

Regular Meeting of the Board of School Trustees

MES/MMS Media Center

6979 Hwy 28 South

McCormick, SC 29835

July 8, 2019

6:00 Executive Session

1. Personnel Matters (Leaves, Hires, Separations, Teacher Contracts)
2. Student Matters

7:00 Regular Session

I. Call to Order.....Chairman Moss

Declare a Quorum Moment of Silence Welcome Pledge of Allegiance

II. Approval of Agenda.....Chairman Moss

III. Action on Executive Session Items.....Chairman Moss

1. Personnel Matters
2. Student Matters

IV. Approval of Minutes..... Chairman Moss

V. Public Comments

VI. Office of the Superintendent

- a) Third Reading of 2019-2020 BudgetDavid Loadholt/Betty Bagley (A)
- b) Second Reading of Policies JE, JH, JH-R, JICFA, JICFAA, JICFAA-R, JKB, JKD, JKE, JICF, JICDA, JICDA-R
- c) First Reading of Policies JICG, JICG-R, JICH, JICH-E(2), JICH-E(3), JICI, JICJ, JICJA, JIH, JIH-E, JIH-E(2), JIH-R
- d) General Information (I)

VII. Public Comments on Agenda Items

VIII. Second Executive Session

Adjournment

Inspiring, challenging and preparing our students for tomorrow's global opportunities

McCormick County School District Board of Trustees
Regular Meeting
June 10, 2019
7:00 p.m.

6:00 Executive Session: Christine Lee moved and it was seconded by Heather McNally to go into Executive Session. **(5:0)**

Christine Lee moved and it was seconded by Heather McNally to adjourn Executive Session **(5:0)**

Members Present

- I.** Verteema Chiles (Vice Chair), Heather McNally (Secretary), Christine Lee, Janie Martin and Dr. Melody Wilt.

Verteema Chiles called the meeting to order at 7:05 p.m.

(Absent: Bernard J Moss, Karen Beckner)

- a. Moment of Silence (Christine Lee)**
- b. Welcome (Dr. Melody Wilt)**
- c. Pledge of Allegiance (Janie Martin)**

- II. Approval of Agenda** – Heather McNally moved and it was seconded by Dr. Melody Wilt to approve the June 10, 2019. **(5:0)**

- III. Action on Executive Session Items (Personnel Matters)**– Heather McNally moved, and it was seconded by Christine Lee, to approve Personnel Matters **(5:0)**

(Contractual Matters) – Dr. Melody Wilt moved, and Christine Lee seconded it to approve Contractual Matters. **(5:0)**

- IV. Approval of Minutes** - Heather McNally moved and it was seconded by Janie Martin to approve the minutes. **(5:0)**

- V. Board Spotlight –**

MES

Teacher of the Year: Mr. Paul Dodd

Instructional Support Staff: Towana Payton

Non-Instructional Support Staff of the Year: Elyzi Harrison

Custodial Staff of the Year: D. Bell

Bus Staff of the Year: S. Leverette

Food Service Staff of the Year: Judy Burt

MMS

Teacher of the Year: Jimmy Hughes

Instructional Support Staff: Nakisha Durant

Non-Instructional Support Staff of the Year: Jean Freeman

Custodial Staff of the Year: Ms. Kelly

Food Service Staff of the Year: Rose Freeman

Bus Staff of the Year:

MHS

Teacher of the Year: Ms. Brantley

Instructional Support Staff: Ms. Flora Belton

Non-Instructional Support Staff of the Year:

Custodial Staff of the Year: Mr. Cunningham

Bus Staff of the Year: Val Jones

Food Service Staff of the Year: Debbie Hutson

VI. Public Comments –

Markishia Blair –

- Bus Safety – Transportation request
- Consider calling parents when routes are doubling/using all call to communicate
- AB Honor Roll System - Grading policy in Handbook (vs. MAP test score)
- If we are going to look a MAP testing score then it should be stated in the handbook

VII. Office of the Superintendent –

- Request for Overnight Stay (A)

Christine Lee moved and it was seconded by Heather McNally to approve the presented Overnight Stay Filed Trips (5:0)

- Second Reading of DSY 19-20 Budget – Presented by Superintendent Bagley/ Mr.Loadholt (A)

Dr. Melody Wilt moved and it was seconded by Janie Martin to approve the Second Reading of SY 19-20 Budget (5:0)

- Job Description - Presented by Superintendent Bagley (A)

Heather McNally moved and it was seconded by Christine Lee to approve the Job Descriptions as presented by our superintendent (Director of Federal/State Programs and Accountability, Director of the Early Learning and Students Services, AVID Tutors, Nurse, Pre-School Teacher) (5:0)

- Policies

Heather McNally moved and it was seconded by Janie Martin to approve the first reading on policies JE, JH, JH-R, JICFA, JICFAA, JICAA-R, JKB, JKD, JKE, JICF, JICDA, JICDA-R as presented by our superintendent. (5:0).

- Instructional Program (I)

VIII. Public Comments on Agenda

Angela Garrett – Follow up on Handbook.

Markishia Blair – Policy and Attendance

Heather McNally moved and it was seconded by Dr. Melody Wilt to adjourn. (5:0).

Policy

STUDENT ATTENDANCE

Code JE

Purpose: To establish the basic structure for student attendance.

State law requires all children between the ages of five and 17 to attend a public or private school or kindergarten approved by the State Board of Education, the South Carolina Independent Schools Association for home instruction, or the district for home schooling. A parent/legal guardian whose child or ward is not six years old on or before September 1st of the school year may waive kindergarten attendance for his/her child.

As defined by the Office of Civil Rights (OCR), a chronically absent student is absent a minimum of 10 percent of the enrollment period – for any reason (e.g., suspension, illness-excused or unexcused). According to the OCR, an absent student is one who misses 50 percent of the instructional day for any reason (excused or unexcused).

If a child, who is at least six but not yet 17 years old, accumulates three consecutive unlawful absences or a total of five unlawful absences, that child is classified as a truant. Reg. 43-274(II)(A). Once a child is classified as a truant, the child's parents and school officials have additional responsibilities to improve the child's attendance.

The board expects children to attend school regularly. Regular attendance is necessary if students are to make the desired and expected academic and social progress. Parents are expected to make every reasonable effort to have their child in school on time daily.

The school year consists of 180 school days. In order to receive one Carnegie unit of credit, a student must be in attendance at least 120 hours, per unit, regardless of the number of days missed.

Cf. JH

Adopted prior to 2/9/78; Revised 7/28/80, 7/26/82, 3/11/91, 6/26/00, 8/30/04

Legal References:

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

1. Section 59-35-10 - Each district to provide a kindergarten program.
2. Section 59-63-20(3) - Entrance age for kindergarten program.
3. Section 59-63-20(4) - Entrance age for first grade
4. Section 59-63-20(6) - Four-year-olds may attend optional child development programs.
5. Section 59-65-10, et seq. - Compulsory attendance age group in South Carolina includes children ages five through 17; parents may waive compulsory kindergarten attendance requirement.

B. State Board of Education Regulations:

1. R43-274 - Student attendance.

Policy

STUDENT ABSENCES AND EXCUSES

Code JH

Purpose: To establish the basic structure for allowing and excusing student absences.

As defined by the Office of Civil Rights (OCR), a chronically absent student is absent a minimum of 10 percent of the enrollment period – for any reason (e.g., suspension, illness-excused or unexcused).

According to the OCR, an absent student is one who misses 50 percent of the instructional day for any reason (excused or unexcused).

The board believes that attendance is a key factor in student achievement. Any absence from school represents an educational loss to the student. However, the board recognizes that some absences are unavoidable.

In order to receive one Carnegie unit of credit, a student must be in attendance at least 120 hours, per unit, regardless of the number of days missed. The board may grant approval of excessive absences in accordance with board policy.

The district will utilize a written intervention plan for improving student attendance. The purpose of the plan will be to link students with attendance problems and their families to all appropriate school and community resources.

The board recognizes that truancy is primarily an educational issue and will take all reasonable, educationally sound and corrective actions prior to resorting to the juvenile justice system. Parents will be expected to make every reasonable effort to have their child in school on time daily.

Student Attendance Regulations

Elementary/Middle school

The school will record student attendance on a daily basis. A student must attend a minimum of 170 days to be considered for promotion unless exempted by the special consideration conditions.

Secondary high school credit

In each class, a student must attend a minimum of 85 days (6/7 period schedule) or 42 days (eight period schedule) in a semester course and 170 days (6/7 period schedule) or 85 days (eight period schedule) in a year course before receiving consideration for credit and/or promotion.

Excuses - All Students

A student must give the school, within three school days of her/his return to school, a written excuse from a parent/legal guardian or health practitioner involved in the student's care for all absences.

All absences require a written explanation from the parent/guardian within three (3) school days of return from the absence. Written explanation of absences must include the student's name, parent/guardian's full name, date(s) of absence(s), documentation of the reason for absence, and a parent/guardian's signature. All documentation required by the school is subject to review and must be approved by the principal.

Absences in excess of ten days per year will not be considered excused with a parent/guardian note unless they are accompanied by official medical or legal documentation.

Definitions/Explanations

Tardiness

HAZING

Code **JICFA**

Purpose: To establish the basic structure for maintaining a safe, positive environment for students and staff that is free from hazing.

The district prohibits hazing by students, staff, and third parties as a part of any school-sponsored activity. All students and employees must avoid any action that could be viewed as planning, directing, encouraging, assisting, or engaging in any hazing activity. Further, no administrator, coach, sponsor, volunteer, or district employee will permit, condone, or tolerate any form of hazing.

For purposes of this policy, state law defines hazing as "the wrongful striking, laying open hand upon, threatening with violence, or offering to do bodily harm by a superior student to a subordinate student with intent to punish or injure the subordinate student, or other unauthorized treatment by the superior student of a subordinate student of a tyrannical, abusive, shameful, insulting, or humiliating nature."

Any hazing activity, whether by an individual or a group, will be presumed to be a forced activity, even if a student willingly participates.

Any student who feels he/she has been subjected to hazing is encouraged to file a complaint in accordance with policy JII. All complaints will be investigated promptly and confidentially. The district prohibits retaliation or reprisal in any form against a student who has filed a complaint of hazing.

Any student or employee who is found to have engaged in hazing will be subject to disciplinary action, up to and including termination in the case of an employee or expulsion in the case of a student. Individuals may also be referred to law enforcement officials. The district will take all other appropriate steps to correct or rectify the situation.

The superintendent will be responsible for ensuring notice of this policy is provided to students, staff, and parents/legal guardians.

Cf. GBEB, JIC

Adopted ^

Legal references:

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

1. Section 16-3-510 - Organizations and entities revised (hazing unlawful; definitions).
2. Section 59-19-90 - General powers and duties of school trustees.
3. 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.
4. Section 59-63-275 - Student hazing prohibited.
5. Section 59-67-240 - Other duties of bus driver; discipline of students for misconduct.

B. State Board of Education Regulations:

1. R43-279 - Minimum standards of student conduct and disciplinary enforcement procedures to be implemented by local school districts.

Policy

HARASSMENT, INTIMIDATION OR BULLYING

Code JICFAA

Purpose: To establish the basic structure for maintaining a safe, positive environment for students and staff that is free from harassment, intimidation, or bullying.

The board prohibits acts of harassment, intimidation, or bullying of a student by students, staff, and 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 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 causing 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 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.

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.

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 or termination in the case of an employee. Individuals may also be referred to law enforcement officials. The district will take all other appropriate steps to correct or rectify the situation.

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.

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 a process is established for discussing the district policy with students.

Cf. GBEB, JIAA, JICDA

Adopted 1/22/01; Revised 1/9/12

Legal references:

A. 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.

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

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.

B. Federal Cases:

Kolwalski v. Berkeley County Schools, 652 F.3d 565 (4th Cir. 2011).

C. State Board of Education Regulations:

R43-279 - Minimum standards of student conduct and disciplinary enforcement procedures to be implemented by local school districts.

Policy

HARASSMENT, INTIMIDATION, OR BULLYING FORM

Code **JICFAA-E**

Download for below.

<https://www.boardpolicyonline.com/?b=mccormick>



HARASSMENT, INTIMIDATION OR BULLYING COMPLAINT

Name of Student/Complainant _____

Address _____

Home Phone Number _____

Parent's Name _____

School _____

Grade _____

Name(s) of Alleged Perpetrator(s) _____

Approximate date(S) when harassment, intimidation or bullying occurred, or is occurring. _____

Location or situation where alleged harassment, intimidation or bullying _____

Nature of the harassment, intimidation or bullying _____

Other individuals who may have information or knowledge about the incident(s) or in which whom you confided about the alleged harassment, intimidation or bullying:

Individuals who you believe may have witnessed, or also been subjected to the alleged harassment, intimidation or bullying. _____

Remedy Sought _____

Signature of complainant _____

Date _____

Signature of Individual Receiving Complaint _____

McCormick County School District – Student Services

821 North Mine Street. McCormick Sc. 29835 864-852-2435

Policy

HARASSMENT, INTIMIDATION AND BULLYING

Code JICFAA-R

This administrative rule is intended to do the following:

- Discourage employees, students, and third parties associated with the district from subjecting students of the district to unlawful harassment, intimidation, or bullying on the basis of race, religion, sex, creed, disability, national origin or immigrant status or English-speaking status.
- Promote a harassment, intimidation, or bullying free work environment.
- Establish on-going education and awareness of the problem of harassment, intimidation, or bullying.
- Provide information about how to report allegations of harassment, intimidation, or bullying.
- Effectively and appropriately address all harassment, intimidation, or bullying that is reported or observed.

Preventive Action

Periodically, the district will ensure the following:

- Policy JICFAA and this administrative rule are fully referenced in student handbooks and copies are available in each school and the district office.
- All students and employees are informed about the nature of harassment, intimidation, or bullying; the district's prohibition against these acts; the procedures for registering a complaint; and the possible redress which is available. The information provided will take into consideration and be appropriate to the ages of students.
- Each principal has designated a male and female administrator or faculty member to serve as the school's harassment, intimidation, or bullying contact persons.
- All administrators and school harassment, intimidation, or bullying contact persons are informed of the district's harassment, intimidation, or bullying procedures and understand how to implement them.
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Reporting and Response Procedures

Any student who feels that he/she has been the object of unlawful harassment, intimidation, or bullying is encouraged to file a complaint with his/her principal or one of the designated school contact persons (except for situations covered in the following paragraph). Such a complaint may also be filed by the student's parent/legal guardian.

Under no circumstances will a student be required to first report allegations of harassment, intimidation, or bullying to the principal or a school contact person if that person is the individual who is accused of the harassment, intimidation, or bullying. In such cases, the student or student's parents/legal guardians may file the complaint with the superintendent or her/his designee.

If an employee, who is not a designated contact person, receives a complaint of harassment, intimidation, or bullying or observes any behavior which could amount to harassment, intimidation, or bullying, the employee will report the matter to the principal or to one of the school contact persons.

When any incident of alleged harassment, intimidation, or bullying is reported to or observed by a principal or school contact person, that person will conduct or oversee an investigation into the allegations.

The principal or his/her designee at each school is responsible for receiving complaints alleging violations of this policy. All school employees are required to report alleged violations of this policy to the principal or his/her designee. All other members of the school community, including students, parents/legal guardians, volunteers, and visitors are encouraged to report any. Prior to conducting the investigation, the principal or school contact person should initially discuss with the student and, if appropriate, his/her parent/legal guardian what actions are being sought and the investigation procedures that will be followed. act that may be a violation of this policy. While submission of a written report is not required, the reporting party is encouraged to submit a written report. Oral reports also will be considered official reports; however, the principal or his/her designee should document the oral report for the school's records. Reports may be made anonymously, but formal disciplinary action must not be based solely on the basis of an anonymous report. If requested, the identity of the victim will be protected to the extent allowed by law.

The principal and/or his/her designee is responsible for determining whether an alleged act constitutes a violation of this policy. In so doing, the principal and/or his/her designee will conduct a prompt, thorough, and complete investigation of each alleged incident.

Reasonable efforts will be made to prevent public and unnecessary disclosure of the names of all individuals involved in the harassment, intimidation, or bullying allegation, except to the extent necessary to carry out an investigation and comply with statutory obligations. Interim measures designed to protect the student from further harassment, intimidation, or bullying during the investigation should be taken where appropriate.

A written record of the investigation will be made and will include corrective or disciplinary action taken. The student who brought the harassment, intimidation, or bullying allegation will be informed, in writing, that the investigation has been completed and that appropriate actions, if warranted, were taken. The student and his/her parents/legal guardians also will be advised as to how to report any subsequent problems.

If harassment, intimidation, or bullying of a student is determined to have taken place, actions will be taken which are reasonably calculated to end the harassment, intimidation, or bullying and prevent it from occurring again. Steps will also be taken to assist in remedying the effects of harassment, intimidation, or bullying on the individual student or students subjected to it. The appropriate administrator will take whatever disciplinary action is warranted, up to and including a recommendation for termination of the offending employee or expulsion of the offending student.

The board also prohibits any person from falsely accusing another of harassment, intimidation, or bullying. The consequences and appropriate remedial action for a student found to have falsely accused

another may range from positive behavioral interventions up to and including suspension or expulsion. Consequences and appropriate remedial action for a school employee found to have falsely accused another of harassment, intimidation, or bullying will be in accordance with district policies, procedures, and contracts. Consequences and appropriate remedial action for a visitor or volunteer found to have falsely accused another of harassment, intimidation, or the school administrator will determine bullying after consideration of the nature, severity, and circumstances of the act, including reports to appropriate law enforcement officials.

All principals and/or school contact persons will follow up periodically on any incident of harassment, intimidation, or bullying they were responsible for investigating to determine whether the student has been subjected to any further harassment, intimidation, or bullying since the corrective action was taken. The results of the follow-up should be documented.

In cases involving potential criminal conduct or where a child's physical or mental health or welfare has been or may be adversely affected by sexual abuse, appropriate school personnel should report the situation to appropriate authorities in accordance with South Carolina Code Section 20-7-510 and/or Section 50-24-60.

Additional Obligations of Employees and Students

All employees and students will cooperate with and maintain the confidentiality of any investigation of alleged acts of harassment, intimidation, or bullying conducted by the district or by an appropriate state or federal agency. Failure to do so could result in disciplinary action against the individual who failed to cooperate or who violated the confidentiality of the matter.

No employee or student of this district will take any action to discourage any other student from reporting alleged harassment, intimidation, or bullying. However, any person who intentionally provides false information in connection with a report or investigation of harassment, intimidation, or bullying may be subject to disciplinary action.

All employees and students will report to the principal, school contact persons, or, in appropriate cases, the employee's immediate supervisor, any conduct on the part of third parties, such as sales representatives or service vendors, which is believed to constitute harassment, intimidation, or bullying.

No employee or student of this district will destroy evidence relevant to any investigation of harassment, intimidation, or bullying.

No employee or student of this district will retaliate in any way against another employee or student who has provided information as a witness to or victim of an incident of harassment, intimidation, or bullying.

Consequences and Remedial Responses

Consequences and appropriate remedial actions for a student or staff member who commits one or more acts of harassment, intimidation, or bullying may range from positive behavioral interventions up to and including suspension or expulsion. Consequences for a student who commits an act of harassment, intimidation, or bullying will be varied and graded according to the nature of the behavior, the developmental age of the student and the student's history of problem behaviors and performance, and

must be consistent with the school district's code of conduct (JCDA-R). Remedial measures will be designed to correct the problem behavior, prevent another occurrence of the problem, and protect the victim of the act. The consequences and remedial measures may include, but are not limited to, the examples listed below:

Examples of consequences

- admonishment
- temporary removal from the classroom
- deprivation of privileges
- classroom or administrative detention
- referral to disciplinarian
- in-school suspension during the school week or the weekend
- out-of-school suspension
- legal action
- expulsion
-

Examples of remedial measures

Personal

- restitution and restoration
- mediation
- peer support group
- corrective instruction or other relevant learning or service experience
- supportive student interventions
- behavioral assessment or evaluation as appropriate
- behavioral management plan
- assignment of leadership responsibilities (e.g., hallway or bus monitor)
- involvement of school disciplinarian
- student counseling
- parent conferences
- recommendation of therapy/treatment

Environmental (classroom, school building, or school district)

- school and community surveys for determining the conditions contributing to harassment, intimidation, or bullying
- adoption of bullying prevention programs
- school policy and procedures revisions
- modifications of schedules
- adjustments in hallway traffic
- targeted use of monitors (e.g., hallway, cafeteria, bus)
-
- small or large group presentations for addressing the behaviors and the responses to the behaviors
- general professional development programs for certificated and non-certificated staff

- parent conferences
- family counseling
- involvement of parent-teacher organizations
- involvement of community-based organizations
- development of a general bullying response plan
- peer support groups
- law enforcement (e.g., school resource officer, juvenile officer) involvement

Notice of this policy will be provided to students, staff, parents/legal guardians, volunteers, and members of the community by posting it on the district's web site, publishing it in the district's parent/student handbook and publishing it in school publications.

The superintendent will also ensure that a process is established for discussing the district policy with students. The superintendent will direct the principal to develop an annual process for discussing the school district policy on harassment, intimidation, and bullying with students, which may include student assemblies and small group meetings.

Issued 3/26/07; Revised 4/23/18

DETENTION OF STUDENTS

Code **JKB**

Purpose: To establish the board's vision for student detention.

A school administrator or teacher may detain a student for disciplinary reasons after school hours, provided the parent/legal guardian has been notified of the detention and, in the case of bus students, arrangements have been made for the student's transportation home.

Parents/Legal guardians may be asked to arrange for the transportation of the detained student. However, if the parent/legal guardian cannot or will not provide it, an alternative disciplinary procedure may be substituted.

Students who are detained after school must never be left alone during their detention. Their supervision must be provided, or arranged for, by the teacher or administrator who detains them.

The school will limit detention on any one day to 60 minutes

Adopted 2/9/78; Revised 6/26/00, 8/30/04

Policy

SUSPENSION OF STUDENTS

Code JKD

Purpose: To establish the board's vision for the suspension of students.

It is the policy of this board to provide due process of law to students, parents/legal guardians, and school personnel through procedures for the suspension of students, which are consistent with federal law, state law, regulation and local policy.

According to state law, the board may suspend a student from school for commission of any crime, gross misbehavior, persistent disobedience, or for violation of rules and regulations. The board may also suspend a student when the presence of the student is detrimental to the best interest of the school.

The board delegates to its administrators the authority to suspend a student from a teacher's class or from the school, not in excess of 10 days for any one offense and for not more than 30 days in any one school year. No administrator may suspend a student from school during the last 10 days of the school year if the suspension will make the student ineligible to receive credit for the school year without the approval of the board unless the presence of the student constitutes an actual threat to a class or a school, or a hearing is granted within 24-hours of the suspension.

When a student is suspended from a class or a school, the administrator will notify, in writing, the parents/legal guardians of the student, giving the reason for suspension and setting a time and place when an administrator will be available for a conference with the parents/legal guardians. The conference will be set within three days of the date of the suspension.

After the conference with the school administrator, the parents/legal guardians may appeal the suspension to the superintendent or his/her designee. The request for an appeal hearing must be submitted in writing within 10 days of the date of the conference with the administrator. The request must state the basis of the appeal, in particular the perceived error in judgment or in procedure by the school administrator and summarize the supporting evidence. The superintendent or his/her designee will meet with the parents/legal guardian within 10 days of the receipt of the written appeal and will provide a decision in writing within 10 days of hearing the appeal.

After the hearing with the superintendent or his/her designee, the parents/legal guardians may request an appeal to the board. The request must be submitted in writing to the board chairman within 10 days from the date set forth on the superintendent or his/her designee's decision letter. The request must outline the basis of the appeal, in particular the perceived error in judgment or in procedure by the school administrator and summarize the supporting evidence. After considering the request, the board may or may not grant an appeal hearing. If the board grants a hearing, it must occur within 30 days of the day the board voted to hear the appeal.

Out-of-school suspensions will be construed to prohibit a student from entering the school or school grounds, attending any day or night school functions, or riding a school bus. A student may enter school grounds for a pre-arranged conference with an administrator,

In all cases of out-of-school suspension, every effort must be made to notify the parents/legal guardians immediately, document the notice, and to take due precautions in dismissing the student from school. The student normally will either be released into the custody of a parent/legal guardian or at the regular school closing time with any normal school transportation provided.

Whenever a student who is classified as having a disability commits a suspendable offense, the principal or his/her designee will confer with the coordinator for special programs (note: or other district staff) before initiating suspension procedures.

Adopted 2/9/78; Revised 8/3/79, 9/28/81, 6/26/00, 8/30/04

Legal References:

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

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

Section 59-63-210, et seq. - Grounds for suspension, expulsion, or transfer.

EXPULSION OF STUDENTS

Code **JKE**

Purpose: To establish the board's vision for the expulsion of students.

Expulsion is the removal of a student from a school for the remainder of the school year or until readmitted by the board. Authority to expel students from school rests solely with the board.

The board may expel a student for the remainder of the school year for the commission of any crime, gross immorality, gross misbehavior, persistent disobedience, or for violation of written rules and regulations established by the board. A student may also be expelled when it is determined by the district, in considering all of the facts and circumstances of a particular incident, that the presence of the student is detrimental to the best interests of the school.

In all cases where a student has committed an offense that could result in expulsion as specified in the student behavior code (policy JICDA), the principal will have the discretion whether to recommend expulsion. In exercising that discretion, the principal will consider all of the facts and circumstances of the incident, with the primary consideration being student safety. Prior to making a decision whether to recommend expulsion, the principal will also discuss the matter with the superintendent or his/her designee. The hearing officer cannot be the designee.

The student may be suspended from school and all school activities during the time of expulsion procedures, as determined appropriate by the principal.

If procedures for expulsion are initiated, the parent/legal guardian of the student will be notified, in writing, of the time and place of an evidentiary hearing. At the evidentiary hearing, the parent/legal guardian will have the right to bring legal counsel as well as all other regular legal rights, including the right to question all witnesses who appear at the hearing. The evidentiary hearing will take place within 15 days of the written notification of expulsion at a time and place designated by the district hearing officer and a decision will be rendered in writing within 10 days of the hearing.

Either party may appeal the decision of the hearing officer to a panel of three current or former school administrators. The request for appeal must be submitted in writing to the hearing officer within 10 days from the date set forth on the hearing officer's decision letter. The panel will hear the appeal and will render a decision in writing within 10 days of the hearing.

The right to appeal the decision of the panel of three school administrators to the board is reserved for either party. The request must be submitted in writing to the board chairman within 10 days from the date set forth on the superintendent or his/her designee's decision letter. The request must outline the basis of the appeal, in particular the error in judgement or in procedure by the hearing officer, and summarize the supporting evidence. After considering the request, the board may or may not grant an appeal hearing. If the board grants a hearing, it must occur within 30 days of the day the board voted to hear the appeal. The action of the board may be appealed to the circuit court.

The board or the hearing officer may transfer a student to another school in lieu of expulsion but only after a conference or hearing with the parent/legal guardian. The parent/legal guardian may appeal a transfer made by the hearing officer.

The board may permanently expel any incorrigible student. However, in all other expulsion cases, the expelled student will have the right to petition for readmission at the completion of the expulsion period for the following year.

Expulsion will be construed to prohibit a student from entering the school or the school grounds, attending any day or night school function, or riding a school bus, except for a prearranged conference with an administrator. Expulsion prohibits a student from attending a function at any school in Pickens County.

Weapons

See policy JICI for expulsion relating specifically to weapons, including firearms.

Adopted 11/96; Revised 5/22/00, 6/28/04, 9/26/05, 3/27/06, 5/29/07, 8/22/11, 9/24/2018

Legal References:

A. United States Code:

1. 20 U.S.C. 7151 - Gun-Free Schools.
2. Education of Individuals with Disabilities, 20 U.S.C. Sec. 1400, et seq.
3. 29 U.S.C. Section 794, et seq. (Section 504 of the Rehabilitation Act of 1973, as amended).
4. Code of Federal Regulations, 34 CFR parts 300 and 301.
5. Code of Federal Regulations, 34 CFR Part 104.

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

1. Section 59-19-90(3) - Gives district trustees authority to prescribe rules of pupil conduct, including provisions for suspension or dismissal of those failing to comply with such rules.
2. Section 59-63-210 - Grounds for suspension, expulsion or transfer
3. Section 59-63-235 - District must expel student.
4. Section 59-63-240 - Expulsion hearings - times, procedures, legal rights appeals.

C. S.C. Supreme Court:

1. Davis v. The School District of Greenville County, 374 S.C. 39, 647 S.E.2d 219 (S.C. 2007)

SECRET SOCIETIES/GANG ACTIVITY

Code **JICF**

Purpose: To establish the basic structure for the district's prohibition of student secret societies and gang activities.

The board finds that secret societies and gangs that initiate, advocate, or promote activities threatening the safety or well-being of persons or property on school grounds or secret societies and gangs that disrupt the school environment are harmful to the educational process. The district prohibits the use of hand signals, graffiti, or the presence of any apparel, jewelry, accessory, or manner of grooming that, by virtue of its color, arrangement, trademark, symbol, or any other attribute indicates or implies membership or affiliation with a group that presents a clear and present danger contrary to the school environment and educational objectives.

The district prohibits incidents involving initiations, hazing, intimidation, or related activities of such group affiliations that are likely to cause bodily danger, physical harm, or personal degradation or disgrace resulting in physical or mental harm to students.

The administration will establish procedures and regulations to ensure the discipline of any student wearing, carrying, or displaying secret societies and gang paraphernalia, exhibiting behavior or gestures that symbolize secret societies and gang membership, or causing or participating in activities that intimidate or affect the attendance of another student.

The administration will provide in-service training in secret societies and gang behavior and characteristics to facilitate staff identification of students at-risk and promote membership in authorized school groups or activities as an alternative.

Adopted 6/26/00; Revised 8/30/04

Legal references:

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

1. Section 59-63-270 - Regulation or prohibition of clubs or like activities on school property.
2. Section 59-63-275 - Student hazing prohibited; definitions.

Policy JICF Secret Societies/Gang Activity

Issued 8/04

Purpose: To establish the basic structure for the district's prohibition of student secret societies and gang activities.

The board finds that secret societies, gangs which initiate, advocate or promote activities threatening the safety and well-being of persons or property on district and school property or events, or gangs which disrupt the school environment are harmful to the educational process. The use of hand signals, graffiti or the presence of any apparel, jewelry, accessory or manner of grooming by virtue of its color, arrangement, trademark, symbol or any other attribute which indicates or implies membership or affiliation with such a group presents a clear and present danger contrary to the school environment and educational objectives.

The district prohibits incidents involving initiations, hazing, intimidations, bullying or related activities of such group affiliations which are likely to cause bodily danger, physical harm or personal degradation or disgrace resulting in physical or mental harm to students.

The administration will establish procedures to ensure the discipline of any student wearing, carrying or displaying secret society or gang paraphernalia, exhibiting behavior or gestures symbolizing gang membership or causing or participating in activities which intimidate or affect the attendance of another student.

The administration will provide information to employees about gang or group behavior and characteristics to facilitate employee identification of students at-risk and to promote membership in authorized school groups or activities as an alternative.

Adopted 6/26/00; Revised 8/30/04

Legal references:

S.C. Code, 1976, as amended:

Section 59-63-270 - Regulation or prohibition of clubs or like activities.

Section 59-63-275 - Student hazing prohibited; definitions.

McCormick County School District

Policy

CODE OF CONDUCT

Code JICDA

Purpose: To establish the board's vision for student conduct.

The board expects students to conduct themselves in an orderly, courteous, dignified, and respectful manner. This requirement refers to their actions toward other students and teachers, their language, their dress, and their manners. The board believes self-discipline is an interpersonal goal of public education.

The district's code of conduct and discipline is established to achieve and maintain order in the schools. In administrative rule JICDA-R, the administration offers a list of offenses along with the required or recommended dispositions for the information of students, parents/legal guardians, and school personnel.

Students have a responsibility to know and respect the policies, rules and regulations of the school and district. Violations of such policies, rules, and regulations will result in disciplinary actions.

Disciplinary actions will include appropriate hearings and review. The removal of a student from the learning environment will occur only for just cause and in accordance with due process of law. The board authorizes its school authorities to employ probation and suspension and to recommend expulsion, if necessary, to enforce this policy (see policies JKD and JKE). The administration will consider extenuating circumstances when taking disciplinary action.

The administrative rule is effective during the following times and in the following places:

- on the school grounds during and immediately before or immediately after school hours
- on the school grounds at any other time when the school is being used by a school group
- off the school grounds at a school activity, function, or event
- en route to and from school on a school bus or other school vehicle

For more specific information on student conduct, the board directs students to the student handbook for their individual school.

Adopted 2/9/78; Revised 8/3/79, 6/26/00, 8/30/04, 3/9/09

Legal References:

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

1. Section 59-19-90(3) - General powers and duties of school trustees - regulation of student conduct.
2. Sections 59-63-210 through 280 - Grounds for which trustees may expel, suspend, or transfer pupils.
3. Section 59-63-370 - Student's conviction or delinquency adjudication for certain offenses; notification of senior administrator at student's school; placement of information in permanent school records.
4. Section 59-67-240 - Other duties of bus driver; discipline of students for misconduct.

B. State Board of Education Regulations:

1. R43-243 - Special education discipline guideline

Policy

STUDENT CODE OF CONDUCT

Code **JICDA-R**

The board may confer upon the appropriate administrator the authority to consider extenuating, mitigating, or aggravating circumstances, which may exist in a particular case of misconduct. Such circumstances should be considered in determining the most appropriate form of discipline to be used.

Behaviors Requiring Disciplinary Action

Behavioral Misconduct

Behavioral misconduct is defined as those activities engaged in by a student which tend to impede orderly classroom procedures or instructional activities, orderly operation of the school, or the frequency or seriousness which disturb a classroom or school.

Acts of disorderly conduct may include, but are not limited to, the following:

- classroom tardies
- cheating on examination or classroom assignment
- lying
- abusive language between or among students
- failure to comply with directives from school/district personnel or agents (to include volunteer aides or chaperones)
- use of forged notes or excuses
- cutting class
- school tardiness
- truancy (three consecutive unlawful absences from school or a total of five unlawful absences)
- possession of an electronic device as defined by and in conflict with district policy
- other acts of behavioral misconduct as determined and communicated by the school administration, not in conflict with board policy or state or federal law

Staff will follow these basic enforcement procedures in instances of behavioral misconduct and will maintain a complete record of the procedures.

When a staff member observes or is notified of and has verified acts of behavioral misconduct, the staff member will take immediate action to rectify the misconduct. Verification is defined as self-admittance by the student, witnessed involvement of the student by staff, parental admission of student involvement, or evidence obtained through an investigation. The staff member will impose an appropriate consequence and maintain a record of the misconduct and the consequence.

If, either in the opinion of the staff member or according to policy, a certain misconduct is not immediately rectifiable, the staff member should refer the problem to the appropriate administrator for action specified by policy.

The administrator should meet with the reporting staff member, and, if necessary, the student and the parent/legal guardian, and impose the appropriate consequence and/or establish an intervention plan and/or behavioral contract.

Consequences that may be applied in cases of behavioral misconduct may include, but are not limited to, the following:

- verbal reprimand
- withdrawal of privileges
- demerits
- detention (silent lunch, after school, weekends, or another time that does not interfere with the instructional day)
- other consequences as approved and communicated by the administration

Disruptive conduct

Disruptive conduct is defined as those activities engaged in by student(s) which are directed against persons or property, and the consequences of which tend to endanger the health or safety of oneself or others in the school. Some instances of disruptive conduct may overlap certain criminal offenses, justifying other administrative sanctions and court proceedings.

Acts of disruptive conduct may include, but are not limited to, the following:

- violation of a Level I intervention plan and/or behavioral contract
- use of an intoxicant
- fighting
- harassment, intimidation, or bullying
- vandalism (minor)
- stealing
- threats against others, including, but not limited to, display or use of facsimile, toy or look alike weapons; possession of a facsimile, toy, or lookalike weapon
- trespass
- abusive language to staff
- refusal to obey school personnel or agents (such as volunteer aides or chaperones) whose responsibilities include supervision of students
- first offense possession or use of unauthorized substances, as defined by law or local school board policy
- illegally occupying or blocking in any way school property with the intent to deprive others of its use
- unlawful assembly
- disrupting lawful assembly
- inappropriate verbal or physical conduct of a sexual nature

- inappropriate use of technology (e.g., bullying, harassing, or intimidating other students or district employees; plagiarizing copyrighted materials; and accessing inappropriate websites)
- other disruptive acts, as determined by the school administration, not in conflict with board policy or state or federal law

Staff will follow these basic enforcement procedures in instances of disruptive conduct and will maintain a complete record of the procedures.

When an administrator observes, or is notified of and has verified an offense, the administrator will investigate the circumstances of the misconduct and confer with staff on the extent of the consequences.

The administrator will notify the parent/legal guardian of the student's misconduct and related proceedings. The administrator will meet with the student and, if necessary, the parent/legal guardian, confer with them about the student's misconduct, and impose the appropriate disciplinary action.

The administrator may refer the student to the appropriate intervention team to establish behavioral management strategies (e.g., restorative justice, counseling, service learning projects) and propose the appropriate disciplinary action.

The administrator or school official may refer Level II misconduct to the school resource officer or other law enforcement authorities only when the conduct rises to the level of criminality and the conduct presents an immediate safety risk to one or more people or it is the third or subsequent act which rises to the level of criminality during the school year.

Possible consequences to be applied in cases of disruptive conduct may include, but are not limited to, the following:

- temporary removal from class
- in-school suspension
- out-of-school suspension
- alternative education program
- transfer
- referral to outside agency
- expulsion for the remainder of the school year
- restitution
- other consequences as approved and communicated by the administration

Criminal conduct

Criminal conduct is defined as those activities engaged in by student(s) which result in violence to oneself or another's person or property or which pose a direct and serious threat to the safety of oneself or others in the school. These activities usually require administrative action which results in the immediate removal of the student from school, the intervention of law enforcement authorities, and/or action by the board.

Acts of criminal conduct may include, but are not limited to, the following:

- assault and battery
- extortion
- threat of the use of a destructive device (bomb, grenade, pipe bomb, or similar device)
- possession, use, or transfer of a weapon, including but not limited to, firearm, incendiary, or explosive device; ammunition of any kind; knife of any blade length; blackjack; brass knuckles; or any other item used to inflict, or with the intent to inflict, physical harm (any BB or other similar gun that looks like or has been altered to look like an operable firearm may be considered a weapon for purposes of this policy)
- sexual offenses
- theft, possession, or sale of stolen property
- arson
- furnishing or selling unauthorized substances, as defined by law and/or board policy
- illegal use of technology (e.g., communicating a threat of a destructive device, weapon, or event with the intent of intimidating, threatening, or interfering with school activities; maliciously transmitting sexual images of minors other than images of the student or images transmitted with the uncoerced consent of the individual in the images)
- threatening to take the life of or inflict bodily harm upon a teacher, principal, or members of their immediate family

Possession is defined as being in a student's locker, purse, gym bag, backpack, or any other item carried by or belonging to the student or in a vehicle parked on school grounds or at a school-sponsored activity.

Any student who realizes that he/she has accidentally brought a weapon such as a knife or box cutter onto school grounds or to a school-sponsored activity should go immediately to a teacher or administrator and turn the item in. If the administration determines that the student turned the item in immediately upon discovery, the student may not be sanctioned. Students who delay turning over an item will be sanctioned.

Staff will follow these basic enforcement procedures in instances of criminal conduct and will maintain a complete record of the procedures.

When an administrator observes or is notified of and has verified a criminal offense, the administrator must contact the school resource officer or local law enforcement authorities immediately.

An administrator will notify the student's parent/legal guardian as soon as possible.

An administrator will impose the appropriate disciplinary action. If warranted, the administrator should immediately remove the student from the school environment.

Staff will follow established due process procedures when applicable.

Possible consequences to be applied in cases of criminal conduct may include, but are not limited to, the following.

- out-of-school suspension
- transfer to alternative education program
- referral to outside agency
- expulsion for the remainder of the school year
- expulsion for one calendar year
- permanent expulsion
- restitution
-

Extenuating or Mitigating Circumstances

The board may confer upon the appropriate administrator the authority to consider extenuating or mitigating circumstances which may exist in a particular case of misconduct, excluding criminal conduct. The administrator should consider such circumstances in determining the most appropriate consequence.

The board may also confer upon the appropriate administrator the authority to consider aggravating circumstances which may exist in a particular case of misconduct or criminal conduct. Such circumstances should be considered in determining the most appropriate consequence.

Discipline of Students with Disabilities

Disciplinary process

Students with disabilities are not exempt from school disciplinary processes, 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, federal and state laws and regulations require schools to meet the individual educational needs of such students to the extent possible.

The process of disciplining a student who receives special education services involves both administrative authorities who are responsible for discipline and the special education department, including teachers and administrators who have been assigned specific responsibilities in the implementation of the student's Individualized Education Program (IEP).

Program prescriptions

An IEP team may prescribe or prohibit specified disciplinary measures for an individual student by including appropriate provisions in the student's IEP. The committee must take into consideration the student's disabling condition when deciding whether or not staff may use a particular form of discipline. Administrative authorities will observe any such provisions contained in a student's IEP.

Suspensions

The administration may suspend a student with a disability unless a suspension is prohibited by the student's IEP. At the end of the suspension, the school will return the student to the same educational placement, if appropriate.

The school may suspend a student for not more than 10 consecutive school days, and for additional removals of not more than 10 consecutive school days in that same school year for separate incidents of misconduct (as long as those removals do not constitute a change in placement under the law).

However, students who bring weapons to school or a school function, knowingly possess or use illegal drugs or solicit the sale of controlled substances or inflict serious bodily injury upon another person while at school or a school function may be removed for up to 45 days at a time. If school officials believe that a student with a disability is substantially likely to injure him/herself or others in the student's regular placement, they may ask an impartial hearing officer to order that the student be removed to an interim alternative educational setting for a period up to 45 days.

Expulsions

Expulsion of a student with a disability is equivalent to a change in educational placement and, therefore, requires special procedures. Before such a student may be expelled, a multi-disciplinary team must determine whether or not there is a connection or causal relationship between the disabling condition and the misconduct. If so, then expulsion resulting in cessation of educational services for the student is not the appropriate discipline.

The district will continue to provide a free and appropriate education as set forth in a student's IBP to expelled students with disabilities.

Immediate removal

Nothing contained in this administrative rule will be construed as limiting an administrator's ability to remove a student with a disability from school immediately under emergency conditions.

Issued 6/26/00; Revised 8/30/04, 3/9/09

Students are expected to arrive at school on time and to report to each class on time. Students who enter a classroom late are disruptive to the instructional program and may be subject to disciplinary actions. Habitually tardy students may be referred to the attendance officer.

Minimum day in school

As defined by the Office of Civil Rights (OCR), a chronically absent student is absent a minimum of 10 percent of the enrollment period – for any reason (e.g., suspension, illness-excused or unexcused). According to the OCR, an absent student is one who misses 50 percent of the instructional day for any reason (excused or unexcused).

In elementary school, a student who misses a portion of a school day for any reason will be counted absent if he/she misses school for a minimum of 50% of the school day. The student will not get credit en route to perfect attendance if he or she misses more than 50% of the day.

In middle and high school, attendance is based on class periods. For example, if a student attends five of seven periods, he/she is marked present in five and absent in two. This student would be marked present for the day based on the 50% OCR definition. If the student attends three of seven periods, he or she is marked present in three and absent in four. THIS student is marked absent for the day based on the OCR definition.

If the middle and high school students' daily attendance reflect an absence, the student will not credit for the day en route to perfect attendance. If a student is absent for 50% of that class period, he or she is considered absent for that class period.

The following definitions pertain to absences:

Lawful absences shall include but are not limited to:

- *Absences caused by a student's own illness and whose attendance in school would endanger his or her health and the health of others; the principal shall require a physician's certificate from the parent/legal guardian of a student reported continuously absent for illness.*
- *absences due to an illness or death in the student's immediate family*
- *absences due to a recognized religious holiday of the student's faith*

Unlawful Absences include but are not limited to:

- *absences of a student without the knowledge of his/her parents/legal guardians*
- *absences of a student without acceptable cause with the knowledge of his/her parents/legal guardian*

Medical homebound instruction

Parents/Legal guardians who anticipate a student's absence due to an extended health problem should apply immediately for medical homebound instruction. The school will not count the student on medical homebound instruction as absent. The student should attend all scheduled homebound session in lieu of attending school during the approved period. Any missed homebound instructional time may result in an attendance intervention plan.

Participation in After-School Activities

No student who misses any portion of a school day unlawfully shall be permitted to participate later that day or evening in any extracurricular, school-sponsored, authorized, or related school activity.

School-sponsored activities

With approval from the principal, students may be absent for a portion of the school day or the entire day for school-sponsored activities such as field trips, academic competitions, athletic events, or other extracurricular activities. The school will not count the student absent from class/school in such cases.

Interventions/Make-Up

When students have three consecutive unlawful or five unlawful absences, the school will contact the parents/legal guardians and develop a plan to improve attendance.

The plan for improving a student's attendance will include, but not be limited to, the following:

- reasons for unlawful absence
- methods to resolve cause of unlawful absence
- actions to be taken in the event unlawful absences continue
- Signature of parent/legal guardian or evidence that an attempt had been made to involve parent/legal guardian (phone call, letter, etc.)

When the number of unlawful absences reaches four (six or seven-period schedule) or two (eight-period schedule) in a semester course or eight (six or seven-period schedule) or four (eight-period schedule) in a yearly course, the school's attendance counselor will send a letter on behalf of the board to the parents/legal guardians as a reminder of the student's potential loss of credit for additional absences.

Referrals and judicial intervention

The district will not refer a child age six to 17 years to the family court to be placed on an order to attend school prior to the written intervention plan being completed by the school with the parent/legal guardian. The district will not use a consent order from any local school or district as an intervention plan.

Refusal by the parent/legal guardian to cooperate with school intervention planning can result in a referral of the student to family court and the filing of a report against the parent/legal guardian with social services in accordance with law.

The district will inform the parent/legal guardian and/or the student of their right to have legal representation and their right to a trial at this time.

If the situation continues to where the student is classified as a habitual truant, school officials may file a petition for a school attendance order. Once a school attendance order has been issued by the family court and the student continues to accumulate absences to the point of becoming a chronic truant, school officials may refer the case back to family court. The school and district will exhaust all reasonable alternatives prior to petitioning the family court to hold the student and/or parent/legal guardian in contempt of court.

Transfer to another school

If a student transfers to another public school in South Carolina, intervention plans shall be forwarded to the receiving school. School officials will contact the parent(s)/guardian(s) and local team members to review the plan and revise as appropriate. Court ordered plans might be amended through application to the court.

Make-Up Work

Students whose absences are approved should be allowed to make up any work missed in order to satisfy the 120-hour requirement. Examples of make-up work that address both time and academic requirements of a course may include the following:

- after-school and/or weekend make-up programs
- extended-year programs

All make-up time and work must be completed within 30 days from the last day of the course.

1. Provision for make up of schoolwork missed during lawful absences shall be worked out with the teacher(s) concerned at the earliest time possible, but should not exceed five (5) school days after the student returns to school.
2. Make up of schoolwork missed during unlawful absences may be approved only with permission of the principal after consultation with the teacher(s) concerned.

3. These Procedures for Make-up Work apply to all schools in the district.
4. In addition to the above, each school will develop procedures to handle absences consistent with the following:
 1. The status of all student absences shall be communicated to the teacher(s) concerned within three (3) days of the student's return to school.
 2. Student absences for school activities or college visitation may be excused by the principal. The effect that the student's absence has on his or her education should be taken into consideration when decisions are made with regard to individual student class absences for school activities.
 3. Each school will review its procedures for dealing with absences on an annual basis and make appropriate adjustments consistent with this administrative rule. Each school will also place its plan for dealing with absences in its student handbook (if applicable) and communicate this plan to parents/guardians through newsletters or other means early in the school year.

School principals will exert every realistic effort to provide assurance that this regulation is adhered to in a fair and consistent manner. Principals will place special emphasis on coordinating implementation affecting students within the same family.

Special Considerations

Students suspended out-of-school (lawful absence) have the right to take all major tests and semester examinations without penalty. Make-up work will follow procedures determined at the school level. A suspended student cannot be penalized by an academic reduction of grades.

Each principal will establish an attendance appeals committee at the school-site level to hear appeals from students who have six (six or seven-period schedule) or three (eight-period schedule) or more lawful absences for a semester course or have 11 (six or seven-period schedule) or six (eight-period schedule) or more absences from a yearly course. Five professional personnel appointed by the principal will be on this committee. The appeals committee will conduct hearings within five days of the end of each semester. The appeals committee will make recommendations to the principal to grant or to deny promotion or credit. The principal will be the final authority at the school level. Due process is served by this procedure.

Students and their parents/legal guardians may apply for exemption to the attendance requirements because of extended or chronic illnesses that are certified by a physician or emergency conditions that are approved by the principal.

The classroom teacher has the primary responsibility for recording attendance accurately and monitoring make-up work.

As defined by the Office of Civil Rights (OCR), a chronically absent student is absent a minimum of 10 percent of the enrollment period – for any reason (e.g., suspension, illness-excused or unexcused). According to the OCR, an absent student is one who misses 50 percent of the instructional day for any reason (excused or unexcused).

Adopted 2/9/78; Revised 7/28/80, 7/26/82, 7/30/84, 6/26/00, 8/30/04

Legal References:

A. Federal Law:

1. McKinney-Vento Homeless Education Assistance Improvements Act of 2001, 42 U.S.C.A. Section 11431, *et seq.*
2. Every Student Succeeds Act, Pub. L. No. 114-95, 129 Stat. 1802.

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

1. Section 59-38-10 - South Carolina Education Bill of Rights for Children in Foster Care.
2. Section 59-46-50 - Interstate compact on educational opportunity for military children.
3. Section 59-65-50 - Nonattendance reported to court having jurisdiction of juveniles.

C. State Board of Education Regulations:

1. R43-274 - Student attendance.

Legal references:

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

1. Section 30-4-10, *et seq.* - South Carolina Freedom of Information Act.

Policy

STUDENT ABSENCES AND EXCUSES

Code JH-R

Purpose: The board designates the principal of the school to promptly approve or disapprove any student's absence of more than 10 days in a school year.

Unlawful Absences

A student ages six to 17 years who has three consecutive unlawful absences or a total of five unlawful absences is considered truant as defined by State Board of Education regulation.

A student ages 12 to 17 years who fails to comply with the school's intervention plan and accumulates two or more additional unlawful absences is considered a habitual truant.

When a student ages 12 to 17 years who has been through the school intervention process, has reached the level of a habitual truant, has been referred to family court, and has been placed on an order to attend school, and continues to accumulate unlawful absences, that student is considered a chronic truant.

Intervention

In order to encourage and assist students in attending school regularly, the administration will administer the appropriate intervention procedures.

Once a student is determined to be truant, school officials will make every reasonable effort to meet with the parent/legal guardian to identify the reasons for the student's continued absence, including telephone calls, home visits, written messages, and emails.

A written intervention plan will be developed by school administrators in conjunction with the student and the parent/legal guardian. The intervention plan must include, but is not limited to, the following:

- a designated person to lead the intervention team (may be someone from another agency)
- reasons for the unlawful absences
- actions the parent/legal guardian and student will take to resolve the causes of the unlawful absences
- documentation of referrals to appropriate service providers and, if available, alternative school and community-based programs
- actions to be taken by intervention team members
- actions to be taken in the event unlawful absences continue
- signature of parent/legal guardian or evidence that attempts were made to include them
- documentation of involvement of team members
- guidelines for making revisions to the plan

School officials may utilize a team intervention approach to include representatives from social services, community mental health, substance abuse and prevention, and other persons deemed appropriate in formulating the intervention plans.

Referrals and judicial intervention

The district will not refer children ages six to 17 years to the family court to be placed on an order to attend school prior to the written intervention plan being completed by the school with the parent/legal guardian. The district will not use a consent order from any local school or district as an intervention plan. Refusal by the parent/legal guardian to cooperate with school intervention plans can result in a referral of the student to family court and the filing of a report against the parent/legal guardian with social services in accordance with law.

The district will inform the parent/legal guardian and/or the student of their right to have legal representation and their right to a trial.

If the situation continues to where the student is classified as a habitual truant, school officials may file a petition for a school attendance order. Once a school attendance order has been issued by the family court and the student continues to accumulate absences to the point of becoming a chronic truant, school officials may refer the case back to family court. The school and district will exhaust all reasonable alternatives prior to petitioning the family court to hold the student and/or parent/legal guardian in contempt of court.

Transfer to another school

If a student transfers to another public school in South Carolina, intervention plans shall be forwarded to the receiving school. School officials will contact the parent(s)/guardian(s) and local team members to review the plan and revise as appropriate. Court ordered plans may be amended through application to the court.

Approval of Absences in Excess of 10 Days

- Absences in excess of ten days per year will not be considered excused with a parent/guardian note unless they are accompanied by official medical or legal documentation.

Make-Up Work

Students whose absences are approved should be allowed to make up any work missed in order to satisfy the 120-hour requirement. Examples of make-up work that address both time and academic requirements of a course may include the following:

- after-school and/or weekend make-up programs
- extended-year programs

All make-up time and work must be completed within 30 days from the last day of the course.

1. Provision for make up of school work missed during lawful absences shall be worked out with the teacher(s) concerned at the earliest time possible, but should not exceed five (5) school days after the student returns to school.
2. Make up of school work missed during unlawful absences may be approved only with permission of the principal after consultation with the teacher(s) concerned.
3. These Procedures for Make-up Work apply to all schools in the district.
4. In addition to the above, each school will develop procedures to handle absences consistent with the following:
 1. The status of all student absences shall be communicated to the teacher(s) concerned within three (3) days of the student's return to school.
 2. Student absences for school activities or college visitation may be excused by the principal. The effect that the student's absence has on his or her education should be taken into consideration when decisions are made with regard to individual student class absences for school activities.
 3. Each school will review its procedures for dealing with absences on an annual basis and make appropriate adjustments consistent with this administrative rule. Each school will also place its

plan for dealing with absences in its student handbook (if applicable) and communicate this plan to parents/guardians through newsletters or other means early in the school year.

School principals will exert every realistic effort to provide assurance that this regulation is adhered to in a fair and consistent manner. Principals will place special emphasis on coordinating implementation affecting students within the same family.

Proficiency-based credit

On a limited case-by-case basis, students who have excessive absences approved by the board may be permitted to demonstrate course proficiency without satisfying the 120-hour attendance requirement. General requests for proficiency-based credit must be made through the process described in Regulation 43-234 and approved by the South Carolina Department of Education. Students whose absences are approved should be allowed to make up any work missed in order to satisfy the 120-hour requirement.

School principals will exert every realistic effort to provide assurance that this administrative rule is adhered to in a fair and consistent manner. Principals will place special emphasis on coordinating implementation affecting students within the same family.

Issued 7/5/77; Revised 6/26/78, 7/26/82, 6/26/00, 8/30/04

Tobacco-Free Facilities/Possession and Use of Tobacco

Code **JICG**

Purpose: To establish the basic structure for the board's prohibition of tobacco use by students.

The district does not allow students to use or to possess tobacco products or tobacco paraphernalia. This restriction applies while students are on school grounds, in the school buildings, on buses, or during any other time they are under the direct administrative jurisdiction of the school, whether on or off the school grounds.

Goal

The goal of this policy is to provide a 100 percent tobacco-free, smoke-free environment for all students, staff, contract or other workers, and visitors within all district facilities, vehicles, and grounds. This includes any building, facility and vehicle owned, leased, rented, or chartered by the district. The goal applies to all school-sponsored or school-related events on or off the school grounds. The district commits to the following:

- exhibiting healthy behavior for all students, staff, contract or other workers, visitors, and the entire community
- utilizing a proven and effective science-based tobacco use prevention curricula
- providing access to cessation counseling or referral services for all students and staff

Procedures

- Prohibit the use and/or possession of all tobacco products or paraphernalia including, but not limited to, cigarettes, cigars, pipes, smokeless tobacco, snuff, and alternative nicotine products such as e-cigarettes by all students, staff, contract or other workers, and visitors.
- Ensure that tobacco use prevention programs as recommended by the South Carolina Department of Health and Environmental Control, the South Carolina Department of Alcohol and Other Drug Abuse Services, and the South Carolina Department of Education are an integral part of district substance abuse prevention efforts.
- Provide and/or refer to cessation services for students and staff.

Enforcement

The district will enforce this policy by determining appropriate disciplinary actions for students violating this policy such as the following:

- parent/legal guardian/administrator conferences
- mandatory enrollment in a tobacco prevention education
- community service
- in-school suspension
- out-of-school suspension
- suspension from extracurricular activities

School administrators will develop procedures consistent with the discipline code of this district in order to enforce this policy (see JICDA-R, Level 2, unauthorized substances).

Education and Assistance

The district will be responsible for utilizing proven and effective tobacco use prevention curricula to educate all students and providing appropriate counseling and/or referral services for students.

Tobacco Industry Marketing or Sponsorship

The district will not accept any contributions or gifts, money, or materials from the tobacco industry. The district will not participate in any type of services that are funded by the tobacco industry. In addition, any gear, paraphernalia, clothing, etc., that advertises tobacco use or tobacco products will not be allowed on district grounds or in the possession of faculty, staff, contract, or other workers, or students at district-sponsored events.

Adopted 6/26/00; Revised 08/30/04

Legal references:

A. Federal Law:

1. Pro-Children Act of 2001, 20 U.S.C.A. Sections 7182-7184.

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

1. Section 16-17-490 - Contributing to the delinquency of a minor.
2. Section 16-17-500 - Youth Access to Tobacco Prevention Act of 2006 (supplying minors with tobacco or alternative nicotine products).
3. Section 44-95-10, et seq. - Clean Indoor Air Act of 1990.
4. Section 59-67-150 - Qualifications of bus driver; drinking or smoking on bus.

Policy JICG Tobacco Use by Students

Issued 8/04

Purpose: To establish the basic structure for the board's prohibition of tobacco use by students.

Students are not allowed to use or possess tobacco products or tobacco paraphernalia while on district or school grounds or buildings, on buses or during district- or school-related activities, whether on or off district or school grounds.

Schools will carry on education programs designed to inform students about the hazards of smoking.

Adopted 6/26/00; Revised 8/30/04

Legal references:

United States Code:

[20 U.S.C. 6081](#) - Pro-Children Act of 1994.

S.C. Code, 1976, as amended:

[Section 16-17-490](#) - Contributing to the delinquency of a minor (school board rules and regulations may be exempt under certain circumstances).

[Section 16-17-500](#) - Supplying minors with tobacco or cigarettes.

[Section 59-67-150](#) - Qualifications of bus driver; drinking or smoking on bus.

McCormick County School District

Policy

Tobacco – Free Facilities/Possession and Use of Tobacco

Code JICG-R

Although smoking is a personal habit, the district believes the use of tobacco products is detrimental to the health of students and staff, and contrary to the board's objective to teach and model appropriate health habits and values. Therefore, the district will follow certain procedures to bring about tobacco-free schools.

The superintendent's designee is responsible for informing all district office department heads and administrators of this tobacco-free schools policy. School administrators have the same responsibility for appropriately informing their staffs and the students.

Educational materials related to the harmful effects of tobacco use will be made available to all employees and students by the superintendent's designee and principals, respectively.

The district will work with other agencies to identify tobacco-use cessation seminars and other services for employees and students. (Agencies that may be used include, but are not limited to, American Lung Association, American Cancer Society, American Heart Association, and Alliance for a Smoke-Free South Carolina and Fighting Back.)

Based on the severity of policy violation, the system of progressive discipline may be modified to permit any sanction deemed appropriate by the district up to and including termination. If the policy is not followed, the following sanctions will be sequentially invoked without consideration for annual cycles.

Employees

First offense - written reprimand and a referral to a tobacco use cessation program. A copy of the reprimand is placed in the employee's personnel file.

Second offense - a second offense is considered insubordination and the employee will have a conference with the assistant superintendent for human resources.

Subsequent offenses - will result in other sanctions up to and including a recommendation for termination.

The superintendent or his/her designee reserves the right to impose any disciplinary sanction deemed appropriate, dependent upon the facts and circumstances of an individual violation of this policy.

Students

Sanctions will follow the district's student behavior code.

Visitors/Patrons

- *First offense* - offenders will be asked to refrain from use of tobacco products on school/district property.
- *Second offense* - the law enforcement department with jurisdiction will be notified and asked for assistance.

Adopted:

Policy.

Drug and Alcohol Use by Students

Code **JICH**

Purpose: To establish the basic structure for the board's prohibition of student drug and alcohol use and the resulting penalties.

The possession, sale, purchase, barter, distribution, use,* in any amount, of alcoholic beverages, drugs, or controlled or unauthorized substance (defined in policy ADB) on school property (including buildings, grounds, vehicles), at any school-sponsored activity, function, or event whether on or off school grounds (including field trips or interscholastic athletic contests) or any other time the student is under the administrative jurisdiction of the school is strictly prohibited.

Also prohibited is the misuse or abuse of any substance, whether or not such substance is lawful, when the material, compound, mixture, or preparation causes, or may tend to cause, the following:

- a stimulant or depressant effect on the central nervous system
- the user to experience a condition of intoxication, inebriation, excitement, stupefaction, or dulling of the brain or nervous system
- the structure or any function of the body to be impaired
- an alteration of the mental state of the user
- or, when such substance does the following:
 1. Has no accepted medical use for treatment in the U.S.
 2. may lead to psychological or physical dependence

No student will aid, abet, assist, or conceal the possession, consumption, purchase, or distribution of any alcoholic beverage or other controlled substances by any other student or students in any of the circumstances listed above.

No student will market or distribute any substance which is represented to be or is substantially similar in color, shape, size, or markings of a controlled substance in any of the circumstances listed above.

All principals will cooperate fully with law enforcement agencies and will report to them all information that would be considered pertinent or beneficial in their efforts to stop the sale, possession, and use of controlled substances.

Penalty for Possession, Use*, Misuse, or Abuse of Drugs or Drug Paraphernalia

A first offense may result in a suspension from school for up to 10 days (see policy JKD). The principal also has the option to recommend expulsion on the first offense or for any subsequent offense, in accordance with the student behavior code (policy JICDA) and the district's expulsion policy (policy JKE). Any student who is expelled for a drug-related offense will be readmitted to school under the conditions prescribed in JICH-R. A second offense will result in an administration recommendation to the board that the student be expelled from school for the remainder of the school year.

Penalty for Sale and/or Distribution (i.e., Pushing)

A first offense may result in an administrative recommendation to the board that the student be expelled from school for the remainder of the school year, in accordance with the student behavior code (policy JICDA) and the district's expulsion policy (policy JKE). A second offense will result in an administrative recommendation to the board that the student be permanently expelled from the district.

The building principal or his/her designee will have the discretion to make a determination whether a student's use of drugs or alcohol has manifested itself at school or at a school-sponsored function.

*The term "use" will be construed to include use while not under the jurisdiction of the school, when the fact or effect of that use manifests itself at school or school-sponsored functions.

Adopted 2/9/78; Revised 6/29/81, 6/26/00, 8/30/04

Legal references:

A. S.C. Constitution:

Article XVII, Section 14 - Must be over 21 to possess distilled liquors.

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

Section 16-17-530 - Students who come to school in an intoxicated condition, or conduct themselves in a disorderly or boisterous manner, could be arrested for a misdemeanor.

Section 44-49-80 - Establishment of drug abuse treatment program in public schools.

Section 44-53-110, et seq. - Definitions; lists of illicit drugs.

Section 44-53-140 - Certain communications and observations shall be privileged.

Section 44-53-440 - Distribution to persons under 18.

Policy JICH Drug and Alcohol Use by Students

Issued 8/04

Purpose: To establish the basic structure for the board's prohibition of student drug and alcohol use.

Students may not possess, use, sell, consume, purchase, barter, distribute or be under the influence of alcoholic beverages or controlled or illegal substances on district or school property or at any district- or school-sponsored activities. This prohibition also pertains to look-alike substances, i.e., any substance represented to be or which is substantially similar in color, shape, size, markings, etc., to an alcoholic beverage or controlled or illegal substance. Students in violation of this policy will be disciplined in accordance with state law and district policies.

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

Adopted 2/9/78; Revised 6/29/81, 6/26/00, 8/30/04

Legal references:

Alcohol:

S.C. Constitution:

[Article XVII](#), Section 14 - Must be over 21 to possess distilled liquors.

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

[Section 16-17-530](#) - Students who come to school in an intoxicated condition, or conduct themselves in a disorderly or boisterous manner, could be arrested for a misdemeanor.

[Section 59-67-150](#) - Drinking alcoholic liquors on a school bus is prohibited.

Drugs:

S.C. Code, 1976, as amended:

[Section 44-53-110 et seq.](#) - Lists of illicit drugs.

[Section 44-53-140](#) - Student addicted or dependent upon a drug may seek counseling concerning treatment or therapy from a guidance counselor or teacher without fear of legal action.

[Section 44-53-370](#) - Unlawful for any person to possess scheduled drug unless obtained by valid prescription.

[Section 44-53-440](#) - Person over 18 who distributes a controlled substance to person under 18 shall be guilty of felony and sentenced to no more than 20 years with no suspension or probation.

[Section 44-49-80](#) - Establishment of drug abuse treatment program in public schools.

McCormick County School District

FORM B

**CERTIFICATE OF PROOF CHAIN OF PHYSICAL CUSTODY OF CONTROL
(SUBSEQUENT CHANGE OF CUSTODY)**

This is to certify that I _____
(Name)

am employed by _____
(Name of agency or department)

_____ and that on _____, 20 _____,
(Date)

I received _____
(Specify whether by mail or in person)

_____ of _____
(Name) (Name of school district)

the following substance(s) or container(s) which were originally seized by _____

(Name of person making original seizure)

(Describe substance or container with sufficient particularity to distinguish it.)

On _____, 20 _____, I made delivery of the above described substance(s) or

Container(s) to _____
(Name)

Of _____ in substantially the same
(Law enforcement agency)

condition as when I received it.

Name

Place

SWORN to me this
_____ day of _____, 20 _____

(Notary Public for South Carolina)

My commission expires: _____

Adopted

FORM C

**FOR CONTROLLED DANGEROUS SUBSTANCES
(SUBSTANCE FOUND)**

I, _____, am a chemical analyst employed by the
(Name)

South Carolina State Law Enforcement Division (SLED), certified by SLED as a chemist or analyst qualified to perform testing and analysis for controlled dangerous substances prohibited by law in this state by Title 44, Chapter 53 of the Code of Laws and Rule 61-4 of the Department of Health and Environmental Control. I have had _____ years and _____ months experience as a chemical analyst. During that period, I have been qualified as an expert witness and testified in court no less than _____ times. I have received the following training as a chemical analyst. *(List schools or courses attended, other training received, organizations and honors received.)*

On _____, 20____, _____ submitted the
(Date) (Name) following
items to me for testing or analysis.

(Describe quantity and nature of items received.)

I tested this (these) item(s) using the following legally reliable forensic procedures approved by SLED.

(List procedures performed)

I am of the opinion the item(s) contain(s) the following controlled substance, _____

(Substance found and amount or portion)

Chemical analyst

Place

Date

SWORN to before me this _____

_____ day of _____, 20____

Notary Public for South Carolina

My commission expires: _____

Adopted

Weapons in School

Code **JICI**

Purpose: To establish the basic structure for the board's prohibition of student possession of weapons.

It is the policy of the board of education to ensure the safety and welfare of its students and employees. The presence of firearms, knives with a blade length of over two inches, dirk, razor, metal knuckles, slingshot, bludgeon, or any other deadly instrument used for the infliction of bodily harm or death on school district property poses a severe threat of serious harm or injury to students and staff.

While on school grounds, in school buildings, or on buses or at school-related functions, students will not possess any item capable of inflicting injury or harm (hereinafter referred to as a weapon) to persons or property when that item is not used in relation to a normal school activity at a scheduled time for the student.

No vehicles parked on school property may contain firearms, knives, blackjacks or other items which are generally considered to be weapons. The vehicle restriction does not apply to students 21 or older who are authorized by state law to carry a concealed weapon when the weapon remains inside an attended or locked motor vehicle and is secured in a closed glove compartment, closed console, closed trunk, or in a closed container secured by an integral fastener and transported in the luggage compartment of the vehicle.

Level of Offense

It is a felony offense, punishable by a fine of \$1,000 or imprisonment for five years, or both, to carry a weapon as referenced above on school property. It is a misdemeanor offense, punishable by a fine of up to \$500 or imprisonment for up to 90 days, to carry a concealed dirk, slingshot, metal knuckles, razor, or other deadly weapon.

Weapons (Firearms)

Any student who possesses, uses, or transfers a firearm on school grounds or at a school-sponsored activity will be recommended for expulsion for one calendar year. A firearm is defined as any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive. The term firearm also includes any explosive, incendiary, poison gas, bomb, or grenade. On a case-by-case basis, the superintendent may modify the one calendar year expulsion recommendation.

The district will not provide educational services in an alternative setting to students expelled under this policy.

The district will refer each expelled student to the local county office of the Department of Juvenile Justice.

Adopted 6/29/81; Revised 6/26/00, 8/30/04

Legal references:

A. Federal Law:

1. Gun-Free Schools Act, 20 U.S.C.A. 7961.

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

1. Section 16-23-420 - Possession of firearm on school property; concealed weapons.
2. Section 16-23-430 - Concealed weapons, school property exception.
3. Section 59-63-235 - Expulsion of student determined to have brought firearm to school.
4. Section 59-63-370 - Definition of a weapon.

C. Federal Cases:

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

Policy JICI Weapons in School

Issued 8/04

Purpose: To establish the basic structure for the board's prohibition of student possession of weapons.

It is the policy of the board to ensure the safety and welfare of its students and employees. The presence of firearms, knives, blackjacks or other weapons on school district property poses a severe threat of serious harm or injury to students and staff.

While on school grounds, in school buildings, on buses or at school-related functions, students will not possess any item capable of inflicting injury or harm (hereinafter referred to as a weapon) to persons or property when that item is not used in relation to a normal school activity at a scheduled time for the student. No vehicles parked on school property may contain firearms, knives, blackjacks or other items which are generally considered to be weapons.

Level of offense

It is a felony offense, punishable by a fine of \$1,000 or imprisonment for five years, or both, to carry a weapon as referenced above on school property.

Weapons (firearms)

The board or its designee will expel for no less than one calendar year any student who has brought or possessed a firearm on school property, at district or school related functions or at any setting under the jurisdiction of the McCormick County School District. For purposes of this section of the policy, weapon is defined as a firearm. The term firearm is defined extensively in the U.S. Code, but generally means a weapon (gun) or destructive device (explosive, incendiary).

The board directs the superintendent to bring recommendations for expulsion consistent with this policy except that the superintendent, on a case-by-case basis, may modify this expulsion requirement. In considering whether to modify the one-year expulsion requirement, the superintendent may consider, among other things, the student's age, discipline records and the specific facts and circumstances of the incident.

Expulsion proceedings for weapons violations will be conducted consistent with the district's expulsion policy and AR.

Expulsion prohibits a student from entering the school or school grounds except for a prearranged conference with an administrator, attending any day or night school functions or riding a school bus.

The district will refer each expelled student to the local county office of the Department of Juvenile Justice.

Adopted 6/29/81; Revised 6/26/00, 8/30/04

Legal references:

United States Code:

[20 U.S.C. 7151](#) - Gun-Free Schools.

U.S. Supreme Court Cases:

[New Jersey v. T.L.O.](#), 469 U.S. 325 (1985.)

S.C. Code, 1976, as amended:

[Section 59-63-235](#) - Expulsion of student determined to have brought firearm to school.

[Section 59-19-90\(3\), \(5\)](#) - General powers and duties of trustees.

[Section 59-63-370](#) - Definition of a weapon.

[Section 16-23-430](#) -Carrying weapons on school property

McCormick County School District

Possession/Use of Electronic Communication Devices in Schools

Code JICJ

Purpose: To establish the basic structure for student possession/use of electronic communication devices in school and/or on school property.

For purposes of this policy, electronic communication devices are defined as any telecommunications device (including cellular telephones, camera phones, pagers, etc.) that emits an audible signal, vibrates, displays a message, a picture, or otherwise summons or delivers a communication to the possessor.

To reflect changes in state law, the district will allow the possession of operating electronic communication devices by elementary, middle, and high school students under the following limited circumstances.

- Operating (i.e., turned “on”) electronic communication devices are not allowed in school buildings or on school campuses beginning at 7:30 a.m. on an academic school day without the permission of the school principal or her/his designee. Operating (i.e., turned “on”) electronic communication devices are allowed during classroom instruction, subject to permission from both the principal and classroom teacher. Use of these devices is for academic purposes only. When not permitted, electronic communication devices are to be turned “off” and stored out of sight in pockets, bags, backpacks, etc. District personnel will direct students in the appropriate use of personal electronic communication devices which at times may be encouraged, and at other times may require that the devices are to be turned off and put away for certain activities. Personal devices will not be allowed to disrupt the school environment and may be collected by the teacher or other district personnel as outlined below. Personal devices that negatively impact the district computing environment or network may be shut down or blocked to prevent disruption of service to others. Students who wish to use a personal electronic communication device must have a signed User Agreement and Parent/Legal Guardian Permission Form on file. This file must be updated annually.
- Operating (i.e., turned “on”) electronic communication devices are not allowed en route to and from school on school buses. While on a school bus, a student’s electronic communication device is to be turned “off” and stored out of sight in pockets, bags, backpacks, etc.
- Operating (i.e., turned “on”) electronic communication devices are allowed on school campuses or in school buildings prior to 7:30 a.m. on an academic school day and in school buildings and on the school campus after the academic school day has ended (2:30 p.m. for elementary school, 3:10 p.m. for middle school, and 3:15 p.m. for high school

unless the day is extended due to school bus schedules) and days when schools are not in session.

The school principal or his/her designee will have the authority to limit the use and/or confiscate electronic communication devices if the use or possession of these devices may cause or is causing a disruption to the school and/or event.

A student who is in violation of this policy is subject to the following penalties.

- *First offense** - confiscation of the device; and, after a conference with the parent/legal guardian, the device will be returned to the adult.
- *Second offense** - confiscation of the device; and, after a conference with the parent/legal guardian, the device will be returned to the adult after 14 calendar days.
- *Third offense** - confiscation of the device; and, after a conference with the parent/legal guardian, the device will be returned after 60 calendar days.
- *Fourth and subsequent offenses** - confiscation of the device and the device will be returned at the conclusion of the current academic year.

The principal or her/his designee may assign additional disciplinary consequences if the principal or his/her designee determines that the circumstances of a particular incident warrant such an action.

**Note: In an elementary school, the principal may reduce the consequence(s) if extenuating circumstances exist.*

As a point of clarification, it should be noted that the above-specified penalties are limited to the current school year.

School personnel and/or the school district are not responsible for the loss or damage of any electronic communication device brought onto school property. In addition, the district will not be responsible for the condition of any confiscated device upon its return to the owner.

The district will make an exception to this policy when a student needs the electronic communication device for a legitimate, documented medical reason. However, before a student may possess a "turned on" electronic communication device during the school day and/or when the school building is accessible to students, the principal must have a written statement signed by a medical doctor which includes a certification that the student has a medical condition which necessitates the possession of an electronic communication device at school.

A student who is 18 years old and is a member of a volunteer firefighting organization or emergency service organization may be authorized to carry a "turned on" electronic communication device with special permission from the school principal. If permission is granted for this purpose, the student must file with the principal a letter of special request from the volunteer organization of which he/she is a member and special arrangements must be made

with the principal to ensure that his/her release from school when called for an emergency will not disrupt classes or conflict with the school's policies for student release from school.

Appeals

If a school official confiscates an electronic communication device from a student in accordance with the parameters contained in this policy, there is no ground to appeal the school's decision beyond the school principal and the consequence established in this policy will be administered.

If the parent/legal guardian of the student who has the electronic communication device confiscated at the school level believes that the parameters established in this policy were not followed, then the parent/legal guardian may appeal the school principal's decision to the superintendent or his/her designee within three school days of the incident. This appeal must be in writing and it must specifically state what part(s) of this policy was not followed. The superintendent or his/her designee will then respond to the appeal in writing within three school days of the receipt of the appeal unless extenuating circumstances exist.

Adopted 6/26/00; Revised 8/30/04, 6/8/09

Legal References:

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

- 1) Section 59-63-280 - Possession of paging devices by public school students; mobile telephones included; adoption of policies.

Policy JICJ Cell Phones/Paging Devices/Other Communication Devices

Issued 6/09

Purpose: To establish the basic structure for student possession/use of paging devices in school.

Cellular phone and paging device ownership by adolescents has proliferated over the past years. These devices are used for various reasons, including emergency use and parental communication. To reflect the societal trend and changing state law, the district will allow the possession of paging devices, including cellular telephones, by students only under the following circumstances.

- Cellular telephones and paging devices **are not to be used or visible** in the school building during the regular, academic school day.
- Cellular telephones and paging devices **are allowed** after school during extracurricular activities and on school buses transporting students to and from extracurricular activities.

The school principal reserves the right to further limit and/or confiscate these devices if the use of these devices is causing a disruption to the school.

The district will make an exception to these rules when the student needs the paging device at school for a legitimate, documented medical reason. However, before a student may have a paging device at school, the principal must have written, approved evidence on file of the student's medical need for the device. The principal of each school will decide what constitutes a legitimate medical reason consistent with any guidelines established by the board and/or by the state department of education.

A student who is 18 years old and wishes to participate as a member of a volunteer firefighting organization or emergency service organization may be authorized to carry a paging device with special permission from the school principal. If permission is granted for this purpose, the student must file with the principal a letter of special request from the volunteer organization of which he/she is a member and special arrangements must be made with the principal to ensure that his/her release from school when called for an emergency will not disrupt classes or conflict with the school's policies for student release from school.

A person who finds a student in violation of this policy must report the student to the school principal. Upon notification the principal or his/her designee will follow these procedures.

- First offense - conference with parent/legal guardian and return of the device.
- Second offense - one day of out-of-school suspension and retention of the device until the end of the semester.
- Third offense - two days of out-of-school suspension and retention of the device until the end of the school year.

Any cell phone picture taking or text messaging that results in students cheating or which causes major disruptions will result in the device being confiscated until the last day of the school year and additional discipline at the principal's discretion.

***Note:** Although the district will take appropriate steps to safeguard all cellular telephones and paging devices that are confiscated, the district will not be responsible for lost, stolen or damaged devices.*

Adopted 6/26/00; Revised 8/30/04, 6/8/09

Legal references:

S.C. Code of laws, 1976, as amended:

[Section 59-63-280](#) - Possession of paging devices by public school students; mobile telephones included; adoption of policies.

McCormick County School District

Social Media and Electronic Communications

Code **JICJA**

Purpose: To establish the basic structure for student use social media.

Note: Please consult legal counsel prior to adoption of this policy. Recommended that all district personnel who will be implementing this policy be provided training by district legal counsel on the protections of the First Amendment and the nature of offenses that can be legally addressed by the district.

The board recognizes that social media and other methods of digital communication are essential forms of interaction in modern society. The board believes that responsible use of these platforms is essential to student success, both in college and in their future careers.

For purposes of this policy, digital communications are defined as communications made via any online platform for purposes of collaboration, interaction, and/or active participation, whether accessed via the Internet or via cellular phone, and includes, but is not limited to, email, social media, apps, blogs, chat rooms, instant messages, and gaming platforms.

While the district does not monitor digital communications/student social media accounts, it has the right to act on information provided by students, parents, and community members. Therefore, the district may investigate students' digital communications/social media accounts, including off-hours use, in the event of credible allegations of conduct that violate student discipline policies, violate any law or regulation, or otherwise cause a material and substantial disruption to the school environment or constitute a serious safety risk.

Examples of inappropriate digital communications that may result in disciplinary action include, but are not limited to, those that:

- Contain verbal or physical conduct that threatens another with harm.
- Seek to coerce or compel someone to do something in violation of the law or district policy.
- Constitute cyberbullying, or otherwise exclude or promote the exclusion of individuals from peer groups for purposes of humiliation or isolation.
- Contain discriminatory statements or hostile acts based on a student's race, religion, sex, color, disability, national origin, gender, gender identity, gender expression, or sexual orientation.
- The district will report violations of state or federal law to the appropriate authorities.

Legal References:

A. Federal Law:

1. Title IV of the Civil Rights Act of 1964, 42 U.S.C. Sec. 2000c-6 - Prohibits discrimination on the basis of race, color, or national origin, among other factors, by public elementary and secondary schools.
2. Title VI of the Civil Rights Act of 1964, 42 U.S.C.A. Section 2000d - No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of or be subjected to discrimination under any program or activity receiving federal financial assistance.
3. Title IX of the Education Amendments of 1972, 20 U.S.C.A. Sections 1681-86 - Prohibits discrimination on the basis of sex.

B. Federal Case Law:

1. Kowalski v. Berkeley County Schools, 652 F.3d 565 (4th Cir. 2011).
2. Tinker v. Des Moines Indep. Cmty. Sch. Dist., 393 U.S. 503 (1969).
3. Bethel Sch. Dist. No. 403 v. Fraser, 478 U.S. 675 (1986).
4. Hazelwood Sch. Dist. v. Kuhlmeier, 484 U.S. 260 (1988).
5. C. S.C. Code, 1976, as amended:
 1. Section 59-63-110, et seq. - Safe School Climate Act.
 2. Sections 59-63-210 through 280 - Grounds for which trustees may expel, suspend, or transfer pupils.

D. State Board of Education Regulations:

1. R43-243 - Special education discipline guidelines.
2. R43-279 - Minimum standards of student conduct and disciplinary enforcement procedures be implemented by local school districts.

Adopted

Student Interrogations, Searches and Arrests

Code **J1H**

Purpose: To establish the basic structure for conducting searches of students or their property and interrogations and arrests of students.

Searches

Students do not lose their constitutional rights upon entering school premises. The Fourth Amendment to the United States Constitution protects all citizens, including students, from unreasonable searches.

However, students and their belongings (including any vehicle driven by a student onto school property) are subject to reasonable searches and seizures when administrators have a belief, reasonable under the circumstances, of the following.

~~The student to be searched committed a crime or a violation of a school rule.~~

Such a search will reveal contraband or evidence of a violation of a school rule or a criminal law.

Any search conducted must be reasonable in scope given the age and sex of the student and the nature of the alleged infraction.

Only the principal or his/her designee may conduct such searches within the constitutional parameters outlined above, unless exigent circumstances exist which require another staff member to take immediate action for safety reasons.

Lockers and desks

The schools provide lockers and/or desks to students for their use during the school year. The school retains ownership of both. School officials may conduct unannounced searches at any time to maintain health and safety standards.

Motor vehicles

The privilege of bringing a student-operated motor vehicle onto school premises is conditioned on consent by the student driver to allow a search of that motor vehicle when there is reasonable suspicion for a search of that motor vehicle. School officials may conduct searches of motor vehicles in accordance with publicized administrative rules.

Canines

The use of a canine to search out the presence of drugs, weapons, and explosives on school grounds will be on a random and unannounced basis. Periodically during the school year or at the request of an individual principal, a trained dog, with its handler, will go to the schools to sniff unoccupied areas and contents therein and automobiles parked on school grounds. If the dog alerts its handler to the presence of contraband, then school officials will conduct a reasonable search. If, during the search, any item is discovered that is not allowed on school grounds, school officials will follow board policy in dealing with each individual case. The dog will not enter a room containing students or sniff students.

Interrogations by School Personnel

Teachers and administrators may question students about any matter pertaining to the operation of a school and/or enforcement of its rules. The staff member will conduct the questioning discreetly and under circumstances, which will avoid unnecessary embarrassment to the person being questioned. Any student who answers falsely or evasively or who refuses to answer a proper question may be disciplined.

Contacting Law Enforcement

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

Interrogations by Police

When law enforcement officers request to question students during the school day, the school principal or his/her designee will be present at all times during the interview of the student. The principal's designee must be an administrator. The principal or his/her designee will attempt to contact the parent/legal guardian and request his/her attendance prior to allowing an interview of a student to occur.

Custody or Arrest

Law enforcement authorities have the right to enter the school to take a student into custody or to make a lawful arrest of a student if they act pursuant to lawful procedure. The principal will assist the law enforcement officer in assuring that all procedural safeguards as prescribed by law are observed. If a student is arrested or taken into custody at school, the principal or his/her designee will make a reasonable effort to notify the parents/legal guardians.

Legal References:

Adopted 2/9/78:Revised 8/3/79, 6/26/00, 8/30/04

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

Section 59-24-60 - Requires administrators to contact law enforcement.

Section 59-63-1110, et seq. - Search of persons and effects on school property.

B. Federal Cases:

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

Policy JIH Student Interrogations, Searches and Arrests

Issued 8/04

Purpose: To establish the basic structure for conducting searches of students or their property.

The board, by this policy, recognizes that both state law and the [Fourth Amendment to the United States Constitution](#) protect citizens, including students, from unreasonable searches and seizures. The board accordingly directs all district personnel to conduct searches and seizures on district property or during district sponsored events in accordance with applicable federal and state law. The board's express intention for this policy is to enhance security in the schools, prevent students and other persons on school grounds from violating board policies, school rules, and state and federal laws and to ensure that legitimate privacy interests and expectations are respected consistent with the need of the district to maintain a safe environment conducive to education.

Searches

As authorized by state law, district and school administrators and officials may conduct reasonable searches on district property of lockers, desks, vehicles and personal belongings such as purses, book bags, wallets and satchels, with or without probable cause, subject to the limitations and requirements of this policy.

The district administration is directed to ensure compliance with S.C. Code Ann. [§ 59-63](#)-1150, which requires that administrators must receive training in the "reasonableness standard" under existing law and in district procedures regarding searches. The district administration is further authorized and directed to establish procedures to be followed in conducting searches. The board further directs the district administration to ensure that notice is posted in compliance with S.C. Code Ann. [§ 59-63](#)-1160 advising that any person entering the premises of any school in the district will be deemed to have consented to a reasonable search of his/her person and effects.

All searches must comply fully with the "reasonableness standard" set forth in [New Jersey v. T.L.O.](#), 469 U.S. 328 (1985). This reasonableness standard recognizes that balancing the privacy interests of students with the substantial need of teachers and administrators to maintain order in the schools does not require that searches be based on probable cause to believe that the subject of the search has violated or is violating the law. Rather, the appropriateness of a search depends on the reasonableness under all the circumstances of the search. Determining the reasonableness of any search will involve a two-fold inquiry. First, a district or school administrator or official must determine that the search is justified at its inception, and second, that the scope and conduct of the search is reasonably related to the circumstances justifying the search at its inception. In other words, all searches hereunder must be determined to: (1) have reasonable grounds for suspecting that the search will disclose evidence the student, or other person, has violated or is violating either the law or the rules of the district or school; and (2) be limited in scope and conduct to the extent that the measures utilized to carry out the search are reasonably related to the objectives of the search and not excessively intrusive in light of the age and sex of the person searched and the nature of the suspected infraction of the law or district or school rules.

The board further prohibits any district employee, including district administrators and officials, from conducting a strip search.

Searches involving the use of metal detectors will be conducted in accordance with the procedures outlined in policy [JIHC](#) and [AR](#).

Any contraband items or evidence of a violation of law or district or school rules may be retained by school officials and/or turned over to an appropriate law enforcement agency, as required by law.

Contacting law enforcement

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

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

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

Interrogations by school personnel and school resource officers

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

Interrogations by law enforcement

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

Custody or arrest

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

Adopted 2/9/78; Revised 8/3/79, 6/26/00, 8/30/04

Legal references:

U.S. Supreme Court Cases:

[New Jersey v. T.L.O.](#). --U.S.--, 105 S. Ct. 733 (1985).

[United States Constitution](#), Fourth Amendment.

South Carolina Constitution:

[Article I](#), Section 10.

S.C. Code, 1976, as amended:

[Section 59-5-65](#) Minimum standards for student conduct, attendance and scholastic achievement; enforcement.

[Section 59-24-60](#) - Requires administrators to contact law enforcement.

[Section 59-63-1110](#) *et seq.* - Search of persons and effects on school property.

[Section 20-7-7205](#) - Requires law enforcement to notify principal of child's school for certain offenses; confidentiality of information.

[Section 63-19-810](#) - Taking a child into custody.

S.C. Acts and Joint Resolutions:

[1994 Act #393](#), p. 4097 - Allows searches.

McCormick County School District

STUDENT INTERROGATIONS, SEARCHES AND ARRESTS

The following exhibit may be used as a checklist for administrators who are considering conducting a search of a student or the student's effects, locker, desk, or motor vehicle.

- What factors cause you to have a reasonable suspicion that the search of this student or his/her effects, locker or automobile will turn up evidence that the student has violated or is violating the law or the rules of the school?

Eyewitness account

- by whom
- date/time
- place
- what was seen

Information from a reliable source

- time received
- how information was received
- who received information
- factors that make source reliable
- description of information
- suspicious behavior (explain)

Note time of search.

- Describe location of search.
- Was student told purpose of search?
- Was consent requested?
- Was consent given?
- Was the search you conducted reasonable in terms of scope and intrusiveness?
 - What are you searching for?
 - Note sex of the student.
 - Note age of the student.
 - Describe exigency of the situation.
 - What type of search is being conducted?
 - Who is conducting the search (include name, position, sex)?

Explanation of search

- Describe the time and location of the search.
- Describe exactly what was searched.
- What did the search yield?
- What was seized?
- Were any materials turned over to the police?

Adopted

FILE JIH-E Student Interrogations, Searches And Arrests

The following exhibit may be used as a checklist for administrators who are considering conducting a search of a student or the student's effects, locker, desk or motor vehicle.

- What factors cause you to have a reasonable suspicion that the search of this student or his/her effects, locker or automobile will turn up evidence that the student has violated or is violating the law or the rules of the school?

- Eyewitness account

- by whom

- date/time

- place

- what was seen

- Information from a reliable source

- time received

- how information was received

- who received information

- factors that make source reliable

- description of information

- suspicious behavior (explain)

- Note time of search.

- Describe location of search.

- Was student told purpose of search?

- Was consent requested?

- Was consent given?

- Was the search you conducted reasonable in terms of scope and intrusiveness?

- What are you searching for?

- Note sex of the student.

- Note age of the student.

- Describe exigency of the situation.

- What type of search is being conducted?

- Who is conducting the search (include name, position, sex)?

- Explanation of search

- Describe the time and location of the search.
- Describe exactly what was searched.
- What did the search yield?
- What was seized?
- Were any materials turned over to the police?

McCormick County School District

CANINE SEARCH REPORT

The form will be completed each time the drug dog is used on property of the School District of Pickens County for detecting the presence of drugs. This form must be sent by Courier or mailed to the district office. If drugs are found on the school property, it should be reported immediately by phone in addition to the submission of this form.

Date dog was used on school property: _____

Time dog was on the property: _____

Name of principal or assistant principal who accompanied the dog handler during the search:

Brief report of any significant incidents related to this search for drugs:

School

Date

Signature of principal or his/her designee

Signature of dog handler

Adopted

STUDENT INTERROGATIONS, SEARCHES, AND ARRESTS

Code **JIH-R**

In order to recognize and protect student rights and expectations to privacy, safety, and an educational environment conducive to learning, as well as to enhance security in schools and prevent students from violating board policies, school rules, and federal and state laws, district officials, including principals and their designees, are authorized to conduct reasonable searches according to the procedures outlined herein and in board policy JIH.

If a search yields evidence that a board policy, school rule, or federal or state law has been violated, appropriate disciplinary action will be taken, and in cases where the evidence suggests conduct which must be reported to law enforcement under S.C. Code Ann. § 9-24-60, the appropriate law enforcement authorities will be immediately notified.

Searches of a Person or a Person's Belongings or Effects

Procedures for searching a person or a person's belongings must be reasonable. A reasonable search is one which is both based on a reasonable suspicion and is reasonably related in scope. For reasonable suspicion to exist, school officials conducting a search must be able to articulate why, based on all the circumstances, they objectively and reasonably suspect the search of the person or personal property is likely to yield evidence of a violation of law or district or school rules. In formulating a reasonable suspicion, a school official may rely on information he/she considers reliable, including reports from students, as well as the official's own observations, knowledge, and experience; however, a mere hunch or guess that a search will uncover evidence of a violation of law or district or school rules is insufficient to justify a search.

Additionally, the search must be reasonable in its method and scope. A search must be carried out in such a manner that it targets the object of the search or the suspected evidence of a violation of law or district or school rules. The proper scope of the search is a case-by-case determination and is generally limited to the places in which it is reasonably suspected that the object of the search may be found. A search may be as extensive as is reasonably required to locate the object(s) of the search and may extend to all areas, containers, and personal effects in which the object of the search may be found. In addition, when determining the reasonableness of the scope and manner of a search, the school officials must take into account the age, sex, and other special circumstances concerning the object of the search and the person involved, as well as the nature of the suspected infraction. Should the school official determine that a pat-down search is necessary, the school official, who must be the same sex as the person searched, will escort the person to a private area to conduct the pat-down search. A witness must be present during all such searches. If a student refuses to comply, the student's parent/legal guardian and/or the police will be contacted. **Under no circumstances, however, is a strip search by a school official permitted.**

Searches of Lockers, Desks, and Other School Property

The district provides lockers, desks, and other school property to students for their use. Because the district retains ownership of this property, school officials may conduct searches of such property, including random and unannounced searches, with or without reasonable suspicion, when such search is determined by school officials to be otherwise reasonable in light of the needs of the school. However, objects belonging to students contained in such school property will not be opened or searched except as provided in the section above. Students will be notified expressly in writing in the student handbook that such school property may be searched at any time. In conducting searches of school property, student property will be respected and not damaged.

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Searches of Vehicles on School Property

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

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

The interiors of student vehicles, including such things as trunks, glove compartments, and personal belongings within a vehicle, may be searched whenever a school official has reason to believe a student is violating board policies, school rules, or federal or state law, as described in the "reasonableness standard" set forth in the section above. When a school official needs to gain access to the interior of a vehicle parked on school premises, for purposes of conducting a search in compliance with the "reasonableness standard," he/she will first ask the student to provide access. If a student refuses to provide the school official with access to the interior of his/her vehicle, he/she may be subject to disciplinary action, including loss of all parking privileges and the possible towing of the vehicle at the student's expense.

Use of Trained Canines

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

Accordingly, school officials will only utilize trained dogs on district property under the following circumstances:

- Only trained and proven reliable dogs may be utilized on school grounds.
- Dogs will be under the control, direction, and supervision of a trained dog handler and will be on a leash or subject to appropriate restraint at all times.
- Dogs will only be utilized when determined to be reasonable under all the circumstances by the school principal or his/her designee.
- Dogs will not sniff an individual unless determined to be reasonable in all respects under the section above; however, actual physical contact between dogs and individuals should be avoided.

In all circumstances, school officials will make reasonable efforts to minimize the exposure of students to dogs. Should a dog alert its handler to the presence of any contraband, school officials may conduct a search in accordance with the procedures set forth above.

Issued 2/9/78; Revised 8/3/79, 6/26/00, 8/30/04, ^

McCormick County School District

AR JIH-R Student Interrogations, Searches and Arrests

Issued 8/04

In order to recognize and protect student rights and expectations to privacy, safety and an educational environment conducive to learning, as well as to enhance security in schools and prevent students from violating board policies, school rules, and federal and state laws, district officials, including principals and their designees, are authorized to conduct reasonable searches according to the procedures outlined herein and in board policy [JIH](#).

If a search yields evidence that a board policy, school rule or federal or state law has been violated, appropriate disciplinary action will be taken, and in cases where the evidence suggests conduct which must be reported to law enforcement under S.C. Code Ann. § [59-24-60](#), the appropriate law enforcement authorities will be immediately notified.

Searches of a person or a person's belongings or effects

Procedures for searching a person or a person's belongings must be reasonable. A reasonable search is one which is both based on a reasonable suspicion and is reasonably related in scope. For reasonable suspicion to exist, school officials conducting a search must be able to articulate why, based on all the circumstances, they objectively and reasonably suspect the search of the person or personal property is likely to yield evidence of a violation of law or district or school rules. In formulating a reasonable suspicion, a school official may rely on information he/she considers reliable, including reports from students, as well as the official's own observations, knowledge and experience; however, a mere hunch or guess that a search will uncover evidence of a violation of law or district or school rules is insufficient to justify a search.

Additionally, the search must be reasonable in its method and scope. A search must be carried out in such a manner that it targets the object of the search or the suspected evidence of a violation of law or district or school rules. The proper scope of the search is a case-by-case determination and is generally limited to the places in which it is reasonably suspected that the object of the search may be found. A search may be as extensive as is reasonably required to locate the object(s) of the search and may extend to all areas, containers and personal effects in which the object of the search may be found. In addition, when determining the reasonableness of the scope and manner of a search, the school officials must take into account the age, sex and other special circumstances concerning the object of the search and the person involved, as well as the nature of the suspected infraction. Should the school official determine that a pat-down search is necessary, the school official, who must be the same sex as the person searched, will escort the person to a private area to conduct the pat-down search. A witness must be present during all such searches. If a student refuses to comply, the student's parent/legal guardian and/or the police will be contacted. **Under no circumstances, however, is a strip search by a school official permitted.**

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Searches of vehicles on school property

Students are permitted to park on school premises as a matter of privilege, not of right. Accordingly, all students desiring to park their vehicles on school premises must first obtain a parking permit from the designated school

administrator. In order to obtain a parking permit, the student must sign a form acknowledging that he/she understands and agrees to the terms regarding the use of parking lots set forth below. Vehicles which do not have a permit in plain view are subject to being towed at the student's expense.

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The interiors of student vehicles, including such things as trunks, glove compartments and personal belongings within a vehicle, may be searched whenever a school official has reason to believe a student is violating board policies, school rules or federal or state law, as described in the "reasonableness standard" set forth in the section above. When a school official needs to gain access to the interior of a vehicle parked on school premises, for purposes of conducting a search in compliance with the "reasonableness standard," he/she will first ask the student to provide access. If a student refuses to provide the school official with access to the interior of his/her vehicle, he/she may be subject to disciplinary action, including loss of all parking privileges and the possible towing of the vehicle at the student's expense.

Use of trained canines

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Accordingly, school officials will only utilize trained dogs on district property under the following circumstances.

- only trained and proven reliable dogs may be utilized on school grounds
- dogs will be under the control, direction and supervision of a trained dog handler and will be on a leash or subject to appropriate restraint at all times
- dogs will only be utilized when determined to be reasonable under all the circumstances by the school principal or his/her designee
- dogs will not sniff an individual unless determined to be reasonable in all respects under the section above; however, actual physical contact between dogs and individuals should be avoided

In all circumstances, school officials will make reasonable efforts to minimize the exposure of students to dogs. Should a dog alert its handler to the presence of any contraband, school officials may conduct a search in accordance with the procedures set forth above.

Issued 2/9/78; Revised 8/3/79, 6/26/00, 8/30/04

McCormick County School District