

BOARD AGENDA ITEM

June 26, 2011

SUBJECT:

Annual Revisions to the Code of Student Conduct – Second Reading

BACKGROUND:

The Code of Student Conduct was first promulgated by the Board of Education in 1971 and has been revised annually since then. Extensive revisions were approved by the Board in 1981, 1985, and again in 1993. Recommendations for revisions to the Code of Student Conduct for 2012-2013 have been solicited from principals, the legal counsel, district administrators, and others. The Board approved the changes during First Reading.

ADMINISTRATIVE CONSIDERATION:

The changes for 2012 – 2013 primarily relate to editing to make the procedure with internet safety and bullying current with state and federal requirements and best practices. The changes also include modification to jurisdictional reach and administrative investigations.

RECOMMENDATION:

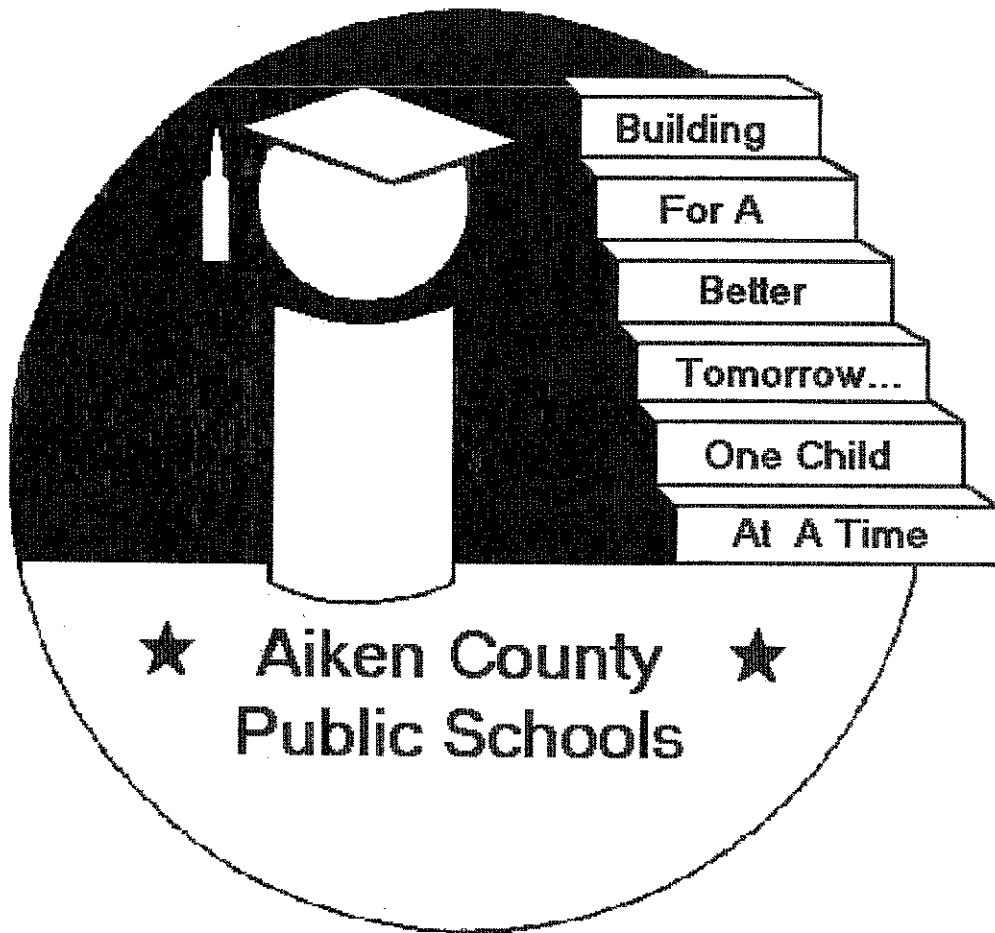
Adopt on second reading the proposed changes in the Code of Student Conduct 2012 – 2013.

ATTACHMENT:

1. Code of Student Conduct 2012 – 2013 (pages that contain revisions or modifications)

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William H. Burkhalter, Jr.

CODE of STUDENT CONDUCT



Aiken, South Carolina

2012 ~ 2013

C-2
Attachment

The Aiken County Board of Education

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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.

2012 – 2013

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 developmental nature 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.
- 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.

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, 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. 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

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. 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.

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;

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. (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. 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.

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 2012 – 2013 .

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 activity or offenses and/or offenses against common decency |
| 4) violent acts, or threats thereof, committed against school staff or other students | |

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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PLEASE SIGN, REMOVE
AND RETURN TO SCHOOL