriculation and incidental fees.*

*Revised: 7-1-04; 6-19-06; 7-1-08; 7-3-08; 7-1-09; 6-16-10; 7-1-11; 8-8-12; 7-1-13; 7-1-14.*

## **Activities, Publications, and Intellectual Properties**

### **Activities**

The District regards student activities as learning experiences and a vital part of the total educational program. The District sanctions student activities which have traditionally been a part of the overall school program, provided that school personnel properly supervise and operate the activities in accordance with District and school policies. These activities include, but are not limited to, athletics, social activities, student clubs, and school plays.

The principal or his/her designee will be responsible for overseeing the overall organization of school-sponsored student activities. The principal or designee will ensure that activities are supervised adequately, that student financial activities are fiscally sound, and that student activities are conducted with the assistance of delegated members of the faculty.

### **Publications**

The District believes that student publications are important as a part of the District's instructional program. The school administration is authorized to make rules as to the time and place for distribution of student publications and to ensure that such publications do not infringe upon the rights of others.

The school administration shall appoint designated faculty sponsors for all officially-recognized, school-sanctioned and school-financed publications. The sponsors shall assume the initial responsibility for screening and editing materials earmarked for publication. The school principal or his/her designee shall have the final decision regarding all materials to be published. Although students should be given meaningful editorial latitude, the sponsors and school principal or his/her designee retain the right to delete any articles or comments likely to create substantial disruption of the school environment or significant interference with school activities.

Any student objecting to a sponsor's, principal's, or designee's exercise of discretion over the publication of an article or comment should bring the objection to the principal's attention in writing. The principal will hold a conference with the complainant to discuss his/her concerns. The principal shall render a written decision regarding the student's concern within a reasonable period of time after consultation with the appropriate District-level supervisor and/or legal counsel.

### **Intellectual properties**

District personnel shall honor the written request of any student who does not want his/her intellectual property (creative writing, artwork, musical composition, etc.) made available to the public or placed on display. District personnel are not to make public intellectual property that discloses information that District personnel believe may be potentially embarrassing to the student, his/her family, or others.

*Adopted: 7-1-03. Revised: 6-15-05; 7-1-11.*

## **Limited Open Forum**

The Equal Access Act requires that public secondary schools grant equal access to student groups who wish to meet for religious, political, or philosophical purposes if the school allows other types of non-

curriculum related student groups to meet. The District will provide a limited open forum for secondary student, non-curriculum-related groups to meet on school premises.

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

This limited open forum policy does not apply to elementary and middle schools in the District.

Each secondary principal will establish the time for such meetings, either before or after school or during lunch periods, in order to ensure equal access to student groups wishing to meet. The principal may approve a student group's use of school facilities to conduct a meeting during the limited open forum provided the following conditions are met:

1. The meeting takes place at a time the principal designates.
2. The meeting is voluntary and student initiated. The principal must be assured that students are the ones promoting such activities and that they are participating of their own volition. Only students enrolled in the school may request such meetings.
3. Neither school authorities nor District employees may promote, lead, or participate in these meetings. Principals should assign personnel to supervise these meetings; this action does not constitute sponsorship by the District of such meetings. School employees may, however, not only supervise but conduct meetings which are held as part of curriculum-related or other school-sponsored activities, such as a school play or an athletic activity.
4. The meeting does not in any way interfere with the conduct of the regular instructional activities of the school. Since the education of the student is the prime responsibility of the school, all other activities are secondary. The school may deny facilities to students on the basis that such activities or meetings interfere with the instructional program.
5. Student meetings are not controlled, conducted, or directed by persons or groups not affiliated with the school. The principal must approve visitors to the school for such meetings prior to the meeting.
6. The meeting must be open to all students without regard to race, sex, gender, color, religion, national origin, disability, immigrant status, English-speaking status, or any other characteristic protected by applicable federal or S.C. law. The school may not in any way limit the meetings to a particular number of students.

*Legal references.*

*Federal.*

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

*State.*

*S.C. Code § 59-39-160 – Requirements for student participation in interscholastic activities.*

*S.C. Board of Education Regulation R 43-244.1 – Interscholastic activities: Academic requirements for participation.*

*Revised: 2-17-06.*

## **Recess in Elementary Schools**

1. Recess must not be taken away from an entire class for disciplinary infractions. However, administrators may use loss of recess as a disciplinary consequence for individual students, especially when imposed for non-compliance of established recess rules and procedures.

2. Administrators will use sound professional judgment when canceling outside physical activity or recess for inclement weather. Outside physical activity and recess must be cancelled in the event of extremely cold weather, rain, extremely muddy conditions, or unsafe conditions. Should outside recess be cancelled for any reason, classroom teachers will make provisions for students to get an appropriate break during which students may engage in conversation and structured play activities with other students (brain games, board games, etc., would be appropriate during this time). Teachers do not have the authority to cancel recess unless the cancellation is approved by an administrator.
3. The principal may grant a waiver to a student exempting him/her from physical activities and physical education requirements if the student presents a physician's statement indicating that participation in physical activities and physical education will jeopardize the student's health and well-being.

See, also: "Student Wellness."

*Legal reference.*

*State.*

*S.C. Code § 59-10-10 et seq. – Physical education, school health services, and nutritional standards.*

*Implemented: 10-04. Revised and added to District Policies: 7-26-05. Revised: 7-31-05; 6-19-06; 7-1-11.*

## Interscholastic Athletic Competitions

Schools involved in interscholastic athletic competition, including competitive cheer, must maintain membership in the S.C. High School League ("League") and must conform to the League's rules and regulations. In addition, schools must conform to:

1. The academic requirements for participation in interscholastic activities as set forth by the S.C. Department of Education and
2. Title IX regulations which prohibit discrimination in athletic opportunities on the basis of sex.

Coaches are to have appropriate records such as, but not limited to, physical examinations, parental permissions, and parental releases completed before students are allowed to participate in activities such as practices and events. A report of any head or spinal injury or broken limb suffered by a student shall be filed by the coach with the principal of the school. The report shall be made a part of the student's school record.

## Performance enhancing substances

The District supports the League's opposition to the use of anabolic androgenic steroids by students. District personnel are not to suggest or encourage student use of performance enhancing substances such as, but not limited to, anabolic androgenic steroids and creatine supplements.

See, also: "Scheduling Major School Events."

*Legal references.*

*State.*

*S.C. Code § 59-63-55 – Report required of certain injuries.*

*S.C. Code § 59-63-425 – Student may transfer.*

*S.C. Board of Education Regulation R 43-244 – Interscholastic athletics.*

*S.C. Board of Education Regulation R 43-244.1 – Interscholastic activities: academic requirements for participation.*

*Federal.*

*Title IX of the Education Amendments of 1972 – 20 U.S.C. Section 1681 et seq.*

*Section 86.8(a) and (b) – Title IX Regulations of the Education Amendments of 1972.*

*Revised: 6-19-06.*

## Cheerleading

The selection of cheerleaders shall be conducted consistent with guidelines developed by the Executive Director for Student Affairs and approved by the Superintendent or his/her designee.

*Adopted: 6-19-06; 7-1-09. Revised: 7-1-11; 8-8-12.*

## Beauty Pageants

### **Primary, elementary, and middle schools**

Primary, elementary, and middle schools are prohibited from sponsoring or co-sponsoring beauty pageants. Outside organizations may hold beauty pageants on school property through a rental agreement (see "Community Use of School Facilities"); however, in the course of their employment, District personnel are not to participate in the planning, promotion, execution, judging, and/or any other activity associated with beauty pageants involving primary, elementary, or middle school students.

### **Secondary schools**

Secondary schools are permitted to have beauty pageants consistent with guidelines that are established for each school year. The guidelines are available through the office of the Executive Director for Secondary Schools.

*Adopted: 6-19-06.*

## National Honor Society (NHS)

The National Honor Society (NHS) is the national's premier organization established to recognize outstanding high school students. More than just an honor roll, NHS serves to honor those students who have demonstrated excellence in the area of scholarship, leadership, service, and character.

Every Horry County secondary school and program will maintain an active NHS chapter. Students are eligible for membership where they attend school. Should a student transfer from one HCS school or program to another HCS school or program, all NHS guidelines regarding student transfers will be followed in accordance with the NHS constitution.

Beginning with the 2014-15 school year all base high schools and academies will have a minimum GPA entrance requirement of 3.8 on the S.C. Uniform Grading Policy. Because of dual enrollment opportunities and program requirements of Scholars Academy and Early College High School, these two programs will have different GPA entrance requirements. Scholars Academy will have a minimum GPA entrance requirement of 4.25 and Early College High School will have a minimum GPA entrance requirement of 4.0

All other entrance requirements that are currently used; community service, leadership, character, grade level, and course requirements; will remain the same as they currently exist and decisions on future changes for these criteria are left to the discretion of the individual chapters.

Each school will publicize the NHS information through multiple media sources and will begin the new entrance GPA criteria with the 2014 ninth grade class. Transfer students will continue to follow the same NHS membership guidelines that were established in March 2011.

Students who have previously been inducted into a base high school NHS chapter, but attend one of our programs, may elect to remain a base high school NHS chapter member or may transfer his or her membership to the program's chapter. In the 2014-15 school year, qualifying seniors for NHS membership at the base high school and either AAST or ATA where they attend, have the option of applying for either chapter. In the 2015-16 school year students must submit an application to the NHS chapter where they attend school. A student cannot be a member of multiple NHS chapters.



Additional information pertaining to the National Honor Society may be found at <http://www.nhs.us>.

*Adopted: 7-1-14.*

## Special Restricted Driver's License

According to the website of the S.C. Department of Motor Vehicles ("SCDMV"), the SCDMV can grant a waiver to the time restriction on a 16-year-old driver's special restricted license if certain requirements are met, including the parent's presenting a notarized letter from a school official indicating that the student is in one or more specifically named school activities which will occur within the nighttime restriction period, thereby creating a transportation problem for the student.

After checking the SCDMV's website for the current regulation, the school official writing such a letter should:

- Require the parent to submit a written request for the letter;
- After writing a letter addressed to the SCDMV, have the letter notarized and give it to the parent (keep a copy and file it in the student's cumulative record along with the parent's written request);
- Should state the reason for the waiver in the notarized statement:  
[Example: Johnny Driver is a member of our high school marching band; therefore, he is required to participate with the band at evening sports events and band competitions];
- Avoid making any recommendation as to whether or not the SCDMV should grant a waiver;
- Have the principal or his/her designee sign or co-sign the statement (although the SCDMV only requires a "school official" to sign the statement).

*Legal reference.*

*State.*

*S.C. Code § 56-1-180 – Special restricted licenses for certain minors.*

*Adopted: 7-1-04.*

## Cell Phones, Pagers, and Other Electronic Devices

Students may not use cell phones, ~~paggers, CD players,~~ iPods, ~~MP3 players,~~ cameras, handheld games, or other electronic devices to interfere with instruction or school activities, or send inappropriate messages, recordings, broadcasts, or images. All of the above mentioned equipment must be turned off and be out of sight while at school. The use of these devices is restricted to before and after school hours. Principals may waive portions of the above restrictions with appropriate district administrator approval. However, devices are never to be used in any area in which an individual has a reasonable expectation of privacy including, but not limited to, restrooms, locker rooms, and showers. In the event of a violation, school personnel are authorized to take the device from the student but will return the device to the ~~owner~~ parent/guardian. The school or District assumes no responsibility for any damaged, lost, or stolen devices.

*Adopted: 7-1-11; 7-1-14.*

## Grievances Filed by Students

The District has established a grievance procedure as a formal method for the positive and productive resolution of grievances concerning the treatment of students by District personnel. Grievances may consist of allegations of violations of District policies or legal rights including, but not limited to, harassment or discrimination based on race, sex, color, religion, national origin, age, disability, immigrant status, English-speaking status, or any other characteristic protected by applicable federal or S.C. law. The decision of the principal shall be final: (1) in matters concerning the lawful assignment of students to classes and/or teachers and (2) in grade disputes except that grade disputes are grievable within one month of the posting of a final grade (see "Grading and Academic Performance" and "Grievances Filed by

Parents and Other Community Members"). Students who file a complaint will not be subjected to retaliation or reprisal in any form.

A student (grievant) who wishes to file a grievance should comply with the following procedure:

1. The grievance should be brought to the attention of a teacher or administrator who will provide the student and/or his/her parent the opportunity to discuss a decision or situation which the student considers unjust or unfair.
2. If the grievance remains unresolved, the student, his/her parent, or the teacher or administrator may bring the matter to the principal's attention for consideration and action.
3. A student may bring a school-wide matter, when appropriate, to the attention of class officers or the student council for possible presentation to the principal.
4. If the matter remains unresolved after the procedure outlined above, the student may bring the issue to the Superintendent or his/her designee for consideration except the decision of the principal shall be final in matters concerning lawful non-selection of students for, and lawful dismissal of students from, extra-curricular activities such as, but not limited to, athletic teams, cheerleading, National Honor Society, mock trial teams, and clubs.
5. If the student is dissatisfied with the decision of the Superintendent or his/her designee, the student may file an appeal with the Board. Such an appeal must be in writing and filed with the Superintendent within ten working days following receipt of the decision of the Superintendent or his/her designee. The Superintendent will present the request for a grievance appeal to the Board at its next regularly scheduled meeting.

A grievance hearing before the Board lies within the sole discretion of the Board. The student will be notified within a reasonable time of the Board's decision regarding whether or not it will hear the appeal. Should the Board decide to hear the appeal, the meeting will be informal and non-adversarial.

A homeless student has additional rights if the Board's decision is unacceptable to him/her – see "Homeless Students."

### **Title VI, Title IX, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act**

The grievance procedures set forth above are to be used to process student complaints based on alleged violations of Title VI 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 Title II of the Americans with Disabilities Act of 1990, referred to collectively as "civil rights grievances."

In the event that a student files a grievance alleging violation of one of the above-referenced laws, the grievance shall be considered to be a "formal" grievance for purposes of these procedures.

With respect to alleged violations of Title VI, if the response of the District-level administrator does not resolve the grievance to the satisfaction of the student, the student may appeal in writing to the District's Civil Rights Coordinator, Kenneth Generette, Staff Attorney, 335 Four Mile Road, Conway, SC 29526, telephone: 488-6700. With respect to alleged violations of Section 504 or the Americans with Disabilities Act, if the response of the District-level administrator does not resolve the grievance to the satisfaction of the student, the student may appeal in writing to the District's 504 Coordinator, ~~Ruth-Lilly Lora Tyler~~, Coordinator of Special Education, 335 Four Mile Road, Conway, SC 29526, telephone: 488-6700. With respect to alleged violations of Title IX, if the response of the District-level administrator does not resolve the grievance to the satisfaction of the student, the student may appeal in writing to the District's Title IX-Athletics Coordinator, Daryl Brown, Executive Director for Student Affairs, 335 Four Mile Road, Conway, SC 29526, telephone: 488-6700.

If the student fails to appeal within 15 working days of receipt of the written response from the District-level administrator, the right to appeal is waived. If an appeal is made to any of the above-referenced Coordinators, the Coordinator may conduct further investigation, if necessary. The Coordinator shall hold a hearing with the student within 15 working days of receipt of the grievance, or within 15 working days of completion of any further investigation, if necessary. The Coordinator shall then render a decision on the matter in writing within 15 working days after the hearing is conducted.

After appeal to the appropriate Coordinator, a student may request a meeting with the Board for the purpose of discussing his/her grievance. The request must be made in writing to the Superintendent within ten working days of the Coordinator's response to the grievance. The Superintendent will, at the next regularly scheduled Board meeting, present the request that the grievance be heard, together with copies of all correspondence and responses from the lower administrative levels.

A grievance hearing before the Board lies within the sole discretion of the Board. The student will be notified within ten working days of the Board decision regarding whether or not it will hear the appeal. Should the Board decide to discuss the grievance with the student, the meeting will be informal and non-adversarial.

*Revised: 7-1-02; 7-1-03; 6-15-05; 2-17-06; 3-24-06; 6-19-06; 7-1-07; 7-1-09; 7-1-11; 8-8-12; 7-1-14.*

## **Disability Harassment**

The District has established these policies and procedures to ensure the requirements of state and federal law are met with respect to preventing and responding to harassment and other forms of discrimination on the basis of disability. Disability harassment is a form of discrimination and is prohibited by district policy and by state and federal law. The District will not tolerate hostile or abusive treatment, derogatory remarks, or acts of violence because of disability against students, staff, or volunteers with disabilities. The District considers this behavior to constitute discrimination on the basis of disability in violation of Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act.

Students, or a parent(s) or legal guardian(s) who believe his/her student has been subjected to disability harassment by another student, teacher, administrator or other school personnel should report the incident(s) immediately to a school administrator, teacher or counselor.

The following are examples of circumstances that may constitute disability harassment:

- Several students continually remark out loud that a student with dyslexia is "retarded" or "deaf and dumb" and does not belong in the class; as a result, the harassed student has difficulty doing work in class and grades decline.
- A student repeatedly places classroom furniture or other objects in the path of classmates who use wheelchairs, impeding the classmates' mobility or ability to enter the classroom.
- Students continually taunting and/or belittling students with mental retardation.
- Habitually subjecting students to inappropriate physical restraints because of conduct related to disability.
- Repeatedly denying students with disabilities access to lunch, field trips, assemblies, and extracurricular activities as punishment for taking time off from school for requires services related to disability.
- Repeatedly belittling and criticizing a student for using accommodations in class.

## **Complaint Procedures**

Complaints of harassment on the basis of disability will be addressed and resolved in a fair and expeditious manner. A parent/student who wishes to file a complaint must report any incident of alleged harassment as soon as practicable, but not to exceed fifteen (15) days from the date of the alleged incident. In accordance with district disciplinary procedures, appropriate disciplinary action shall be taken against students or staff who are found to have engaged in disability harassment. In addition to these procedures, students and staff may have rights and procedural safeguards under other school policies or state and federal law.

The District encourages students, or a parent(s) or legal guardian(s) to report incident(s) of disability harassment and resolve their complaints at the lowest level. If further assistance is needed, contact the appropriate school administrator for assistance.

1. **Written Statement** - The student, parent or staff complaining of harassment on the basis of disability shall complete a complaint form briefly describing the harassing behavior and the alleged harasser. If a student making a complaint requires assistance in providing a written statement, such assistance will be provided by a staff member (e.g., students with learning disabilities in reading or writing may choose to dictate their complaint statement). The appropriate school administrator may ask additional questions regarding the alleged harassment and document relevant responses, but no student making a disability harassment complaint shall be subjected to unduly burdensome questioning regarding the harassing behavior.
2. **Investigation** - The school principal or their designee shall take reasonable steps to investigate the complaint and gather appropriate evidence and documentation, taking into consideration the nature and seriousness of the complaint, to promptly address and resolve the complaint. Designees may interview the complainant, gather statements from students and staff, gather other relevant evidence, or take appropriate action upon observing acts of disability related harassment. Allegations of disability harassment involving the campus principal or their designee shall be referred directly to the District Section 504 coordinator, Ruth Lilly at (843) 488-6700.
3. **Initial Meeting** - It is the expectation that within 10 working days after the date of each complaint, the school principal or designee will schedule a meeting with the complainant to discuss the complaint, the results of the school's investigation, and the school principal or designee's recommended action. Should exceptional circumstances exist during the investigative process, the principal or designee will schedule a meeting with the complainant within a reasonable period of time. Notification of the outcome will be issued in writing and the complainant will be informed of the right to appeal to the Section 504 coordinator, and where to contact the Section 504 coordinator for that purpose.
4. **Appeal to the Section 504 Coordinator** - If a student or parent is dissatisfied with the action recommended by the school principal or designee, they may appeal the decision to the Section 504 Coordinator by requesting a review in writing. If a student with a disability making a complaint requires assistance in providing a written statement requesting an appeal, such assistance will be provided by a staff person. The Section 504 coordinator may apply regular Section 504 complaint or grievance procedures to these appeals, and address and respond to the appeal under the Section 504 grievance timelines. The timeline for the Section 504 coordinator to make a determination on the appeal, however, shall not exceed 10 working days from the date of the Section 504 coordinator's receipt of the written appeal. The Section 504 coordinator shall inform the complainant of the right to appeal to the Superintendent or designee, and where to contact the superintendent or designee for that purpose.
5. **Mediation/Conflict Resolution Option** - Either the school principal, their designee, or the Section 504 coordinator may choose to address and respond to the complaint by offering to conduct a Mediation/Conflict Resolution session between the complainant and the alleged harasser in an attempt to reach a mutually agreeable resolution to the complaint. If it is determined that harassment has occurred, the District or school administration shall take reasonable, timely, age-appropriate, and effective corrective action. Examples of corrective action include, but are not limited to: disciplinary action of a student; special training or other interim interventions; apologies; and/or referrals to counseling services.

6. **Final Local Appeal** - A student or parent dissatisfied with the action or decision of the Section 504 coordinator may appeal the decision to the superintendent or their designee for these purposes. Such appeal shall be requested in writing. If a student with a disability making a complaint requires assistance in providing a written statement requesting an appeal, such assistance will be provided by a staff member. The Superintendent or designee shall reach a determination and take appropriate action within 10 working days after the receipt of a written appeal from the Section 504 coordinator's decision.
7. **IEP Team or Section 504 Committee Meeting** - If a school principal, their designee, Section 504 coordinator, or Superintendent's designee believes that incidents or a pattern of disability harassment may be affecting ~~a disabled student's receipt of a the~~ free appropriate public education ~~of a student with a disability~~ under either Section 504 of the Rehabilitation Act, ADA, or the Individuals with Disabilities Education Act, such staff person may initiate a request for an IEP team or Section 504 Committee meeting, as appropriate. At that meeting, the IEP team or Section 504 committee shall review ~~disabled students'~~ IEPs or Section 504 Plans ~~of the student with a disability~~, as appropriate, to determine if any change should be made to these plans in response to the effects of the harassment, if any, on the student's receipt of a FAPE.
8. **Compliance with Procedures** - Failure on the part of a student or a parent making complaint to take the action required in these procedures may result in the closing of a complaint, although school principals and designees may take appropriate action of their own accord, as necessary to ensure compliance with law and this policy. Failure on the part of a school principal, designee, or Section 504 coordinator to take action within required timelines shall move the complaint to the next appeal level automatically.
9. **Confidentiality** - In investigating and responding to disability harassment complaints, school staff members must comply with the requirements of the Family Educational Rights & Privacy Act, its implementing regulations, and applicable local confidentiality policies. Students or their parents/guardians, making a disability harassment complaint shall be provided access to records related to the complaint, including statements of students or staff, in accordance with FERPA, unless such access is prohibited by FERPA or local policy.
10. **Due Process Hearings and Court Actions** - These procedures acknowledge that students who are subjected to disability-related harassment may request due process hearings under either Section 504 or IDEA if they believe that disability harassment has resulted in a denial of FAPE. In addition, such students and parents may have additional rights to initiate a civil action under Section 504 of the Rehabilitation Act or IDEA in the appropriate court, although exhaustion of administrative remedies may be required prior to initiating a court action. For information about filing claims of discrimination with the Office for Civil Rights, contact the U.S. Department of Education, Office for Civil Rights--DC Enforcement Office, 400 Maryland Ave. SW, Washington, D.C. 20202-1475, 202-453-6020; [www.ed.gov/ocr](http://www.ed.gov/ocr).

*Adopted: 7-1-11. Revised: 8-8-12; 7-1-14.*

## Grievances Filed by Parents

Situations may arise in the operation of the District which are of concern to parents or other community members. Concerns should be resolved at the lowest possible level of decision making by the individuals closest to the concern; therefore, concerns are best dealt with through communication with the appropriate staff members, such as teachers, principals, and administrators. The decision of the principal shall be final: (1) in matters concerning the lawful assignment of students to classes and/or teachers and (2) in grade disputes except that grade disputes are grievable within one month of the posting of a final grade (see "Grading and Academic Performance" and "Grievances Filed by Students"). Parents who file a complaint will not be subjected to retaliation or reprisal in any form.

### Definition

A grievance is a claim by a parent or other community member of a violation, misinterpretation, or misapplication of a provision of District policies, regulations, and/or rules as it relates to or affects the grievant.

### **Guidelines**

The following guidelines should be followed by individuals with grievances regarding schools or the District:

1. A matter concerning an individual student should be first addressed with the employee directly involved;
2. A matter concerning an employee should first be brought to the attention of the employee, if appropriate;
3. Unsettled matters from "1" or "2" above or problems concerning individual schools should be directed to the employee's immediate supervisor, the principal, or the chief administrator;
4. Unsettled matters from "1" or "2" above or complaints concerning the District should be put in writing on a "Grievance Complaint Form" (available from the Office of Policy and Legal Issues) directed to the appropriate district office administrator, such as an executive director or a chief officer;
5. Unsettled matters from "3" or "4" above should be directed to the Superintendent or his/her designee;
6. Exceptions to this policy regarding library materials are covered in another policy (copies are available from the Office of Policy and Legal Issues).

If the matter cannot be settled satisfactorily by the Superintendent or his/her designee, the concern may be brought to the attention of the Board. Questions or concerns, along with a request for the item to be heard by the Board, must be submitted in writing to the Superintendent within ten working days of the decision of the Superintendent or his/her designee.

The Superintendent will, at the next regularly scheduled Board meeting, present to the Board the request by the parent or other community member that the complaint be heard, together with copies of all correspondence and responses from the previous level(s).

The Board will notify the parent or other community member of its decision whether or not to hear the complaint within ten working days of the meeting at which the request was considered. Should the Board decide to hear the complaint, the discussion will be informal. The parent or other community member will also be informed of whether the hearing will be in open or closed session, depending upon the nature of the complaint. If the parent or other community member wishes to be represented by legal counsel before the Board, written notice must be given to the Superintendent not less than ten working days prior to the scheduled date of the hearing. Failure to give such notice will result in postponement of the hearing.

The Board will take a reasonable length of time for a full and proper review of the complaint and will render a decision as soon as practicable.

The parent of a homeless student has additional rights if the Board's decision is unacceptable to him/her – see "Homeless Students."

*Revised: 7-1-03; 3-24-06; 7-1-07; 7-1-11.*

## **Sexual Harassment of Students**

Sexual harassment of students by District employees, other students, or third parties associated with schools is prohibited. All employees, students, and third parties associated with schools must avoid any action or conduct which could be viewed as sexual harassment. The District will take prompt, appropriate, and responsive action to end sexual harassment and to prevent its reoccurrence. Teachers and school administrators are expected to use judgment and common sense, which are important

elements of a proper response to a particular allegation of sexual harassment or inappropriate conduct of a sexual nature.

Certain "inappropriate conduct of a sexual nature" that District employees direct towards students may also be criminal conduct as defined by State law, including S.C. Code Section 16-3-755. However, the District will take appropriate action against any employee who engages in inappropriate conduct of a sexual nature, as defined in District policies, regardless of whether the conduct rises to the level of a crime.

Any student who feels he/she has been subjected to sexual harassment, or the parent of a student who feels his/her child has been subjected to sexual harassment, is encouraged to file a complaint as set forth below. All allegations will be investigated promptly, thoroughly, and impartially to determine what occurred. In the interim and at the conclusion of the investigation, appropriate steps will be taken to effectively address the situation.

Students who file a complaint of sexual harassment will not be subjected to retaliation or reprisal in any form. Any employee or student who is found to have engaged in sexual harassment or inappropriate conduct of a sexual nature will be subject to disciplinary action, up to and including termination in the case of an employee or expulsion in the case of a student, and all other appropriate steps will be taken to correct or rectify the situation.

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

1. Quid pro quo sexual harassment – A school employee explicitly or implicitly conditions a student's participation in an educational program or activity or bases an educational decision on the student's submission to unwelcome sexual advances, requests for sexual favors, or other verbal, nonverbal, or physical conduct of a sexual nature, whether the student resists or submits to the conduct.
2. Hostile environment – An employee, student, or third party engages in such conduct as inappropriate sexual advances, requests for sexual favors, or other verbal, nonverbal, or physical conduct of a sexual nature which is sufficiently severe, persistent, or pervasive that it limits a student's ability to participate in or benefit from an education program or activity, or creates a hostile or abusive educational environment.

#### **Preventive action**

Periodically, the District shall ensure that:

1. Information is made available to students about the nature of sexual harassment, the procedures for registering a complaint, and the possible redress which is available. Such information shall stress that the District does not tolerate sexual harassment and that students can report inappropriate behavior of a sexual nature without fear of adverse consequences. The information provided shall take into consideration and be appropriate to the ages of students. Written summaries of sexual harassment procedures are included in student/parent handbooks or other appropriate documents distributed to students and/or parents.
2. Each school has selected a male and a female administrator, faculty member, or other person(s) designated by the District to serve as the school's sexual harassment contact persons.
3. All administrators and designated sexual harassment contact persons are informed of the District's sexual harassment procedures and understand how to implement them. For example, they will be made aware of the conduct that constitutes sexual harassment, the District's commitment to eliminating and avoiding sexual harassment in the schools, the penalties for engaging in harassment, the procedures for reporting incidents of sexual harassment, and the procedures for conducting a sexual harassment investigation.
4. All certified and classified employees are informed about the nature of sexual harassment and the District's general procedures for handling and reporting student complaints.

5. For information about filing claims of sexual harassment with the Office for Civil Rights, contact the Office for Civil Rights, DC Office, U.S. Department of Education, P.O. Box 14620, Washington, D.C. 20044-4620, 202-786-0500; FAX 202-208-7797.

The District's Title IX Coordinator is Ben Hardee, Director of Career and Technical Education, 335 Four Mile Road, Conway, SC 29526, 488-6700.

### **Reporting and response procedures**

1. Any student who feels that he or she has been the object of sexual harassment is encouraged to file a complaint with his/her principal or one of the designated school contact persons (except for situations covered in item "2" below). Such a complaint may also be filed by the student's parent (a "Sexual Harassment Complaint Form," which is available from the Office of Policy and Legal Issues, may be used to file a complaint).
2. Under no circumstances shall a student be required to first report allegations of harassment to the principal or a school contact person if that person is the individual who is accused of the harassment. In such cases, the student or the student's parent shall file the complaint with another contact person at the student's school or with the District Title IX Coordinator. In cases where the contact person is subordinate to the person accused of the harassment, the complaint shall be forwarded directly to the District Title IX Coordinator.
3. If any employee receives a complaint of sexual harassment or observes any behavior which could be perceived as sexual harassment, the employee shall transmit the complaint to one of the school's designated contact persons or report the behavior to the principal or one of the school contact persons as soon as practicable. Conduct to be reported includes sexual graffiti on school property, hazing of students, etc.
4. All principals and/or school contact persons shall report any incident of alleged sexual harassment reported to them to the District Title IX Coordinator as soon as practicable.
5. If a student alleges that he/she is the victim of sexual harassment, the school should promptly attempt to notify the student's parent. The principal, school contact person, and/or the Title IX Coordinator should initially discuss with the student and, if appropriate, his/her parent(s) what actions are being sought and the investigation procedures that will be followed. Interim measures designed to protect the student from further harassment during the investigation of a complaint should be taken where appropriate.
6. In cases involving potential criminal conduct or where a child's physical or mental health or welfare has been or may be adversely affected by sexual abuse, appropriate school personnel should report the situation to appropriate authorities in accordance with S.C. Code § 20-7-510 and/or § 59-24-60.
7. The Title IX Coordinator, the school principal, and/or one of the school contact persons shall promptly initiate an investigation of the alleged sexual harassment. The investigation shall include appropriate steps to determine what occurred and to take actions reasonably calculated to end the harassment, eliminate the hostile environment if one has been created, and prevent harassment from occurring again. The school shall take steps to assist in remedying the effects of harassment on the individual student or students subjected to the harassment. This procedure does not create an obligation for the District to incur any expenses associated with a student's participation in private counseling or medical services.
8. The District shall be responsible for ensuring that reasonable efforts are made to prevent public disclosure of the names of all parties involved in the sexual harassment allegation, except to the extent necessary to carry out an investigation and comply with statutory obligations.



9. If the investigation determines that sexual harassment has occurred, the District or school administration shall take reasonable, timely, age-appropriate, and effective corrective action. Examples of corrective action include, but are not limited to: disciplinary action against the harasser, up to and including termination of an employee or expulsion of a student; special training or other interventions; apologies; dissemination of statements that the school does not tolerate sexual harassment; independent reassessment of student work; tutoring; and referrals to counseling services.
10. The principal or the Title IX Coordinator shall report the general results of any investigation of sexual harassment, including corrective action taken, to the Superintendent or his/her designee. The student and his/her parent(s) shall be informed that appropriate actions were taken and shall be advised how to report any subsequent problems.
11. Principals and/or school contact persons shall follow up periodically on any incident of sexual harassment they were involved in investigating to determine whether the student has been subjected to any further sexual harassment since the corrective action was taken.
12. In the event that a school learns of possible harassment through means other than a student, parent, or employee complaint, such as a witness to an incident or anonymous letter or telephone call, the administration shall consider the following factors in formulating an appropriate response:
  - a. Source and nature of the information;
  - b. Seriousness of the alleged incident;
  - c. Specificity of the information;
  - d. Objectivity and credibility of the source of the report;
  - e. Whether any individuals can be identified who were subjected to the alleged harassment; and
  - f. Whether those individuals want to pursue the matter.

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

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

1. Employees and students shall report to the principal, school contact persons, or in appropriate cases the employee's immediate supervisor, any conduct on the part of third parties, such as sales representatives or service vendors, which is believed to constitute sexual harassment.
2. Employees and students shall cooperate with and maintain the confidentiality of any investigation of alleged acts of sexual harassment conducted by the District or by an appropriate governmental agency. Failure to do so could result in disciplinary action against the individual who failed to cooperate or who violated the confidentiality of the matter.
3. No employee or student of the District shall take any action to discourage any student from reporting alleged sexual harassment. However, any person who intentionally provides false information in connection with a report or investigation of sexual harassment may be subject to disciplinary action.
4. No employee or student of the District shall retaliate in any way against an employee or student who has provided information regarding an incident of sexual harassment.

#### *Legal references.*

##### *State.*

*S.C. Code § 16-3-755 – Sexual battery with a student.*

*S.C. Code § 20-7-510 – Persons required or permitted to report; method; confidentiality.*

*S.C. Code § 59-24-60 – Requirement of school officials to contact law enforcement authorities when criminal conduct occurs.*

*Revised: 7-1-02; 7-26-05; 7-1-10; 7-1-11; 8-8-12.*

## **Student Behavior Code**

The District expects students to conduct themselves appropriately including, but not limited to, behaving with honesty, integrity, fairness, truthfulness, trustworthiness, and respect for the rights of others. They must know, understand, and follow District and school policies and rules. Ignorance of the provisions of policies and rules will not be acceptable as a defense in the event of an infraction by a student. Further, any student who witnesses, or has reliable information that a student has been subject to harassment, intimidation, or bullying (includes cyberbullying) shall report the incident to the principal, the designated school contact person, or to the Executive Director for Student Affairs. Reports may be anonymous; however, formal disciplinary action will not be taken solely on the basis of an anonymous report.

The District recognizes that rules of student conduct and consequences for violations are necessary for the orderly operation of its schools. Generally, it is the philosophy of the District to handle all student disciplinary matters at the lowest supervisory level possible and in the most reasonable manner possible. Ultimately, though, the Superintendent is in charge of ensuring that sound disciplinary practices are followed throughout the District.

No disciplinary action shall be taken without all procedural rights being afforded to students and their parents as provided by Federal law, State law, S.C. Board of Education regulations, and the policies of the District.

The following listing of offenses and the required or recommended dispositions are provided for the information of students, parents, and school personnel. Disciplinary actions will include appropriate hearings and review. The removal of a student from the learning environment will occur only for just cause and in accordance with law.

These rules, regulations, and procedures are designed to protect all members of the educational community in the exercise of their rights and responsibilities. These rules apply to any student:

1. Who is on school or District property;
2. Who is in attendance at school or any school-sponsored activity, whether on or off school grounds;
3. Who is enroute to and from school or a school-sponsored activity on a school bus or other District vehicle; or
4. Whose conduct at any time or in any place has a direct and immediate effect on maintaining order and discipline in District schools.

In order to promote the safety and welfare of students, staff members, and the public, persons in District buildings and on District property are subject to video/audio monitoring except in those areas in which the District determines that a person has a reasonable expectation for privacy.

*Revised: 7-1-09.*

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

The District and/or school administrators may consider extenuating, mitigating, or aggravating circumstances which may exist in a particular case of misconduct. Such circumstances should be considered in determining the most appropriate sanction to be used.

### **Student conduct away from school grounds or school activities**

Administrators shall take appropriate action when information becomes available about student misconduct away from school grounds or school activities that may have a direct and detrimental effect on or seriously threaten the discipline, educational environment, safety, or general welfare of students, faculty, staff, and/or administrators of the District. When assessing the impact of out-of-school behavior on a District school, the administrator should take into consideration the seriousness of the alleged out-of-school offense and the protection of students, faculty, staff, and administrators from the effects of violence, drugs, and/or disruptions.

Administrators are directed to evaluate each situation on a case-by-case basis. At a minimum, administrators or their designees should meet with the student upon his/her arrival at school, give the student notice of the concerns based on the reported out-of-school behavior, and allow the student an opportunity to present his/her side of the story. Based upon all of the circumstances, including a finding that the alleged conduct will have a direct and immediate effect on the school, or threatens the discipline, educational environment, safety or general welfare of students, faculty, staff, and/or administrators of the school, the administration may either permit the student to attend classes as usual or take appropriate disciplinary action including, but not limited to, in-school or out-of-school suspension, in order to conduct an investigation into the matter. The parents of students shall be notified of any action taken by the administration and offered the opportunity for a conference with the administration.

In the event that the student is incarcerated based on his/her out-of-school conduct, the principal or his/her designee shall notify the student that he/she is to meet with the administration prior to returning to school. At the conclusion of the inquiries to obtain more information on the matter, the administrator or his/her designee should take appropriate action which may include, but is not limited to, one or more of the following:

1. Returning the student to his/her normal class schedule and removing all evidence of suspension;
2. Placing the student on probation and allowing the student to resume his/her normal class schedule;
3. Placing the student on probation, allowing the student to continue classwork, but restricting the student's participation in extracurricular activities and/or designated school activities, for example, clubs, study halls, pep rallies, student government activities, and so forth;
4. Suspending the student;
5. Recommending expulsion of the student from regular school and placement in the District's alternative school; or
6. Recommending expulsion of the student for either the remainder of the semester or year.

The disciplinary action taken must be supported by the evidence and take into full consideration the impact of the student's presence at school on the discipline, educational environment, and safety or general welfare of other students, faculty, staff, and/or administrators of the school.

### **Possession of weapons**

Students are prohibited from carrying, possessing, causing to be available, and/or displaying on school property, a school bus, or at District-related or school-related functions any type of weapon, device, or object which may be used to inflict bodily injury or death including, but not limited to, a firearm (rifle, shotgun, pistol, or similar device that propels a projectile through the energy of an explosive), an air- or gas-powered or mechanically powered pistol, rifle, or gun, a knife (with a blade over two inches long), a blackjack, a metal pipe or pole, or any other device or object which may be used to inflict bodily injury or death. No student vehicles parked on District or school property may contain such weapons, devices, or objects. Violators will incur school disciplinary action and may incur penalties under the law.

The District will expel for no less than one calendar year a student who has brought or possessed a firearm on school property, a school bus, at District-related or school-related functions, or at any setting under the jurisdiction of the District. The one-year expulsion may be modified by the Superintendent or his/her designee on a case-by-case basis.

The Superintendent or his/her designee shall refer any student expelled for a firearm violation to a local law enforcement agency.

#### *Legal references.*

##### *Federal.*

*20 U.S.C. 3351 – Gun-free Schools.*

##### *State.*

*S.C. Code § 16-23-430 – Carrying weapons on school property.*

*S.C. Code § 59-63-235 – Expulsion of student determined to have brought a firearm to school.*

*Revised: 6-15-05; 7-1-08.*

**Drug use, alcohol use and tobacco use by students****Drugs and alcohol**

Students may not possess, use, sell, purchase, barter, distribute, or be under the influence of alcoholic beverages or controlled or illegal substances on District or school property, school buses, or at any District-sponsored or school-sponsored activities whether on or off school property. This prohibition also pertains to look-alike substances, i.e., any substance that is represented to be or is substantially similar in color, shape, size, markings, etc., to an alcoholic beverage or controlled or illegal substance.

A District hearing officer will determine whether suspension or a recommendation for expulsion is appropriate under the circumstances concerning a student's use, possession, or being under the influence of an illegal, unauthorized, or dangerous substance. A suspension generally be for a minimum of five school days, and will require the mandatory completion of the School Intervention Program ("ScIP") for the first offense; however, the first offense for possession of any drug which is illegal for a student to possess, including, but not limited to, any form of marijuana or cocaine, shall result in appropriate disciplinary action which may include expulsion for the remainder of the school year. Students will be recommended for expulsion for the remainder of the school year for a second offense, regardless of the substance possessed or used.

The student shall be recommended for expulsion from school for the remainder of the school year on the first offense when there is ample evidence to believe that he/she has engaged in or plans to engage in the distribution of an illegal, unauthorized, or dangerous substance. The student shall be recommended for permanent expulsion from District schools on the second offense.

Periodic, unannounced visits to school activities will be made with a drug dog, consistent with appropriate procedures.

If the situation warrants, District or school administrators will communicate all available information to appropriate law enforcement entities and cooperate in law enforcement investigations.

See, also: "Student Behavior Code."

*Revised: 7-1-02; 7-1-07.*

**Tobacco**

The possession or use of tobacco products by students **including, but not limited to, cigarettes, cigars, pipes, electronic cigarettes, vaporizers, smokeless tobacco or snuff** is prohibited on District or school property, school buses or at District-sponsored or school-sponsored activities, whether on or off District property.

Students in violation of this policy shall be disciplined in accordance with State law and District policies.

**Disorderly conduct – Level I**

1. Disorderly conduct is defined as those activities engaged in by a student which tend to impede orderly classroom procedures or instructional activities, the orderly operation of the school, or the frequency or seriousness of which disturb the classroom or school.
2. Acts of disorderly conduct may include, but are not limited to, the following:
  - a. Failure to complete assignments or carry out directions
  - b. Lying
  - c. Disturbing class
  - d. Forged notes
  - e. Cutting school
  - f. Cutting class

- g. Class tardy
  - h. School tardy
  - i. Cheating
  - j. In off limits area
  - k. Abusive language to other students
  - l. Profanity
  - m. Loitering
  - n. Dress code violation
  - o. Obscene gesture
  - p. Parking violation
  - q. Leaving school without permission
  - r. Leaving class without permission
  - s. Telephone violation
  - t. Identification violation
  - u. Littering
  - v. Excessive noise
  - w. Hall pass violation
  - x. Contract violation
  - y. Interfering with the instructional program or a school activity including, but not limited to, inappropriately messaging through the use of a cell phone, a camera cell phone, a paging device, or any other electronic device, which include the use of CD players, iPods, MP3 players, cameras, handheld games; such devices are to be turned off and out of sight upon a student's arrival at school until the student is dismissed from school and are never to be used in any area in which an individual has a reasonable expectation for privacy including, but not limited to, restrooms, locker rooms, and showers; in the event of a violation, school personnel are authorized to take the device from the student but provide for the return of the device to the owner; first violations are generally considered to be a level I offense (disorderly conduct); succeeding or egregious offenses will result in more serious consequences such as, but not limited to, out-of-school suspension, revocation of the right to bring the device on campus, or immediate suspension pending an evidentiary hearing. The school or District assumes no responsibility for any damaged, lost, or stolen devices.
  - z. Planning and/or implementing an initiation involving disorderly conduct
  - aa. Possession of inappropriate items
  - bb. Other acts of disorderly conduct as determined by the administration.
3. Possible sanctions to be applied in cases of disorderly conduct may include, but are not limited to, one or more of the following:
- a. Withdrawal of privileges/exclusion from extra-curricular activities
  - b. Temporary removal from class
  - c. Call to parent
  - d. Conference with parent
  - e. Detention
  - f. Home visit
  - g. Verbal warning
  - h. In-school suspension
  - i. Letter to parent
  - j. None.

### **Disruptive conduct – Level II**

1. Disruptive conduct is defined as those activities engaged in by a student which are directed against persons or property and/or the consequences of which tend to endanger the health or safety of oneself or others. Some instances of disruptive conduct may overlap certain Level III offenses, justifying both administrative sanctions and court proceedings. Disorderly conduct (Level I) may be reclassified as disruptive conduct (Level II) if it occurs three or more times.
2. Acts of disruptive conduct may include, but are not limited to, the following:
  - a. Abusive language to staff

- b. Computer violation
  - c. Tobacco violation
  - d. Fireworks possession
  - e. Refusal to obey
  - f. Illegal occupation of school property
  - g. Unlawful assembly
  - h. Disrupting lawful assembly
  - i. Bus violation
  - j. Probation violation
  - k. Disrespect to staff
  - l. Three level one offenses
  - m. Use of an unauthorized substance
  - n. Threats to students
  - o. Intoxicant use/liquor
  - p. Inappropriate touching
  - q. Indecent exposure
  - r. Unforced sex
  - s. Stealing
  - t. Vandalism—minor
  - u. Ammunition without harmful intent
  - v. Carrying, possessing, causing to be available, and/or displaying inappropriate items such as, but not limited to: a look-alike gun; a look-alike air- or gas-powered or mechanically powered pistol or rifle; a look-alike weapon; or a look-alike illegal, unauthorized, or dangerous substance
  - w. Planning and/or implementing an initiation involving disruptive conduct
  - x. Possession and use of a laser pointer unless the use is for instructional purposes at the direction of, and under the supervision of, a teacher or school administrator
  - y. Planning hazing and/or preparing to engage in hazing or being present when others are planning hazing and/or preparing to engage in hazing (hazing means, but is not limited to, the wrongful striking, laying open hand upon, threatening with violence, or offering to do bodily harm by a superior student to a subordinate student with intent to punish or injure the subordinate student, or other unauthorized treatment by the superior student of a subordinate student of a tyrannical, abusive, shameful, insulting, or humiliating nature)
  - z. Harassment, intimidation, or bullying (includes cyberbullying) — acts which mean a gesture, an electronic communication, or a written, verbal, physical, or sexual act (1) that is reasonably perceived to have the effect of harming a student physically or emotionally or damaging a student's property, or placing a student in reasonable fear of personal harm or property damage and/or (2) that insults or demeans a student or group of students causing substantial disruption in, or substantial interference with, the orderly operation of the school — "school" means, in this context, in a classroom, on school premises, on a school bus or other school-related vehicle, at an official school bus stop, at a school-sponsored activity or event whether or not it is held on school premises, or at another program or function where the school is responsible for the student
  - aa. Reprisal, retaliation, or false accusation (1) against a person who reports an act of harassment, intimidation, or bullying (includes cyberbullying) or (2) against a victim, witness, or a person with reliable information about an act of harassment, intimidation, or bullying (includes cyberbullying)
  - bb. Falsely accusing another person of committing an act or acts of harassment, intimidation, or bullying (includes cyberbullying)
  - cc. Other acts of disruptive conduct as determined by the administration.
3. Possible sanctions to be applied in cases of disruptive conduct may include, but are not limited to, one or more of the following:
- a. Temporary removal from class
  - b. Referral to outside agency
  - c. Withdrawal of privileges/exclusion from extra-curricular activities
  - d. Detention
  - e. In-school suspension
  - f. Suspension until parent conference
  - g. Out-of-school suspension

- h. Transfer
- i. Restitution of property and damages
- j. Probation
- k. Alternative school assignment
- l. Interim alternative placement/home-based
- m. Expulsion
- n. Other sanctions provided in Level I.

### Level III

1. Level III offenses are defined as those activities engaged in by a student which result in violence to oneself or to another's person or property or which pose a direct and serious threat to the safety of oneself or others. These activities usually require administrative actions which result in the removal of the student from the school, the intervention of law enforcement authorities, and/or action by the Board.

Whenever a student is engaging or has engaged in activities including, but not limited to, one of the acts specified below, while on school property or at a school sanctioned or sponsored activity, and which an administrator or his/her designee has reason to believe may result or has resulted in injury or serious threat of injury to a person or to property, the administrator or his/her designee is required to notify law enforcement officials.

2. Level III offenses may include, but are not limited to, the following:
  - a. Gang activity, initiation or violence
  - b. Bomb threat
  - c. False fire alarm
  - d. Explosion detonation
  - e. Arson
  - f. Aggravated assault
  - g. Threat to staff
  - h. Simple assault/fighting
  - i. Bribery
  - j. Burglary/robbery
  - k. Counterfeiting/forgery
  - l. Disturbing schools
  - m. Drug possession
  - n. Carrying, possessing, using, causing to be available, and/or displaying an illegal, unauthorized, or dangerous substance (includes pepper spray)
  - o. Drug distribution
  - p. Embezzlement
  - q. Extortion
  - r. Forced sex
  - s. Fraud
  - t. Gambling
  - u. Intimidation
  - v. Kidnapping/abduction
  - w. Larceny
  - x. Possession of stolen property
  - y. Major vandalism
  - z. Carrying, possessing, causing to be available, and/or displaying a weapon (including having a weapon in a vehicle – see "Possession of weapons")
  - aa. Possession of ammunition with harmful intent
  - bb. Computer crime to include cyber threats
  - cc. Engaging in hazing and/or being present when others are engaging in hazing (hazing means, but is not limited to, the wrongful striking, laying open hand upon, threatening with violence, or offering to do bodily harm by a superior student to a subordinate student with intent to punish or injure the subordinate student, or other unauthorized treatment by the superior student of a subordinate student of a tyrannical, abusive, shameful, insulting, or humiliating nature)

- dd. Trespassing
  - ee. Other Level III offenses as set forth in State law and Federal law.
3. Possible sanctions to be applied in cases of Level III offenses may include, but are not limited to, one or more of the following:
- a. Out-of-school suspension
  - b. Withdrawal of privileges/exclusion from extra-curricular activities
  - c. Assignment to alternative school
  - d. Expulsion
  - e. Restitution of property and damages
  - f. Other sanctions provided in Level II.

### **Discipline of students with disabilities**

When a student identified as disabled pursuant to Section 504 of the Rehabilitation Act of 1973 (Section 504) or the Individuals with Disabilities Education Act (IDEA) violates the student behavior code, that behavior may result in suspension or expulsion so long as the disciplinary sanction does not constitute a change of placement. These laws do not set an absolute limit on the number of cumulative school days needed to constitute a change of placement; however, school officials will consider any unique circumstances on a case-by-case basis when determining whether a change in placement is appropriate for a student with a disability who violates a code of student conduct.

### **Change in placement for disciplinary reasons**

1. **Short-term removals (not a change of placement)** - School officials may remove a student with a disability who violates a code of student conduct from his or her current placement to an appropriate interim alternative educational setting (IAES), another setting, or suspension, for not more than 10 consecutive school days (to the extent those alternatives are applied to children without disabilities), and for additional removals of not more than 10 consecutive school days in that same school year for separate incidents of misconduct, as long as those removals do not constitute a change of placement or total more than 30 days as reflected in state law. The school need not provide educational services during the first 10 days of removal in a school year, unless it provides educational services to a student without disabilities who is similarly removed.
- a. School officials may order two or more short-term suspensions of a student with a disability during a school year only if these removals do not constitute a change of placement. In making that determination, school officials will consider:
    - (1) Whether the series of suspensions constitutes a pattern of removals;
    - (2) Whether the student's behavior is substantially similar to the student's behavior in previous incidents that resulted in the series of removals;
    - (3) The length of each removal;
    - (4) The total amount of time the student has been removed; and
    - (5) The proximity of the removals to one another.
  - b. School officials have the authority to make the determination of whether a series of short-term suspensions of a student with a disability constitute a change in placement for disciplinary reasons.
  - c. When the total number of school days of suspension in a school year reaches 11, and the current removal is for not more than 10 consecutive school days and is not a change of placement, the school must begin providing educational services.
  - d. School officials will determine the extent to which special education and related services must be provided to the student beginning on the 11<sup>th</sup> school day of suspension. In this situation, "school officials" means a general education administrator, special education director or designee(s), and the student's special education teacher, as specified.
    - (1) Beginning on the 11<sup>th</sup> school day of suspension in a school year, and each school day of suspension thereafter, special education and related services needed for the student must be provided to enable the student to participate in the general education curriculum, although in another setting; and progress toward meeting the goals set out in the student's



IEP. Services to be provided to the student on the 11<sup>th</sup> day do not have to “replicate every aspect of the services that a student would receive if in his or her normal classroom” (Federal Register, 2006, p. 46716).

- (2) If the student has not had a functional behavioral assessment (FBA) and the school has not implemented a behavior intervention plan for the student, school officials may (but are not required to) determine that the student needs a FBA to address the behavior that resulted in the suspension and to develop a BIP if the assessment suggests such a plan is necessary for the student.
2. **Long-term removals (change of placement)** - To determine if a change of placement has occurred, school officials will consider whether the series of short-term removals (less than 10 consecutive school days) constitutes a pattern of removals. School officials will consider any unique circumstances on a case-by-case basis when determining whether a change in placement, consistent with the other requirements, is appropriate for a student with a disability who violates a code of student conduct.
  - a. School officials will follow the steps below when considering either a long-term suspension for more than 10 consecutive school days, an expulsion, or another short-term suspension that cumulates to more than 10 school days and shows a pattern constituting a change of placement.
    - (1) On the date the decision is made to make a removal that constitutes a change of placement of a student with a disability the school must notify the parents of that decision, and provide the parents with a copy of the Parent Rights notice.
    - (2) On the 11<sup>th</sup> school day of removal, the school must begin providing appropriate special education and related services. The determination of services needed as a result of a disciplinary change of placement is not made by the school officials as in the previous situations. Instead, the IEP team decides on these services and where they will be provided.
    - (3) The school, the parent, and relevant members of the student's IEP team (as determined by the parent and the school) must determine if the student's violation of the school's code of student conduct was a manifestation of his or her disability.
    - (4) The school must convene meetings regarding the manifestation determination and services as expeditiously as possible, but no later than 10 school days after the decision to change placement due to disciplinary reasons is made.
  - b. When a disciplinary change of placement occurs, the IEP team, including the parent, determines the special education and related services to be provided during the removal. However, parental consent for the disciplinary change in placement is not required.
3. **Manifestation Determination** - No later than 10 school days after the date on which the decision is made to change the placement (see long-term removal above) of a student with a disability because of a violation of a student code of conduct, the representative of the school, the parent and other relevant members of the student's IEP team must meet to review all of the relevant information in the student's file, the student's IEP, any teacher observations, and any relevant information provided by the parent. The IEP team is required to hold a manifestation determination each time a student is removed for more than 10 consecutive days or each time HCS determines that a series of removals constitutes a change of placement.

Based on its review of all the relevant information, the group must determine if the conduct in question was:

- a. caused by, or had a direct and substantial relationship to the student's disability; or
- b. the direct result of the school's failure to implement the student's IEP.

If it is determined by the group that the conduct of a student was a result of either “a” or “b” above, then the conduct must be determined to be a manifestation of the student's disability and, if the student's IEP team determines that the student's behavior was the direct result of the school's failure to implement the IEP, the school must take immediate action to remedy those deficiencies.

- a. Determination Behavior was a Manifestation of the Disability** - If the school, the parent and other relevant members of the IEP team determine that the student's behavior was a manifestation of the disability, the IEP team must:
- (1) Return the student to the placement from which the student was removed, unless the parent and the school agree to a change of placement as part of the modification of the behavioral intervention plan; and
  - (2) Either - Conduct a functional behavioral assessment, unless the school had conducted a functional behavioral assessment before the behavior that resulted in the change of placement occurred, and implement a behavioral intervention plan for the student; or if a behavioral intervention plan already has been developed, review the behavioral intervention plan, and modify it, as necessary, to address the behavior.
  - (3) If it is determined that the student's behavior is a manifestation of the student's disability the student cannot be subject to a long-term removal for the behavior. However, the school and the parents could agree to another setting.
  - (4) Even when the behavior is a manifestation of the student's disability the school could request a special education due process hearing officer to order placement in an IAES for up to 45 school days if HCS can show that maintaining the current placement is substantially likely to result in injury to the student or others.
- b. Determination Behavior was not a Manifestation of the Disability** - If the IEP team determines the behavior was NOT a manifestation of the student's disability, the school may proceed with suspension and expulsion proceedings. Using these proceedings, school officials may remove a student with a disability if it is determined that:
- (1) the conduct of the student violated the code of student conduct;
  - (2) the behavior was not a manifestation of the student's disability; and
  - (3) if the relevant disciplinary procedures applicable to children without disabilities are applied in the same manner and the discipline is for the same duration as would be applied to a student without disabilities.

If the violation of the code of student conduct is not a manifestation of the student's disability, HCS may transmit the special education and disciplinary records of the student to the school's disciplinary hearing officer for consideration in making the final determination in the disciplinary action. Even if the school's disciplinary hearing officer determines that the student should be suspended or expelled, the District must continue to provide a FAPE for the student as determined by the IEP Team.

- 4. Placement to an Interim Alternative Educational Setting for Behavior Related to Weapons, Drugs, Serious Bodily Injury** - School officials may remove a student with a disability to an IAES up to 45 school days without regard to whether the behavior is determined to be a manifestation of the student's disability, if the student:
- a. Carries a weapon to or possesses a weapon at school, on school premises, or to or at a school function under the jurisdiction of HCS;
  - b. Knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function under the jurisdiction of HCS (tobacco and alcohol are not illegal drugs under this definition); or
  - c. Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of HCS.

When a student commits a violation related to weapons, drugs, or serious bodily injury, the school officials may initially suspend the student for up to 10 school days without educational services (if the suspension includes the 11<sup>th</sup> cumulative day of suspension in the school year, educational services should be provided). When the IEP team meets, it will determine the location of the IAES and the services to be provided to the student to enable the student to participate in the general education curriculum, although in another setting and progress toward meeting their goals set out in the student's IEP.

Although a manifestation determination review is necessary, this unilateral removal can be made without regard to whether the behavior is determined to be a manifestation of the student's disability. If the IEP team determines that an FBA would be appropriate, one will be conducted. If appropriate, the IEP team will review and revise any existing BIP or develop one with services and modifications that are designed to address the behavior violation so that it does not recur.

Further information about disagreements relating to due process requests/disciplinary sanctions and information about appeals may be found in the "HCS Procedural Safeguards Notice: Your Rights as Parents" on the HCS webpage or may be obtained from the school principal or by contacting the Office of Special Education.

### Referral to law enforcement

Nothing shall prohibit a school district from reporting a crime committed by a student with a disability to appropriate authorities. In reporting such a crime, the school shall ensure, consistent with the requirements of the Family Educational Rights and Privacy Act, that copies of the special education and discipline records of the student are made available to the appropriate authorities to whom it reports the crime. See, also: "Possession of Weapons," "Drug Use, Alcohol Use, and Tobacco Use by Students," "Bus Conduct," and "Student Dress Code."

#### Legal references.

##### Federal.

20 U.S.C. § 1400 et seq – Individuals with Disabilities Education Act.

34 CFR § 300.530 – Discipline Procedures; Authority of school personnel.

##### State.

S.C. Code § 59-19-90 (3) – General powers and duties of school trustees.

S.C. Code § 59-63-110 et seq – Safe School Climate Act.

S.C. Code § 59-63-210 – Grounds for which trustees may expel, suspend or transfer pupils; petition for readmission.

S.C. Code § 59-63-220 – Suspension of pupils by administrators.

S.C. Code § 59-63-230 – Notices of suspensions, conferences with parents or guardian.

S.C. Code § 59-63-240 – Expulsion for remainder of years; hearings.

S.C. Code § 59-63-250 – Transfer of pupils.

S.C. Code § 59-63-260 – Corporal punishment.

S.C. Code § 59-63-270 – Regulation or prohibition of clubs or like activities.

S.C. Code § 59-63-275 – Student hazing prohibited.

S.C. Code § 59-63-280 – "Paging device" defined; adoption of policies addressing student possession.

S.C. Code § 59-67-240 – Other duties of driver; discipline of pupils for misconduct.

Revised: 7-1-02; 7-1-03; 6-15-05; 6-16-05; 6-19-06; 1-1-07; 7-1-08; 7-1-09; 6-16-10; 7-1-11; 8-8-12; 7-1-14.

## After-School Detention

A school administrator or teacher may detain a student for disciplinary reasons after school hours, provided the parent has been notified of the detention and, in the case of bus students, arrangements have been made for the student's transportation home. Parents may be asked to arrange for the transportation of the detained student. However, if the parent cannot or will not provide transportation, an alternative disciplinary procedure should be substituted.

Students who are detained after school must never be left unsupervised during their detention. Their supervision must be provided, or arranged for, by the teacher or administrator who detains them. Detention on any one day is to be limited to 60 minutes, with the exception of Saturday morning work detail when a student may be allowed to serve 180 minutes.

Revised: 6-19-06.

## Student Suspensions

It is the policy of the District to provide due process of law to students, parents, and school personnel through procedures for the suspension of students, pursuant to the requirements of Federal law, State law and regulations, and District policies.

According to State law, the District may suspend a student for the commission of any crime, gross immorality, gross misbehavior, persistent disobedience, or the violation of written rules and regulations established by the District or the S.C. Board of Education. The District may also suspend a student when the presence of the student is detrimental to the best interests of the school.

Suspension is the exclusion of a student from school and school activities for a period of time not to exceed ten school days for any one offense. Suspension means the student cannot attend school or be on the school grounds, cannot attend any program at the school in the daytime or at night, and cannot ride a school bus.

Through the Board's adoption of policy governance, the power of suspension has been delegated to the District administration and to the principal and/or his/her designee.

State law requires that the Board review a suspension that occurs within the last ten days of the school year when the suspension would make a student ineligible to receive credit for the school year.

### Suspension procedures

1. **Investigation of misbehavior.** When it appears that a student has engaged in misbehavior warranting suspension, an administrator will investigate the matter and interview those who have knowledge about what occurred. The student will be advised, verbally or in writing, of the accusations against him/her. The administrator also will advise the student of the evidence against him/her and provide the student with an opportunity to tell his/her side of the story. If the student asks the administrator to speak to other witnesses, the administrator will do so, if possible. After completing the investigation, the administrator will determine if suspension is in order and the number of school days, from one to ten, the suspension should last.
2. **Summary suspension.** If the administrator sees or is advised of any student misbehavior and concludes the student should be removed from school immediately in order to restore order or to protect others at the school, the administrator may summarily suspend the student for up to two school days. In these cases, the administrator does not have to investigate the matter first. By the end of the next school day following the summary suspension, however, the administrator should investigate the matter, as described above, and determine what, if any, additional suspension days, not to exceed a total of ten, are appropriate.

If the administrator determines that the student should not have been suspended, arrangements will be made for the student to make up any work he/she missed while on summary suspension. The administrator also will remove any reference to suspension from the student's record.

3. **Sending a suspended student home during the school day.** When a student is suspended, the administrator will attempt to contact the parent to request that he/she pick up the student from school. If a parent cannot come for the student, the school may take the student home as long as a parent is at home to take charge of the student. If the administrator cannot reach the parent, the student must stay at school until the end of the school day.

If the student is summarily suspended, he/she may be removed from the school grounds immediately. Depending upon his/her age, however, it may be necessary to keep him/her at school until his/her parent can be reached.

4. **Notification to parents.** By the end of the next school day following any suspension, the administrator must notify the parent in writing of: (1) the acts committed by the student; (2) the rule(s) violated; (3) the length of the suspension; and (4) the time and place when he/she will be available to

meet with the parent for a conference. The conference shall be set within three school days of the date of the suspension. If the parent is unable to meet at the scheduled time, upon request the administrator will establish a mutually agreeable time for the conference.

5. **Suspension appeals.** If, after the conference with the administrator, the parent believes the student's suspension was unjustified, the parent may appeal the decision to the principal if he/she was not the administrator who participated in the conference. After the above, if the parent believes that student's suspension was unjustified, an appeal of the suspension may be made to the Executive Director of Student Affairs or to other persons as designated by the Superintendent. To request a suspension appeal, the parent must write a letter to the Executive Director of Student Affairs within five school days after the conference with the administrator, advising the Executive Director of Student Affairs why it is believed the suspension was unfair.

The appeal hearing, which should be held within ten school days of the request for an appeal, will be conducted as an informal hearing by the Executive Director of Student Affairs or his/her designee or other persons as designated by the Superintendent (hereinafter "Hearing Officer"). The administrator, parent, and student may be present. If the Hearing Officer and the parent agree, the student may be dismissed during portions of the hearing. The parents, student, and administrator will be allowed to address the Hearing Officer.

Within ten school days of the hearing, the Hearing Officer shall render a decision as to whether the suspension was proper. The Hearing Officer shall report his/her decision in writing to the parents and the school. If the Hearing Officer decides that the suspension was not proper, all absences resulting from the suspension shall be excused and the record cleared. The student will be allowed to make up all missed work. The decision of the Hearing Officer ends the appeals process for suspensions.

6. **Limits on suspension.** A student may not be suspended for more than a total of 30 school days in one school year. An administrator may not suspend a student from school during the last ten school days of the school year if the suspension would result in the loss of the course credit unless the Board approves the suspension, the student is an actual threat to the class or the school, or a hearing is granted by the end of the next school day following the suspension.
7. **Controlled substance abuse.** When a suspension involves or results from controlled substance abuse, the student will, in addition to his/her suspension, be referred to an appropriate social services agency for assessment and, if necessary, treatment. The student will be required to successfully complete any recommendations of the agency.

*Legal references.*

*State.*

*S.C. Code § 59-19-90(3) – Gives district trustees authority to prescribe rules of pupil conduct, including provisions for suspension or dismissal of those failing to comply with such rules.*

*S.C. Code § 59-63-210 et seq – Grounds for suspension, expulsion, or transfer.*

## **Student Expulsions**

A student may be expelled for any reason listed in the section on the "Student Behavior Code"; for the commission of any crime, gross immorality, gross misbehavior, or for the violation of any written rules and regulations of the District or the S.C. Board of Education; or when the presence of the student is deemed to be detrimental to the best interest of the school. Expulsion means the complete denial of school services for the period of time specified in the expulsion decision; therefore, an expelled student cannot attend school or be on school grounds, cannot attend any program at a school in the daytime or at night, and cannot ride a school bus. The assignment of a student to a different school or program is not an expulsion.

If procedures for expulsion are initiated, the parent of the student shall be notified in writing of the time and the place of a hearing before a District Hearing Officer. The hearing shall take place within ten school days of the written notification at a time and place designated by the Hearing Officer, and a decision shall be rendered within seven school days of the hearing. The student may be suspended from school and from all activities during the time of the expulsion procedures. A student with a disability may

be expelled; however, FAPE must be provided as determined by the IEP team (See Discipline for Students with a Disability).

At the hearing, the parent shall have the right to legal counsel and to all other regular legal rights, including the right to question witnesses in a manner determined by the Hearing Officer. The right to appeal the expulsion decision of the Hearing Officer to the District Appeal Board and/or the Horry County Board of Education is reserved to either party in accordance with the provisions of this policy.

*Legal references.*

*State.*

*S.C. Code § 59-19-90(3) – Gives district trustees authority to prescribe rules of pupil conduct, including provisions for suspension or dismissal of those failing to comply with such rules.*

*S.C. Code § 59-63-210 et seq – Grounds for suspension, expulsion, or transfer.*

*S.C. Code § 59-63-235 – District must expel student.*

*S.C. Code § 59-63-240 – Expulsion hearings: times, procedures, legal right, and appeals.*

### **Investigation and action taken by the administrator**

If an administrator investigates a report of student misbehavior and decides to recommend expulsion, the administrator should suspend the student and notify the student's parent of his/her right to meet with the administrator within three school days of the date of the suspension. If, after meeting with the parent (or if the parent has not come in for a meeting by the third school day), the administrator still intends to recommend expulsion, the administrator will schedule an evidentiary hearing through the Office of Student Affairs.

### **Notice of expulsion recommendation**

The school administration shall notify the student and parent, in writing, of:

1. The rule(s) infraction alleged to have occurred;
2. The right of the student to review his/her record, including the investigative documents the administration intends to present at the expulsion hearing;
3. The right of the student to a hearing on the evidence;
4. The time and place of the hearing, which must be held within ten school days of the date of notification (unless the parent or his/her representative agrees otherwise); and
5. The procedure to be followed at the hearing, including the right to be represented by counsel.

### **Hearing procedure**

The administrator, the administrator's representative, the student, the parent(s), and/or the student's representative may be present at the hearing. If the Hearing Officer and the parents agree, the student may be dismissed during portions of the hearing. The administrator and the student, or their representatives will be allowed to present witnesses or witnesses' statements and, within the discretion of the Hearing Officer, cross-examine the other party's witnesses. The Hearing Officer may question the witnesses. The parents and/or the student's representative will be given an opportunity to argue their position or express their views on the case. A recording of the testimony of the hearing will be kept on file by the Office of Student Affairs.

### **Action following the hearing**

Within seven school days of the hearing, the Hearing Officer shall decide if the student committed the alleged rule(s) violation or misconduct based upon the evidence presented at the hearing, and if so, the appropriate punishment. If the Hearing Officer determines that grounds for expulsion exist, he/she may expel the student, in accordance with Federal and State statutes and regulations, or assign punishment other than expulsion, including but not limited to, suspension, assignment to an alternative program, or probation.

Probation means special restrictions have been placed on the student's right to attend school. Violations of the restrictions may result in suspension and a recommendation for expulsion.

Assignment to an alternative program means loss of the right to participate in extracurricular activities in the base school during the period the student is assigned to the program. Although students may keep up with class work on the days they were suspended pending the evidentiary hearing by requesting the assignments from the base school, failure to register and attend the alternative program within three school days following receipt of the hearing officer's decision will result in truancy action by the District. If the decision of the hearing officer to assign a student to an alternative program is appealed to the District Appeal Board, the student will not be allowed to make up missed work if he/she fails to attend the alternative program during the pendency of the appeal.

The Hearing Officer shall report his/her decision in writing to the parent, the Superintendent, and the school. If the Hearing Officer determines that grounds for discipline do not exist, all absences resulting from the suspension shall be excused, and the student's record shall be cleared. The student will be allowed to make up missed work.

### **Appeal of an expulsion decision**

A decision of the Hearing Officer to expel a student may be appealed to the District Appeal Board by either party, provided written notice of appeal is received by the Executive Director of Student Affairs within five school days of notification of the Hearing Officer's decision. The appeal hearing will be scheduled within ten school days of receipt of a written request for a hearing and will normally be limited to the established record. No new testimony will be allowed, unless the District Appeal Board requests to hear additional testimony from the student, parent, or administrators. The District Appeal Board may uphold, reverse, or alter the decision of the Hearing Officer. However, the District Appeal Board may not transfer the student to a school other than to an alternative school. A decision shall be rendered within seven school days of the hearing. Failure to appeal the decision of the Hearing Officer will cause his/her decision to become final.

The right to appeal an expulsion decision of the District Appeal Board to the Horry County Board of Education is reserved to either party, provided written notice of appeal is received by the Superintendent within five school days of notification of the decision of the District Appeal Board. The appeal hearing will be scheduled within ten school days of receipt of the written notice of appeal. An appeal will normally be limited to the established record, and no new testimony will be allowed, unless the Horry County Board of Education requests to hear additional testimony. The Horry County Board of Education may uphold, reverse, or alter the decision of the District Appeal Board. A decision shall be rendered within seven school days of the hearing. If the lower level decision is rejected on appeal, all absences resulting from the suspension shall be excused and the student's record cleared. The student will be allowed to make up missed work.

If a parent chooses, he/she may appeal an expulsion decision of the Hearing Officer directly to the Horry County Board of Education without first appealing to the District Appeal Board provided written notice of the appeal of the decision is received by the Superintendent within five school days of notification of the Hearing Officer's decision.

### **Petitions for readmission**

Students who have been expelled have the right to make a written request to the Superintendent, or the Superintendent's designee, for readmission for the following school year. The request must specify the reasons why the student should be allowed to return.

Readmission following expulsion from any District school will be allowed only through the respective alternative school program.

If the Superintendent, or the Superintendent's designee, denies the student's request, or in all cases of permanent expulsion, the student may make a written request to the Board for readmission and may

include a request to appear before the Board. If the request is denied by the Board, the student may submit another request prior to the following school year.

### **Permanent expulsion**

Pursuant to Section 59-63-240, the Board may permanently expel an incorrigible student; however, if the student has a disability, his/her discipline must be in conformity with the District policy on "Discipline of students with disabilities."

#### *Legal references.*

##### *State.*

*S.C. Code § 59-19-90(3) – Gives district trustees authority to prescribe rules of pupil conduct, including provisions for suspension or dismissal of those failing to comply with such rules.*

*S.C. Code § 59-63-210 et seq – Grounds for suspension, expulsion, or transfer.*

*S.C. Code § 59-63-235 – District must expel student.*

*S.C. Code § 59-63-240 – Expulsion hearings: times, procedures, legal rights, and appeals.*

*Revised: 7-1-02; 7-1-07; 8-8-12.*

## **Student Assignment to Alternative Program**

In lieu of expulsion, and after complying with the hearing procedures regarding expulsion recommendations described above, a Hearing Officer may determine that assignment to an alternative program is the appropriate punishment for a student's violation of state law, federal law, or District policies, rules, or regulations. If the Hearing Officer determines that assignment to an alternative program is appropriate, the Hearing Officer shall report his/her decision in writing to the parent, the Superintendent, and the school.

Assignment to an alternative education program includes loss of the right to participate in cocurricular and extracurricular activities through the base school during the period the student is assigned to the program. A student assigned to an alternative education program may not enter the property of his/her base school without the permission of the principal or his/her designee.

### **Appeal of assignment to alternative program to the District Appeal Board**

A decision of the Hearing Officer to assign a student to the alternative program may be appealed to the District Appeal Board by either party, provided written notice of appeal is received by the Executive Director of Student Affairs within five school days of notification of the Hearing Officer's decision. The appeal hearing will be scheduled within ten school days of receipt of a written request for a hearing and will normally be limited to the established record, which will consist of the tape of the hearing before the Hearing Officer and any documentary evidence presented by either party. The record will also contain the Hearing Officer's decision letter and the appealing party's written notice of intent to appeal. No new testimony will be allowed unless the District Appeal Board requests to hear additional testimony from the student, parent(s), or administrators. The District Appeal Board may uphold, reverse, or modify the decision of the Hearing Officer. However, the District Appeal Board may not reassign the student to a school other than to an alternative program or his/her base school. A decision shall be rendered within seven school days of the hearing. Failure to appeal the decision of the Hearing Officer will cause his/her decision to become final.

If the lower level decision is rejected on appeal, all absences resulting from the suspension shall be excused and the student's record cleared. The student will be allowed to make up missed work.

### **Appeal of assignment to alternative program to the Horry County Board of Education**

A decision of the District Appeal Board to assign a student to the alternative program may be appealed to the Horry County Board of Education by either party, provided written notice of appeal is received by the Superintendent within five workdays of notification of the District Appeal Board's decision. The appeal will be considered by the Board at its next regularly scheduled meeting provided the appeal is received by the



Superintendent at least five workdays before the meeting – otherwise, the appeal will be considered by the Board at its next meeting. The appeal will normally be limited to the established record, which will consist of the record before the District Appeal Board, the decision of the District Appeal Board, and the appealing party's written notice of intent to appeal. No new testimony will be allowed unless the Horry County Board of Education requests to hear additional testimony from the student, parent(s), or administrators. The Horry County Board of Education may uphold, reverse, or modify the decision of the District Appeal Board. A decision shall be rendered within seven workdays after the Board's consideration of the appeal. Failure to appeal the decision of the District Appeal Board will cause the decision to become final.

If the lower level decision is rejected on appeal, all absences resulting from the suspension shall be excused and the student's record cleared. The student will be allowed to make up missed work.

*Legal references.*

*State.*

*S.C. Code § 59-19-90(3) – Gives district trustees authority to prescribe rules of pupil conduct, including provisions for suspension or dismissal of those failing to comply with such rules.*

*S.C. Code § 59-63-210 et seq – Grounds for suspension, expulsion, or transfer.*

*S.C. Code § 59-63-250 – Transfer of pupils.*

*Adopted: 7-1-02. Revised: 7-1-03; 6-19-06; 11-20-07; 1-9-08.*

## **District Appeal Board**

The District Appeal Board will hear appeals of decisions made by the District's hearing officers.

### **Appointment and service of District Appeal Board members**

1. The District Appeal Board membership will consist of advisory board representatives serving on a rotating basis from each of the high school attendance areas.
2. No District employees may represent an attendance area.
3. The members will serve one-year terms beginning July 1 and ending June 30 of each year. Members may serve on the Appeal Board for as long as they are members of a local advisory board.
4. If a member fails to attend three consecutive hearings to which he/she has been invited, without a valid excuse, the District may declare his/her place vacant and appoint a successor from that attendance area's local advisory board.
5. Members shall attend a training session to be held at least annually outlining duties and responsibilities of the office.
6. A District liaison will arrange for a chairperson from the advisory board representatives, to chair each District Appeal Board hearing.

### **Meetings of the District Appeal Board**

Meetings will depend upon requests for appeals and shall be scheduled as necessary. A District liaison, the Executive Director of Student Affairs, or another staff member as appointed by the Superintendent, will be present during all parts of the hearing except the deliberation process to advise the group on procedures.

When an appeal originates from a student who attends school within the area represented by the Appeals Board member, that member shall be recused from the hearing by the District liaison.

### **Quorum**

Four members of the District Appeal Board shall constitute a quorum for purposes of transacting business, including holding a hearing. The only action the District Appeal Board may take in the absence of a quorum is to adjourn the meeting to another time in the expectation of a quorum.

### **Voting procedure**

A majority vote of the District Appeal Board members present and voting at the appeal hearing is required for the reversal or modification of the hearing officer's decision.

A tie vote of the District Appeal Board members present and voting at the appeal hearing sustains the hearing officer's decision on the principle that the decision of the hearing officer can be reversed or modified only by a majority vote of the members present and voting.

*Added to District Policies effective: 3-18-02. Revised: 3-7-05; 8-8-12.*

## **Bus Conduct**

In the vicinity of buses and on buses, students shall conduct themselves in a manner that does not endanger and does not contribute to the endangerment of themselves and/or other students. The District's Behavior Code procedures are applicable, also.

### **Use of video cameras on school buses**

In order to promote the safety and welfare of students and other persons while they are on school buses, the Transportation Supervisor or his/her designee is authorized to place video cameras on State and District buses. Therefore, while inside a State or District bus, all occupants are subject to video/audio monitoring. The following procedures are to be followed:

1. Students and parents shall be notified that students are subject to being videotaped on a school bus at any time.
2. After videotaping has been conducted, the tapes are to be stored for at least five workdays in secure locations designated by the Transportation Supervisor.
3. The Transportation Supervisor may periodically review randomly selected videotapes to ensure proper school bus conduct.
4. If no incidents are reported in five workdays, the tapes may be recycled. If incidents are reported, or if incidents are viewed during random selection, the videotapes are to be kept as long as needed, including time for any appeals resulting from disciplinary action.
5. The videotapes may be viewed by staff members with a legitimate need for access. Requests for viewing by parents and other persons must be submitted in writing to the appropriate principal, who may permit a parent to view that portion of a bus videotape which concerns his/her child.

*Revised: 6-15-05.*

### **Conduct of students**

The following regulations govern the conduct of students on school buses. The bus driver shall assure that his/her passengers abide by them. Rather than trying to solve disagreements with drivers or students or at school bus stops, parents should contact the local bus supervisor.

### **Meeting the bus**

1. Students must be on time.

2. If a student has to walk along the highway in approaching the bus stop, he/she should always walk on the shoulder.
3. Students should walk, not run, when crossing the highway. Students should wait on their side of the roadway and await the signal to cross from the driver.
4. Students should not run alongside the bus when the bus is moving. They should wait until it stops and then walk to the door.

### **On the bus**

1. Students should go to their seats without crowding or pushing, and they should remain seated while the bus is in motion.
2. Students should only open bus windows with the permission of the driver. Students must never extend arms, legs, or heads out of the bus, nor should they throw objects from bus windows.
3. Except in an emergency, students should not talk to the driver while the bus is in motion.
4. Students must never tamper with the emergency exits or any other part of the bus equipment, including fire extinguishers and first aid equipment.
5. Students must not mar or deface the bus or its seat coverings in any manner. Any damage to the bus or seats should be reported by the student to the driver as soon as possible.
6. Students must not fight or scuffle or create any disturbance on the bus. Classroom-type conduct should be maintained in the bus.
7. Books, lunch boxes, or other objects should not be placed in the aisle of the bus. The S.C. Commercial Driver's License Manual states there should be nothing in the aisles that might trip riders. Aisles and stairwells must always be clear. Band instruments, science projects, coolers, etc., will not be allowed on any State-owned or District-owned bus unless they can be placed under the seat or held in the rider's lap.
8. Students are not allowed to eat or drink on the bus.

### **Leaving the bus**

1. Four- and five-year-old students must be met at their bus stop by a person who will supervise them.
2. Students must remain seated until the bus comes to a complete stop. They must never attempt to leave until the bus has come to a full stop and the door is opened to indicate that they may leave.
3. Students should leave in an orderly manner. Students in the front seats leave first.
4. Students must not loiter or play around a stopped or parked bus.
5. Students should not enter a restricted area set aside for bus parking or loading unless the bus is at a complete stop. Students should enter only their assigned bus.
6. Students are permitted to leave only at regular designated stops. Any changes must be made with the parent's request and approved by the school principal or his/her designee.
7. The students, after leaving the bus (if he/she must cross the highway), should walk at a right angle to and at least ten feet in front of the bus and wait until the bus driver directs him/her to cross. After the signal is given by the driver, the student should walk, not run, across the highway.

### **Bus stops**

Bus stops are determined by the District's Transportation Department.

### **Bus discipline**

Students creating or being involved in activities causing discipline problems on a school bus, including while entering, exiting, or waiting for a bus, will be reported to his/her principal. Appropriate disciplinary action will be taken pursuant to the District's Behavior Code procedures.

The bus driver has responsibility for supervision of all students on his/her bus. He/she may stop the bus at any time that misbehavior or threatened misbehavior offers a hazard to safe driving.

In addition to disciplining students according to the District's Behavior Code procedures, upon the recommendation of the bus driver or supervisor(s) of transportation, the principal may suspend a student from riding the bus. On the first offense, not to include sex, drugs, weapons, or serious bodily injury, the student may be suspended from riding the bus only until his/her parents come to the school and have a conference with the principal. A second offense may result in a suspension for up to five school days. A third offense may result in a suspension for up to ten school days. A fourth offense may result in a suspension for up to 15 school days. A fifth offense may result in a loss of bus riding privileges for the remainder of the school year. These guidelines may be adjusted based on the seriousness of the offense.

See, also: "Student Behavior Code."

*Revised: 7-1-02; 8-8-12.*

## **Student Dress Code**

Parents/guardians are responsible for assuring that individual students dress in an appropriate manner at all times while on campus or when involved in school activities.

The administration of each of the schools will determine the appropriateness of student dress. Guidelines shall be established and disseminated to students and parents. The administrative team of each of the schools will have the authority to decide if a student's dress is inappropriate and to follow through with corrective action. The school administration's ruling regarding inappropriate dress and corrective action is final pending review only by the Superintendent or her/his designee. Disputes involving student dress are not appealable to the Board.

Personal appearance of students should promote health and safety, contribute to a climate conducive to teaching and learning, and project a positive image of the District to the community. Generally, student dress is considered appropriate as long as it does not, or foreseeably could not, interfere with the educational process, cause disruption, or damage school property. In addition to clothing, hats, and shoes, attire includes any jewelry, emblem, badge, symbol, sign, comment or other items worn or displayed by an individual.

The principal shall specify the attire that students must wear in order to participate in a high school graduation ceremony as long as an eligible student's failure to participate does not preclude his/her receiving a diploma after the ceremony. In addition, attire worn in physical education classes may be regulated by the principal for health and safety reasons, but a student may have the prerogative on religious grounds of wearing more modest clothing.

1. Attire must comply with requirements for health and safety.
2. Attire must not be immodest, obscene, profane, lewd, vulgar, indecent, or offensive. Shorts, skirts and dresses should be of adequate length to assure modesty when the student is seated or engaged in school activities. Appropriate undergarments should be worn and should be covered by outer clothing. Uniforms for extra-curricular activities that are worn during classes other than physical education must be modified to conform to the Student Dress Code guidelines.

3. Attire must not evidence membership or affiliation with a "gang" in any negative sense of the term.
4. Attire must not display any information about, representations of, or advertisements for alcoholic beverage(s), tobacco, controlled drugs, or illegal drugs or paraphernalia associated with the foregoing.

See, also: "Student Behavior Code."

### **Uniforms in Elementary Schools**

The District, in an attempt to enhance discipline, reduce violence, encourage attendance, and reduce truancy shall have a program of school uniforms in elementary schools that choose to participate. Guidelines for implementation of this policy are available in the Office of Policy and Legal Issues.

*Revised: 7-1-07.*

### **Uniforms in an Alternative Program**

Students in an alternative program are required to wear uniforms in an attempt to foster order and discipline, to reduce violence, to encourage attendance, and to reduce truancy.

The designated uniform shall be determined by the administrative head of the alternative program, who must, after seeking input from parents, select generic-type uniforms that are available to parents and students at a modest cost. In addition, requests for exceptions to this policy must be addressed on a case-by-case basis by the administrative head of the alternative program.

*Revised: 7-1-02.*

### **Accident Insurance Program**

The District shall provide and administer a student accident insurance program at no cost to students through which student accident insurance will be provided to all students enrolled in the District at the time of an accident. If funding is not available to provide a no-cost student accident insurance policy to students, the cost will be kept to a minimum through the bid solicitation process.

The program shall offer an option of school-time coverage or 24-hour coverage for students.

Students enrolled in trade or vocational training deemed hazardous by the principal and/or director must purchase insurance unless the school has provided insurance at no cost to all students. The above requirement, however, may be waived if a parent provides evidence that the student is already covered by comparable insurance through a family or personal policy.

The following students shall participate in the athletic accident insurance program:

1. Students engaged in interscholastic sports as reported to the S.C. High School League and/or
2. Any other student whose participation is required by the insurance carrier in the policy approved by the District.

For additional information, contact a school office.

### **Medical Conditions**

Parents are encouraged to inform their child's teacher and/or the school nurse if their child has any special medical condition and if there is any change in that special medical condition during the school year.

### **Do Not Resuscitate orders ("DNR")**

Parents who present the District with a DNR order are to be referred to the Director of Health and Safety Services. A copy of the order must be on file at the school.

S.C. law does not provide school officials with immunity from civil or criminal liability for good faith compliance with a DNR order, as is provided to EMS personnel and health care providers. Each school has procedures in place that address the handling of emergency situations and when EMS should be contacted. A school may not agree to violate its emergency procedures during any emergency situation involving a student. In the event of an emergency regarding a child who is the subject of a DNR order, the school will make every effort to contact the parent so that he/she can arrive at the school as soon as possible. When EMS arrives at the school, the school will present to the EMS employees a copy of the DNR order for their review and consideration. The EMS personnel may then take into account the order as they assist the student. If the parent objects to the school's procedures, the parent will need to present for the District's consideration a court order specifically applying to Horry County Schools that would direct the District to act otherwise.

*Legal reference.*

*State.*

*S.C. Code § 44-78-10, et seq. – Emergency Medical Services Do Not Resuscitate Order Act.  
Revised: 6-19-06; 8-8-12.*

## **Communicable Diseases**

Under certain circumstances, the presence of communicable diseases in the school environment may pose a threat to the health and safety of students and employees. In an effort to maintain a balance between the need to educate all eligible students, to protect student and employee rights, and to control communicable diseases, decisions regarding the status of students with communicable diseases shall be made on a case-by-case basis. Concerns about communicable diseases should be addressed to the school nurse, who will consult with the Director of Health and Safety Services as needed.

Students with communicable diseases, including AIDS or HIV infection, shall be permitted to attend school in accordance with these procedures only.

Except with respect to students with AIDS or HIV infection, or as otherwise provided by law, parents should inform the principal of the school when their child or ward is suffering from a communicable disease. If a student is suffering from AIDS or HIV infection, the District will be notified by the Department of Health and Environmental Control ("DHEC"). Once notice is received from the parent or DHEC, the Superintendent or his/her designee shall ensure that a committee consisting of the parent, personal physician, appropriate public health professionals, and appropriate District personnel is formed to monitor and/or evaluate the student's health status.

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

With respect to other reported communicable diseases, the committee shall review each case individually to determine the means of transmittal, how long the student will be infectious, to what degree the student's presence poses a risk to other students and to staff, and the probability of transmittal.

Generally, students with AIDS or HIV infection should be permitted to attend school and school activities without restriction, provided their health status so allows. If it is determined, based on sound medical evidence and in accordance with the procedures set forth in these procedures, that any student with any communicable disease poses a significant risk to the health and safety of other persons in his or her current placement, a determination shall be made whether an appropriate adjustment can be made to the student's school program to eliminate the risk. If such adjustments are not possible, an alternative education program should be offered. This placement will continue, with periodic evaluations, until the risk to others has been abated. The District reserves the right to require a satisfactory certificate from one or more licensed physicians that the student's attendance is not a risk to others.

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

Information regarding the medical condition of students is confidential and should be disseminated strictly on a need-to-know basis. Accordingly, information should be provided only to those who need the information to protect the health and safety of the student, other students and staff, and only to the extent necessary to accomplish that end. All personnel informed of the condition of the student are to be instructed that this information is to be held in the strictest confidence.

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

*Revised: 7-1-09; 8-8-12.*

## Head lice

If a teacher suspects a child of having head lice, he/she will notify the school nurse or principal's designee. If head lice is confirmed (**presence of a live bug**), the parent/guardian will be notified to pick the child up as soon as possible. Transportation on a school bus or van is not permitted. When a case of head lice is confirmed a parent advisory letter giving specific steps for treatment of head lice and re-admission to school is given to the parent of the child.

The District prohibits a student who is sent home with head lice from returning to school until he/she meets the following conditions:

1. The student shows proof of treatment as determined by the school, and
2. The student passes a physical screening by the school nurse or principal's designee that shows the absence of head lice.

### *Legal references.*

#### *State.*

*S.C. Code § 44-29-200 – Attendance of teachers or pupils with contagious or infectious disease may be prohibited.*

*S.C. Code § 44-29-195 – Requirements for returning to school after having head lice; department to provide treatment vouchers.*

*Department of Health and Environmental Control Regulation R 61-20 – Communicable diseases.*

*Department of Health and Environmental Control Regulation R 61-21 – Sexually transmitted diseases.*

*Revised: 7-1-09; 8-8-12; 7-1-14.*

## Medicines

Generally, school staff members are to refrain from giving medicine to students. The District recognizes, however, the occasional need for staff members to administer medication to individual students.

When possible, medications should be given by the parent/guardian before or after school hours. Prescribed medications to be given during the school day must be accompanied by written orders from a health care practitioner who is recognized by South Carolina's Department of Labor, Licensing and Regulation as authorized to prescribe medications. The written orders must be signed; copied or stamped medication forms will not be accepted.

The school district and its employees reserve the right to refuse to honor medication requests that are not consistent with professional standards (e.g., manufacturer's guidelines, Physician's Desk Reference) and/or are deemed unsafe for the school setting. If this occurs, the school district's nursing staff, school administrators, the school district's medical consultant, if there is one, the prescribing health care practitioner and the student's parent/guardian will discuss alternatives for meeting the student's needs.

Accordingly, the procedures detailed below must be followed when administering medicine. "School nurse" means either a Registered Nurse ("RN") or a Licensed Practical Nurse (LPN) if an RN is available in person or on call by telecommunications.

### **Medications provided by parents**

1. Prior to dispensing any medication, each of the following conditions must be met:

- a. Non-prescription medications are sometimes called "over-the-counter" medicines. Over-the-counter medications will be given in accordance with guidance on the medication label or package insert unless prescribed otherwise by a health care practitioner recognized by the South Carolina Department of Labor, Licensing, and Regulation as authorized to prescribe medications.
- b. Non-prescription medications that are to be administered at school will require a form signed by the parent/guardian.
- c. Any student requiring non-prescription medication should have the medication supplied by the parent/guardian. The parent/guardian should label the medication container with their child's name in a manner that does not cover pertinent information such as the name of the medication, dosing recommendations, uses, side effects, contraindications, and expiration date. The medication should be brought to the school nurse or the principal for administration to the student. Medication cannot be transported to school by the student.
- d. A dated non-prescription medication consent form signed by the parent giving permission for the medication to be administered must be on file. The form which is available at the school or on the Health Services website must include, but not limited to, the:
  - (1) Child's full name and date of birth
  - (2) Name of school and grade
  - (3) Known allergies to any foods, medicines or other items
  - (4) Name of medication to be given at school
  - (5) Reason for medication
  - (6) Dosage
  - (7) Date(s) and time to be administered
  - (8) Storage requirements
  - (9) Estimated number of days medication to be given at school
  - (10) Medication history home or school
  - (11) Child's Health Care Providers' name, address, telephone number, and signature.
- e. Prescription medications are medicines that require a written prescription from a health care practitioner. In order for a child to be given a prescription medicine at school, the child's health care practitioner and the child's parent must sign a permission form. (Because the instructions for some medications require more space than is provided on the form, some health care practitioners may prefer to use a practice specific form.) The form which is available at the school or on the Health Services website must include, but not limited to, the:
  - (1) Child's full name and date of birth



- (2) Name of school and grade
    - (3) Known allergies to any foods, medicines or other items
    - (4) Name of medication to be given at school
    - (5) Purpose of medication and route
    - (6) Dosage
    - (7) Time of day medication to be given
    - (8) Storage requirements
    - (9) Estimated number of days medication to be given at school
    - (10) Is medication a controlled substance
    - (11) Possible side effects
    - (12) Prescribing Health Care Providers' signature and date. No stamped forms will be accepted.
  - f. The required medication consent form must include authorization for the school nurse, the principal, or his/her designee to administer any medications.
  - g. The parent must deliver the completed medication consent permission form and the medication to the school principal, the school nurse, or the principal's designee immediately upon arrival at school. The medication must be labeled and in its original container. Medication may not be transported on a school bus except with the permission of the principal or his/her designee when it is necessary for the health of the student.
  - h. The nurse responsible for the school must review and approve each request before the medication may be administered. The District retains the discretion to reject request(s) for the administration of any medication for legitimate reasons
2. The District shall not be held liable in the event of adverse reactions when the medication has been given in the prescribed manner.
3. ~~While principals~~ The Director of Health and Safety Services, in consultation with ~~each~~ school nurses, shall supervise the overall administering of medications in the schools, responsibility for the particular aspects of this policy are indicated below.
- a. The principal shall designate specific persons to administer medication ~~in the absence of the school nurse~~. These persons shall be present at school on a daily basis. The principal shall ensure that each person designated to administer medication is familiar with the proper procedures. Each individual designated by the principal to administer medication shall be trained in the proper procedure for administering medication by the school nurse. ~~Training on medication administration must be completed annually.~~
  - b. The principal (or his/her designee) shall be responsible for the safekeeping of all medication which is to be administered. Each school shall maintain a current list of those persons authorized to administer medications. ~~Training on medication administration must be completed annually.~~
  - c. A written or electronic record of the administration of the medication, including but not limited to, name of the student, medication and dosage administered, date and time of administration, and name of the person administering the medication will be kept in the Health Office as part of the student's health care record.
  - d. ~~The principal or his/her designee~~ The school nurse in consultation with the principal or his/her designee shall communicate with parents and/or physicians about any problems or effects of administering medications to students at school.
  - e. Forms to be completed by physicians and parents must be updated at the beginning of the student's school year or earlier if required by the length of the prescriptions.
  - f. Parents must inform the ~~school nurse~~, principal or his/her designee of any change in the student's health or medication.

- g. Parents shall reclaim any unused medications within one week of the termination of treatment or no later than the end of the last day of school. The school shall destroy any unused medications following the District's policy for disposal of medications.

**Exception.** With approval of the principal, a student may be allowed to keep medication on his/her person for his/her sole use in an emergency provided the parent furnishes the principal and the school nurse with written certification from a physician that it is necessary for the student to carry and/or administer his/her own medication. If at any time the student violates the policy for self-administration or self-monitoring, the privilege for carrying medication may be revoked.

### **Certain over-the-counter medications**

Parental permission is required in order for nurses to administer over-the-counter medications at school.

With written parental permission, athletic trainers who are licensed in S.C. may administer to students certain over-the-counter, individually packaged, single-dose oral medications which are:

1. Authorized for administration through a written order issued by a physician licensed to practice in S.C. – all orders expire at the end of the day on June 30 of each year;
2. Permitted for administration to a specific student pursuant to written permission by his/her parent on a form approved by the Superintendent or his/her designee – the form must contain:
  - a. a statement by the parent that he/she agrees to notify the athletic trainer immediately in writing of any changes in his/her child's health history which requires a modification in his/her permission for the administration of medications and
  - b. an indemnification clause stating that the parent agrees that the District shall not be held liable in the event of adverse reactions when the medication has been given in the prescribed manner;
3. Administered pursuant to the printed directions on the package containing the medication provided by the manufacturer of the medication (directions include printed information concerning contraindications and precautions). Over-the-counter medications must only be given as recommended by the manufacturer on the label and/or package insert. If a parent/guardian requests a medication dosage that exceeds the manufacturer's recommendation, the parent/guardian must secure a written order from the student's health care practitioner;
4. Not provided to the student to be taken later without being supervised by the athletic trainer, who is to make and maintain a written record of the administration of the medication, including but not limited to: name of the student, medication and dosage administered, date and time of administration, any lot number on the packaged medication, and name of the athletic trainer;
5. Maintained such that the medications are accessible only through the athletic trainer.

Medicines which may be administered in an emergency by an athletic trainer or a school nurse must follow the policies of the Health and Safety Services Department and must be indicated on a written order issued by a physician licensed to practice in S.C.

*Revised: 7-1-02; 8-17-04; 10-31-04; 7-1-09; 6-16-10; 8-8-12; 7-1-13; 7-1-14.*

## **Individual Health Care Plans**

A student with a special health care need must have an individual health care plan ("IHP") consistent with guidelines developed by the S.C. Department of Education. If a student qualifies for a medical accommodation plan under Section 504 of the Rehabilitation Act of 1973, the process used must meet the requirements for the IHP.

The following definitions apply to this section:

1. "Medication" is defined as medication prescribed by a health care provider and contained in the original packaging with the appropriate pharmacy label or in a secure package containing a note from the prescribing physician or pharmacist that appropriately identifies the medicine;
2. "Monitoring device" is defined as implements prescribed by a health care provider for monitoring a chronic health condition; and
3. "Individual health care plan" is defined as a plan of care designed specifically for an individual student to provide for meeting the health monitoring and care of the student during the school day or at school-sponsored functions. The parent and the student, if appropriate, shall authorize the school to share the student's IHP with school staff who have a legitimate need for knowledge of the information.

Subject to the requirements of this section, the principal or his/her designee **in consultation with the school nurse**, may authorize a student to self-monitor and self-administer medication as prescribed by the student's health care provider unless there is sufficient evidence that unsupervised self-monitoring or self-medicating would seriously jeopardize the safety of the student or others. Unless the student's health care provider places written restrictions on the self-monitoring or self-administration, the student would be authorized to possess the specified monitoring device and the medication on his/her person and self-administer the medication while:

- in the classroom and in any area of the school or school grounds;
- at a school-sponsored activity;
- in transit to or from school or school-sponsored activities; or
- during before-school or after-school activities on school-operated property.

A student's permission to self-monitor or self-administer medication may be revoked if the student endangers himself/herself or others through misuse of the monitoring device or medication.

The permission for self-monitoring or self-administration of medication is effective for the school year in which it is granted and must be renewed each school year upon fulfilling the requirements of this section.

### **Documentation**

The student's parent must provide the following to the **school nurse**, principal or his/her designee:

1. Written authorization from the parent for the student to self-monitor or self-administer medication, or both;
2. A written statement from the student's health care practitioner who prescribed the medication verifying that the student has a medical condition and has been instructed and demonstrates competency in self-monitoring or self-administration of medication, or both. **This statement is signed by the student and his/her parent.**
3. A statement signed by the parent acknowledging that:
  - a. Horry County Schools and its employees and agents are not liable for an injury arising from the student's self-monitoring or self-administration of medication;
  - b. the parent shall indemnify and hold harmless Horry County Schools and its employees and agents against a claim arising from the student's self-monitoring or self-administration of medication.

The above documents must be kept on file in the **health office of the principal (or the school nurse if designated by the principal)** with the school nurse.

*Legal references.*

*State.*

*S.C. Code § 59-63-80 and § 59-63-90 – Individual health care plans for certain students.*

*S.C. Code § 15-78-60 – Immunity from liability for districts and employees.*

*Adopted: 6-15-05. Revised: 7-1-14.*

## Improper Referral of Students for Medication

School personnel must not recommend to parents the use of medication for any child. However, personnel (1) may invite parents to observe their child's classroom behavior, (2) may recommend to parents that they consult with an appropriate medical practitioner to ensure that there are no medical problems which might interfere with their child's ability to be successful in school, and (3) may consult with the child's medical practitioner with the written consent of the parents.

*Revised: 8-8-12.*

## Internet Safety and Network Acceptable Use

Access to the Internet/Network is a privilege, not a right. With this privilege, there also is a responsibility to use the Internet/Network ~~solely~~ for educational purposes and not to access materials that are inappropriate for an ~~school~~ educational setting. As part of the implementation of the administration's guidelines, students and staff must be instructed on the appropriate use of the Internet/Network. Inappropriate or disruptive use by any person will not be tolerated.

The smooth operation of the Internet/Network relies on the proper conduct of the end users who must adhere to strict guidelines. These guidelines are provided so that students and staff are aware of their responsibilities when using the Internet/Network. Any violations of these guidelines will subject the user to appropriate disciplinary action and possible denial of access to the Internet/Network. In general, these guidelines require efficient, ethical, and legal utilization of the network resources.

In an attempt to protect students, the District has installed filtering/monitoring software to check Internet access by computer users on District equipment in compliance with the Children's ~~Online Privacy~~ Internet Protection Act (CIPA). However, because access to the Internet/Network provides connections to other computer systems located all over the world, users (and parents of students who are users) must understand that neither the District nor any District employee can completely control the content of the information available ~~on the systems~~. Every effort will be made by the District to monitor and restrict ~~ready~~ access to known objectionable sites; however, ~~an industrious~~ users may discover inappropriate or offensive information. The District does not condone the use ~~or access~~ of inappropriate or offensive materials and cannot be held responsible for such use.

### Acceptable use

The purpose of the District's providing the educational network is to support research and education in and among academic institutions by providing access to ~~unique vast amounts of~~ resources and the opportunity for ~~worldwide~~ collaborative work. ~~All~~ Use of the Internet and Network ~~must should~~ be in support of education and research and be consistent with the educational objectives of the District. Use of other networks or computing resources must comply with the rules governing those networks. Transmission of any material in violation of any Federal or State laws or regulations is prohibited; this includes, but is not limited to, copyrighted material, threatening or obscene material, or material protected by trade secrets.

Access to computer systems and networks owned or operated by the District imposes certain responsibilities and obligations on users and is subject to District policies and local, State, and Federal laws. Acceptable use is always ethical, reflects honesty, and shows restraint in the consumption of shared resources. It demonstrates respect for intellectual property, ownership of information, system

security mechanisms, and the individual's rights to privacy and freedom from intimidation, harassment, and unwarranted annoyance.

### Procedures for use

1. Administrators and teachers may access the Internet for educational or work-related purposes at any time which is not disruptive and does not interfere with the performance of other responsibilities by the employee or other staff members.
2. ~~Students will be allowed to access the Internet only through their teachers. Students may not access the Internet without permission.~~ Student use of the Internet should be supervised by a staff member.

### Rules governing use

The use of the Internet/Network is a privilege, not a right, and inappropriate use will result in cancellation of Internet/Network privileges. All staff and students must abide by the generally accepted rules of network etiquette, including, but not limited to, the following:

1. Be polite. Always use appropriate language. Do not send abusive, obscene, inflammatory, or threatening messages to others. Profanity, vulgarities, harassing, and other inappropriate language are prohibited.
2. Documents may not include a student's social security number or any other personally identifiable information that may lead to the identity of one's self or others ~~without proper parental consent~~. For example, do not reveal personal home addresses or phone numbers to others.
3. Student pictures (video or still) or audio clips may not be published for students whose parents or legal guardians have ~~signed opt-out forms on file at the school~~ directed the District not to do so through information collected during online registration or other formal, written means.
4. Connection of non-District owned equipment must be approved for use on ~~the~~ District networks ~~other than Guest wireless~~ by the Executive Director of Technology ~~or designee~~ prior to ~~attaching to the network use~~.
5. Mass distribution of emails, even for educational or district-related business, is limited to ~~inside the~~ within an individual's school or work location unless prior approval has been given by the principal and appropriate District Office supervisor.
6. The District offers student Internet-based electronic mail accounts. The student accounts are intended for educational purposes. Users can access their e-mail from any computer that has Internet access. ~~Electronic mail (e-mail)~~ E-mail is not ~~guaranteed to be~~ private and can be monitored ~~by the administration~~. Messages relating to or in support of illegal or inappropriate activities will be reported to the appropriate authorities. All student e-mail accounts are filtered for inappropriate content. If for any reason a parent does not wish to have an e-mail account for his/her child, the parent should notify the principal in writing so that his/her child's ~~name can be removed from the e-mail accounts~~ account can be revoked.
7. Never access inappropriate or restricted information, such as pornography or other obscene materials, ~~or other information not directly related to the educational purposes for which access is being provided~~. Restricted information includes obscene, libelous, indecent, vulgar, profane, or lewd materials, advertisements for products or services not permitted to minors by law, insulting, fighting, and harassing words, and other materials which may cause a substantial disruption of the academic environment. Access to the Internet from District computers is filtered and monitored for inappropriate content through a software application.
8. All subject matter on District ~~and school~~ web pages ~~(including social media sites)~~ shall relate to school-authorized activities or to the District ~~All pages on the District's server(s) and all information are~~ is property of the District. ~~Outside links from district office or school web pages~~

~~are allowed only to instructionally based sites, sites of non-profit partnerships/educational institutions/governmental agencies, and sites of school-recognized organizations.~~

9. Vandalism is prohibited and will result, at a minimum, in cancellation of privileges. Vandalism includes any malicious attempt to harm or destroy data ~~or the account~~ of another user, ~~Internet, or other networks that are connected to the Internet or its infrastructures.~~ Vandalism also includes, ~~but is not limited to, the~~ uploading or ~~the~~ creation of computer viruses, ~~or malicious software/scripts,~~ deletion or alteration of other user files or applications, removing protection from restricted areas, or the unauthorized blocking of access to information, applications, or areas of the Internet/Network.
10. ~~Do not~~ Never share passwords ~~or other personal credentials~~. The only person authorized to use an account is the person to whom it belongs. Do not send unauthorized messages or information with someone else's name on it.

The following list represents some inappropriate uses of the Internet, which are not permitted by the District, but by no means is this list intended to be exhaustive:

1. Commercial advertising or unethical/illegal solicitation.
2. Using copyrighted material without permission.
3. Sending or receiving messages or information that is inconsistent with the school's behavior code or assisting others to violate that code, including inappropriate, offensive, and/or disruptive messages or information.
4. Emailing chain letters, engaging in "spamming," sending annoying or unnecessary email messages to large numbers of people or mass distribution of emails without permission from the school principal or district office.
5. Accessing, attempting to access, and/or altering information in restricted areas of any network.
6. Downloading or loading any software or applications without permission from ~~the building network administrator or system administrator~~ the technology department or the local technology contact.
7. Use of anonymous proxies ~~or any other means to get around~~ bypass content filtering ~~or any other District-provided protections is strictly prohibited.~~

Users are required to report any of the following to their teachers, supervisors, or the building network administrator as soon as the following are discovered:

1. Any messages, files, Web sites, or user activities that contain materials that are in violation of policy.
2. Any messages, files, Web sites, or user activities that solicit personal information (such as an address, phone number, credit card number, or social security number) about the user or someone else, or request a personal contact with the user or another user.
3. Attempts by any user to abuse or damage the system or violate the security of the network and its resources.
4. Any illegal activity or violation of school policy.
5. Any error messages or problems that indicate that the system is not working properly.



### Penalties for improper use

An employee who violates the terms of this procedure or otherwise misuses the Internet to access or send inappropriate material will be subject to disciplinary action, up to and including discharge. In addition, the privilege of accessing the Internet also will be subject to cancellation for a period of time as determined by the administration. Students who violate the terms of this procedure or who otherwise misuse their access to the Internet also will be subject to disciplinary action in accordance with the District's student behavior code. Internet access privileges also may be cancelled for a period of time as determined by the administration. Violations of the laws of the United States or the State of South Carolina also may subject the user to criminal prosecution. If a user incurs unauthorized costs, the user, as well as the user's parents if the user is a student, will be responsible for all such costs.

### Warranty

The District makes no warranties of any kind, whether expressed or implied, for the service it is providing. The District will not be responsible for any damages suffered by any user. This includes loss of data resulting from delays, non-deliveries, misdirected deliveries, or service interruptions caused by the system's negligence, user errors, or omissions. Use of any information obtained via the Internet is at the user's own risk. The District specifically denies any responsibility for the accuracy or quality of information obtained through its services.

### Security

Security on any computer system is a high priority, especially when the system involves many users. If you believe you have identified a security problem on the network, you must notify a staff member, Network System Administrator, Network System Analyst, or the Executive Director of Technology. Do not demonstrate the problem to other users. Attempts to log on to any network as a system administrator or a person other than the user will result, at a minimum, in cancellation of user privileges **and other disciplinary action**. Any user identified as a security risk or having a history of problems with other computer systems may be subject to severe restriction or cancellation of privileges **and other disciplinary action**.

### User privacy

The District reserves the right to examine, restrict, or remove any material that is on or passes through its network, just as it does any other work or material generated or brought to school by staff or students. Access to electronic information related to any student or staff member will be governed by the same policies that would apply to that information if it were not in electronic form.

### District policies

All documents on the District's servers must conform to District policies, as well as established school guidelines. Copies of District policies are available in all school offices. Persons developing or maintaining Web documents are responsible for complying with these and other policies. Some of the relevant issues and related policies include the following:

1. Electronic transmission of materials is a form of copying. As specified in District policy, no unlawful copies of copyrighted materials may be knowingly produced or transmitted via the District's equipment, including its Web server(s).
2. Documents created for the Web and linked to District Web pages will meet the criteria for use as an instructional resource.
3. Any links to District Web pages that are not specifically curriculum-related will meet the criteria established by the administration. Any other non-curricular materials should be limited to information about other youth activities, agencies, or organizations which are known to be non-

sectarian, exclusively devoted to community interests or child welfare, non-profit, and non-discriminatory. Web page links may not include entities whose primary purpose is commercial or political advertising.

4. All communications via District web pages will comply with this policy and the student behavior code. Offensive behavior that is expressly prohibited by this policy includes religious, racial, and sexual harassment and/or violence.
5. Any student information communicated via District web pages will comply with District policies on Data Privacy and Public Use of School Records.

### Changes in technical standards

Given the rapid change in technology, some of the technical standards outlined in this policy may require change throughout the year. Such changes will be made by the appropriate District ~~network specialist personnel~~ with approval of the Superintendent. ~~This web page procedure may be updated on an annual basis, or more frequently if required.~~

See, also: "Use of Technology Resources in Instruction" and "Student Behavior Code."

*Legal reference.*

*Federal.*

*13 U.S.C. 1301 et seq – Children's Online Privacy Protection Act of 1998.*

*Revised: 7-1-09; 7-1-14.*

### Research Involving Students

Any research project, including the administration of a survey or the norming of an assessment instrument, involving students and/or their records must have the prior written approval of the Superintendent or his/her designee.

Except as specified below, prior written parental consent is not required when students participate in District-approved studies (including standardization samples) or when information is disclosed to persons or organizations conducting studies for the purpose of developing, validating, or administering standardized tests, administering student aid programs, and/or improving instruction, as long as students and/or their parents are not personally identified, personal information is disseminated only in the aggregate, and the records are destroyed when no longer needed for the prescribed purpose.

Written parental consent must be secured before students are required to participate in any survey, analysis, or evaluation that reveals information concerning:

1. Political affiliations or beliefs of the students or their families;
2. Mental and psychological problems of the students or their families;
3. Sex behavior and attitudes;
4. Illegal, anti-social, self-incriminating and demeaning behavior;
5. Critical appraisals of other individuals with whom respondents have close family relationships;
6. Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;
7. Religious practices, affiliations, or beliefs of the students or their parents; or
8. Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

The District will make instructional materials available for inspection by parents if those materials will be used in connection with a survey, analysis, or evaluation in which their children participate.



See "Family Policy Compliance Office" for information concerning complaints about research involving students.

See, also: "Release of personally identifiable information."

*Legal reference.*

*Federal.*

*20 U.S.C. § 1232h – Protection of Pupil Rights Amendment.*

*Revised: 7-1-02, 7-1-03; 7-1-08.*

## Student Records

In order to provide students with appropriate educational services, the District must maintain accurate records. In recognition of the confidential nature of student records, the District will only grant access to a student's school records in accordance with the provisions of the Family Educational Rights and Privacy Act ("FERPA") and other applicable State and Federal laws and regulations.

### General provisions

1. A student's "education records" are those records directly related to a student and which the District or a party acting for the District maintains such as, but not limited to, the student's cumulative record, attendance record, discipline record, and if extant, standardized test scores, end-of-course test results, evaluation records, medical records, special education records, formal and informal correspondence concerning the student (the names and information concerning other students contained in the student's education record must be blacked or blocked out on a copy of the record if access to the record is provided through any means to someone who has no right to receive the information on the other students).

A District employee's personal records on a student are not part of the student's education record as long as that person keeps the notes solely for his/her own use and maintains them separately from the school files. A substitute who performs the employee's duties on a temporary basis may use these personal records; however, the employee may not pass the records on to a successor.

2. "Parent" means a parent of a student and includes a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or a guardian. A parent has an absolute right to review records unless a court of competent jurisdiction precludes that right. Custody alone does not affect one's parental rights.

Section 20-7-100 of the Code of Laws of S.C. states that each parent, whether the custodial or noncustodial parent of the child, has equal access and the same right to obtain all educational records . . . of their minor children and the right to participate in their children's school activities unless prohibited by order of the court.

3. Whenever a student is 18 years of age or is attending an institution of post-secondary education, the rights accorded to and the consent required of the parent/legal guardian of the student will thereafter only be accorded to, and required of, the eligible student unless the District has received notice that a court has awarded legal guardianship beyond the age of the majority. The school will document such notice.
4. "Directory information" includes the student's name, address, telephone number, photographs, digital images, images on videotape, and other electronic images (as related to school-sponsored or District-sponsored events, activities, and special recognitions), date and place of birth, participation in officially recognized activities and sports, weights and heights (members of athletic teams), dates of attendance, exit document and awards received, the most recent previous school attended, and other similar information, which may appear in newspaper articles, on television, in radio broadcasts, on displays, on the World Wide Web (a part of the Internet) or in District or school promotional pieces.

*Revised: 7-1-02, 7-1-03, 7-1-04; 8-8-12.*

**Annual notification of rights**

Schools will notify the parent/legal guardian of students and/or eligible students annually of the following:

1. The type of records kept.
2. The procedure for inspecting and copying student records.
3. The right for interpretation of data contained in student records.
4. Their right to challenge data thought to be erroneous and the procedures for expunging such data or inserting a rebuttal statement.
5. The type of information the District deems to be directory information.
6. The process for refusing to permit the release of all or some information as directory information.
7. The right to lodge a complaint with the U.S. Department of Education.

**Location of student records**

1. The school or the District records office (if a student is no longer enrolled) will maintain a cumulative record folder, which contains directory information, scholastic information, standardized test data, health records and other similar information. This cumulative record may include, but is not limited to, the following:
  - a. Name (last, first and middle) as well as the preferred name (nickname);
  - b. Date of birth (verified), along with sex and ethnic background;
  - c. Address and telephone number;
  - d. Name of parent/legal guardian;
  - e. Health record, including surveys for vision, speech, and hearing;
  - f. Standardized test scores;
  - g. Test scores as required by the State or District;
  - h. Attendance and scholarship record card;
  - i. Academic Plan and related conference documentation;
  - j. Appropriate correspondence with parent/legal guardian; and
  - k. Disciplinary action information for conduct that posed a significant risk to the student or others.
2. Except as provided in the last paragraph of this section, if the District has performed or received a psychological evaluation of a student, the District will maintain copies of psychological reports and related records under the following conditions:
  - a. In the District office;
  - b. In the student's school; and/or
  - c. In a special education records room designated by the Director of Special Education.
3. The appropriate personnel in the District office and/or at the appropriate school will keep records concerning students who have been involved in administrative hearings.
4. Once a student graduates, the District will file the student's records at his/her high school. If a student drops out of school before graduation, his/her school files the records for five years and then transfers the records to the District's central office for record storage.

**Directory information**

1. Within 15 days after the distribution of notification of privacy rights, the parent/legal guardian of the student or the eligible student has the right to refuse to permit the release of any or all of the categories of directory information and/or any or all of the additional information referenced above. The parent's/legal guardian's or eligible student's refusal must be in writing. The written refusal will become part of the student's education record. The principal of the school the student is attending is responsible for notifying appropriate personnel of the refusal, filing the refusal in the student's cumulative folder, and marking the folder as specified by the Superintendent or his/her designee.
2. The District will not release directory information to any person or agency for commercial use.

3. The District expects its employees to use good judgment in releasing directory information so that any release of information serves the students' best interests.

### **Release of personally identifiable information**

The Family Educational Rights and Privacy Act ("FERPA") requires procedures to be followed when releasing personally identifiable information.

1. The parent/legal guardian or eligible student will provide a signed and dated written consent before the District will disclose personally identifiable information from the student's education records, except as provided below:
  - a. The information constitutes "directory information" and is released as provided above.
  - b. The disclosure is to the following persons with legitimate interests in the information:
    - (1) other District employees, and
    - (2) persons under contract with the District and authorized persons acting for the District in the performance of professional, business, and similar services related to the District that it otherwise would provide for itself.

- c. The disclosure is to officials of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll. (Generally, when a student transfers from a school in the District to a school outside the District, the school will send a copy of a transcript of the student's record to the receiving school.)
- d. The disclosure is to State and federal officials requesting the information as authorized by statute or regulation(s) implementing statute(s).

Upon their request, institutions of higher education and military recruiters have access to high school students' names, addresses, and telephone listings unless a high school student or his/her parent has requested in writing that the information not be released. If military recruiters are to be denied access, the student or parental request must specifically state that access by military recruiters is to be denied.

- e. The disclosure is in connection with financial aid for which the student has applied or which the student has received, if the information is necessary for such purposes as to determine eligibility for aid; determine the amount of aid; determine the conditions for the aid; or enforce the terms and conditions of the aid.
- f. The disclosure is to persons or organizations conducting District-approved studies including, but not limited to, studies for the purpose of developing, validating or administering standardized tests; administering student aid programs; and/or improving instruction – as long as students and/or their parents or legal guardians are not personally identified, personal information is disseminated only in the aggregate, and the records are destroyed when no longer needed for the prescribed purpose.
- g. The disclosure is to accrediting organizations to carry out their accrediting functions.
- h. The disclosure is to comply with a judicial order or lawfully issued subpoena, as long as the District makes a reasonable effort to notify the parent or eligible student of the order or subpoena in advance of compliance.
- i. The disclosure is in connection with a health or safety emergency necessary to protect the health or safety of the student or other individuals.
- j. The disclosure, as required by federal law, is to federal law enforcement officials relevant to a terrorism investigation.

2. The District will keep a record of each request for access to and each disclosure of personally identifiable information from the education records of each student, unless the request or disclosure is made pursuant to court orders or lawfully issued subpoenas, or the disclosure is of directory information or is to a parent or eligible student. The record, filed in the student's cumulative folder, will provide the following:
  - a. The name of the party requesting or receiving the information; and
  - b. The legitimate purpose for which the data was requested.

See, also: "Research Involving Students."

*Revised: 7-1-03; 6-19-06; 7-1-07; 7-1-08; 8-8-12.*

### **Request for inspection**

1. Anyone who wishes to inspect a student's educational records must make the request for inspection to the principal of the school in which the student is enrolled or where the record is housed. A person may also request an explanation or interpretation of records from the principal.
2. Principals or designated District office administrators will set a time and place for the inspection of such records within a reasonable period of time, but in no case more than 45 days after the request has been made. If a hearing concerning the student is pending, the employee will honor the request for inspection of the student's record prior to the hearing.
3. At the inspection, the principal will have appropriate personnel available to interpret information in the records.
4. The District is responsible for the maintenance of each student's record. Therefore, school personnel are not to turn the original record or microfilmed copy of a record over to any person or organization unless they have a written and specific judicial order for such action.
5. If the parent/legal guardian or eligible student should believe that the information in the education record is inaccurate, misleading or violates the privacy or other rights of the student, he or she can request an amendment to the record. The school official receiving the request will either amend the record, if appropriate, or notify the parent/legal guardian or eligible student within 15 working days in writing that the request is denied and that he/she has the right to request a hearing as provided below.
6. Each parent/legal guardian of a student has the right to inspect and review the student's record unless the District has written evidence that there is a legally binding instrument or court order governing such matters as divorce, separation or custody which provides to the contrary. (The same applies to parental requests for disclosure to other individuals and organizations.)
7. A parent/legal guardian or eligible student has the right to give written authorization for a representative to inspect and review the student's education records.

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

1. Parents/legal guardians or the eligible student will make requests for hearings to the principal of the school where the record is housed. The principal or his/her designee may conduct the hearing.
2. Principals or administrators will set a date, time, and place for the hearing and notify the requesting party in writing of the date, time, and place. The principal or administrator will establish the hearing date within 15 working days of receipt of the request. The principal or administrator must mail written notice of the hearing to the parent/legal guardian or eligible student within a reasonable time prior to the hearing.
3. A District official, including the principal or his/her designee, who does not have a direct interest in the outcome will conduct the hearing.

4. At the hearing, the principal or administrator will try to have present the person(s) who entered the information in question should the person(s) be known and reasonably available. The parent/legal guardian or eligible student who requested the hearing will have the right to question that/those person(s), if present, and will be able to show evidence that would correct inaccurate, misleading or otherwise inappropriate information. Such evidence will become a permanent part of the student's record.
5. The parent/legal guardian of the student or eligible student will have a full and fair opportunity to present relevant evidence and may be assisted or represented, at their expense, by legal counsel.
6. If, as a result of the hearing, the District decides that the information is inaccurate, misleading or otherwise in violation of the privacy or other rights of the student, it will amend the record accordingly, and inform the parent/legal guardian or eligible student of the amendment in writing.
7. If, as a result of the hearing, the District decides that the information in the education record is not inaccurate, misleading, or otherwise in violation of the privacy rights of the student, it will inform the parent/legal guardian or eligible student in writing that he/she has the right to place in the education record a statement commenting upon the information in the record and/or setting forth any reasons for disagreeing with the decision. Any such statement must remain with the record as long as the contested portion remains in the record. Disclosure of the contested portion must include the statement of the parent/legal guardian or eligible student.
8. The District will send its decision, including a summary of the evidence, and the reason(s) for the decision, in writing to the parent/legal guardian of the eligible student within five working days after the conclusion of the hearing. The District will base its decision solely on evidence.

### **Management and destruction of education records**

1. The District will protect the confidentiality of personally identifiable information on students during collection, storage, disclosure and destruction of applicable records.
2. The District may destroy data which are no longer needed for providing direct educational services in accordance with the guidelines established by the S.C. Department of Archives and History, as long as the following conditions are met:
  - a. There is no outstanding request to inspect and review the education record.
  - b. The District keeps the record of disclosures as long as it maintains the education record to which it relates.
  - c. The data do not concern the referral, evaluation, staffing or placement of a disabled student or a student suspected at one time of having had a disability. Such data will be sent to the office of programs for the disabled when no longer needed for providing direct educational services to a student.
3. No one may remove the following items from a student's cumulative record at any time.
  - a. Name (last, first and middle) and/or the preferred name (nickname);
  - b. Date of birth (verified), along with sex and ethnic background;
  - c. Address and telephone number;
  - d. Name of parent/legal guardian;
  - e. Health record, including surveys for vision, speech, and hearing;
  - f. Standardized test scores;
  - g. Test scores as required by the State or District policy; and
  - h. Attendance and scholarship records.

See "Family Policy Compliance Office" for information concerning complaints related to student records.

See, also: "Research Involving Students."

*Legal references.**Federal.**20 U.S.C. § 1232g – Family Educational Rights and Privacy Act.**20 U.S.C. § 7908 (a) (1) – No Child Left Behind Act.**10 U.S.C. § 503 – National Defense Authorization Act of 1999, as amended by the Hutchinson Act.**P.L. 107.56 – The Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act.**Revised: 7-1-03; 7-1-08.*

## **Family Policy Compliance Office**

Parents and eligible students have the right to file written complaints with the U.S. Department of Education concerning alleged violations of the Protection of Pupil Rights Amendment ("PPRA") or the Family Educational Rights and Privacy Act ("FERPA"). Complaints must contain specific allegations of fact concerning the alleged violation of PPRA or FERPA. The Family Policy Compliance Office has the responsibility for investigating, processing, and reviewing alleged violations. Written complaints should be sent to the following address:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202-5920.

See, also: "Research Involving Students" and "Student Records."

*Legal references.**Federal.**20 U.S.C. § 1232g – Family Educational Rights and Privacy Act.**20 U.S.C. § 1232h – Protection of Pupil Rights Amendment.**Revised: 7-1-03.*

## **School Census**

Within 30 days after the opening date of each year, the District will make or cause to be made a complete census of all children between the years of seven and 16 years, inclusive, who have not enrolled in the District or in some other district during the 30-day enrollment period. The names, ages, places of residence, and names of parents of such children shall be placed on one list and certified to the Coordinator of Attendance.

*Legal reference.**State.**S.C. Code § 59-65-240 – Census of children not enrolled in public schools; list submitted to attendance supervisor.*

## **Student Fingerprinting**

In accordance with State law, the District will provide every school in the District with the forms and ink pads necessary to record each student's fingerprints in the four-year-old child development program, kindergarten, and grades one through twelve. District schools, with the assistance of the State Law Enforcement Division and/or local law enforcement agencies, will fingerprint school children in the aforementioned programs when the parent of a child requests in writing that his/her child be fingerprinted for identification purposes for the protection of the child. The fingerprints must be given to the student's parent.

*Legal reference.*

*State.*

*S.C. Code § 59-63-50 – Provides for students to be fingerprinted.*

## **Searches, Student Interrogations, and Arrests**

The District recognizes that both S.C. law and the Fourth Amendment protect citizens, including students, from unreasonable searches and seizures. However, any person, including students, on school premises shall be deemed to have consented to a reasonable search, with or without probable cause, of his/her person and personal belongings subject to the limitations and requirements of this policy and/or law. Personal belongings include, but are not limited to, purses, book bags, wallets, satchels, computers, and other devices used for electronic data storage. Notice, as approved by the Superintendent or his/her designee, shall be conspicuously posted on school property at all regular entrances, and any other access points to school grounds, advising individuals that searches may be conducted.

### **Training of school administrators and other designated school officials (collectively “school officials”)**

School administrators are directed to ensure compliance with S.C. Code Ann. § 59-63-1150. Before conducting searches, school officials must receive training in the “reasonableness standard” under existing case law and in District procedures regarding searches. The Chief Support Services Officer or his/her designee is authorized and directed to establish procedures to be followed in conducting searches. The District further directs building administrators to ensure that notice is posted in compliance with S.C. Code Ann. § 59-63-1160 advising that any person entering the premises of any school will be deemed to have consented to a reasonable search of his/her person and effects.

### **Searches of a person, a person's personal belongings, or school property**

Accordingly, school officials are authorized to conduct reasonable searches and seizures on District property or during District-sponsored activities and events in accordance with this policy and applicable federal and S.C. law. In conducting a search, school officials shall ensure that legitimate privacy interests and expectations are respected consistent with the need of the District to maintain a safe environment conducive to education. The District's express intention for this policy is to enhance security in the schools and to prevent students and other persons on school grounds and at school activities from violating a District policy, school rule, federal law, or S.C. law (policy, rule, or law).

If a properly conducted search yields evidence that a policy, rule, or law has been violated, appropriate disciplinary action will be taken, and in cases where the evidence suggests a violation of law, law enforcement will be notified. Any contraband items or evidence of a violation of a policy, rule, or law may be retained by school officials and/or turned over to an appropriate law enforcement agency, as required by law.

Searches must comply fully with the “reasonableness standard” set forth in *New Jersey v. T.L.O.*, 469 U.S. 325 (1985). This reasonableness standard recognized that balancing the privacy interests of students with the substantial need of teachers and administrators to maintain order in the schools does not require that searches be based on probable cause to believe that the subject of the search has violated or is violating the law. Rather, the appropriateness of a search depends on the reasonableness, under all the circumstances, of the search. Determining the reasonableness of any search will involve a two-fold inquiry. First, a school official must determine that the search is justified at its inception and second, that the scope and conduct of the search is reasonably related to the circumstances justifying the search at its inception. In other words, searches hereunder must be determined to: (1) have reasonable grounds for suspecting that the search will disclose evidence the student or other person has violated or is violating either a policy, rule, or law and (2) be limited in scope and conduct to the extent that the measures utilized to carry out the search are reasonably related to the objectives of the search and not excessively intrusive in light of the age and sex of the person searched and the nature of the suspected infraction of a policy, rule, or law.

**Strip searches prohibited**

The District prohibits District employees and volunteers from conducting a strip search.

**Reasonable suspicion for conducting a search**

For reasonable suspicion to exist, a school official conducting a search must be able to articulate why, based on all the circumstances, he/she objectively and reasonably suspects the search of the person or personal property is likely to yield evidence of a violation of a policy, rule, or law. In formulating a reasonable suspicion, a school official may rely on information he/she considers reliable, including reports from students, as well as the school official's own observations, knowledge and experience; however, a mere hunch or guess that a search will uncover evidence of a violation of a policy, rule, or law is insufficient to justify a search.

A search must be carried out in such a manner that it targets the object of the search or the suspected evidence of a violation of a policy, rule, or law. The proper scope of the search is a case-by-case determination and is generally limited to the places in which it is reasonably suspected that the object of the search may be found. A search may be as extensive as is reasonably required to locate the object of the search and may extend to all areas, containers and personal effects in which the object of the search may be found. In addition, when determining the reasonableness of the scope and manner of a search, the school official must take into account the age, sex, and special circumstances of the person being searched and the object of the search, as well as the nature of the suspected infraction. Should the school official determine that a pat-down search is necessary, the school official must escort the person to a private area where the pat-down search may be conducted by a person who is the same sex as the person being searched. A witness must be present during such searches. If a student refuses to comply, the student should be escorted to the office and discipline procedures may be initiated, and/or, if warranted, the police should be contacted. If another individual refuses to comply, the police may be called.

The District provides lockers, desks, and other such school property to students for their use. As authorized by S.C. law and because the District retains ownership of such property, school officials may conduct searches of such property, including random and unannounced searches, with or without reasonable suspicion, when such search is determined by a school official to be otherwise reasonable in light of the needs of the school. However, objects belonging to students contained in such school property will not be opened or searched except as provided in the section above. Students will be notified expressly in writing in the *Parent-Student Handbook* that such school property may be searched at any time. In conducting searches of school property, student property will be respected and not damaged.

**Searches of vehicles on school property**

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

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

The interiors of student vehicles, including such things as trunks, glove compartments, and personal belongings within a vehicle may be searched whenever a school official has reason to believe a student is violating a policy, rule, or law, as described in the "reasonableness standard" set forth in the section above. When a school official needs to gain access to the interior of a vehicle parked on school premises for purposes of conducting a search in compliance with the "reasonableness standard," he/she will first ask the student to provide access. If a student refuses to provide the school official with access to the



interior of the vehicle, he/she may be subject to disciplinary action including loss of all parking privileges and the possible towing of the vehicle at the student's expense.

### **Use of trained dogs**

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

- Only trained and proven reliable dogs may be utilized on school grounds.
- Dogs will be under the control, direction and supervision of a trained dog handler and will be on a leash or subject to appropriate restraint at all times.
- Dogs will only be utilized when determined to be reasonable under all the circumstances by the school official.
- In all circumstances, school officials will make reasonable efforts to minimize the exposure of students to dogs. Dogs will not sniff near an individual unless determined to be reasonable in all respects under the section above; however, actual physical contact between dogs and individuals must be avoided.

Should a dog alert its handler to the presence of any contraband, school officials may conduct a search in accordance with the procedures set forth above.

### **Searches involving metal detectors**

Searches involving the use of metal detectors will be conducted in accordance with the procedures established by the Chief Support Services Officer or his/her designee.

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

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

### **Interrogations by law enforcement**

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

## **Custody or arrest**

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

## **Contacting law enforcement**

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

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

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

See, also: "Metal Detectors."

### *Legal references.*

#### *Federal.*

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

*U.S. Constitution, Fourth Amendment.*

#### *State.*

*S.C. Constitution, Article 1, Section 10.*

*S.C. Code § 59-5-65 – Minimum standards for student conduct, attendance, and scholastic achievement.*

*S.C. Code § 59-24-60 – Requires administrators to contact law enforcement.*

*S.C. Code § 59-63-1110 et seq – Searches of persons and effects on school property.*

*S.C. Code § 20-7-7205 – Requires law enforcement to notify the principal for certain offenses; confidentiality of information.*

*Adopted: 7-1-03. Revised: 7-1-04; 6-15-05; 6-19-06; 10-22-08.*

## **Metal Detectors**

The District authorizes the use of metal detectors in order to enhance security in an attempt to prevent students and/or other individuals from bringing weapons or other dangerous objects into the school, on school property, or to school functions. Metal detectors may be used in places such as, but not limited to, entrances to the buildings, classrooms, auditoriums, and gymnasiums, or as individuals enter and exit District or S.C. school buses. They may also be used at activities hosted by the District, such as, but not limited to, football or basketball games.

At the beginning of each school year or as new students enroll, students and their parents shall be notified that searches involving the use of metal detectors may take place and that written procedures for the search process are available upon request.

Students must submit to a screening and/or search conducted in accordance with District policy and/or with written procedures. Students who fail to cooperate may be subject to discipline for insubordination. Students or other individuals who may be unable to be screened with a walk-through metal detector because of a medical condition shall so notify the supervisor or his/her designee at the screening site. Those students or other individuals will be escorted elsewhere where an alternative method of search may be conducted pursuant to District policy and procedures.

Handheld scanning devices should be used only by a member of the same sex as the student or other individual being scanned.

See, also: "Searches, Student Interrogations, and Arrests."

*Revised: 6-15-05; 10-22-08.*

## Religious Activities

The District understands and respects the diversity of religious views represented among the people of S.C. and the U.S. and is committed to maintaining an educational environment in which children of all religious faiths are welcome and are treated with dignity and respect. Constitutional guarantees regarding the establishment of religion safeguard the rights of parents to direct the religious instruction of their children. Schools must maintain neutrality towards religion. They must neither advance nor inhibit religion, and they must not foster any excessive governmental entanglement with religion. America is built upon the belief in freedom of religion for all citizens, and those who represent the State must not be viewed as establishing religion for students while in the course of their duties for the District.

The District also recognizes that the U.S. Constitution does not prohibit, in fact it protects, private religious expression by individual students. Schools may not promote a particular religion or doctrine or coerce religious participation, but neither may they deny students the same right to religious expression that they provide for comparable activities.

The information below is intended to assist personnel in making informed decisions so that the rights of parents and students are protected.

1. A student may voluntarily pray at any time as long as the school maintains neutrality towards the action and the prayer does not create a disruption.
2. Students may voluntarily pray at events such as "See You at the Pole" gatherings as long as the school maintains neutrality towards the event and the event does not create a disruption.
3. Students may voluntarily pray at meetings of a school religious club as long as the club is initiated by students and authorized by the principal. Students have the right to form a religious club on the same terms and conditions as other non-curriculum-related student groups. Thus, they would have access to school advertising, announcements, publications, and events, such as club fairs, if other groups have such access. They may also meet under the same conditions as other non-curriculum-related student clubs are permitted to meet. The faculty sponsor of a school religious club should maintain neutrality towards the activities of the club.
4. Since the District opens its facilities for use by community groups after school hours, religious groups must be allowed access on an equal basis. The community group is free to pray at its meetings.
5. Prayer over the public address system before athletic contests is not allowable. It is acceptable (1) to have a minute of silence or (2) to read a statement advocating good sportsmanship, physical well-being, fair play, clean competition, doing one's best, teamwork, or other expressions of non-religious virtues.

6. School officials may not mandate or organize prayer at graduation. In addition, District staff members must not organize religious baccalaureate ceremonies, and they must not encourage or discourage participation in such events.
7. Programs presented by and/or to students must be planned and presented so that the content, instrumental selections, and/or choral selections (including recordings), if any, do not promote a particular religion or doctrine. If there is religious content, it must be related to instructional objectives, and it must reflect the diversity of America's culture. Participation by students in such programs must not be coerced. Program planning must give consideration to the ages of the students.
8. The minute of mandatory silence required by S.C. law to occur each school day is intended to enhance discipline and instill calmness. School personnel may neither encourage nor discourage students from praying during the minute of silence.
9. During non-instructional times, students may make available religious literature on the same terms as they are permitted to make available non-religious literature. However, school officials must make it clear that the school is not endorsing the religious materials or their distribution and that no one is pressured to take the literature.
10. Students have the right to select the content of and express their viewpoint in class assignments, show-and-tell, art projects, oratorical competitions, message-bearing clothing, etc., as long as it is not disruptive, it is not a violation of District policy, and it is consistent with the instruction and assignment provided by the teacher.
11. Students may be taught off-campus for released-time religious instruction during the school day in accordance with school district policy.

### **Teacher and administrator training**

The S.C. Religion and Public Schools Act provides that "each school district during annual in-service training shall provide a program of instruction for teachers and administrators in the essentials of constitutional protections and prohibitions as they relate to religion and public school operations. Subjects shall include, but are not limited to:

1. student prayers,
2. graduation prayers and baccalaureates,
3. participation in or encouragement of religious activity by school officials,
4. religion in school curriculum,
5. religious content in student assignments,
6. distribution and use of religious literature,
7. student participation in religious events before and after school,
8. religious persuasion versus religious harassment,
9. religious holidays,
10. permitted absences from objectionable lessons in religion,
11. released time for religious instruction,
12. teaching values,
13. religious attire,
14. Federal Equal Access Act,
15. Federal Religious Freedom Act,
16. S.C. Religious Freedom Act,
17. other statutory and constitutional provisions regarding the establishment of religion and free exercise thereof, as they relate to a public school context,
18. instruction on how to access legal advice concerning the establishment of religion and free exercise thereof in a public school context, and
19. instruction on how to access the S.C. Department of Education's guidelines on religion and the public schools on the department's website.

The act provides that once a teacher or administrator has completed the above program of instruction, it is not necessary that he/she participate in the same program of instruction on an annual basis. However, such teachers and administrators who have completed the program of instruction shall annually participate in instruction regarding updates and new developments in the subject matter.

*Legal references.*

*Federal.*

*U.S. Constitution, First Amendment.*

*State.*

*S.C. Code § 59-17-140 – Religion and Public Schools Act; teacher and administrator instruction.*

*Revised: 7-1-03; 7-1-04; 6-19-06.*

## **Released-Time Religious Instruction**

The released-time program has been established to allow middle school and high school students an opportunity to participate in religious instruction off the school grounds in order to accommodate the wishes of District parents and community organizations. The District assumes no responsibility for any aspect of a student's participation in the religious instruction program.

A principal may permit the release of students during school hours for attendance at religious classes taught by non-District teachers on private property by sponsoring organizations according to the procedures indicated below.

### **School and students**

1. Students may be excused for religious instruction only upon the principal's approval of a written request from a parent or guardian on the "Released-Time Permission Form," which is available from the Office of Support Services.
2. Students may not be released from a core academic subject class to attend a religious instruction class. While in attendance in a religious instruction class, a student is not considered to be absent from school. It is the responsibility of a participating student to make up any missed schoolwork.
3. No District funds, equipment, and/or supplies will be used to promote or support religious instruction.
4. District faculty and staff may not encourage or discourage program participation. In addition, during the hours of their employment, District staff may not participate in or provide services to a released-time program.

### **Religious instruction**

1. The religious instruction must be under the sponsorship of a religious organization.
2. The religious organization must secure written approval from the Chief Support Services Officer prior to the beginning of religious instruction.
3. In order for the District to accommodate the requests of parents and yet have appropriate information from the religious organization to ensure appropriate record keeping, operation of the released-time program, including necessary attendance information, a written application must be submitted by the religious organization to the District annually and must include:
  - a. Name of religious organization;
  - b. Location and address of the program;
  - c. Names of schools from which students will be drawn;
  - d. Requested grade levels for religious instruction;
  - e. Starting and ending dates for the program;
  - f. Vacation dates;

- g. Statement assuring that the religious organization will state on any correspondence that the program is sponsored by the religious organization and not by the District;
  - h. Statement assuring that the religious organization will assume the full financial responsibility for all aspects of the program, including transportation;
  - i. Statement assuring that the religious organization is solely responsible for the supervision and security of students from the time of release from District schools to the time of return to District schools;
  - j. Statement that the religious organization will provide proof of liability insurance coverage to include supervision, safety, and transportation of students to and from the program, including all times students are not on school property, and that the religious organization will indemnify and hold harmless the District, its agents and employees from any and all liability arising from any aspect of the operation of the program; and
  - k. Name, phone number, and signature of contact person.
4. The District reserves the right to reject applications received by the Chief Support Services Officer less than four weeks prior to the requested starting date.
  5. Once an application is approved by the District, students must register for the course on forms and supplies furnished by the religious organization, and a copy of the registration must be filed in the appropriate school office.
  6. Because District schools have a legitimate interest in knowing where their students are during school hours, the religious organization must transmit accurate attendance reports to the District school every two school weeks.
  7. No individual connected with any religious organization will be permitted to promote student participation by directly contacting students on school grounds.
  8. No released time classes for religious instruction may be held on any school property.
  9. The District reserves the right to deny approval for any applications which are not consistent with the requirements outlined in this policy. The District further reserves the right to withdraw approval for any program which fails to operate consistently with the requirements outlined in this policy or who fail to pick students up from District schools or return them to District schools in a timely fashion.

*Legal references.*

*Federal.*

*U.S. Constitution, First Amendment.*

*State.*

*S.C. Constitution, Article 1, Subsection 2.*

*S.C. Code § 20-7-100 – Rights and duties of parents in regard to their minor children.*

*S.C. Code § 59-19-10 – School districts shall be under management of boards of trustees.*

*S.C. Code § 59-19-90 – General powers and duties of school trustees.*

*S.C. Code § 59-39-112 – South Carolina Released Time Credit Act.*

*Revised: 7-1-02.*

## **Student Wellness**

The District believes that a student's health impacts his/her school attendance, readiness to learn, potential learning, and achievement. It also believes in a model of healthful eating and the provision of physical activities so that all students will have nutritious food in school and develop the habit of making nutritious food choices and engage in regular physical activity. Therefore, the District's goal is to provide a sound, comprehensive wellness program of nutrition education, physical activity, and other school-based activities that are designed to promote student wellness. The program includes the following:

1. Teaching, encouraging, and supporting healthy eating by students by providing instruction in nutrition and modeling healthy eating (the schools will provide nutrition education based on the S.C. standards);

2. Providing students with the recommended amount of daily physical activity as required by law and encouraging students to fully embrace regular physical activity as a personal behavior because students need opportunities for physical activity beyond physical education classes so they may understand the short-term and long-term benefits of a physically active and healthy lifestyle (the principal of each school is responsible for ensuring compliance at his/her school);
3. Supporting parents' efforts to provide a healthy diet and daily physical activity for their children (the schools will provide a monthly calendar of school meals);
4. Disseminating nutrition guidelines, approved by the Superintendent or his/her designee, for all foods available on each school campus during the school day with the objectives of promoting student health and reducing childhood obesity (the goal is to encourage healthy lifelong eating habits by providing foods that are high in nutrients, low in fat and added sugars, and of moderate portion size);
5. Establishing a plan for measuring implementation of the student wellness policy, which is the responsibility of the Chief Officer for Support Services or his/her designee;
6. Complying with the nutritional part of the wellness policy and the District's nutrition guidelines, which is the responsibility of the principal of each school; and
7. Complying with applicable federal and state laws and regulations.

In addition, a committee composed of District employees and community members shall be involved in the development and review of the District's wellness policy and the guidelines established by the District for its implementation. The committee shall consist of, but not be limited to, members of the following groups: parents, students, the Board, school administrators, school food service authorities, and other members of the community.

The Wellness Committee will review the policy annually to measure implementation and evaluation of policy recommendations.

See, also: "Physical Education, Physical Activity, and Recess in Elementary Schools"; "Vending Machines and Competitive Food Sales"; and "Food Services."

*Legal references.*

*Federal.*

*The Child Nutrition and WIC Reauthorization Act of 2004 (42 U.S.C).*

*P.L. 103-448: Healthy Meals for Healthy Americans Act of 1994.*

*Richard B Russell National School Lunch Act (42 U.S.C. 1758(f)(1), 1766(a)O).*

*State.*

*S.C. Code § 59-10-10, et seq. – Physical Education, School Health Services, and Nutritional Standards.*

*S.C. Board of Education Regulation R 43-168 – Nutrition Standards for Elementary Schools (K-5) School Food Service Meals and Competitive Foods.*

*Adopted: 8-25-06. Revised: 7-1-07; 7-1-08; 7-1-09; 8-8-12.*