

BOARD AGENDA ITEM

May 13, 2014

SUBJECT:

Annual Revisions to the Code of Student Conduct – First Reading

BACKGROUND:

The Code of Student Conduct was first promulgated by the Board of Education in 1971. Extensive revisions were approved by the Board in 1981, 1985, and again in 1993. Since then, ongoing amendments are made annually, as necessary. Recommendations for revisions to the Code of Student Conduct for 2014-2015 have been solicited from administrators, principals, legal counsel, and other departments.

ADMINISTRATIVE CONSIDERATION:

There are the usual date changes for the 2014-2015 revisions. Other highlights include an emphasis (by bold typeface) of the discretion vested in elementary principals for disciplining very young students; changes on page (3) concerning privacy expectations on certain video images; some changes on page (4) necessary for the BYOD pilot project in certain schools; some re-ordering and additions to the secondary (*suspension level*) offenses on pages (8) and (9); rewording of the Section (B) paragraph of disciplining disabled students (on page 14); and a change on Section X (B) regarding bus emergency calls.

RECOMMENDATION:

Approve on first reading the proposed changes in the Code of Student Conduct 2014-2015.

ATTACHMENT:

1. Copy of all changed pages of the Code of Student Conduct

PREPARED BY

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IMPORTANT: PARENTS AND STUDENTS SHOULD READ THIS DOCUMENT CAREFULLY AND PROVIDE THE REQUIRED SIGNATURES ON PAGE 29. PLEASE TEAR OUT PAGE 29 AND RETURN IT TO THE SCHOOL. **ATTENTION IS CALLED TO THE FACT THAT CERTAIN VIOLATIONS SUCH AS WEAPONS, ALCOHOL, DRUGS, VIOLENCE, ARSON, MAJOR DISRUPTIONS, AND SEXUAL MISCONDUCT MAY LEAD TO EXPULSION OR EVEN PERMANENT EXPULSION FROM SCHOOL FOR THE FIRST OFFENSE.**

2014 – 2015

THE CONSOLIDATED SCHOOL DISTRICT OF AIKEN COUNTY

CODE OF STUDENT CONDUCT FOR GRADES PRE-K TO 12

The policies set forth in the following Code as adopted by the Aiken County Board of Education apply to all students of The Consolidated School District of Aiken County. (**Elementary Principals have broad discretion in the application of this Code due to the early developmental nature of many of their students.**) This Code applies to summer school students, students in the adult education program, and students who have an Individual Education Plan (IEP) or 504 Plan.

INTRODUCTORY MATTERS

- I. **Philosophy:** The Aiken County Board of Education believes that citizens desire the best possible education for their children. A positive learning environment is safe, drug free, and without disruption. Good student conduct is essential to the achievement of the school's goals and objectives. The Code of Student Conduct establishes guidelines for students, parents, teachers, and administrators to maintain an appropriate school environment.

Disciplinary action is best resolved among teacher, child, and parent in a calm, reasonable manner. However, serious violations of the Code must be handled quickly and effectively by the Administration. The objective of disciplinary action is to encourage good choices and acceptable behavior by the students with every reasonable effort being made to keep students within the school's influence and to offer strategies for changing behaviors. To insure the welfare of the greatest number of students requires the dismissal of any students who fail to observe the required standards. Although this Code of Student Conduct requires an initial recommendation of expulsion for any offense listed in Section VI (A-G), the Hearing Tribunal, as well as the Board, reserves discretion to consider the merits of each case presented – in particular with regard to extenuating, mitigating, or aggravating circumstances. Whenever alternatives to expulsion are under consideration, such matters including (but not limited to) prior conduct [disciplinary record], academic achievement, citizenship, and contributions to the regular and extra-curricular school programs by the student may be considered. Deferential treatment for the purpose of maintaining athletic or extra-curricular eligibility is not allowed.

- II. **Legal Authority for Discipline in South Carolina:** The regulation of student conduct and discipline in South Carolina schools is derived from the Code of Laws of South Carolina, 1976, as amended; from Regulations of the South Carolina State Department of Education; and by specific precedent and opinion. (For a more detailed reference to legal authority see Appendix (A).)

III. **General provisions:**

- A. Notice of Regulations and Distribution: Copies of the Code of Student Conduct are distributed to all students at the beginning of the school year and to those entering after the beginning of the school year. Signed acknowledgments are required. This Code of Student Conduct is a part of District Policy and is updated yearly pursuant to Policy JICDA. Policies may also be found online at the Aiken County Public Schools website (www.aiken.k12.sc.us).
- B. Overview of the Appeal Process:
Appeals beyond the school principal's authority will be handled by the appropriate school level Academic Officer and/or the Tribunal.
- 1) On matters for which punishment is less than a one-day suspension, the decision of the building principal will be final.
 - 2) Suspensions of up to five days (whether in or out of school) may be appealed to the appropriate school level Academic Officer, or his designee, as the Board's designated hearing officer, whose decision will be final (unless referred by the Academic Officer directly to the Tribunal for consideration). Appeals of disciplinary decisions involving punishment greater than five days' suspension (whether in or out of school) [except as provided in Paragraph (4)] will be heard by the Tribunal, as the Board's designated hearing committee. To appeal any decision falling within these categories, written notice of appeal must be made to the appropriate Academic Officer (or other individual designated in writing) within ten (10) school days of the date of the written notification to the parent or guardian of the principal's action. **WITH THE EXCEPTION OF EXPULSION-LEVEL OFFENSES, ALL DECISIONS ON DISCIPLINARY MATTERS AS DESCRIBED ABOVE WILL BE FINAL.**
 - 3) To appeal a Tribunal's decision concerning an expulsion recommendation, or other decision where the principal's initial recommendation was for expulsion, a written appeal for a hearing by the Board of Education must be made to the District Superintendent within ten (10) school days after the date of the written notice to the student's parents or guardians stating the Tribunal's decision. **(Note: Any summer school or adult education appeal will be directly to the Board of Education.)**
 - 4) Expulsion level infractions involving serious verbal abuse, threat of death or serious bodily injury, and/or physical assault or violence directed toward a teacher or staff member, or staff member's family [see, specifically Item VI (D) insofar as it applies to employees and the families of employees] shall be appealed directly to and heard by the Aiken County Board of Education exclusively, time parameters for due process requirements permitting.
- C. Jurisdiction of Student Conduct: The provisions of this Code of Student Conduct apply to all school sponsored activities and are likewise fully applicable when students are off campus on field trips; engaged in, or attending, athletic events and other school related activities; while at, or in the immediate vicinity of, school bus stops and while utilizing school bus transportation for any purpose; and otherwise coming to or going home from school. **[See also, item VII(A)(8) and item VIII related to off-campus conduct.]**

- D. School Searches and Retention of Control Over School Property: South Carolina statutes provide that any person entering any school premises in this state is deemed to have consented to a reasonable search of his person or effects. (Strip searches by school administrators or officials are prohibited.)

In order to help provide for the safety of the school population and to prevent weapons, illegal substances, and other contraband items from being brought upon school premises, notice is given that occasional school-wide or random, large scale searches of student areas may be conducted. Such searches may include the use of sniffer dogs around lockers or other school spaces utilized by students including automobiles parked on school premises, or on public right of ways immediately adjacent to school premises and ordinarily utilized for student parking when the school is in session. State law authorizes personal belongings such as purses, bookbags, wallets, and satchels reasonably to be searched by administrators or their designees. The Administration may use electronic detection devices as an aid for finding possible weapons on school premises and/or preventing the same from being brought. The administration, or its designee, may conduct a review of data or images displayed or stored in any cell phone or other personal electronic device being used by a student in violation of this code or the cell phone policy JICJ. Any searches conducted pursuant to these provisions will be implemented in a non-discriminatory manner. There is no expectation of privacy regarding live or recorded video images recorded by equipment in the commons areas of any school building or grounds or upon any school bus.

Any lockers, storage or parking areas, or similar spaces on school premises assigned to, or regularly used by, individual students remain the property of the School District in all respects. Such use by, or availability to, students is a privilege and the schools reserve a right of control and access to such spaces. School commons areas, including but not limited to hallways, cafeterias, and outside grounds and parking areas are subject to video or photographic surveillance for security purposes.

- E. Confiscation of Weapons and/or Other Illegal, Dangerous, or Unauthorized Items or Devices:

Any weapon or contraband item found on a student, or on property under the possession or control of the student while on school grounds or at any school sponsored event, will be confiscated immediately from the student by the appropriate administrator, school personnel, or adult in charge. Thereafter, if required by law to be turned over to law enforcement authorities, such weapon or contraband item will be surrendered to law enforcement officials. Some weapons (including all handguns) are mandated by law to be forfeited upon such confiscation and surrender to law enforcement personnel. Any item reasonably considered a weapon or dangerous instrumentality by school administration and confiscated, if not required by law to be surrendered to law enforcement personnel, may be held in the discretion of the school administration (with the exception of cell phones) until the end of the then existing school term and turned over to the student's parent after written request. Other unauthorized devices found in use by a student during instructional time or otherwise displayed or utilized in a distracting manner may be taken up by a teacher or administrator to be turned over to the student's parent or legal guardian. (The schools cannot be responsible for lost or

stolen personal items brought to school by students.)

- F. Possession/Use of Paging Devices and Cell Phones: South Carolina law and School District policy define a *paging device* as “a telecommunications device that emits an audible signal, vibrates, displays a message, or otherwise summons or delivers a communication to the possessor”. This definition includes cell phones. The law provides that each school district shall have a policy which addresses possession of such devices by any student.

The policy of this District, as set forth in Policy JICJ, and/or amended in this Code may be summarized as follows:

- 1) Cell phones, pagers, or other communication devices must be kept in a student’s vehicle, locker, or other designated space during the school day. Such devices are not to be in the possession of any student during the instructional day except for storage as set forth above. [Note: Students attending a school piloting a BYOD project are waived from the possession-on-their-person prohibition otherwise set forth in policy JICJ and this Code, but use as a phone or unauthorized camera remains strictly prohibited, as for all students.] Devices described in this policy shall not be in the personal possession of students and shall not be activated, used, or displayed by students while in school buildings or on school grounds during “school day hours” and while attending school-day activities, whether on or off school property. Such devices will not be activated during school bus rides to and from school unless specifically authorized by the driver for special circumstances.
- 2) Cell phones and pagers are permitted at athletic contests or other events occurring during non-school hours.
- 3) Other personal electronic devices which have wireless or cellular interface capability to the internet and/or which have the capability of capturing, storing, or transferring text, numeric, or visual images (including digital or conventional cameras) are not allowed on school grounds during the school day [as outlined in Item (1) above] unless by prior permission of a teacher or administrator.

A student needing a cell phone, pager or any device may be exempted from the prohibitions of the policy for documented medical needs, physical or academic accommodations, or other legitimate reasons as approved in writing by the school.

Violations during the instructional day are described as: possession of any such device and/or any intentional manipulation or **use of the device** by a student. Discipline for a first offense will be one day of in-school suspension; for a second offense will be three days in-school suspension; for a third offense will be out of school suspension and loss of privilege to have such device on school grounds; and for a fourth offense will be expulsion. Any violations involving other violations of the Code of Conduct may result in more severe consequences. **[Note: Violation involving possession and/or utilization of such device in a restroom, even on first offense, will be subject to loss of privileges for the remainder of the year and at least a three-day suspension as provided in District Policy.]** Phones confiscated for violations of policy must be made

available to parent(s) as soon as the device is no longer required as evidence.

- G. Non-Students on Grounds: The principal is empowered to take appropriate action against non-students who enter any school building or grounds without permission. Such action includes the right to request assistance from law enforcement authorities to remove such persons and if necessary to swear out arrest warrants (in consultation with the appropriate school level Academic Officer).
- H. Referral to School District Approved Counseling Programs: At the discretion of the Tribunal or the Board of Education, a student may be referred to an approved counseling program in addition to, or as an alternative to, other disciplinary action. The student must complete such program successfully and provide documentation to the principal.

IV. ***Student Conduct Requirements***: While under school jurisdiction, students are required to conduct themselves at all times in a manner that is in the best interest of the school and community. It is expected that students will:

- A. Conform to reasonable standards of speech, conduct, and dress and refrain from vulgar, obscene, and disrespectful conduct directed toward staff and other students.
- B. Refrain from violating or impairing the rights of others, including physical abuse, sexual harassment, hazing, and conduct considered "bullying" as defined in state law and prohibited under School District policy.
- C. Avoid conduct that deprives other students of an orderly atmosphere for learning.
- D. Refrain from knowingly possessing, handling, or transmitting any object that can reasonably be considered a weapon.
- E. Refrain from the use, transmission, or possession of alcoholic beverages, hallucinogens, narcotics, chemical inhalant substances, or drugs not prescribed by an appropriately licensed physician or medical professional; nor be on school premises when school is in session or at any school related activity or event after having used or consumed any quantity of the same.
- F. Refrain from the use, transmission, or possession of tobacco products, including matches, lighters, or any incendiary device, on school premises or at any school related activity or event.
- G. Refrain from malicious and willful damage, destruction, or theft of school or private property.
- H. Remain at school, or at other officially designated places, upon coming under the school's jurisdiction, and follow daily schedules as prescribed by school officials.
- I. Comply with the directions of principals, teachers, or other authorized school personnel during any period of time when under the authority of school personnel.
- J. Refrain from any inappropriate physical display of affection while at school, on school property, or at any school related activity or event. Serious violations, including fondling, indecent exposure, and other sexual activity will result in disciplinary action.
- K. Attend school regularly and be on time for all classes and scheduled activities and

comply with all state attendance requirements.

Conduct by a student in any manner which interferes with classwork or involves substantial disorder, or invasion of the rights of others, is a basis for disciplinary action including suspension or expulsion of the student. In addition, certain other violations of the Code may result in suspension or expulsion.

ADMINISTRATIVE ACTION (INVESTIGATION) IN THE DISCIPLINE PROCESS – BASIC DUE PROCESS

- V. **Administrative Actions:** Before disciplining a student, the principal, or the principal's designated administrator, will conduct an investigation, gather the facts, and develop a written report where necessary. The student will be advised of the alleged violation of the Code and the proposed punishment such as restriction of privileges; work assignment (e.g. such picking up paper, washing desk tops, or sweeping floors); detention; in-school suspension; out-of-school suspension; expulsion, and/or referral to Family Court. If the student admits the charges, no further investigation is required. If the student denies the charges, the administrator will explain the evidence known to school authorities and permit the student a reasonable opportunity to state his/her version of the facts. The administrator may conduct further investigation if necessary. The administrator need not call witnesses, either to sustain or oppose the charges, although he/she may do so. Where the conduct of the student requires that he/she be suspended, written notice to the student and to the parent or other person *in loco parentis* must be given stating the nature of the conduct leading to the discipline and the prescribed punishment. *Referrals to consider voluntary participation in Youth Court and/or other interventions in lieu of, or in conjunction with discipline may be recommended.* Parents will be notified at least one day in advance if a student is assigned to detention hall. If a student has been injured, parents or guardians of the student should be notified. **Parents or guardians will be notified expeditiously concerning the arrest or incarceration of a student.**

CATEGORIES OF OFFENSES AND DISCIPLINARY PROCEDURES

[Note: The Board may authorize District Administration to define minimum consequences for any offense described in this Code of Conduct to serve as a guideline for any hearing tribunal, or officer. In the event of the approval of such disciplinary consequences for such guidance, the regulations will be published on the School District's website and available from Academic Officers upon request.]

- VI. **Expulsion Level Offenses:** The following violations are considered disruptive and/or criminal, or are otherwise so serious in nature that **EXPULSION PROCEEDINGS MUST BE INITIATED ON THE FIRST OFFENSE.** Expulsions are for the remainder of the year. Recommendation for permanent expulsion may be made with regard to any incorrigible pupil. **Any student who has been twice previously expelled from the School District and who is recommended for a third expulsion will be deemed incorrigible. Such third expulsion, if upheld, will be a permanent expulsion from the School District.**

The Board deems the bringing and/or possession of a handgun or firearm of any kind upon school premises, on school buses, or at school related events as an act of incorrigibility on a first offense. Accordingly, under ordinary circumstances a student committing such offense will be recommended for permanent expulsion.

The Offenses:

- A. Weapons openly displayed or concealed about the student's person, upon school premises, school athletic field, school buses or at a school related activity. A weapon is defined as a gun; pistol; B.B. gun; pellet gun; or other type of firearm [and/or ammunition for any weapon] (including toys or devices designed to resemble real weapons when brandished or otherwise employed or possessed for purposes of threat, intimidation, or disruption); dirk; knife; dagger; metal knucks; blackjack; incendiary device; mace or other chemical substance or compound intended for the infliction of temporary disability or irritation to the human body or utilized so as to cause injury to another, or any other object or thing usually used, or intended to be used, for the infliction of personal injury. If in the principal's judgment a pocket knife, or other item of general usage which might be considered a weapon, is inadvertently brought to school by the student, the principal may exercise discretion in assigning punishment within the bounds of the Code and state law.
- B. Use, possession, transmission, or attempted sale of narcotics, hallucinogens, marijuana, chemical inhalant substances, or any other illegal or controlled substances, or any material which resembles a drug, or illegal substance, or any drug paraphernalia; or using such illegal or controlled drugs or substances while under the jurisdiction of the school; or being on school premises or attending a school-related event after having used any quantity of such substances. Additionally, the use and/or possession [other than in strict compliance with Medication Policy JLCD], transmission, or attempted sale of over-the-counter drugs and medications and/or medically prescribed drugs or medications, will ordinarily be an expulsion level offense. For authorized administration of prescription or other medication, please refer to Policy JLCD.
- C. Possession or consumption of alcoholic drinks on school grounds and/or being under the influence of alcoholic drink while on school grounds or under the jurisdiction of the school; or being on school premises or attending a school-related event after having consumed any quantity thereof.
- D. Physical assault, battery, or abuse of, or threat of death or serious bodily injury to, a school employee or the employee's immediate family (whether occurring on or off school premises), or of another student.
- E. Arson and/or serious damage or vandalism to school property or property of others, including illegal entry/criminal trespass upon school facilities in connection with such activity, and serious damage to, destruction of, or unauthorized changes to computer programs or software systems.
- F. Any activity which creates or has the potential of creating a major disruption of the school's program including, but not limited to, intentionally pulling false fire alarms, bomb threats and serious fights.
- G. Conduct involving sexual activity, sexual assault, or any sex violations including indecent exposure and offenses against common decency.

The above actions may also be criminal offenses and law enforcement agencies will be involved, where appropriate.

Anonymity and confidentiality will be provided to students who provide information about the existence of weapons in schools.

- VII. **Lower Level Offenses:** The following violations are considered disorderly and disruptive, and are in some instances criminal in nature. **These violations usually result in disciplinary action of a suspension but may include expulsion in certain instances.** If criminal in nature the violations will be reported to law enforcement personnel.

A. The Offenses (Specified):

- 1) Leaving a classroom, school building, or school premises without approval or permission from school authorities.
- 2) Failing to attend classes or assigned activities.
- 3) Being repeatedly tardy to assigned classes and activities.
- 4) Being absent from school without the parent's knowledge.
- 5) Bringing fireworks on school grounds, possession of fireworks, or causing them to explode.
- 6) Stealing school, staff, or student property; ~~including theft from school buildings or grounds during non-school hours.~~ (Students shall return all property stolen by them or pay the purchase price or replacement cost, as appropriate, to the owner before returning to school. In incidents where appropriate, law enforcement agencies will be involved.)
- 7) Vandalizing or damaging school buildings, property, or equipment; staff property (whether on school premises or off school premises); or property of another student while on school grounds. (Students shall pay for all damage done to buildings, equipment or other property of the school, staff, or other students before returning to school.)
- 8) Blackmailing, threatening, committing simple assault or battery, molesting ~~(including gang-related activities and/or the wearing of certain items of clothing or use of signs or signals known to be gang-related in the community),~~ or intimidating a school employee or the employee's immediate family (whether occurring on or off school premises), or other students specifically including hazing as defined by S.C. law and any conduct which constitutes "bullying" as defined and provided for under South Carolina law and District policy as set forth in District policy [see Appendix (C) to this Code for a full copy of the "Bullying Policy"].

Students and Parents should be aware that the district may take disciplinary actions for conduct initiated and/or created off-campus involving the inappropriate use of the Internet or web-based resources if such conduct poses a threat or substantially interferes with or disrupts the work and discipline of the schools, including discipline for student harassment and bullying either under this provision or under subsection (21) hereof. [Appendix (A), item (E).]

- 9) Using language and/or gestures, directed at or to any school employee or student, which are determined to be disrespectful, offensive, abusive, obscene, or profane.
- 10) Demonstrating dishonesty in any form including, but not limited to, cheating, forging signatures, and plagiarism. Making false reports or accusations about other students or staff members is included in this offense and, depending upon the circumstances, may lead to an expulsion recommendation on a first offense. Cheating may involve disciplinary as well as academic consequences.
- 11) Possessing, distributing, or selling materials unauthorized by the principal, including possessing or displaying gang-related symbols or clothing.
- 12) Gambling on school grounds or in the school building.
- 13) ~~Forging of a signature.~~ [Moved to (10)] Gang-related activity, including but not limited to, intimidation, threats, bullying, harassment, molestation, fighting or aiding and abetting fights, assaults, or molestation, and/or wearing items of clothing or use or display of signs or signals known to be gang related in the community.
- 14) Refusing to obey any reasonable instruction or direction of a teacher, administrator, or other authorized school personnel including, but not limited to, correction of non-compliance with published dress or appearance requirements and wearing items and/or articles of clothing with symbols which have been identified as being gang-related.
- 15) Possessing or displaying pornographic or obscene materials, or inappropriate materials of a sexually explicit nature.
- 16) Repeating minor violations, disruptive behavior, or disturbances of the school program.
- 17) Entering the building or grounds illegally, or entering a defined off-limits area or other non-student area of the premises.
- 18) Fighting and/or provoking a fight (the initiating party or parties and others actively participating.)
- 19) Using any type of tobacco or nicotine-containing products (including e-cigarettes) products at school or possessing any item which would indicate use of or possession of tobacco, including matches or lighters or any incendiary device.
- 20) Misbehaving or (including "horseplay") at school, on school grounds, at school-related events, and on school bus.
- 21) Engaging in sexual harassment of any student, staff member, or visitor, either male or female, on school property or while under the jurisdiction of the school. Sexual harassment may be generally defined as unwelcome sexual advances, requests for sexual favors, and unwelcome written, spoken or physical conduct of a sexual nature. Also, engaging in minor acts of inappropriate consensual conduct of a sexual nature.

- 22) Using a radio, radio headset, I-pod, or similar electronic musical or game device during instructional time or at school-day activities. Activating, using, or displaying a telecommunications device, including mobile phones, cell phones, and pagers, while in school buildings or on school grounds during school hours, or while attending school-day activities, whether on or off school property.
- 23) Violation of the Internet Acceptable Use Policy (Policy IJNDB) or any other policies or procedures relating to the use of computers or other communication devices. **[See appendix (B) for a copy of the policy.]**
- 24) Failure to accept appropriate punishment for any lesser offense.
- 25) Bringing or possessing a laser pointer or similar laser beam device.

Relative to the above list, it is not necessary that the same offense be repeated in order to apply the provisions for a second or third offense. Second and third offenses will be cumulative from any of the violations on this list, or under Section VI. Also, if in the judgment of the school principal the nature of any violation so warrants, expulsion may be recommended. The above actions may also be criminal offenses and law enforcement agencies will be involved, where appropriate.

- B. Offenses Not Specifically Covered--Rectification at Lowest Level: The principals and teachers, at their discretion, may determine appropriate punishment for instances of misconduct not specifically covered in these policies. Teachers or other staff members are encouraged to rectify minor infractions or disorderly types of conduct immediately upon observation or notification and verification of the same. If it is necessary to remove a child from the classroom because of a disruption, this will be done. The child will be placed in an area under supervision. Records should be kept of the infraction and sanctions imposed.
- C. Influencing or Assisting Other Students: Any student, or students, who knowingly and willingly encourage, aid, counsel, advise, assist, or cause any other student or students to violate the provisions of this Code, will be subject to the same penalties as the student, or students, who actually committed the violation.

VIII. **Arrest or Conviction of Crimes - Charges of Extremely Serious Misconduct:**

- A. Students convicted of serious criminal charges, regardless of whether or not the conduct was school-related, may be denied admission or continued attendance to school if school authorities deem such student's attendance to be threatening and/or disruptive to students, staff, and/or the school program, or to pose a danger to the physical or emotional welfare of a student so convicted. (For students identified to receive IDEA services, these provisions are subject to limitations.)
- B. Students against whom allegations of extremely serious misconduct have been brought, or who have been arrested by law enforcement authorities for serious criminal charges, regardless of whether or not the conduct was school-related, may be denied admission or continued attendance to school if school authorities deem such student's attendance to be threatening and/or disruptive to students, staff, and/or the school program, or to pose a danger to the physical or emotional welfare of a student so accused or charged. Such student may request alternative educational services such as homebound instruction until the pending allegations

or charges have been resolved.

- C. No administrative decision to take action under either (A) or (B) above shall be made without giving written notice to the parent or legal guardian advising such parent or legal guardian of the proposed action, the reason for it, and setting a time and place when the administrator shall be available for a conference with the parent or legal guardian within three (3) days of such notice. Any action taken under these provisions [VIII (A) & (B)] of the Student Conduct Code is appealable as set forth in The Disciplinary Procedure under section (IX) below, including the right to appeal to the Board of Education.

DISCIPLINARY PROCEDURES - HEARINGS - APPEALS

- IX. A. **Minor Infractions:** Typical minor disciplinary actions consist of restriction of privileges, work assignments (such as picking up paper, washing desk tops, sweeping floors, etc.), detention, in-school suspension, and out-of-school suspension. It is recognized, however, that situations serious enough to warrant immediate suspension may arise. In such cases, a warning conference prior to suspension is not required.

Corporal punishment is not permitted by the District. Staff members will exercise alternative means of discipline that reflect respect for the dignity of the individual student. However, incidental contact with a student or the use of reasonable force to restrain a student who is fighting with another student, or who is threatening a student or staff member, committing assault against another person, or otherwise displaying aggressive or excessive misbehavior, does not constitute corporal punishment.

- B. **Major Infractions:** For any of the offenses listed in Item VI (A-G), a student will be suspended and recommended for expulsion by the principal. In making such recommendation the principal will include information as to any extenuating, mitigating, or aggravating circumstances. For such expulsion offenses, and for any offenses in which a student is to be suspended from a class or a school, the student's parent or guardian will be notified in writing and informed of the right to discuss the principal's action. This written notice will include the reason for the suspension and/or recommendation for expulsion and will set a time and place when the administrator will be available for a conference with the parent or guardian. Such conference will be set within three (3) school days of the date of the disciplinary action. *After this conference and prior to (or as part of) any due process hearing, the student – with written parental permission – may be offered voluntary participation in Youth Court or other interventions in lieu of, or in conjunction with, the continuation of discipline.*

1) Procedures, Hearings, and Appeals of Suspensions

After the conference, the parents or guardian may appeal a suspension of up to five (5) days to the appropriate school level Academic Officer (unless he/she exercises the option to refer the same directly to the Tribunal) and may appeal a suspension of more than five (5) days to the Tribunal by giving written notice of such intention to the Academic Officer within ten (10) days of the date of receiving written notification of suspension, or after the parent conference (whichever is later). The student is entitled to

remain in school while the appeal of a suspension is pending. WITH EXCEPTION OF VIOLATIONS FOR WHICH THE PRINCIPAL'S INITIAL RECOMMENDATION IS EXPULSION, THE DECISION OF THE ACADEMIC OFFICER OR THE TRIBUNAL, AS SET FORTH ABOVE, IS FINAL. In proceedings involving any sanction less serious than one day's suspension, the principal's decision will be final. The conduct of hearing appeals of suspension offenses shall be the same as those described for expulsion appeals except as to finality of decisions.

If suspension is necessary, it should normally be for no more than three (3) days on the first suspension, no more than five (5) days on the second suspension, and no more than ten (10) days on the third suspension. (If so warranted, in the judgment of the principal, longer suspensions for first offenses of a serious nature may be utilized.) At the discretion of the principal, a student who has been suspended may not be allowed to return to school until a conference has occurred between the principal and parent, or guardian. Following a suspension, other forms of punishment may be in order before another suspension is administered. However, when the total number of suspensions reaches four (4), the student may be considered incorrigible and recommended for expulsion, subject to the procedures set forth below.

A student cannot attend any school-related function within or outside the School District while under suspension. Alternative sanctions may be used by the school administrator such as in-school suspension or Saturday school instead of out-of-school suspension, if such programs are available.

At the principal's discretion, a parent or guardian may come to school for one full day to attend all activities with his/her child in lieu of each day of suspension. (The disciplinary infraction shall still count for purposes of calculating cumulative suspensions even if this option is exercised.) A parent or guardian may be required to come to school and take the student home. In addition to the discipline procedures listed within this code, schools are permitted to impose other restrictions which may impact athletic and/or other extracurricular activities as described in the written school procedures.

2) Procedures, Hearings, and Appeals of Expulsions

A recommendation for expulsion will be confirmed by the school level Academic Officer. The Academic Officer may require a conference with the parent or guardian before confirming a recommendation for expulsion.

A parent or guardian will be advised of the date and time for a hearing before the Tribunal or the Aiken County Board of Education, as provided below. **The student and his/her parent or guardian will attend the appeal hearing before the Tribunal.** Such initial hearing shall take place within fifteen (15) days of the date of the written notification of expulsion, unless waived in writing by the parent or student, either completely or for a later date. (If the parent or guardian refuses to appeal or fails to attend the hearing designated, the expulsion recommendation will be forwarded to the Board of Education for ratification. In any appeal, the Tribunal, after reviewing the student's previous record, and in light of extenuating

circumstances, may consider punishment other than expulsion and impose various conditions.

Written notice of the Tribunal's decision shall be given the parent or guardian. All requests for appeal must be in writing. If no written request for appeal to the Board is made within ten (10) days of the date of the Tribunal's written decision notice to the parent or guardian, the action of the Tribunal will be presented to the Board for ratification. In any expulsion case which is appealed by, or on behalf of, the student to the Board of Education and in which the recommendation for expulsion is upheld by the Board of Education, the parent or guardian has the right to appeal to the courts.

The School Board supplies legal services to school employees who may be required to appear in court as a result of carrying out the policies of the School Board. The Board is not responsible for a Parent's legal expenses.

Expulsion level infractions involving serious verbal abuse, threat of death or serious bodily injury, and/or physical assault or violence directed toward a teacher or staff member, or staff member's family [see, specifically Item VI (D) insofar as it applies to employees and the families of employees] shall be appealed directly to and heard by the Aiken County Board of Education exclusively.

The hearing will be conducted in an informal manner, but full opportunity will be afforded to the student to be heard and to present such relevant matters as he/she may wish. Such hearings will be private and not open to the public, unless a public hearing is requested in writing by the parent or guardian. At any appeal hearing, the parents or legal guardian have the right to legal counsel and to all other regular rights, including the right to question all witnesses. However, the cost of such counsel will not be paid by the School District. The right to appeal the decision to the Board is reserved to either party in cases where the principal's recommendation was expulsion. **The student and his/her parent or guardian will attend the appeal hearing before the Board.** A hearing shall take place at the next Board meeting immediately following receipt of written request to appeal (but in no event more than fifteen (15) days after the decision being appealed) at a time and place designated by the Board, and a decision shall be rendered within ten (10) days of the hearing. The student may be suspended from school and all school activities while the expulsion procedures are pending. An expelled student is not allowed upon any school property (except for appeal procedures, or by prior permission) and may not attend any school related function or athletic event involving Aiken School District students, whether occurring within the School District or at another location.

Any student recommended for expulsion who, as a result of an appeal of such recommendation to the Tribunal or Board of Education, is allowed to return to school on probation will receive a decision letter in which the consequences of the status of *probation* or *strict probation* are set forth. In either case such student will be considered to have violated that probationary status on the occasion of a subsequent suspension or expulsion level offense, or a less than suspension offense if the same

violates the terms of the imposed strict probation. Such violation of probation will result in immediate suspension from school and reinstatement of the expulsion recommendation. An appeal of this action may be made to the Tribunal or Board of Education, whichever imposed the probation.

- 3) Petition for Readmission for School Year Following Expulsion: Any student expelled for the remainder of a school year, except for one who has been permanently expelled, has the right to petition (but not an automatic entitlement) for readmission for the following school year. The parent or legal guardian of any student seeking to be re-enrolled will schedule a conference with the principal of the enrollee's school prior to readmission (assuming the readmission itself is not an issue). The principal may, where he/she deems it necessary and appropriate and after the approval of the appropriate school level Academic Officer, impose certain conditions or restrictions to the student's readmission.

X. *Discipline of Students with Disabilities:*

- A. Disciplinary Process: Students with disabilities are not exempt from school disciplinary procedures, nor are they entitled to remain in a particular educational program when their conduct substantially impairs the education of other students in the program. However, the public schools are required by federal and state law and regulations to meet the individual educational needs of students with disabilities.
- B. Suspensions: A student with disabilities may be suspended, up to ten (10) school days in a school year. ~~No later than the tenth (10th) day of suspension, an IEP (Individual Education Plan) review will be held.~~ If suspension is recommended beyond ten days, an IEP (Individualized Education Plan) meeting must be held. The IEP team must determine if suspension beyond ten days constitutes a change of placement, and if so an MDR must be held.

The principal may remove a student who has committed certain drug or weapons violations for up to forty-five (45) days, as defined by federal law (specifically, if the student carries a weapon to school or to a school function under the jurisdiction of a state or local education agency; if the student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function under the jurisdiction of a state or local education agency, or if the student causes serious bodily injury to another as defined by federal law and regulation).

- C. Expulsions: Expulsion of a disabled student is a change in educational placement and therefore requires an Individual Education Program (IEP) conference. Before a disabled student may be expelled, a manifestation determination meeting must be held to determine whether the school may proceed with normal disciplinary action. If there is a connection or causal relationship between the disabling condition and the misconduct, then expulsion is not permitted under federal law. If there is no connection or causal relationship between the disabling condition and the misconduct, expulsion proceedings will go forward through the normal channels. If the student's expulsion recommendation is upheld by the Tribunal and/ by the Board of Education, a new IEP will be developed to address alternative

educational services and placement. If an IDEA student is expelled for behaviors unrelated to his/her disability, services must continue. If a 504 student is expelled, educational services will cease.

- D. An impartial due process hearing officer is permitted to order a change of placement to an appropriate interim alternative educational setting for not more than forty-five calendar days if the school district believes that maintaining the current placement of a student with a disability is substantially likely to result in injury to the student or to others. School districts may also seek an injunction through the court in an effort to have the student removed. Neither the school district's discipline hearing officer, due process hearing officer, Tribunal, building administrators, nor district office personnel may make the placement determination of the interim alternative education setting, nor may they make a determination of the appropriate amount of special education and related services that the student must receive. The IEP team must make these decisions.

BUS CONDUCT AND STUDENT TRANSPORTATION REGULATIONS

XI. *Regulation and Conduct Generally.* School bus transportation is authorized by state law and primarily regulated by the State Department of Education. It is available only for pupils regularly enrolled in public school in grades Pre-K - 12. Transportation is a privilege rather than a right. The **transportation division of Aiken County Public Schools** manages local aspects of transportation and seeks parent-student cooperation in making this program as safe and efficient as possible.

- A. Eligibility (Who Rides the Bus): According to **state law** the school district **cannot**:
1. Transport any child to or from school who lives within one and one-half miles of the school he/she attends.
 2. Be required to provide transportation services to any student closer than a one-half mile radius of his residence.
 3. Furnish transportation for any child who attends a grade in a school outside the pupil's attendance area when the same grade is taught in an appropriate school located within the attendance area where the child lives.
 4. All other pupils are eligible for bus transportation. State law prevents school bus stops on each route from being closer than two-tenths of a mile apart at safe points and also prohibits anyone other than students, school officials, or law enforcement officers from boarding or otherwise interfering with the operation of the school buses. Anyone doing so is subject to arrest.
- B. Conduct Requirements: Each student shall be subject to transportation laws, rules, and regulations from the time of arriving at the school bus stop until the bus route is complete and the student arrives at his/her destination. Destination is either home or school unless otherwise specified by a principal or the principal's

designee. These requirements shall likewise apply to school bus transportation for any school-sponsored or school-related activity or event.

The County Board of Education authorizes principals to withhold temporarily or permanently a student's bus-riding privilege due to misconduct on the bus or for violating the instructions of the driver. Reviews of such action are as described hereafter.

A bus driver cannot withhold a student's bus-riding privilege; however, he/she can assign seats in an effort to monitor potential misconduct of students. Withholding transportation privileges can only be made by the principal (or his/her designee) of the school the student attends -- or by the principal of a school served by that bus. If the misconduct is of such a nature that the driver cannot finish the trip, he may return to school so that immediate correction may be made, or he may pull over at the first convenient and safe place and stop to telephone either the principal or the bus supervisor for assistance, or dial 911 if circumstances warrant to come for the student. Students should not be left unattended.

Riding any bus when privileges are being withheld may result in indefinite removal of bus privileges.

Bus-related conduct that is so serious as to violate other sections of this Code of Student Conduct will be handled pursuant to those provisions of the Code.

C. General Guidelines for Offenses: Bus students should expect the following disciplinary actions for a:

1. First Offense - A warning to the student and a letter advising the parents of the misconduct. In the judgment of school officials, withholding bus-riding privilege of up to one week may be imposed if warranted by the offense.
2. Second Offense - Withholding of bus-riding privilege for a period of up to one week, depending upon the nature of the offense. In case a student's privilege has been withheld previously, this period may be for up to two weeks. A letter must be sent to the parents.
3. Third Offense - Withholding of the student's bus riding privilege for up to two weeks. A conference must be held with the student, parent, school administrator, and other appropriate school officials before bus privileges are restored.
4. Fourth Offense - Withholding of bus-riding privileges for the remainder of the current school year if uncontrollable conduct persists after three prior offenses. In such cases all circumstances will be thoroughly reviewed by school officials before the disciplinary action is taken. This action may be appealed to the Tribunal whose decision shall be final.

(A first, second or third offense may lead to withholding of bus-riding privileges for the remainder of the current school year if so warranted in the judgment of the principal. Any bus student who is disciplined near the end of the school year may have bus-riding privileges withheld the following school year.)

5. Any of the disciplinary procedures outlined in items one (1) through four (4)

above which result in withholding of privileges may be deemed a "suspension" at the discretion of the student's principal for purposes of applying other provisions of this Code of Student Conduct. However, if such is intended, the parent/guardian of the student shall be so notified in writing and the appeal procedures for suspensions described elsewhere in this Code shall apply.

D. Local Regulations and Expectations: The following constitute conduct rules and expectations of the transportation authorities of this School District:

1. WHILE WAITING TO BOARD A BUS

- a) Students should arrive at the bus stop only minutes ahead of the bus. Students should be on time. The only time the driver may wait will be during inclement weather. Students desiring to board a bus at a stop other than their ordinarily assigned stop must have a parent/guardian's written request, approved by the school principal or his designee.
- b) Students should not place books, clothing, and other articles in the roadway while waiting for the bus.
- c) Students should not play along the side of the road or in the path of traffic while waiting for the bus as the roadway should be clear at all times.
- d) Students should stand well away from the road when the bus approaches. Students should wait on their side of the roadway, and await the signal to cross from the driver or patrol.
- e) Students should not damage property such as flowers, shrubbery, windows, fences, and other items while waiting for a bus.
- f) Students should avoid making excessive noise.
- g) Students are not to fight at bus stops and on the way to and from bus stops.
- h) Students should never run beside the bus when the bus is moving, but should wait until it stops and then walk to the door. **STUDENTS SHOULD NOT PUSH AND SHOVE!**

2. WHILE RIDING THE BUS

- a) Passengers should hold books in their lap and face the front of bus. Band instruments, or other items, carried on a school bus must be of such size that they can be transported in the student's lap. This is necessary to insure that all items are kept under the control of the student at all times in case of an accident or an emergency.
- b) Passengers should be seated immediately and remain seated while the bus is in motion.
- c) Passengers should never extend arms, legs, or head out of bus.
- d) Passengers should refrain from talking to the driver except in an

emergency.

- e) Passengers should not tamper with the emergency door, fire extinguisher, or other equipment on the bus.
- f) Passengers must not mark or deface the bus, and seat coverings must not be damaged in any manner. Any damage to the bus or seats should be reported to the driver by students as soon as possible. Violators will be held responsible for any damages. Drivers may, if deemed necessary, assign seats in an effort to monitor willful damage to bus.
- g) Passengers are not permitted to open bus windows except with permission of the driver.
- h) Passengers must not fight or scuffle in the bus, or create any loud disturbances.
- i) Passengers must not wave or shout to pedestrians or occupants of the bus or other vehicles and must not throw objects from the bus windows.
- j) Passengers should not litter the bus with waste paper, gum wrappers, etc.
- k) Passengers are not permitted to smoke, eat, chew gum, or drink on school buses.
- l) Passengers shall not use profanity or obscene signs on the school bus.

3. ON SCHOOL GROUNDS

- a) Passengers should leave in an orderly manner.
- b) Students must not loiter or play around the stopped or parked school bus.
- c) Students should never enter a restricted area set aside for bus parking or loading without permissions, and students, other than drivers, are not permitted on parked buses.

4. ON THE TRIP HOME

- a) Passengers are permitted to leave the bus only at regular designated stops. Any change must be made with the parent's request in writing and approved by the school principal or his/her designee.
- b) Students, after alighting from the bus (if they must cross the highway), are to go ten to fifteen feet in front of the bus and wait until the bus driver or school bus safety patrol directs them to cross the road. Students should NEVER cross the road behind a stopped school bus.

E. GENERAL INFORMATION

- 1. The driver of a school bus is in complete charge of the passengers while they are aboard.
- 2. Concerns regarding the bus driver are to be directed to the area transportation supervisor.

3. Students are not allowed to switch buses or to catch an earlier or later bus without permission from school authorities. Students must show I.D. badges (where applicable) to drivers, upon request.
4. During inclement weather, if students will tell their driver where they live, he will make frequent stops possibly closer to their homes.
5. Regulations are for the protection of students, school officials, and school equipment.

F. RESPONSIBILITY OF PARENTS

1. Parents are to report all misconduct on school buses to the principal's office or the area transportation supervisor.
2. Parents should encourage students to observe all safety and conduct regulations established for the efficient operation of the school bus.
3. Parents should observe extreme caution when approaching bus stops, moving buses, or stopped buses.
4. Parents should help supervise students at bus stops.
5. Parents should see that their children are at the bus stop at the appropriate time. If a child misses the bus because of reasons beyond the control of the transportation department, it becomes the responsibility of the parent to see that the child gets to school.

EMERGENCY SCHOOL CLOSINGS

- XII. ***Notification in Emergencies:*** In the event of abnormal weather or other conditions prompting the close and/or early dismissal of school, parents should tune their radios or televisions to local stations for information regarding changes in school operations. The following media are routinely contacted (although announcements, and the frequency thereof, are entirely at the discretion of such media):

RADIO

<u>STATION</u>		<u>STATION</u>	
WAEG	92.3 FM	WIIZ	97.9 FM
WAKB	96.9 FM	WKSP	96.3 FM
WBBQ	104.3 FM	WKSX	92.7 FM
WCHZ	95.1 FM	WKXC	99.5 FM
WDRR	93.9 FM	WPRN	107.7 FM
WEKL	105.7 FM	WRDW	1620 AM
WFXA	103.1 FM /1550 AM	WSGF	1340 AM
WGAC	95.1 FM / 580 AM	WTHB	1550 AM
WGUS	102.7 FM /1480 AM	WYNF	1380 AM
WHHD	98.3 FM	WZNY	102.3 FM

TELEVISION

<u>STATION</u>	
WRDW-TV	CHANNEL 12
WJBF-TV	CHANNEL 6
WAGT-TV	CHANNEL 26
WFXG-TV	CHANNEL 54
WIS-TV	CHANNEL 10

NEWSPAPERS

<u>NAME</u>	<u>LOCATION</u>
Aiken Standard	Aiken, SC
The Star	N. Augusta, SC
The Augusta Chronicle	Augusta, GA

INDEX

	Page
Abuse to Staff Members by Adults	28-29
Acknowledgment of Student Code of Conduct/Internet Policy	1, 28-29
Administrative Actions (in Disciplinary Process)	6
Alcohol	1, 5, 7, 28-29
Ammunition	6
Appeal Process	2, 10-13, 16
Arrest or Conviction of Crimes	4, 10, 15
Attendance (at School, Generally, and at Hearings)	5, 10, 15
Bullying	5, 8, 27
Bus Conduct	2-4, 5, 9, 14-18, 26, 28-29
Disciplinary Action, First Offense	16
Second Offense	16
Third Offense	16
Fourth Offense	16
Cell Phones	3, 4, 9
Computer/communication device misuse	7, 9, 23-26
Conduct Requirements	5, 14-18
Confiscation of Weapons and Illegal Devices	3-4
Corporal Punishment	11
Counseling, Referrals to District Approved Programs	5
Damage to Property	5, 7, 8, 17, 25-26, 28-29
Directions by Staff	5, 9
Disabled Students, Discipline	14, 22
Drugs and Controlled Substances (or Look-alike misuse)	1, 5, 7, 14, 28-29
Due Process	6, 10-14
Electronic (Musical) Device	3, 9, 23
Emergency School Closings	19
Expulsion Offenses, Including Permanent Expulsion	
(Generally)	6, 22, 25, 28-29
Alcohol	5, 7, 28-29
Arson	7, 28-29
Drugs and Controlled Substances (or Look-misuse)	7, 28-29
Major Disruptions, Including Bomb Threats and Fights	7, 28-29
Physical Abuse of School Employee/Student	7, 28-29
Sexual Activity, Sexual Misconduct, Sex Violations	7, 9, 28-29
Weapons (Including Firearms)	1, 3-5, 6, 7, 14, 28-29
Expulsion Procedures	6-7, 12-13
Administrative Review	6
Appeal to Tribunal	2, 11-14
Appeal to Board of Education	2, 10-14
Appeal to Courts	12
Legal Counsel, Right to	12
Petition for Readmission	13
Permanent Expulsion	1, 6, 13, 22, 28-29
Probation	13
Suspension of Student During Expulsion Proceedings	12
Written Notification to Parent/Guardian	2, 10-12
Gang-Related Clothing, Activities	8-9
Hazing	5, 8, 27
I. D. Badges	18
Individual Education Program (IEP) of Disabled Students	1, 14
Influencing Other Students	10
Internet Acceptable Use Policy and Administrative Rule	23-25
Internet Policy Violations, Acknowledgement	9, 28-29
Investigation	6
Jurisdiction over Student Conduct (on and off Campus)	2, 5, 7, 9, 14
Law Enforcement Agencies	3-4, 7-10, 15, 24, 26, 28-29
Musical Devices	9
Non-student on Grounds	4-5
Notification to Parent/Guardian of Actions Taken Against Students	2, 11
Notification to Parent of Student Injury	7
Orderly Atmosphere/Positive Learning Environment	1, 5, 26
Paging Device	4
Parent Conferences	10-14, 16, 27

Permanent Expulsion.....	1, 6, 13, 22, 28-29
Personal and Electronic Devices.....	9
Physical Display of Affection.....	5
Prescription Medication (Unauthorized)	7
Punishment, Types of.....	2-16
Radios.....	9
Responsibility of Parents	18
Rights of Others.....	1, 5
School Property, Retention of Control over	3
Searches.....	3
Sexual Misconduct.....	1, 5, 7-9, 16, 28-29
Standards of Speech, Conduct, and Dress	5
Statutory Basis for Conduct Code	1, 22, 25, 27
Student Records/Privacy Rights, Notification	22
Student Transportation Regulations	14-18
Summer School.....	1, 2
Surveillance Equipment.....	3
Suspension Offenses (Generally).....	7-10
Absent without Parent/Guardian's Knowledge	8
Assault/Battery (Also See Expulsion-Major Violation, 5).....	8, 9
Blackmail	8
Bus Conduct.....	9
Cell Phones, Electronic Devices, and Paging Devices	4, 9
Computer/communication device misuse	9
Dishonesty.....	8
Failure to Attend Classes/Activities	8
Fighting	9
Fireworks.....	8
Forgery	9
Gambling	9
Gestures.....	8
Intimidating Others	8
Language between Students.....	8
Language to Staff Members	8
Leaving School Grounds	8
Materials Unauthorized by Principal	9
Pornographic or Obscene Material	9
Refusal to Obey Instructions of Staff.....	9
Repeated Minor Violations	9
Sexual Harassment	9, 26-27
Tardiness, Repeated	8
Theft	8
Threatening Others.....	8
Tobacco and Tobacco Paraphernalia	9
Unauthorized Entry to School Buildings and Grounds	9
Vandalism/Damage to Property (Including Off-Premises)	8
Walking Out of Classroom/Building.....	8
Suspension Procedures (Generally).....	10-14
Appeal Process	10-14
Conference with Parent/Guardian	11, 13-14
First Suspension.....	11
Incorrigibility/Expulsion	6, 11
Notice to Parent/Guardian	11
Parent Attendance in Lieu of Suspension	12
Second Suspension	11
Third Suspension.....	11
Suspension, Expulsion and Appeal Restrictions	11-12, 13
Theft.....	5, 8
Tobacco and Smoking Paraphernalia	5, 9
Transportation Laws, Rules, Regulations.....	14-18
Violations Not Specifically Covered	10
Weapons	1, 3, 5, 6-7 14, 28-29

APPENDIX (A)

Legal Authority for Discipline in South Carolina:

- A. The Code of Laws of South Carolina, 1976, Section 59-19-90, outlines the general powers and duties of school trustees and states that the Board of Trustees shall also (3) Promulgate rules prescribing scholastic standards of achievement and standards of conduct and behavior that must be met by all pupils as a condition to the right of such pupils to attend the public schools of such district. See, also, Opinions of the Attorney General, Number 2051, page 134, 1965-66 as to authority of school superintendents to regulate discipline.
- B. Title 59, Chapter 63, Article 3, Discipline (Section 59-63-210, et seq., Code of Laws for South Carolina, 1976). Note: Under authority of state law, certain violations set forth in the Code of Student Conduct may lead to expulsion for the remainder of the school year or even to permanent expulsion.
- C. Section 59-5-65 of the South Carolina Code of Laws, 1976 (as amended) includes power and responsibility of the State Board of Education to prescribe minimum standards of conduct and behavior and to promulgate a uniform system of minimum enforcement of rules of conduct.
- D. State Board of Education Regulations establishing minimum standards of student conduct and disciplinary enforcement procedures (R 43-279).
- E. **Kowalski v. Berkeley County Schools**, 652 F.3d 565 (4th Cir, 2011)

Student Records Notice: Under the Family Educational Rights and Privacy Act parents or eligible students have the right to 1) inspect and review a student's educational records; 2) request an amendment to incorrect or misleading records, or records otherwise in violation of a student's privacy rights; 3) consent to disclosures of personally identifiable information (except as allowed without consent by law); and 4) file with the U. S. Dept. of Education a complaint for any alleged failure by this School District to comply with the Act. A more detailed explanation of rights and procedures may be found in the Policy Manual located at any school, area office, or the District office (Policy JRA and Administrative Rule JRA-R). Policies may also be found online at the Aiken County Public Schools website (www.aiken.k12.sc.us). A copy of this policy will be mailed to any parent upon request. **Parents or eligible students who have limited or no visual acuity, who have a primary home language other than English, or who may be disabled in some other way which effectively impairs their ability to see, comprehend, or become aware of this notice will be accommodated upon discovery of such limitations by the District. Patrons who may be aware of others with such limitations are requested to notify the District of these circumstances.**

APPENDIX (B)

Policy IJNDB Use of Technology Resources

Issued 5/12

Purpose: to establish the basic structure for the use of technology resources in the district.

The use of technology to support the curriculum and the instructional process must be selected on the basis of its potential to enhance the direct implementation of district and state academic achievement standards. Technology must not be used to substitute for teaching, except when it is used as a delivery medium such as distance learning, web-based educational approaches, etc.

Internet acceptable use policy (Internet and other electronic media and on-line connections)

Technology is a vital part of education and the curriculum of the district and the district's operations. In an effort to promote learning and expand educational resources for students, the district has made arrangements to provide worldwide electronic on-line connection access to students and staff. While the Internet will be a primary on-line source, this policy and any implementing administrative rule are intended to cover the use of the district's computer-related electronic on-line connections, generally, as well as the district's computer hardware and software. Reference to "Internet" as used herein will be construed as a term of convenience to cover the intended scope of this policy. The district's goal in providing this service is to promote educational excellence by communication, innovation and facilitation in sharing of teaching and learning resources. Access to such "electronic highways" connecting millions of computer users all over the world will allow district students and staff the opportunity to communicate with others on a global level and access educational materials worldwide. It will also enhance professional development for staff.

The internet can provide a vast collection of educational resources for students and employees. It is a global network that makes it impossible to control all available information. Because information appears, disappears and changes constantly, it is not possible to predict or control what students may locate. The school district makes no guarantees as to the accuracy of information received on the internet. Although students will be under teacher supervision while on the network, it is not possible to constantly monitor individual students and what they are accessing on the network. Some students might encounter information that is not of educational value.

Access to the Internet is a privilege, not a right. With this privilege, there also is a responsibility to use the Internet solely for educational purposes and not to access inappropriate materials not suitable for students. To that end, the district administration is directed to develop appropriate guidelines governing the use of district computers to access the Internet.

As part of the implementation of the administration's guidelines, students and staff must be instructed on the appropriate use of the Internet. In addition, parents must sign a permission form to allow students to access the Internet. Students also must sign a form in the Code of Student Conduct acknowledging that they have read and understand the acceptable use policy and administrative rule, that they will comply with this policy and rule, and that they understand the consequences of violating this policy or rule. District staff must sign a similar acknowledgment form IJNDB-E before they will be allowed to access the Internet. Inappropriate use by any person will not be tolerated.

Adopted 11/12/96; Revised 1/8/02, 5/22/12

Administrative Rule IJNDB-R Use of Technology Resources

Issued 5/12

Purpose and scope

This administrative rule is adopted to implement the district's Internet acceptable use policy. While the rule primarily addresses utilization of the Internet and other electronic on-line connection services, it also applies, where appropriate, to the general use of district-owned computer hardware and software.

Terms and conditions of use

Acceptable use

The purpose of the district's decision to provide Internet access is to allow an expanded opportunity for education, research and professional development by providing access to unique resources and the opportunity for collaborative work. All use of the Internet must be in support of education and research and consistent with the educational and staff development objectives of the district. Use of any organizations' network or computing resources must comply with the rules appropriate for that network. 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 secret. Violations will result in appropriate disciplinary action against the staff member or student involved.

Accessing inappropriate sites

Student Internet activities will be monitored by the district to ensure students are not accessing inappropriate sites that have visual depictions that include obscenity, child pornography or are harmful to minors. The school district uses CIPA approved technology protection measures to protect students from inappropriate access in addition to monitoring.

The district will provide reasonable notice of and at least one public hearing or meeting to address and communicate its Internet safety measures.

Reporting

District and school computer technicians who are working with a computer and come across sexually explicit images of children must report this to local law enforcement. The report must include the name and address of the owner or person in possession of the computer.

Online behavior

The district will educate minors about appropriate, safe, and secure online behavior, including interacting with other individuals on social networking websites and in chat rooms and cyberbullying awareness and response. The superintendent or his/her designee will develop a program to educate students on these issues in accordance with Internet Safety Standards and grade bands published on the State Department of Education website.

Off-campus conduct

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

Procedures for use

Employees may access the Internet for educational or work-related purposes at any time that is not disruptive and does not interfere with the performance of other responsibilities by the employee or other staff members.

Students will be allowed to access the Internet only under the supervision of designated staff. No students may access the Internet without permission.

Rules governing use

The following guidelines for acceptable use will be applicable.

- Users are expected to employ appropriate net etiquette; profanity, vulgarity or abusive, inappropriate language is prohibited. Illegal activities are forbidden, including unauthorized access or "hacking" by any users.
- Users are not to reveal their personal address or phone number or that of other individuals, students or colleagues.

- Users are not to use another school's or individual's account without written permission from that individual.
- Vandalism will not be tolerated. Vandalism includes, but is not limited to, malicious damage to hardware, harm or destruction of software or the data of another user, and creating, uploading or downloading computer viruses.
- Users should consider all communications and information accessible via the network to be private property. All quotes, references and sources should be cited.
- Users are not to access inappropriate or restricted information or other information not directly related to the educational or staff use 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.
- Users should remain on the system only as long as necessary to complete their work so that other individuals will have equal opportunities to access the Internet. Users are not to disrupt, harass or annoy other users.
- The system is not to be utilized for financial or commercial gain or for personal use other than professional activities.

Penalties for improper use

An employee who violates the terms of this administrative rule will be subject to disciplinary action consistent with the nature of the offense, including cancellation of Internet privileges, suspension, or termination if circumstances so warrant. Students who violate the terms of this administrative rule or who otherwise misuse their access to the Internet also will be subject to disciplinary action in accordance with the district's Code of Student Conduct to include suspension or expulsion if circumstances so warrant. 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.

Issued 11/12/96; Revised 5/26/98, 1/8/02, 5/22/12

Legal references:

A. Federal law:

1. 47 USC Section 254(h) - Children's Internet Protection Act.
2. The Digital Millennium Copyright Act of 1998, Section 512 - Limitations on liability relating to material online.

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

1. Section 10-1-205 - Computers in public libraries; regulation of Internet access.
2. Section 16-3-850 - Encountering child pornography while processing film or working on a computer.
3. Section 16-15-305 - Disseminating, procuring or promoting obscenity unlawful; definitions; penalties; obscene material designated contraband.
4. Section 59-19-90 - General powers and duties of school trustees.

C. Court cases:

1. *Purdham v. Fairfax Co. Sch. Bd.*, 637 F.3d 421, 427 (4th Cir. 2011).

APPENDIX (C)

Policy JICFAA Harassment, Intimidation or Bullying

Issued 9/11

Purpose: To establish the basic structure for promoting the health and welfare of the district's students by maintaining a safe, positive learning environment for students and teaching environment for staff that is free from harassment, intimidation or bullying.

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

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

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

Any student who feels he/she has been subjected to harassment, intimidation or bullying is encouraged to file a complaint with the principal or his/her designee in accordance with procedures established by the superintendent. Complaints will be investigated promptly, thoroughly and confidentially. All school employees are required to report alleged violations of this policy to the principal or his/her designee. Reports by students or employees may be made anonymously, but formal disciplinary action must not be taken solely on the basis of an anonymous report.

The district prohibits retaliation or reprisal in any form against a student or employee who has filed a complaint or report of harassment, intimidation or bullying. The district also prohibits any person from falsely accusing another as a means of harassment, intimidation or bullying, and any student or staff member knowingly violating this prohibition will be subject to disciplinary action as described in this policy.

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

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

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

The superintendent will also ensure that an age-appropriate process is established for discussing the district policy with students, as with other aspects of the code of conduct currently utilized during the

beginning of each school year.

The superintendent will ensure that information regarding this policy is incorporated into the school district's training program and that volunteers who have frequent contact with students are likewise informed of the policy.

Information concerning this policy, upon adoption, will be included in the district's code of student conduct for the next year and will be circulated to all administrators. Immediate information will be provided to students by building administrators and to parent groups through reasonable communication methods currently utilized by the various schools.

Cf. GBEB, JIC, JICDA

Adopted 12/12/06, Revised 9/27/11

Legal references:

S.C. Code, 1976, as amended:

Section 16-3-510 - Organizations and entities revised (hazing unlawful; definitions).

Section 59-19-90 - General powers and duties of school trustees.

Sections 59-63-210 through 270 - Grounds for which trustees may expel, suspend or transfer pupils; petition for readmission; notices and parent conferences; expulsion for remainder of year and hearings; transfer of pupils; corporal punishment; regulation or prohibition of clubs or like activities.

Section 59-63-275 - Student hazing prohibited.

Section 59-67-240 - Other duties of bus driver; discipline of students for misconduct.

Section 59-63-110, et. seq. - Safe School Climate Act.

State Board of Education Regulations:

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

IMPORTANT - DUPLICATE OF SIGNATURE PAGE
THIS PAGE REMAINS IN BOOK FOR FUTURE REFERENCE

PARENT AND STUDENT ACKNOWLEDGMENT

IMPORTANT NOTICE TO PARENTS AND GUARDIANS:

Maintaining discipline and appropriate student behavior is necessary for the operation of our schools. Invoking disciplinary procedures may at times be stressful and emotional for parents and the students involved. Nevertheless, the Board of Education expects communications and meetings between school personnel and parents to be conducted reasonably, even if there are differences of opinion.

THE BOARD DOES NOT EXPECT STAFF MEMBERS TO BE SUBJECTED TO VERBAL OR PHYSICAL ABUSE. ADULTS WHO ABUSE STAFF MEMBERS CAN EXPECT TO HAVE APPROPRIATE LAW ENFORCEMENT OFFICIALS SUMMONED AND LEGAL RECOURSE PURSUED, IF NECESSARY.

We, parent and student, have read the conduct regulations (Code of Student Conduct) which are in effect in the schools of The Consolidated School District of Aiken County during the school year 2014 – 2015 .

We understand, as set forth in greater detail in this Code of Student Conduct, that students may be expelled for the remainder of the year, even permanently, for violations including, but not limited to:

- | | |
|--------------------------------|-----------------------------|
| 1) firearms or other weapons | 5) arson/damage to property |
| 2) drugs | 6) major disruptions |
| 3) alcohol | 7) conduct involving sexual |
| 4) violent acts, or threats | activity or offenses and/or |
| thereof, committed against | offenses against common |
| school staff or other students | decency |

The undersigned further acknowledge having read and understood the School District's Internet Acceptable Use policy (Policy IJNDB and Administrative Rule IJNDB-R), which are set forth in their entirety in this pamphlet, and which require student and parental consent and include potential disciplinary infractions covered within the Rule and within this Code of Student Conduct.

PRINTED NAME OF PARENT (GUARDIAN)	PRINTED NAME OF STUDENT	GRADE
SIGNATURE OF PARENT (GUARDIAN)	SIGNATURE OF STUDENT	
DATE	DATE	

NOTE: State law makes it criminal conduct in South Carolina to threaten bodily harm or death to a teacher, principal, school staff member, or family member of any of these persons; to disturb schools; or to interfere with the operation of a school bus. State law also mandates that conduct which may constitute a crime be reported to law enforcement. Parents and students need to be advised of the seriousness of any such threatening statements (even when made by very young and immature students), as these will be reported to law enforcement and may result in charges being brought. Threats of violence, harm, or death by students against other students, or against other third parties, are serious violations of this Conduct Code and will lead to strict disciplinary consequences which may include expulsion (and referral to law enforcement where appropriate).

FOR PARENT / GUARDIAN REFERENCE
GO TO NEXT PAGE FOR SIGNATURE SHEET

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IMPORTANT NOTICE TO PARENTS AND GUARDIANS:

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We, parent and student, have read the conduct regulations (Code of Student Conduct) which are in effect in the schools of The Consolidated School District of Aiken County during the school year 2013 – 2014.

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- | | |
|--------------------------------|-----------------------------|
| 1) firearms or other weapons | 5) arson/damage to property |
| 2) drugs | 6) major disruptions |
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_____ DATE		_____ DATE

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PLEASE SIGN, REMOVE

AND RETURN TO SCHOOL