

**BOARD AGENDA ITEM**

**June 11, 2013**

**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 and has been revised annually since then. 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 2013-2014 have been solicited from principals, legal counsel, administrators, and others.

**ADMINISTRATIVE CONSIDERATION:**

Many of the changes for 2013-2014 are primarily date changes. The revisions address one change on Section III (B)(4) to give the needed flexibility for scheduling a normally direct appeal where the time parameter dictates an earlier hearing than the next available Board meeting date. Also, some enabling language has been added in Item V and also in IX (B)(10) in anticipation of some newer (voluntarily undertaken) interventions and alternatives which are currently under consideration.

**RECOMMENDATION:**

Approve on first reading the proposed changes in the Code of Student Conduct 2013-2014.

**ATTACHMENT:**

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

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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](http://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.]**

## 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

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