



**AGENDA  
BOARD OF TRUSTEES  
DISTRICT ADMINISTRATION BUILDING'S BOARD ROOM  
JULY 13, 2009**

1. Call to order at 6 p.m.
2. Motion to enter executive session in the lounge to consider the following:
  - a. Selected employment items (Exhibit A)
3. Welcoming remarks at 7 p.m.
4. Invocation – Buddy Price
5. Pledge of Allegiance – Robert Gantt
6. Approval of the agenda
7. Superintendent's report
  - a. Superintendent
  - b. Community Services
  - c. Financial Services
    1. Budget transfer report for June 2009 (Exhibit B)
    2. Bond sale report (Exhibit C)
  - d. Human Resources
  - e. Instructional Services
    1. Report on Accountability Systems in South Carolina (Exhibit D)
  - f. Technology Services

- g. New Design and Construction
  - 1. Facilities update
- 8. Public participation\*

### **CONSENT AGENDA**

- 9. Approval of the minutes of the regular meeting of June 22, 2009
- 10. Approval of request for REFUGE Church to use Lake Murray Elementary School (Exhibit E)

### **ACTION AGENDA**

- 11. First and second reading of proposal to replace board policy JCDA-R "Student Behavior Code" with JICDA-R "Code of Conduct" (Exhibit F)

### **DISCUSSION AGENDA**

- 12. Design development for Seven Oaks Elementary School (Exhibit G)
- 13. Proposed revisions to board policy DBJ "Budget Transfers" (Exhibit H)
- 14. Adjourn

### **INFORMATION AGENDA**

- 15. Title I and Title II 2009-2010 Program proposal (Exhibit I)
- 16. The next meeting will be on August 10<sup>th</sup> at 12 noon at the District Administration Building.

\*The Board welcomes and encourages public participation and includes an opportunity during its meetings for the public to do so. We respectfully ask that you adhere to the procedures and the decorum provided in board policy BEDH "Public Participation at Meetings". We ask that you sign-up to speak before the meeting begins and that you provide us your name, address and topic of input. Your comments should be limited to three minutes. Questions asked during public participation and placed in writing will receive a written response in a timely manner. Comments, questions and opinions are appreciated but should always be presented in a manner that reflects the respect and dignity expected by our community. Personal attacks on members of the community, the Board, or the staff of the school system will not be allowed.



Minutes/ June 22, 2009

The Board of Trustees of School District Five of Lexington and Richland Counties met at the District Administration Building with the following members present:

Mr. Robert Gantt, Chairman  
Mrs. Roberta Ferrell, Vice Chairman  
Mrs. Carol Sloop, Secretary  
Mrs. Ellen Baumgardner  
Ms. Beth Burn  
Mrs. Jan Hammond  
Dr. Herbert Berg, District Superintendent

The following staff were in attendance:

Ms. Helen Anderson, Chief Instructional Services Officer  
Dr. Angela Bain, Chief Human Resource Services Officer  
Mr. Gary Black, Chief Technology Services Officer  
Dr. Karl Fulmer, Chief Financial Services Officer  
Mr. Keith McAlister, Director, New Design and Construction  
Mr. Buddy Price, Director, Office of Community Services

The Public hearing on the 2009-2010 general fund budget was held at 6:30 p.m.

Mr. Gantt called the meeting to order and gave welcoming remarks at 7:00 p.m.

The Invocation was given by Buddy Price. The Pledge of Allegiance was led by Robert Gantt.

During the superintendent's report, Karl Fulmer presented the monthly financial reports for May 2009 (Exhibit B) and the budget transfer report for May 2009 (Exhibit C); Keith McAlister gave an update on the Chapin Elementary School construction project.

During public participation, Bill Morgan spoke regarding the bond referendum; Susan Potter spoke regarding the literacy coaches; Paul DuPre spoke regarding the district.

Karl Fulmer presented a request to use Lake Murray Elementary School (Exhibit G).

Michael Harris presented a proposal to replace board policy JCDA-R "Student Behavior Code" with JICDA-R "Code of Conduct" (Exhibit H).

A = Absent  
AB = Abstain  
N = No  
X = Yes

SCHOOL DISTRICT FIVE  
OF  
LEXINGTON AND RICHLAND COUNTIES

Meeting of June 22, 2009

	B A U M G A R D N E R	B U R N	F E R R E L L	G A N T T	H A M M O N D	S L O O P	W H I T E
1. M. Hammond S. Ferrell  Enter executive session to consider the following: 2a) selected employment items (Exhibit A); 2b) property matter	A	A	X	X	X	X	A
2. M. Ferrell S. Baumgardner  Approve the agenda	X	X	X	X	X	X	A
3. M. Baumgardner S. Hammond  Approve the minutes of the regular meeting of June 8, 2009	X	X	X	X	X	X	A
4. M. Sloop S. Burn  Approve the selected employment items (Exhibit A)	X	X	X	X	X	X	A
5. M. Burn S. Ferrell  Approve the construction documents for Leaphart Elementary School (Exhibit D)	X	X	X	X	X	X	A
6. M. Burn S. Baumgardner  Approve the schematic documents for Chapin High School (Exhibit E)  M. Hammond  Amend to delay the vote until we have time to review a comparative chart using the district's teacher ratio policy at all three high schools to ensure there is enough classrooms for the three academic core courses – Math, Language Arts and Social Studies – in the proposed schematic designs for Chapin High School  Motion failed due to lack of second  Vote on original motion	X	X	X	X	No	X	A

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N = No  
X = Yes

SCHOOL DISTRICT FIVE  
OF  
LEXINGTON AND RICHLAND COUNTIES

Meeting of June 22, 2009

		B A U M G A R D N E R	B U R N	F E R R E L L	G A N T T	H A M M O N D	S L O O P	W H I T E
7.	M. Ferrell                      S. Hammond  Approve second reading of the 2009-2010 general fund budget in the amount of \$141,869,461 (Exhibit F)	X	X	X	X	X	X	A
8.	M. Ferrell                      S. Baumgardner  Adjourn	X	X	X	X	X	X	A

A = Absent  
AB = Abstain  
N = No  
X = Yes





July 13, 2009

TO: Members of the Board of Trustees  
Dr. Herbert M. Berg, Superintendent

FROM: Karl E. Fulmer, Ed.D.   
Chief Financial Services Officer

RE: Budget Transfer Report for June 2009

Attached for your information are the budget transfers for June 2009 that fall below the \$10,000 threshold required for Board approval.

KEF:ll

Attachment

[illegible]







July 13, 2009

TO: Members of the Board of Trustees  
Dr. Herbert M. Berg, Superintendent

FROM: Karl E. Fulmer, Ed.D.   
Chief Financial Services Officer

RE: Report on the Bond Sale

Attached for your review is information on the district's bond sale. Frannie Heizer of the McNair Law Firm will be at the meeting to discuss the bond sale.

KEF:ll

Attachment

## **SOUTH CAROLINA BUILD AMERICA BONDS**

***- Richland-Lexington County School District No. 5, South Carolina issues \$40,000,000  
as the second Build America Bonds issuer for South Carolina -***

**Tuesday, June 30, 2009** - Richland-Lexington County School District No. 5, South Carolina (the "District") sold \$40,000,000 of General Obligation Build America Bonds (the "Bonds") by competitive sale today. The Bonds sale included multi-mode bidding alternatives whereas potential purchasers could offer proposals for either taxable Build America Bonds or traditional tax-exempt bonds. Ross, Sinclair & Associates, LLC served as financial advisor and McNair Law Firm, P.A. served as bond counsel.

As part of the American Recovery and Reinvestment Act of 2009 ("Recovery Act"), taxable bonds known as Build America Bonds were introduced to finance capital expenditures for which it could issue (i) tax credit bonds or (ii) direct payment bonds. Based on the type of Build America Bonds issued, either a bond holder tax credit or an issuer direct subsidy interest payment is received from the United States Treasury equal to 35% of the amount of each interest payment due on such taxable bonds.

The District would determine whether to award the Bonds as taxable direct payment bonds under the Recovery Act or traditional tax-exempt bonds at the time of the sale.

After computing all bid submissions, the District awarded the bonds as taxable direct payment Build America Bonds. No traditional tax-exempt bids were received. The direct payment Build America Bonds were awarded based at an adjusted true interest cost of 3.63%.

Ross, Sinclair & Associates, LLC has computed the tax-exempt comparable true interest cost to be 4.39%. The net differential is an interest cost savings of \$4,882,984.84 over the life of the bonds.

A full listing of the bid results are as follows:

	Taxable & Tax-Exempt <u>TIC%</u>	Adjusted Direct Payment <u>TIC%</u>
<u>Bids as Build America Bonds</u>		
Morgan Keegan & Company	5.57%	3.63%
Jeffries & Company	6.05%	3.94%
Wachovia Bank, N.A.	6.31%	4.11%

If you have any questions in regards to Build America Bonds, the Recovery Act or your financing needs, please feel free to contact us at the below.

Ross, Sinclair & Associates, LLC | Brian Nurick – Bob Damron – Mike Gallagher 800.255.0795  
McNair Law Firm, P.A. | Francenia Heizer 803.799.9800 (Columbia) | Dan McLeod 864.271.4940 (Greenville) | Toya Green 843.723.7831 (Charleston)

## Lexington and Richland Counties School District No. 5, South Carolina

**Primary Credit Analysts:**

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standardandpoors.com

**Secondary Credit Analysts:**

Richard J Marino  
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richard\_marino@  
standardandpoors.com

**Credit Profile**

**US\$40. mil GO bnds ser 2009B due 03/01/2029**

Long Term Rating	AA/Stable	New
School Issuer Credit Rating	AA/Stable	New

**Lexington & Richland Cntys Sch Dist #5 GO bnds ser 2009 due 03/01/2012**

Long Term Rating	AA/Stable	Rating Assigned
School Issuer Credit Rating	AA/Stable	Rating Assigned

### Rationale

Standard & Poor's Ratings Services assigned its 'AA' long-term rating and stable outlook to Lexington and Richland County School District No. 5, S.C.'s series 2009B general obligation (GO) bonds, based on the district's participation in South Carolina's state aid intercept program. We affirmed our 'AA' rating on the district's parity debt outstanding. At the same time, we assigned the district a 'AA' issuer credit rating (ICR) and stable outlook, which reflects the district's own credit characteristics.

In Standard & Poor's opinion, the ICR reflects the district's:

- Suburban residential area, with access to additional economic and employment opportunities throughout the Columbia metropolitan statistical area (MSA);
- Growing and very diverse property tax base, coupled with very strong property wealth indicators, that has seen little impact from the recession;
- Good and well-embedded management policies and procedures;
- Strong financial operations, characterized by the maintenance of strong reserve levels; and
- Low-to-moderate debt levels, coupled with rapid principal amortization.

within the state statute, keeping debt capacity under its 8% of assessed value debt limit. However, most of the district's facilities are either at capacity or over capacity. The district has identified nearly \$243.7 million in additional debt needs to meet growing enrollment.

### **South Carolina's Education Finance Program**

The 'AA' long-term rating reflects the credit enhancement provided by Article X, Section 15, of South Carolina's constitution, which requires mandatory withholding of state aid by the treasurer if the school district is unable to pay debt service. If the district is unable to pay principal or interest amounts due, the treasurer will apply the withheld state aid to the payment of principal and interest. To participate in the program, the district's historical state aid must be at least equal to expected maximum annual debt service requirements.

#### ***Annual appropriation programs***

Standard & Poor's rates four different types of state programs, in more than 20 states, that provide enhancement for school bond issues. These program types include state guarantee, permanent fund, annual or standing appropriation, and state intercept or withholding programs. We analyze each state program according to the program type and base the rating on the characteristics of the particular program and funding mechanisms. South Carolina and New Jersey are the two states with Standard & Poor's-rated annual appropriation programs. Because appropriation programs are dependent on the ability of a state to use its cash reserves to make up any debt service deficiencies, a program's rating is directly linked to the state's own credit quality. Therefore, the program rating will move in tandem with its related state rating, keeping the relative rating differential between the program and state ratings constant. The program's rating outlook will always reflect the state's rating outlook.

#### ***South Carolina's Education Finance Program***

South Carolina's Education Finance Program applies to school district GO debt and does not require a special application to be used as a security. Under the program, county treasurers must notify the state treasurer 15 days in advance of a district's debt service debt payment date if insufficient funds are available for full and timely payment. The state treasurer monitors the situation until the third business day before the payment date. If amounts are still insufficient at that time, the state treasurer requires the county treasurer to use state-distributed school district revenue to make up for the deficiency or the state can advance general fund monies for that purpose. The total appropriation under the Education Finance Act for that year determines the maximum amount of state general fund monies available to be applied to potential default.

### **Outlook**

The stable outlook on the long-term rating reflects the outlook on the state's GO bond rating. The stable outlook on the ICR reflects Standard & Poor's expectation that the district will maintain a solid financial position as Act 388 continues to be institutionalized and funding concentration shifts from local to state sources. Managing the district's rapid enrollment growth, specifically through capital and financial planning, will be essential in maintaining its credit position.

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The McGraw-Hill Companies





**MEMORANDUM**

To: Members of the Board of Trustees

Through: Dr. Herbert M. Berg

From: Helen Anderson  
Chief Instructional Services Officer

Date: July 13, 2009

Re: **Accountability Systems in South Carolina**

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Attached to this memo you will find information regarding accountability systems in South Carolina. For information purposes, there will be a presentation by Missy Wall-Mitchell, Accountability Director, during the Board Meeting.

Both Missy Wall-Mitchell and I will be present to provide you with additional information as needed.

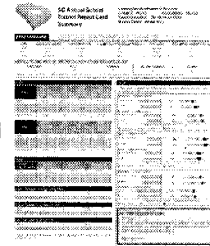


## Accountability Systems in SC



## South Carolina State Report Cards

- Excellent
- Good
- Average
- Below Average
- At Risk (previously called Unsatisfactory)



## Report Card Ratings

- Absolute Rating: based on the performance of students last year
  - Elementary and Middle Schools:
    - PACT ELA, Math, Science, and Social Studies
    - End of Course test results (Algebra 1)
  - High Schools:
    - HSAP results
    - On-Time Graduation Rate
    - End of Course test results
- The "Bar" for Absolute Ratings raises each year
  - Need an index of at least 3.9 in 2009 for an Excellent Rating

## Absolute Rating

- District Rating: **Good** (index=3.8)
  - Second-highest index in the state
  - 1 of 5 districts receiving the Good rating in 2008
- Schools:
  - Excellent: 5
  - Good: 9
  - Average: 4
  - Below Average: 1

## Absolute Index

- 11 schools and the district showed an increase in their index
- 7 schools maintained their index
- 1 school's index decreased by .1 point

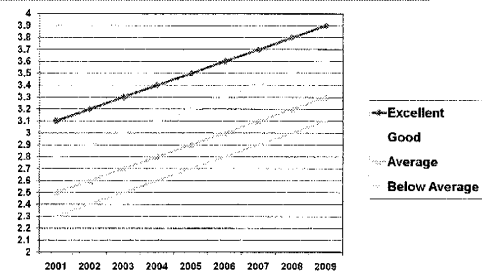
## Education Week Quality Counts 2009 Report

- South Carolina is #1 in the nation on state efforts to improve teaching.
- South Carolina is #5 in the nation for academic standards, assessment and school accountability.
- South Carolina is #1 in policies and programs that strengthen the teaching profession
- South Carolina Accountability scored a perfect 100, indicating its complexity and difficulty.
- South Carolina is one of nine states to earn a perfect score for making progress in the use of educational technology (Technology Counts 2009)

## Education Week- Quality Counts 2009

Yet, South Carolina is 31<sup>st</sup> in the nation on funding, a drop of five places since 2008.

## Increase in "Bar" 2001 to 2009



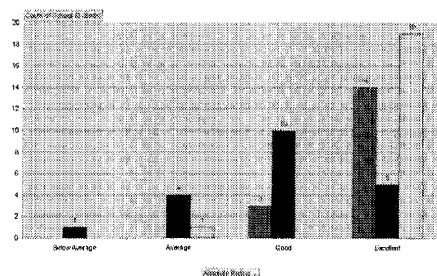
## Chasing A Moving Target

- In 2008, eleven of our schools **increased** their absolute INDEX on the state report cards
- However, only two schools **increased** their absolute RATING on the state report cards

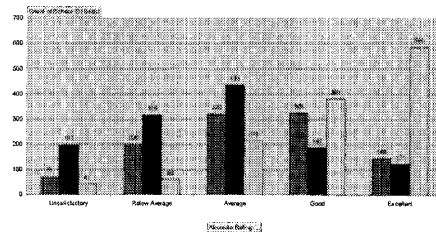
## Comparison of Changes Between 2007 and 2008 Indices & Ratings

	Ratings	Higher	Same	Lower
Index				
Higher		SOES (g) IHS (e)	BES, LMES (e) IES, OPES CMS CRMS, DFMS (g) LES, IMS (a)	
No Change			CES, DFE, RSE (g) CHS, DFHS (e)	HEC, NRE (a)
Lower			HWE (b)	

## Raising the Bar

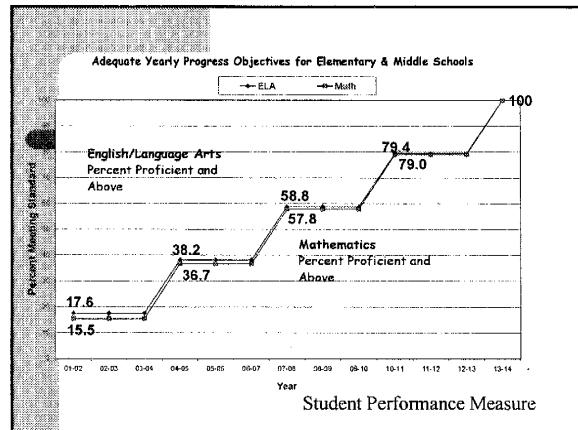


## Raising the Bar: State Level Results



## Report Card Ratings vs. AYP

- Report Cards: S.C. Accountability System
- AYP: Federal Accountability System



## Education Week, May 13, 2009 "How to Fix No Child Left Behind"

- "It would be unthinkable to try to monitor the economy if businesses in every state were allowed to have their own accounting standards. In education, however, this is exactly what we do have for our students and schools."

• GARY W. PHILLIPS  
*Former acting commissioner for the National Center for Education Statistics*

## The Washington Post, March 2008 "5 Myths About No Child Left Behind"

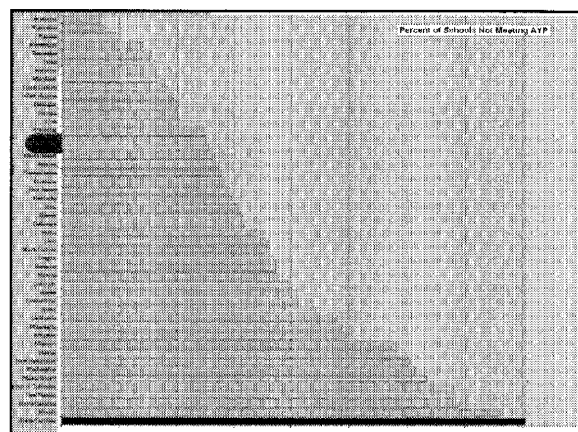
- "A few states, such as Massachusetts, California and South Carolina, have taken their job seriously. But the majority either expect woefully little of their students and schools or have developed such nebulous standards that nobody -- not parents, not teachers, not test makers -- can make out what students are supposed to be learning."

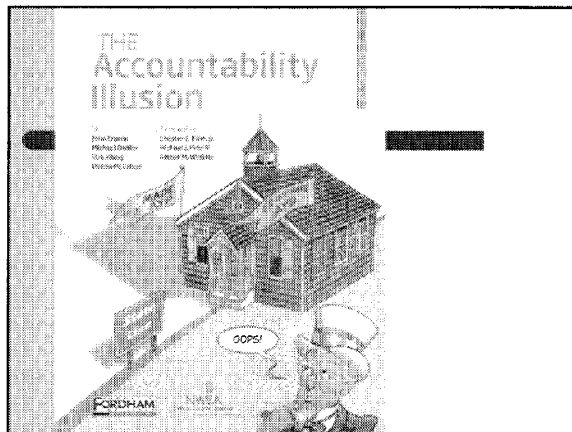
KALMAN R. HETTMAN

## South Carolina Department of Education

### "AYP Ratings Decline as Expected; Higher PACT Scores Can't Match Moving Targets"

-October 1st, 2008

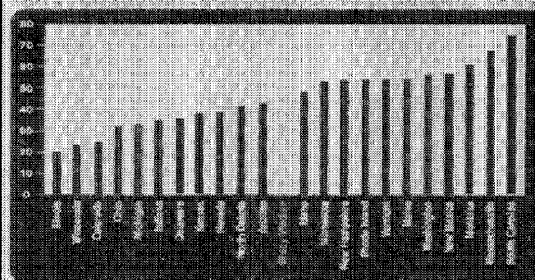




## Making AYP doesn't depend on how you score but where you live

- Created faux data for 18 elementary schools
  - Place those schools in Wisconsin-17 make AYP
  - Place those schools in Arizona- 15 make AYP
  - Place those schools in South Carolina- 3 make AYP

## Grade 8 Math Proficiency Cut Scores



NOTE: The data for this chart is based on the 2003-2004 school year. The data for the states of Alaska, Hawaii, and New York is not included in this chart.

## NWEA/Fordham Institute Study

Grade Level	Math Percentile	Rank in Study	Reading Percentile	Rank in Study
3 <sup>rd</sup>	71	1 <sup>st</sup>	43	5 <sup>th</sup>
4 <sup>th</sup>	64	2 <sup>nd</sup>	58	2 <sup>nd</sup>
5 <sup>th</sup>	72	1 <sup>st</sup>	64	1 <sup>st</sup>
6 <sup>th</sup>	65	2 <sup>nd</sup>	62	1 <sup>st</sup>
7 <sup>th</sup>	68	2 <sup>nd</sup>	69	1 <sup>st</sup>
8 <sup>th</sup>	75	1 <sup>st</sup>	71	1 <sup>st</sup>

# The Difficulty of PACT

Prepared by Members of the Testing and Accountability Discussion Group

Jennifer Coleman, Richland School District One  
Debra Hamm, Richland School District Two  
Trisha Meadows, Spartanburg School District Two  
Jason McCreary, Greenville County School District  
Shane Phillips, Richland School District Two  
Janelle Rivers, Lexington School District One  
Missy Wall-Mitchell, Lexington-Richland School District Five

April, 2009

# The Difficulty of PACT

## Introduction

There have been many reports about the extremely high standards that South Carolina has established for its students. For example, a report by the Fordham Foundation entitled "The Proficiency Illusion" ([http://www.edexcellence.net/detail/news.cfm?news\\_id=376](http://www.edexcellence.net/detail/news.cfm?news_id=376)) shows that, when compared to other states, South Carolina's requirements for proficiency are far more difficult than for the tests given in almost all of the other states studied. However, there has been very little disclosed about the difficulty of the test itself. As South Carolina is continuing to develop its new testing program by examining the results of the first administration of the Palmetto Assessment of State Standards (PASS), establishing cut scores to determine student performance levels, establishing expectations for growth in student achievement and determining the report card rating system, the test itself deserves close scrutiny and the difficulty of the test should be a consideration in the decisions that will be made about the test, cut scores and report card ratings.

While the following findings are from the 2008 PACT administration, they are pertinent because items from the PACT item pool were eligible to be drawn for inclusion on PASS if they matched current standards. For Reading, Mathematics, Science and Social Studies, 87%, of the items in the item pool from which PASS items were drawn were written for PACT; that is, 6,694 of the 7,647 eligible items in the PASS item pool were PACT items. Since most of the learning standards have not changed and the items have not changed, raising a concern about PASS is reasonable in light of PACT and certainly the findings in this short report can be checked for PASS after the first administration of the test.

## Findings

There were shockingly few perfect scores on the 2008 administration of PACT. Of the 317,011 students in South Carolina in grades 3-8 only 143 made the top score on the English Language Arts Test, 79 made the highest score in Mathematics, 124 topped out Science and 138 made it in Social Studies. Of over a million tests, there were only 484 top scores among all the grades and subject areas. If this were the SAT or ACT, these results might not be surprising, but since these are supposed to be a grade-level tests, they are unsettling. The results are of even greater concern when they are considered by grade level. For example, not a single student attained the top score in Social Studies in grade 8. In fact, including all of the tests, there were only 10 top scores for eighth graders.

**Table 1: Counts of Perfect Raw Scores by Grade and Subject for South Carolina**

Grade	ELA	MATH	SCIENCE	SOCIAL	Grand Total
03	33	17	34	44	128
04	26	26	57	23	132
05	73	8	8	12	101
06	5	18	3	19	45
07	2	7	19	40	68
08	4	3	3		10
Grand Total	143	79	124	138	484

### **Discussion and Implications**

It appears that what the public and schools have been led to believe is a grade level test may not be so. There are many items on these tests that even our brightest students can't answer correctly. Even if these items were intended to match the grade-level standards, student performance indicates that the presentation, language or some other characteristic of the items is beyond what students performing on grade level can reasonably be expected to know or do.

These findings have practical implications for teachers, students, parents, policy makers, and the general public who will use the results. Teachers who want their students to do well on this test are challenged in ways that they don't even know because some of the items may be so difficult that no matter how well they are teaching and their students are learning, the odds are overwhelming that questions are not going to be answered correctly. The challenge of improving scores, which is an essential component of the report card rating system, is extreme for schools and districts that serve high achieving students. To make progress with students who are scoring at the higher levels of the tests will likely require them to answer questions that are so hard that very few students can answer correctly. Progress for high achieving students measured this way is unlikely.

Much of the difficulty of the PACT test was by design. To distinguish between students who are proficient (and in South Carolina a proficient student is very high achieving compared to other students in the country) and those who are advanced, there must be items that are difficult enough that most proficient students will get them wrong. Thus, the test was only partly designed to measure achievement of grade-level standards; it was also, and importantly, designed to spread out student scores so that student results can be put in the right score categories for accountability purposes. Ironically, the accountability reporting requirements turned what was supposed to be a criterion-referenced test that answered the essential accountability question, "How well are students

doing on their grade-level state standards?" into a test that resembles a norm-referenced test that answers the question, "How can I spread out scores so that I can assign score labels (like below basic, basic, proficient and advanced) and say with considerable certainty that the students assigned a score in one score category are really different from those in another score category?" Somewhere in the move from developing a test to find out if students are learning what they are supposed to learn to developing a test to support a report card rating system, something of the essence of what a criterion-referenced assessment should represent and report to educators and the public was lost.

### **Considerations for PASS**

As the PASS test is reviewed by the State Department of Education and the Education Oversight Committee, the following questions should be asked:

1. What are the difficulties of the items on PASS?
2. Does the difficulty of the items and the test affect PASS's ability to function as a measure of what students, teachers, schools and school districts have accomplished in a year? Are there characteristics of the items, item selection or test that reduce sensitivity to instruction and learning?
3. How does the difficulty of the test affect the ability to show growth at various achievement levels?
4. What is the effect of having very difficult items on individual test strands and how does that affect strand-level reporting? Will one or more extraordinarily difficult items on a strand result in feedback that students are not doing well even though they are answering the more reasonable items correctly? How does this affect the accuracy of instructional feedback for teachers and students?
5. Should the difficulty of the test be more transparent so that teachers and the public will know just how hard the tests are?
6. How should the effects of very ambitious content standards, difficult items, and a very hard test be considered in the process of setting standards and report card ratings?
7. What is the compounded effect of extremely difficult items that become part of a difficult test, that then are subjected to a standard-setting process (where panels typically don't know the difficulty of the items) through which ambitious cut scores are likely to be established, that then are put into a report card system that expects both high achievement and high growth and that requires improvements just to maintain the same on the absolute rating and finally aims for the state to exhibit some of the highest growth in the nation?







July 13, 2009

TO: Members of the Board of Trustees  
Dr. Herbert M. Berg, Superintendent

FROM: Karl E. Fulmer, Ed.D.   
Chief Financial Services Officer

RE: Request to Use Lake Murray Elementary School

REFUGE Church has requested to use a classroom and the Multi-Purpose Room at Lake Murray Elementary School for worship services on Sundays beginning as soon as possible. The congregation has grown, and a larger meeting place is necessary.

RECOMMENDATION:

The administration recommends that the Board approve the request for REFUGE Church to use Lake Murray Elementary School.

KEF:II

Attachment

## REQUEST FOR USE OF SCHOOL FACILITIES

File: KG-E(3)

Please supply all requested information. If approved, one copy will be returned to you for your records.

ORGANIZATION MAKING REQUEST

Name ~~REFUGEE~~ REFUGEE Church  
 Mailing Address 140-A Amicks Ferry Rd Box 305 Chapin, SC 29036  
 Telephone (803) 351-5837  
 Responsible Officer KENNY KELLY : LEAD PASTOR

FACILITIES REQUESTED

School Lake Murray Elementary 8:30-11:30 a.m.  
 Date(s) of Use (Inclusive) Every Sunday beginning ASAP

Type of Facility	Number Requested	Rate	Total
Classroom/Lab/Unit	<u>1 @ 2 hrs</u>	<u>\$ 20 hr</u>	<u>40.00</u>
Gymnasium			
Cafeteria			
Multi-Purpose	<u>1 @ 3 hrs</u>	<u>\$ 50 hr</u>	<u>150.00</u>
Stadium Facilities			
Baseball Facilities			
Track/Soccer/Practice Facilities			
Additional Expenses Incurred			
Grand Total	<u>2</u>		<u>190.00 *</u>

CUSTODIANS (at the discretion of the principal)

\_\_\_\_\_ custodian(s) for \_\_\_\_\_ hours @ \_\_\_\_\_ per hour = \_\_\_\_\_ \*\*

If this request is approved, the using organization agrees to abide by all provisions of School District Five Board Policy KG (Use of School Facilities) including accepting responsibility and agreeing to pay for any damage that may occur from use of this facility.

[Signature]  
 Organization Representative

5/27/09  
 Date of Official Request

Approved/Disapproved  
Claire J. Thompson  
 Principal/Director

June 1, 2009  
 Date

Approved/Disapproved

District (if necessary)

Date

\*All checks are to be paid in advance. Check(s) should be made payable to School District Five of Lexington and Richland Counties. Organizations using facilities on a continuing basis are to mail checks to the district administration building by the 10th of each month.

\*\*Check(s) should be made payable directly to custodian(s). (\$30 minimum per individual).

For Office Use Only

Date Paid \_\_\_\_\_

Check Number \_\_\_\_\_

Receipt Number \_\_\_\_\_





## MEMORANDUM

TO: Members of the Board of Trustees

THRU: Dr. Herbert Berg, Superintendent

FROM: Ms. Helen Anderson  
Chief Instructional Services Officer

DATE: July 6, 2009

RE: **July 13, 2009 Board Meeting, First and Second Reading Approval,  
“Proposed Revisions to Board Policy JICDA-R (JCDA-R), Code of  
Conduct”**

A copy of Board Policy JICDA-R, Code of Conduct is attached. Recommended additions to the policies are in bold print and are underlined. The sections which are italicized and in brackets are recommended deletions. The suggested changes to the policy for the 2009-2010 school year are as follows:

Page 11, added to Offense 216 “but not limited to biting, spitting and urinating in a public or inappropriate location.”

Page 13, added Offense 323 “Inappropriate Sexual Gesture/Behavior”

Page 13, added to #2(1) “The following consequences will be assigned for middle school students who commit simple assault or use profanity/obscenity, racial or ethnic slur directed to a staff member or to any adult authorized by the school to supervise students, including volunteers, {displays inappropriate sexual gestures/behaviors}, or plan and/or organize and/or instigate and/or participate in an activity that causes substantial disruption to the educational program.”

Page 14, added to #2(2) “The following consequences will be assigned for high school students who commit simple assault or use profanity/obscenity, racial or ethnic slur directed to a staff member or to any adult authorized by the school to supervise students, including volunteers, {displays inappropriate sexual gestures/behaviors}, or plan and/or

organize and/or instigate and/or participate in an activity that causes substantial disruption to the educational program.”

Page 15, deleted from Offense 410 “or possessing.”

Page 17, added Offense 444 “Violation of District-Level Contract”

Page 17, changed 2(a) to read as: “Any offense will result in any behavior management intervention deemed appropriate by the school such as a conference, {revocation of driving and parking privileges}, counseling, parent conferences, detention hall, Saturday Detention, work detail, in-school suspension, Twilight School, out of school suspension, or a recommendation for expulsion.”

Page 17, added NOTE: “Also students who inappropriately use video cameras, video phones or other recording devices are subject to violation of the Privacy Act and can be assigned school and bus consequences.”

Page 19, changed N(1) to read as: “Suspension and expulsion of students with disabilities under the Individuals with Disabilities Education Improvement Act (IDEA 04) or Section 504 of the Rehabilitation Act will be handled in accordance with the District’s procedures to ensure compliance with those regulations.”

Page 19, changed N (2) to read as: “For students whose behavioral violations are determined by the IEP/IAP committee to be directly related to the student’s disability, any suspension or combination of suspensions which exceeds 10 days is considered a change in placement and may not occur. In such cases, the IEP/IAP committee will determine appropriate behavioral interventions and/or consider the appropriateness of the student’s educational placement and need for a change in placement.”

Page 19, changed N (3) from “coordinator of special services” to “office of special services.”

**NOTE: The following revisions pertain to expressed concerns during the June 22, 2009 School Board meeting.**

Page 4, deleted from Mob definition “premeditated.”

Page 5, added definition “sexting.”

Page 11, categorized Offense 216 (Health Code Violation) as elementary only

Page 11, changed 2(b) (1) to read as: “First offense – may include, but not limited to, time-out, detention hall, administrative review, in-school suspension, or suspension out of school.”

Page 11, changed 2(b) (2) to read as: “Second offense – up to three days suspension out of school or immediate suspension with a recommendation for expulsion.”

Page 13, added Offense 324 “Health Code Violation” (middle and high school only).

Page 13, changed 2 (a) (1) to read as: “The following consequences will be assigned to middle school students who {commit a health code violation}, use profanity/obscenity, racial or ethnic slur directed to a staff member or to any adult authorized by the school to supervise students, including volunteers, {displays inappropriate sexual gestures/behaviors}, or plan and/or organize and/or instigate and/or participate in an activity that causes substantial disruption to the educational program.”

Page 14, changed 2 (a) (2) to read as: “The following consequences will be assigned to high school students who {commit a health code violation}, use profanity/obscenity, racial or ethnic slur directed to a staff member or to any adult authorized by the school to supervise students, including volunteers, {displays inappropriate sexual gestures/behaviors}, or plan and/or organize and/or instigate and/or participate in an activity that causes substantial disruption to the educational program.”

Page 14, added to 2 (a) (4) “Third offense – two days out of school suspension {and parent conference scheduled}.”

# PAGE 1 - JICDA-R - CODE OF CONDUCT

*Administrative Rule*

## CODE OF CONDUCT

Code **JICDA-R** Issued

In order to maintain an appropriate educational climate, it may be necessary to apply disciplinary sanctions to students, including their removal from the learning environment. These sanctions will occur only for good cause and in accordance with applicable state and federal law.

The following regulations are designed to protect all members of the educational community in the exercising of their rights and responsibilities.

These regulations are effective during the following times and places.

- on school grounds before, during or after school hours
- on school grounds at any other time when the school is being used by a school group
- off the school grounds at any school and/or school-related activity, function or event
- on a school bus or other school vehicle
- at any time or in any place (including off school grounds and during non-school hours) where student conduct has a direct effect on the school's ability to maintain an orderly and safe learning environment including participation in a district-approved technology-delivered course.

Students and parents/legal guardians are encouraged to become familiar with the rules and regulations contained in this booklet. If there any questions, please talk with the building level administrator or call the district hearing officer.

In determining whether a student has violated the Discipline Code, the principal or his/her designee will consider all the facts and circumstances of the particular situation and may consider, but will not be limited to, verbal and /or written statements of admission; witness statements from others; video surveillance, et al.

**The board of trustees has the authority to approve a one-year pilot plan for any school that alters any consequences for Categories III and IV. The results of the one-year pilot plan would be reported to the board for consideration of incorporation into the district wide plan.**

### **Harassment, intimidation or bullying**

School District Five of Lexington and Richland Counties prohibits any acts of harassment, intimidation or bullying of a student by students, staff and third parties which interferes with or disrupts a student's ability to learn and the school's responsibility to educate its students in a safe and orderly environment, whether such acts occur 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 by the district as a gesture, electronic communication or a written, verbal, physical or sexual act reasonably perceived to have the effect of either of the following.

1. 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.
2. Insulting or demeaning a student or group of students causing substantial disruption in or substantial interference with, the orderly operation of the school.



## **PAGE 2 - JICDA-R - CODE OF CONDUCT**

Any student who believes that he/she has been subjected to harassment, intimidation or bullying in violation of this policy is encouraged to file a complaint in accordance with procedures established by the district. 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, although disciplinary action will not be taken against any person solely on the basis of an anonymous report.

The district prohibits retaliation or reprisal in any form against a student or employee who has filed a complaint or report of harassment, intimidation or bullying. The district also prohibits any person from falsely accusing another of misconduct 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 who is found to have engaged in the prohibited actions as outlined in this policy will be subject to disciplinary action in accordance with the district's student behavior code. Any employee who violates this policy will be subject to disciplinary action. The district also may refer any individual who has violated this policy to law enforcement officials. The district will take any other appropriate steps to correct or rectify the situation.

The superintendent or his/her designee 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 or his/her designee will also ensure that a process is established for discussing the contents of this policy with students.

The district's procedures for responding to incidents of bullying/harassment/intimidation are as follows.

1. Any student or parent/legal guardian of a student who believes that the student has been bullied, harassed or intimidated in violation of district policy should immediately report such conduct to a teacher, administrator or other school official. The report may be oral or in writing.
2. Any school employee who observes an incident of bullying, harassment or intimidation of a student will immediately report the incident to the appropriate building administrator (principal or assistant principal).
3. Any school employee who receives a report of bullying, harassment or intimidation should immediately forward the report to the appropriate building administrator (principal, assistant principal).
4. An administrator will promptly and thoroughly investigate all such reports and upon completion of that investigation, will notify the parents/legal guardians of all affected students of his/her conclusions and of the corrective action to be taken by the school. This notification will be in writing.
5. Corrective action may include the student perpetrator being disciplined in accordance with the student code of conduct, as well as being required to complete program(s) regarding conflict resolution, anger management and/or social interaction skills.
6. In any disciplinary incident in which safety is a concern, a student may be temporarily suspended from the bus pending the result of a full investigation. Investigations will normally be completed within 3 school days. No student will be removed from the bus until a transportation supervisor has made direct contact with the student's parent/guardian. Students will have the right to appeal bus suspensions to the transportation coordinator in the same manner as suspensions from school.

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7. When an out-of-school suspension and bus suspension are adjudicated for an incident, the suspension from riding the bus will begin after the completion of the out-of school suspension

### **A. DEFINITIONS OF TERMS**

**AIDING AND/OR ABETTING WITH A RULE VIOLATION:** Assisting with or intentionally being in the presence of another student when a violation of policy occurs.

**ARSON:** To intentionally damage any real or personal property by fire or incendiary device.

**ASSAULT OF A STAFF MEMBER:** Any deliberate inappropriate physical contact with a staff member. Any adult who has been authorized by the school to supervise students is considered a staff member in case of an assault. In determining whether an assault has occurred, the principal or his/her designee will determine the level of injury to the staff person, as well as the specific facts and circumstances of the incident.

**AUTO BREAKING/TAMPERING:** Entry into any type of motor vehicle parked on school district property or a vehicle that is owned, stored or used by the school district with the intent to commit a crime. This includes, but is not limited to, vehicles belonging to faculty, students, parents, visitors, school buses and driver education vehicles. Entering an open or unlocked vehicle without permission with intent to commit a crime constitutes auto breaking/tampering. Forced entry is not required.

**BURGLARY:** Entry at any time of the day into any school, portable classroom, school district building or structure on school property without consent with the intent to commit a crime. Forced entry is not required in burglary violations.

**CELL PHONE POLICY (JICJ):** The board of trustees of School District Five of Lexington and Richland Counties believes that the use of communication devices by students during the school day may have an adverse effect on classroom instruction. Therefore, students may not use cellular phones, electronic pagers or any other communications devices while on school property during school hours. (Start and end of school will be denoted by the start and end bell.) These items will be seized in accordance with South Carolina Code of Laws Section 59-63-280 and board policy. Students who are determined to be in use of these items will be subject to disciplinary actions as defined by the student code of conduct. Use is defined, for the purpose of this policy and accompanying administrative rule, as any visible or audible presence.

For the first incident in each case, devices will be returned to parents/legal guardians who must sign a contract outlining the conditions of return. Subsequent violations will result in confiscation of the item. Devices that are confiscated as a result of subsequent violations will be returned to parents/legal guardians on the first Monday following the last school day of the year. All confiscated items will be secured at the school site until they are returned. Neither the school nor the district will be responsible for any lost or stolen items as a result of confiscation.

**CONTROLLED SUBSTANCE:** A drug, substance or immediate pre-cursor as defined in Sections 44-53-190 through 44-53-270. Prescription medications are considered controlled substances and any person who knowingly or intentionally possesses, dispenses or uses the substance, unless the substance was obtained directly from his/her valid prescription, will be considered in violation of the policy.

**CRISIS:** A situation that may result in the disruption of the safe and orderly operation of the school.

**DRUG PARAPHERNALIA:** Any instrument, device, article or contrivance used, designed for use or intended for use in ingesting, smoking, administering or preparing marijuana, hashish or cocaine. Examples of paraphernalia include, but are not limited to: smoking screens, marijuana or hashish pipes or bowls, rolling papers, chamber pipes, drug scales and roach clips.

**School District Five of Lexington and Richland Counties**

(see next page)

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**EXTRACURRICULAR ACTIVITIES:** Any and all school-sponsored clubs and organizations that meet for the purpose of representing the school or district in competitions, awards ceremonies or community appearances. This would also include athletic programs, band, chorus and social functions, i.e., proms and school dances.

**FIGHTING:** Mutual combat. This may include pre-meditated attacks or assaults initiated by verbal disagreements.

**FIREARM:** Any device designed, made or adapted to expel a projectile through a barrel by using the energy generated by explosion or burning substance or any device readily convertible to that use.

**GRADUATION:** The awarding of an academic degree, usually signifying the end or completion of state requirements for a diploma. Participation of any student under suspension or expulsion by a school or the district will be prohibited from graduation exercises, programs and ceremonies.

**HARASSMENT:** A pattern of intentional, substantial and unreasonable verbal, written or physical contact that is initiated, maintained or repeated after being given notice by a teacher/administrator that the conduct is inappropriate.

**HAZING:** To pursue by requiring unnecessary or disagreeable work; by banter, ridicule or criticism; or to play abusive and humiliating tricks on someone by way of initiation.

**HEALTH CODE VIOLATIONS:** For the purpose of this policy, the following are considered health code violations: deliberate spitting on or at another person or his/her food or beverage; deliberate urination in a public or inappropriate location; and other such health code violations will be considered as prohibited. (See Category II.)

**HONOR CODE:** The expectation of the student to demonstrate integrity and individual responsibility, personally and academically, to maintain a fair and honest environment.

**INDECENT EXPOSURE:** To willfully expose one's private body parts to view of others.

**INHALANT:** An aromatic hydrocarbon or other such substance used for the purpose of intoxication or inebriation. Examples of inhalants include, but are not limited to, gasoline, magic markers, glue, whiteout or nitrous oxide.

**LYNCHING:** Section 16-3-220. Any act of violence inflicted by a mob upon the body of another person and from which death does not result.

**MOB:** Section 16-3-230. A "mob" is defined for the purpose of this article as the assemblage of two or more persons, without color or authority of law, for the purpose and with the intent of committing an act of violence upon the person of another.

**PERSONAL PROPERTY:** For the purposes of this policy, all property that is not owned by the district/school is considered personal property.

**PHYSICAL ASSAULT:** Intentionally, knowingly or recklessly causing bodily injury to another person. This does not include in the elementary school a temper tantrum by a child or incidental bodily contact. The principal or his/her designee at the elementary school will make a determination as to whether physical assault has occurred.

**POSSESSION:** Being in a student's locker, purse, gym bag, backpack or other item carried by or belonging to the student, on the student's person or in a car driven by or occupied by the student or items found in a car parked on school property or at a school sponsored activity. In determining whether a

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student intentionally or knowingly possessed an item, the principal or his/her designee will consider all the facts and circumstances of the particular incident.

**PROHIBITED WEAPON:** Knife with a blade over two inches long, a blackjack, a dirk (a stabbing knife such as a switchblade), a metal pipe or pole, metal knuckles, razor, razor blade, martial arts throwing star, BB gun, air soft pistols, pellet gun or any other deadly weapon usually used to inflict personal injury. To determine the length of a knife blade, it will be measured from the tip to where the blade and handle (casing) meet. Box cutters and utility knives containing blades are also prohibited on school/district property.

When a weapon is found in a student's possession, it is up to the school principal to determine if the student's possession was knowing or intentional. If the student maintains that he/she did not knowingly have possession and the explanation is credible to the principal, the student will not be suspended. If the student's explanation is not deemed credible by the principal, policy requires secondary students to be suspended with a recommendation for expulsion. First offense elementary students may receive a suspension depending on the circumstances.

Students who realize they have accidentally brought a weapon such as a knife to school should go immediately to a teacher or administrator and turn it in. If it is clear the student turned the item in immediately upon discovery, the student will not be suspended. Students who delay turning in such an item or who turn in the item only after having been discovered, may be suspended with a recommendation for expulsion.

South Carolina law requires the school to notify local law enforcement officials when a gun or knife with a blade in excess of two inches is found in the possession of a student. Law enforcement officials determine if a student is to be charged and taken into custody.

**REPLICA GUN:** A device which appears to be an operable firearm and is presented as being a real gun, but which lacks the ability to expel a projectile. Replica guns do not include obvious toy guns.

**SEARCHES:** School administrators have the right to search a student's purse, gym bag, backpack and any other item carried or possessed by a student, as well as the student's person, pockets or car upon reasonable suspicion. Metal detectors may be used in accordance with board policy. Searches of school property, including lockers and desks, may be conducted in accordance with board policy. Canine searches are also routinely conducted in accordance with board policy.

**SEXUAL ASSAULT:** Any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent. This definition includes forcible rape, forcible sodomy or forcible rape with an object.

**SEXUAL HARASSMENT:** Unwelcome sexual advances, sexual gestures, for sexual favors and other verbal or physical conduct of a sexual nature where there is a pattern of harassing behavior or a single significant incident. Such conduct interferes with the student's education or creates an intimidating, hostile or offensive school environment. Sexual harassment may include, but is not limited to: verbal harassment, including sexually offensive comments or slurs; physical harassment, physical interference with movement or work; or visual harassment such as sexually offensive cartoons, drawings or posters. Sexual harassment is prohibited against members of the same sex as well as against members of the opposite sex.

**SEXTING:** The act of sending sexually explicit messages or photos electronically, primarily between cell phones or internet.

**SIMPLE ASSAULT:** The intentional injury of another person that does not result in the level of injury of a physical assault. In considering whether a simple assault has occurred, the principal or his/her designee will determine the level of injury and the facts and circumstances of the incident.

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**TRESPASSING:** Being on any district property or school campus at an unreasonable hour when not involved in a school activity or present on the campus of a school not enrolled in without authorization. Unreasonable hours in this context include after 11:00 p.m. when the school facility is not in use for an approved activity. Students who are on suspended or expelled status may also be considered as trespassers if they do not have prior express authorization to be on school grounds.

**UNDER THE INFLUENCE:** In determining whether a student is under the influence of alcohol, inhalants or controlled substances, the student's appearance/manner, their behavior and/or the presence of an alcohol/drug odor or statements made by the student as to consumption may be considered. Because any consumption of alcohol or drugs by a minor is illegal, any consumption, without regard to amount, of alcohol or drugs/controlled substances/inhalants will constitute under the influence for the purpose of this policy. Law enforcement and/or the school nurse, depending upon availability, will assist building administrators in making the determination of whether a student is under the influence.

**VANDALISM:** Intentionally or recklessly causing damage to or defacing school or personal property or such action causing disruption to the educational process and/or school activities.  
comment

### **B. SUSPENSION FROM SCHOOL OR TRANSPORTATION AND APPEALS**

1. Suspension in- or out-of-school will be assigned by the school principal/director or his/her designee according to the procedures specified in board policy JKD (Suspension).
2. Suspension from riding in a school bus or in other school vehicles will be assigned by the office of transportation. Inappropriate behavior (Category I, II, III) on a bus will also involve school assigned consequences.
3. After a parent/legal guardian is notified in writing of a suspension, the parent/legal guardian has three school days to request an appeal of the suspension. The request for appeal must be in writing and should state the specific basis for the appeal. Suspensions may be appealed as follows.
  - a. To the principal/director if the decision to suspend was made by a school-level designee.
  - b. To the district hearing officer if the decision to suspend was made by the principal/director.
  - c. Bus suspensions may be appealed to the coordinator of transportation.
  - d. In the event that the principal/director determines that he/she has been too involved in the decision to suspend to conduct an impartial hearing, the principal/director may request that the district hearing officer conduct the appeal hearing.
  - e. In cases of 8-10 day suspensions, if the principal/director holds the appeal hearing and subsequently decides to uphold the suspension, the parent/legal guardian may petition the district hearing officer for a further appeal, provided that such petition is made in writing within three school days of the date of the signed receipt of the decision letter from the principal/ director. The petition will state on what basis the parent/legal guardian believes that the suspension was unfair or unwarranted. The district hearing officer will have discretion whether to grant a further appeal and that decision will be final.
  - f. All in-school suspensions and out-of-school suspensions under eight days may not be appealed beyond the school level unless the suspension was initially assigned by the principal. There is no appeal for detentions or lesser consequences beyond the school level.

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4. Whenever a student is suspended, the administrator will schedule a conference with the student's parent/legal guardian within three school days of the suspension. The conference date will be extended beyond the three days only if the parent/legal guardian requests an extension in writing.
5. After the second in or out of school suspension, the parent/legal guardian may be called in for a student assistance intervention meeting before the student can return to school/class. These meetings may also be held for each student that has accumulated at least one Category II level offense, two Category III level offenses and anytime during 5-10 Category IV level offenses. The purpose of the meetings will be to discuss individual student school behavior plans, academic progress and achievement, and social awareness. These meetings may be held with the following members present: parents/legal guardians, students, school administration and school counselor/social worker. Although the school counselor and social worker will serve as an advocate for the parent/legal guardian and student, parents/legal guardians are free to have additional support personnel present. A behavior contract also will be signed by a parent/legal guardian and child after the second out of school suspension.
6. For high schools, suspension days are recorded as unexcused absences. Unexcused absences are counted towards the denial of credit. An attendance make-up program will be offered in the high schools for unexcused absences. No student will be denied credit due to excessive absence solely on the basis of his/her suspensions.

### **C. EXPULSION FROM SCHOOL**

Expulsion will be recommended only by the principal/director of the school to which the student is assigned. Procedures to be followed regarding expulsion are specified in board policy JKE (Expulsion). Expelled students may not attend any event in which a District Five school is participating nor be on any district property during the period of expulsion.

Any expelled student who is on district property after school hours for church services, recreational league sports or court ordered, monitored community service hours would have to have the prior written permission of the superintendent or his/her designee.

### **D. LAW ENFORCEMENT INVOLVEMENT**

All Category I offenses will result in law enforcement involvement. Some offenses in Categories II and III will also involve law enforcement.

### **E. DISMISSAL OF EXPELLED STUDENTS FROM THE ALTERNATIVE SCHOOL**

Each expelled student accepted at the alternative school will be placed on a behavior contract. The director of the alternative school will have the authority to dismiss any expelled student from the alternative school based upon the student's behavior violations while enrolled at the alternative school. The student and parent/legal guardian will be notified of the dismissal and the reason for the dismissal in writing and may appeal the dismissal to the district hearing officer, provided that any such appeal is made in writing within three school days of receipt of the notice of dismissal. All dismissals from the alternative school will be reported to the superintendent.

### **F. CATEGORY I OFFENSES**

1. Acts considered to be Category I offenses include, but are not limited to, the following.

101. Possession, transfer or use of a firearm.

102. Possession, transfer or use of a prohibited weapon other than a firearm including a knife with a blade over two inches, BB gun, paint ball gun, pellet gun, air-soft pistol, razor, razor blade, martial arts throwing star, metal knuckles, blackjack, adir, and a metal pipe or

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pole. Box cutters and utility/X-Acto knives containing any size blades are also considered a violation of this section. (\*K-2)

103. Possession, transfer, distribution, use in any amount or being under the influence of alcohol, marijuana (including marijuana seeds), hallucinogenic drugs, inhalants or any other controlled or illegal substance. Since alcohol consumption is illegal by minors, consumption of any amount of alcohol will constitute a violation of this section. This includes being present on district/school property or at any school-sponsored event after using any amount of these substances. (See Note 2)

*Note 1: In determining whether a student is under the influence of drugs or alcohol, the student's appearance/manner, his/her behavior and/or the presence of an alcohol odor, as well as statements made by the student and others as to consumption of alcohol or drugs, will be considered.*

104. Sexual assault.
105. Assault of a staff member or any other adult designated by the school to supervise students, including volunteers
106. Arson, which is the intentional damage of school property or attempted arson of school property.
107. Communicating a Threat of a Destructive Device or Weapon: Communicating, writing, threatening, or transmitting to a person or school facility that there is, or will be, a destructive device, bomb, shooting, or dangerous event, with the intent of intimidating, threatening, or interfering with government functions or school activities; or, harboring one who is guilty of this offense..
108. Possession or transfer of dangerous explosives, plastic explosives, chemical reaction-type and pipe bomb materials including, but not limited to, Molotov cocktails and dynamite.
109. Active participation in an act of mob violence, to include lynching. A mob is described as two or more people.)
110. Unauthorized tampering with security, fire, access control of surveillance system or alarms.
111. Participating in sexual conduct/activity, which also includes compromising situations and circumstances. Such conduct may involve only the individual student or may involve other people.
112. Burglary to a school, portable classroom, school district building, or any structure on school district property.
113. Auto Breaking: unlawful entry into a motor vehicle on school property or in a school district vehicle at any location.

### 2. Consequences for Students Who Commit a Category I Offense Will Be As Follows:

- a. Students will be suspended immediately pending a possible recommendation for expulsion from school. During the investigative period, high school students may be suspended from school for up to three school days pending a possible recommendation for expulsion. Once the investigation has been completed, the principal will meet with the student and his/her parent/legal guardian to discuss the results of the principal's investigation and to provide the



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student the opportunity to present his/her defense to the matter. At the conclusion of that meeting, the principal will inform the student whether she/he intends to proceed forward with the recommendation for expulsion.

- b. Whenever these offenses are committed, law enforcement will be called and charges (juvenile petition or warrant) will be filed against the perpetrator. Although in some cases, law enforcement's decision whether to press criminal charges for weapons or drugs may require possession of that item on the person, in all such cases the school administrator will still contact law enforcement and file an incident report.
  - c. When these offenses are committed on a school bus or other school vehicle, office of transportation personnel will conduct a preliminary investigation and report their findings to the appropriate school administrator for action. Students who are suspended out-of-school immediately forfeit the opportunity to ride the school buses or other vehicle for the duration of the suspension or until a decision is made otherwise by the principal or the hearing officer.
3. Other consequences for students who commit a Category I offense will be as follows.

- a. High school and middle school students will be suspended immediately from school and recommended for expulsion.
- b. Elementary students, grades 3-5 and kindergarten-second grade when not noted with the \*K-2 disclaimer, will be suspended from school for a mandatory six days or may be recommended for expulsion.

A second Category I offense will result in an immediate suspension from school and recommendation for expulsion.

- c. In considering the developmental appropriateness of consequences, kindergarten, first and second graders, as noted with (\*K-2), will be addressed as follows.
  - 1.) Consequences for a first offense, which will be determined by the principal or his/her designee, may include, but not be limited to, a parent conference, time-out, detention hall, administrative review, in-school suspension or suspension out-of-school.
  - 2.) A second offense of any Category I rule will result in a 10-day suspension from school or the student may be recommended for expulsion.
  - 3.) A third offense of any Category I rule will result in an automatic suspension and recommendation for expulsion.
- d. Restitution of property and damages where appropriate will be sought by the school or district.
- e. Secondary students who commit alcohol, drug or sexually related violations will be referred to an appropriate counseling program. Failure to successfully complete an approved counseling program may result in additional disciplinary action. Alternative 8-10 week alcohol and other drug programs must be approved by the district hearing officer.

Elementary students who commit alcohol, drug or sexually related violations will be referred to the appropriate school personnel for assessment.

- f. Students who are expelled for possession of a firearm will be subject to the 1995 federal and state laws that mandate a one-year (365 days) expulsion term unless the superintendent determines to reduce the term of expulsion.



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## **G. LAW ENFORCEMENT INVOLVEMENT**

All Category I offenses will involve law enforcement. Category II and III offenses may involve law enforcement. These offenses are noted with two stars (\*\*) or three stars (\*\*\*) as follows.

\*\*\* Law enforcement will be called and a juvenile petition or warrant will be filed against the perpetrator.

\*\* Law enforcement may be called by the administrator after investigation of the situation.

## **H. CATEGORY II OFFENSES**

1. Acts considered being Category II offenses include, but are not limited to, the following.

201. \*\*\* Vandalism or theft of personal or school district property where value is \$50 or more.
202. \*\* Making serious threats to a staff member or any other person authorized by the school to supervise students
203. \*\* Trespassing.
204. Being on any school property or present at any school-sponsored event while under suspension.
205. \*\* Detonating (in any way causing to go off) fireworks, incendiary devices, smoke and/or stink bombs or other noxious gas devices.
206. \*\*\* Selling, possessing, transferring or using items represented as being illegal or controlled substances (without regard to amount). This also applies to prescription drugs.
207. \*\* Selling, possessing, transferring or using items that are substantially similar in color, shape, size or markings to a controlled substance i.e., Wizard Smoke, etc. (See policy JCDAB/JCDAC)
208. \*\*\* Physical assault of a student)
209. Possession of a knife with a blade two inches or less, starter pistol, replica weapon/device, or bat. The blade will be measured from tip to base. This does not include a baseball bat that has been approved for recreational purposes in the elementary school
210. \*\* Possession of any item of drug paraphernalia.
211. \*\*\* Use of any item not generally considered as a weapon but USED as a weapon to inflict bodily harm. Such items include, but are not limited to, a knife with a blade two inches or less, starter pistol, replica weapon/device, paintball gun, or bat.
212. \*\* Any other behavior, whether on or off campus, that threatens the safety of students or staff members (regardless of where behavior takes place) or disrupts the operation or function of the school. This does include coming on school/district property after consuming non-prescribed controlled substances and/or illegal drugs. (Notes 1 and 2 apply also.) (
213. \*\*\* Possession or use of mace or pepper gas or spray

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- 214. \*\* Sexual harassment)
  - 215. \*\*\* Indecent exposure
  - 216. \*\* Health code violation (this includes but is not limited to biting, spitting and urinating in a public or inappropriate location). (Elementary only)
  - 217. \*\* Unauthorized and deliberate tampering with a computer setup (example: switching cables, disabling fans, deliberately introducing a virus, etc.)
  - 218. \*\* Unauthorized and deliberate tampering/deletion/destruction of any computer programs, systems or data files.)
  - 219. \*\* Direct refusal to obey a staff member or any adult authorized by the school to supervise students, including volunteers, in a crisis situation.
  - 220. Failure to successfully complete an alcohol/drug program as assigned for #206.
  - 221. \*\*\* Fraudulent request for emergency services.
  - 222. Pattern of threatening, bullying or intimidating other students.
  - 223. \*\* Fighting.
  - 224. \*\* Simple Assault.
  - 225. Refusal to obey school or district administrator.
2. Consequences for students who commit a Category II offense will be as follows.
- a. Kindergarten, first and second graders (\*K-2).
    - 1.) A first offense will result in a parent conference and a penalty deemed appropriate by the principal.
    - 2.) A second offense of any Category II rule will result in a three-day suspension from school or the student may be recommended for expulsion.
    - 3.) A third offense will result in immediate suspension from school and a recommendation for expulsion.
  - b. Elementary students (grades 3-5 and K-2 without the special \*K-2 disclaimer)
    - 1.) First offense – {may include, but not be limited to, time-out, detention hall, administrative review, in-school suspension, or suspension out of school.}
    - 2.) Second offense – {up to three days suspension out of school or immediate suspension with a recommendation for expulsion.}
  - c. Middle school students
    - 1.) First offense - three to five days' suspension out-of-school or immediate suspension with a recommendation for expulsion.
    - 2.) Second offense - immediate suspension from school with a recommendation for expulsion.

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- d. High school students
  - 1.) First offense - eight days suspension out-of-school or immediate suspension with a recommendation for expulsion.
  - 2.) Second offense - immediate suspension from school with a recommendation for expulsion.
- e. Students who are suspended out-of-school immediately forfeit the opportunity to ride school buses or other school vehicles for the duration of the suspension.
- f. Restitution of property and damages where appropriate will be sought by the school or district.
- g. *Note 2: Any student who violates the alcohol, inhalant or controlled and/or illegal substance rule will be suspended from participation and attendance in any and all extracurricular activities for 30 school days. These 30 days (excluding summer school) will carry over into the next school year if the violation occurs near the end of the current school term. These 30 days begin when the student begins the eight days of suspension.*

Secondary students who commit alcohol, drug or sexual harassment related violations will be referred to an approved alcohol and drug counseling program before reentering school.

Elementary students who commit alcohol, drug or sexual harassment related violations will be referred to the appropriate school personnel for assessment.
- h. Because of the seriousness of these offenses, if the violation occurs on the bus, the office of transportation will conduct the preliminary investigation, take action regarding the opportunity to ride a bus and refer the violation to the school for further action.

### I. CATEGORY III OFFENSES

- 1 Acts considered to be Category III offenses include, but are not limited to, those listed below. Some acts may also result in the involvement of law enforcement. These acts are denoted with asterisks according to the previously stated key (two stars \*\* = may call law enforcement after investigation of the situation and three stars \*\*\* = will call law enforcement and charges will be filed.) All fights will be reported to law enforcement regardless of denotation.
  - 301. Possession or transfer of stolen property (school or personal).
  - 302. \*\* Planning and/or organizing and/or instigating and/or participating in an activity that causes substantial disruption to the educational program.
  - 303.\*\* Unauthorized entry to school building or property (this includes school sponsored events.)
  - 304. Gambling (games of chance for money or profit).
  - 305. Possession, use or transfer of tobacco or tobacco products.
  - 306. \*\* Tampering with, changing or altering records or documents of the school or district by any method including, but not limited to, computer access or other electronic means.

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307. Refusal to obey a staff member or any other adult authorized by the school to supervise students to report to a certain place or to leave a certain place.
  308. Creating or participating in a classroom disturbance that interferes with the instructional process.
  309. Cutting class/school.
  310. Leaving or attempting to leave school grounds without permission, whether or not the school day has actually begun. This includes unauthorized driving/riding to an off campus class.
  311. Walking out of a class (without teacher approval).
  312. Engaging in verbal abuse, name calling (i.e., ethnic or racial slur) or derogatory statements addressed publicly to others that may disrupt the school educational program or incite violence.
  313. Provoking or simulating a fight.
  314. \*\* Intentional creation of, online use of and/or downloading of materials using a computer which would not be permissible in the schools in any other form. This includes e-mails, My Space, Face Book, etc.
  315. \*\* Unauthorized storage and/or loading of a computer program, system or data file. This may also be a copyright violation and as such is subject to copyright laws
  316. \*\* Unauthorized access or duplication of computer programs, systems or data files.)
  317. \*\* Use of any computer access accounts other than those assigned to the individual.
  318. Threatening, bullying or intimidating other students.)
  319. Failure to successfully complete alcohol or drug counseling after mandatory referral.
  320. Unauthorized striking or lighting a match/lighter or igniting caps or use of poppers on school property.
  321. Possession/distribution of pornographic or obscene material.
  322. Profanity/obscenity, racial or ethnic slur directed to a staff member or to any adult authorized by the school to supervise students, including volunteers.
  323. Inappropriate Sexual Gesture/Behavior (i.e. sexually suggestive movements, writings or drawings; this includes sexting.
  324. Health Code Violation (Middle and High School only)
2. Category II offenses will be considered in the level of consequences for any Category III offense. Consequences for students who commit any Category III offense will be as follows.
    - a. Middle and high school students
      - 1) The following consequences will be assigned for middle school students who commit a health code violation, use profanity/obscenity, racial or ethnic slur directed to a staff member or to any adult authorized by the school to supervise students, including

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volunteers, {displays inappropriate sexual gestures/behaviors}, or plan and/or organize and/or instigate and/or participate in an activity that causes substantial disruption to the educational program.

First offense – two to four days suspension out of school and law enforcement may be involved.

Second offense – four to six days suspension out of school.

Third offense – six to ten days suspension out of school or recommendation for expulsion.

Fourth offense - immediate suspension from school with a recommendation for expulsion.

- 2) The following consequences will be assigned for high school students who commit a health code violation, use profanity/obscenity, racial or ethnic slur directed to a staff member or to any adult authorized by the school to supervise students, including volunteers, {displays inappropriate sexual gestures/behaviors}, or plan and/or organize and/or instigate and/or participate in an activity that causes substantial disruption to the educational program.

First offense - four days suspension out-of-school and law enforcement will be called and charges may be filed.

Second offense - eight days suspension out-of-school or recommendation for expulsion. Law enforcement will be called and charges may be filed.

Third offense - immediate suspension from school with a recommendation for expulsion. Law enforcement will be called and charges may be filed.

- 3) For middle school or high school students who violate the tobacco use/possession rule, the consequences are the following.

Section 16-17-500. Sale or purchase of tobacco products for minors; proof of age; location of vending machines; penalties; smoking cessation programs.

First offense - four days suspension out of school and completion of approved counseling program (failure to complete mandatory counseling will be considered a second offense).

Second offense - six days suspension out of school.

Third offense - recommendation for expulsion.

*\* Note: The Clean Indoor Air Act, Section 44-95-20, will also be followed.*

- 4) The following consequences for middle school and high school students will be assigned for all Category III offenses other than possession/use of tobacco products or planning and/or organizing and/or instigating and/or participating in an activity that causes substantial disruption to the educational program.

First offense - Saturday morning detention, work detail and/or in-school suspension.

Second offense - two days in-school suspension.

Third offense - two days out-of-school suspension {and parent conference scheduled.}

Fourth offense - four days out-of-school suspension.

Fifth offense - recommendation for expulsion.

b. Elementary students

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- 1) Consequences, which will be determined by the principal or his/her designee, may include, but not be limited to, time-out, detention hall, administrative review, in-school suspension or suspension out-of-school.
- 2) Repeated Category III offenses may result in a recommendation for expulsion.
- c. Students who are suspended from school immediately forfeit the opportunity to ride school buses or other school vehicles for the duration of the suspension.
- d. Restitution of property and damages where appropriate will be sought by the school or the district.
- e. Because of the seriousness of Category III offenses, if the offense occurs on the bus, the transportation department will conduct a preliminary investigation and refer the report to the school administration for further action.

### **J. CATEGORY IV OFFENSES**

1. Acts considered to be Category IV offenses include, but are not limited to, the following.

401. Lying or giving false information either verbally or in writing to a teacher, administrator or school staff member. Examples: deliberate forgery of parent/educator signatures or changing/deleting information sent home by the school to the parent/legal guardian. Making false accusations about a staff member also falls within this section.
402. Failure to properly identify self or present school identification when requested to do so. Failing to properly display a school ID also falls within this section
403. Disrespect to teacher or staff member or other adult approved by the school to supervise students, including volunteers.
404. \*Persistent disobedience (see item C under consequences).
405. Class disruption or disruption of school activities/environment.
406. Extortion or attempting to extort through threat of force.
407. Inappropriate physical contact including, but not limited to, pushing or shoving.
408. Possession of fireworks, live ammunition or other incendiary devices. (This includes stink/smoke bombs and vials of noxious gases/liquids.))
409. Unauthorized or inappropriate use of school equipment including, but not limited to, computers.
410. Using {or possessing} a paging device (i.e. pager, beeper, cell or mobile telephone) during school hours. All devices must be turned off and not visible during school hours.
411. Excessive tardiness/early dismissals.
413. Hazing. (See Hazing Policy JICFA.))
414. Possession, sale or distribution of unauthorized materials at school.
415. Harassment.

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- 416. Violation of parking and driving regulations.
- 417. Violation of cafeteria rules.
- 418. Violation of health room rules. All medication (over the counter or prescription) brought to school by a student must be in the original container, labeled appropriately and administered by the school nurse. Exceptions under a physician's order are managed by the school nurse.
- 419. Failure to sign in/sign out from school in the office when required.)
- 420. Being in an unauthorized area/inappropriate use of facilities.
- 421. Inappropriate display of affection between students.
- 422. Unauthorized use of locker.
- 423. Cheating. (See Honor Code )
- 424. Possession of radios, tape players, electronic entertainment devices, MP3, I-Pods and walkmans (not related to instruction) on school grounds during school hours
- 425. Possession/use of annoyances at school such as laser lights, water pistols, water balloons, whistles, etc.
- 426. Possession/use of skateboards/rollerblades/skates/scooters. Skating is not allowed during school hours or in any prohibited area, during an after school activity or in the immediate proximity of parked vehicles. Skateboarding is not allowed on any school campus at any time.
- 427. Unauthorized card playing.
- 428. Throwing rocks or other objects.
- 429. Littering school grounds.
- 430. Dress code violations.
- 431. Violation of safety rules. This includes propelling objects, spitballs or food items at others, science lab rule violations, etc.
- 432. Profanity/obscene gesture directed toward another student or directed towards no one in particular.
- 433. Possession of a lighter or matches.
- 434. Failure to obey a staff member.
- 435. Disrespect to others, i.e. verbal ridicule, pulling wedgies, ankling/zippering, etc. (Ankling/zippering is defined as pulling down the pants of another.)
- 436. Wearing items or clothing that could pose a safety threat to one's self or others (heavy chains, not made as jewelry, studded bracelets/collars, nose/lip to ear chains, etc
- 437. Failure to attend/complete Saturday detention/ISS.

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438. Aiding and/or abetting another student(s) who is committing any rules violation.
  439. \*Violation of a behavior contract. (See item C under consequences.)
  440. \*\* Vandalism or theft of school or personal property where value is \$50 or less. (This includes cafeteria items.)
  441. Planning or creating a situation that may lead to a crime or rule violation.
  442. Participation in gangs/gang-related activity. (Refer to Policy JCDAF.)
  443. Any behavior or act that interferes with the safe operation of a school bus.
  444. Violation of District-Level Behavior Contract
2. Consequences for students who commit Category IV offenses other than participation in gangs/gang-related activity will be as follows.
    - a. Any offense will result in a behavior management intervention deemed appropriate by the school such as a conference, {revocation of driving and parking privileges} counseling, parent conferences, detention hall, Saturday detention, work detail, in-school suspension, Twilight School, out-of-school suspension or a recommendation for expulsion.
    - b. Any student suspended three times for a Category IV offense must be placed on a behavior contract by the administration.
    - c. A range of consequences from immediate counseling to indefinite suspension from riding the vehicle will be imposed on students by the office of transportation when an offense occurs on a school bus or other school vehicle. Students who are suspended out-of-school immediately forfeit the opportunity to ride school buses or other school vehicles for the duration of the suspension.
  3. Consequences for students who commit the offense of participation in gangs/gang-related activity will be as follows.
    - a. First offense - Parent/Legal guardian/student/administration conference.
    - b. Second offense - Recommendation for expulsion.
  4. \* A series of repeated infractions will result in a recommendation for expulsion.

*Note: In determining whether a student has violated the discipline code, the principal or his/her designee will consider all the facts and circumstances of the particular incident.*

*Also students who inappropriately use video cameras, video phones or other recording devices are subject to violation of the Privacy Act and can be assigned school and bus consequences.*

### K. RULES FOR RIDING THE BUS

- No glass containers on the bus.
- No spitting, eating or drinking on the bus.
- No profanity, verbal abuse, harassment, teasing, obscene or sexual gestures.
- No standing while the bus is in motion.
- No hanging any part(s) of one's anatomy out a window.
- No throwing or shooting any type of objects.



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- No play fighting or horse playing.
- Do not ride any bus that the rider is not assigned to.
- Do not ride any bus during a suspension of bus privileges.
- Do not vandalize the bus or ignite any flammable object.
- Do not hold onto the bus from the outside.
- Do not make excessive noise or other disruptive behavior.
- Keep feet, body and bags out of the aisle.
- Do not block the aisle with band instruments or book bags.
- Students must obey the directions of the driver.
- Do not exhibit behavior that disturbs the students or driver.
- Talk quietly, but avoid loud, boisterous behavior, including singing, clapping, stomping or yelling.
- No spraying of cologne, deodorant, body spray or any other type chemicals or aerosols, pump spray or lotion while on the bus.
- Never tamper with the emergency exits or any other part of the bus equipment, including fire extinguishers and first aid equipment unless there are reasonable grounds to believe that an actual emergency situation exists.
- Board and exit the bus at their designated stop or school.
- Be at the bus stop five minutes prior to scheduled pick-up time.

### **L. OFFENSES COMMITTED ON THE BUS OR IN A SCHOOL VEHICLE**

1. Consequences for students who commit a Category I offense on the bus or in a school vehicle will be as follows.
  - a. First offense - (K-grade 3) - 15-day to indefinite suspension.  
(Grades 4-5) - 30-day to indefinite suspension.  
(Grades 6-12) - suspended pending expulsion hearing determination.
  - b. Second offense - (K-grade 3) - 30-day to indefinite suspension.  
(Grades 4-12) - suspended pending expulsion hearing determination.
  - c. Third offense - (K-Grade 12) - suspended pending expulsion hearing determination.
2. Consequences for students who commit a Category II offense on the bus or in a school vehicle will be as follows.
  - a. First offense - (K-grade 3) - 10-day to indefinite suspension.  
(Grades 4-5) - 15-day to indefinite suspension.  
(Grades 6-12) - 30-day to indefinite suspension.
  - b. Second offense - (K-grade 3) - 15-day to indefinite suspension.  
(Grades 4-12) - suspended pending expulsion hearing determination.
  - c. Third offense - (K-grade 12) - suspended pending expulsion hearing determination.
3. Consequences for students who commit a Category III offense on the bus or in a school vehicle will be as follows.

Simple assault, tobacco possession/smoking or planning and/or organizing and/or instigating and/or participating in an activity that causes substantial disruption to the educational program.

- a. First offense - (K-grade 5) - 5-day to indefinite suspension.  
(Grades 6-12) - 15-day suspension.

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- b. Second offense - (K-grade 5) - 5-day to indefinite suspension.  
(Grades 6-12) - 45-day suspension.
- c. Third offense - (K-grade 5) - 5-day to indefinite suspension.  
(Grades 6-12) - suspended pending expulsion hearing determination.

For offenses other than simple assault, tobacco possession/smoking or planning and/or organizing and/or instigating and/or participating in an activity that causes substantial disruption to the educational program.

- a. First offense - (K-grade 5) - 5-day to indefinite suspension.  
(Grades 6-12) - 5-day suspension.
  - b. Second offense - (K-grade 5) - 5-day to indefinite suspension.  
(Grades 6-12) - 15-day suspension.
  - c. Third offense - (K-grade 5) - 5-day to indefinite suspension.  
(Grades 6-12) - 30-day suspension.
  - d. Fourth offense - (K-grade 5) - 5-day to indefinite suspension.  
(Grades 6-12) - 45-day suspension.
  - e. Fifth offense - (K-grade 5) - 5-day to indefinite suspension.  
(Grades 6-12) - Suspension pending expulsion hearing determination.
4. Consequences for students who commit a Category IV offense on the bus or in a school vehicle will be as follows.
- a. Any offense - (K-grade 12) - a range of consequences from immediate counseling to indefinite suspension.

### **M. TECHNOLOGY OFFENSES**

With the increasing use of technology in the school curriculum, the appropriate use of the computer and other equipment, systems and data is vital.

*Note: See individual categories for specific offenses and consequences.*

### **N. DISCIPLINE OF STUDENTS WITH DISABILITIES**

- 1. Suspension and expulsion of students with disabilities under the Individuals with Disabilities Education Improvement Act (IDEA 04) or Section 504 of the Rehabilitation Act will be handled in accordance with the District's procedures to ensure compliance with those regulations. Violations of the discipline code by students with disabilities may be dealt with according to the consequences specified in the code when the behavioral violation is not related to the student's disability as determined by the Individualized Education Plan (IEP) team or Individual Accommodations Plan (IAP) team.
- 2. For students whose behavioral violations are determined by the IEP/IAP committee to be directly related to the student's disability, any suspension or combination of suspensions which exceeds 10 days is considered a change in placement and may not occur. In such cases, the IEP/IAP committee will determine appropriate behavioral interventions and/or consider the appropriateness of the student's educational placement and need for a change in placement.
- 3. Administrators dealing with suspension offenses by students with disabilities will consult the office of special services regarding the suspension of students with disabilities.

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### **O. EXPULSION FROM SCHOOL**

Expulsions will be recommended only by the principal/director of the school to which the student is assigned. Procedures to be followed regarding expulsions are specified in board policy, JKE (Expulsion). Expelled students may not attend any event in which a District Five school is participating nor be on any district property during the period of expulsion. Any expelled student who is on district property after school hours for church services, recreational league sports or if it is court ordered (monitored) community service hours must have the prior written permission of the superintendent or his/her designee.

### **P. TRANSFER IN LIEU OF EXPULSION**

Any student transferred to the Alternative Academy for Success in lieu of expulsion may not attend any school sponsored event nor be on any district property during the period of their transfer. All transferred students will sign a behavior contract prior to enrolling at the Alternative Academy for Success. The district hearing officer will hear all appeals for dismissal from the Alternative Academy for Success.

### **Q. DISMISSAL OF EXPELLED/TRANSFERRED (IN LIEU OF) STUDENTS FROM THE ALTERNATIVE ACADEMY**

The director of the Alternative Academy will have the authority to dismiss any expelled/transferred student from the Alternative Academy based upon the student's behavior violations while enrolled at the school. The dismissal may be appealed to the district hearing officer and will be reported to the superintendent. Each expelled student accepted at the Alternative Academy will be placed on a behavior contract.

### **R. SCHOOL BOARD POLICIES**

1. **JICG (POSSESSION AND USE OF TOBACCO)** - Students will not be permitted to use, possess or transfer tobacco products or tobacco paraphernalia while on school grounds; in the school buildings; on buses; or during any other time that the student is under the direct administrative jurisdiction of the school whether on or off the school grounds. All District Five buildings and buses are officially designated as "tobacco-free." This particular stipulation applies to **any** individual - student, faculty/staff member, administrator, visitor or patron.
2. **JKB (DETENTION)** - School administrators or teachers may assign detention after school hours to students with undesirable patterns of attendance, conduct or academic performance. Staff members will assure that students have one day's notice before the assigned detention period so that parents/legal guardians may be informed and may provide for transportation.
3. **JKD (SUSPENSION)** - When suspension of a student is contemplated, the administrator will have a conference with the student. At this conference, the administrator will notify the student of the charges against him/her and if he/she denies them, will explain the evidence the authorities have and offer the student an opportunity to present his/her side of the story. Suspension from school will be construed to prohibit a student from attending any day or night school functions or riding a school bus and from entering the school or school grounds, except for a prearranged conference with an administrator. Notice of the suspension will be sent home with the student, parent/legal guardian will be called and a letter will be mailed to the home address on file with the school.
4. **JKE (EXPULSION)** - Expulsion means that the student cannot attend school or be on the school grounds of any school in the district, cannot attend any program at any school in the daytime or at night and cannot ride a school bus. Expelled students cannot attend or participate in

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any school-sponsored event. An expelled student who is approved by the board of trustees may apply for acceptance into the Alternative Academy.

- 5. JICH (POSSESSION AND USE OF ALCOHOL OR A CONTROLLED SUBSTANCE) -** Possession, sale, distribution, use, in any amount, of alcohol, marijuana, hallucinogenic drugs or any other controlled substance is prohibited. 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.

### **S. SELECTIONS FROM THE SOUTH CAROLINA CODE OF LAWS RELATIVE TO THE DISCIPLINE POLICY**

- 59-63-1110. Any person entering the premises of any school in this state will be deemed to have consented to a reasonable search of his/her person and effects.
- 59-63-1120. School administrators may conduct reasonable searches on school property of lockers, desks, vehicles and personal belongings with or without probable cause. (Def. pg. 22)
- 16-7-160. Illegal use of stink bombs or other devices containing foul or offensive odors. This is a misdemeanor and, if convicted, may be fined for no more than \$3,000 or sentenced up to three years. This becomes a felony if it causes bodily harm.
- 16-7-170. Entering a public school for the purpose of destroying records or, in fact, destroying or damaging records is a misdemeanor and, if convicted, will be fined no more than \$5,000 or imprisoned not more than three years.
- 16-11-550. Threatening to kill, injure or intimidate an individual or damage or destroy property by means of explosive or incendiary aids; agrees with; or conspires with will be guilty of a felony. If convicted, may be jailed from one to 15 years.
- 16-23-430. Carrying weapons or other objects which may be used to inflict bodily injury while on school property. This is a felony and, if convicted, may be fined \$1,000 or jailed up to five years or both.
- 59-63-235. A one-year (365 days) expulsion for a student who is determined to have brought a firearm to a school or any setting under jurisdiction of a local board of trustees.
- 16-23-420. Carrying or displaying firearms in a public building or adjacent areas is a felony and, if convicted, must be fined up to \$5,000 or imprisoned up to five years or both.

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16-17-420. Disturbing school is a misdemeanor and, if convicted, will pay a fine of \$100 to \$1,000 or imprisoned for 30 to 90 days. Fighting is included within the prohibition of this law. Use of foul or offensive language toward a principal, teacher or police officer can constitute a crime.

### **T. AUTHORITY OF THE HEARING OFFICER**

1. \*\*Uphold or alter the decision of a principal to suspend a student.
2. \*\*Reduce the number of days of an out of school suspension imposed by the school's administration.
3. Determine the dates that an out of school suspension will be served.
4. Expel a student from school and all activities associated with schools in the district
5. In lieu of expulsion, transfer students from their home school to the Alternative Academy for Success for a definite period.
6. Return students to their regular school after an expulsion hearing.
7. Decide the placement of a student entering or returning to the district via DJJ, imprisonment/confinement or mandatory stay in a medical facility for behavioral issues.

\*\* Denotes only applicable in situations where out of school suspension is eight days or more or if the principal is directly involved.

Issued 8/15/94; Revised 9/12/94, 7/27/95, 7/8/96, 6/2/97, 7/13/98, 6/28/99, 6/26/00, 6/25/01, 7/8/02, 5/19/03, 7/19/04, 5/9/05, 5/22/06, 6/25/07, ^





**MEMORANDUM**

**July 13, 2009**

**To: Members of the Board of Trustees**

**From: Keith McAlister**   
**Director, New Design and Construction**

**Re: Seven Oaks Elementary School Design Development**

**ADMINISTRATION CONSIDERATION**

**Review of the design development documents for Seven Oaks Elementary School.**

**RECOMMENDATION**

**Administration seeks discussion..**

**ATTACHMENT**

**Seven Oaks Elementary School design development documents**








July 13, 2009

TO: Members of the Board of Trustees  
Dr. Herbert M. Berg, Superintendent

FROM: Karl E. Fulmer, Ed.D.   
Chief Financial Services Officer

RE: Proposed Revisions to Board Policy DBJ

A copy of Board Policy DBJ "Budget Transfers" is attached with proposed revisions. Recommended deletions are in brackets with strikethrough; recommended changes are printed in red, bold type and underlined.

These proposed revisions will be presented to the Board for first reading at the August 10 meeting.

KEF:II

Attachment

## BUDGET TRANSFERS

Code **DBJ** Issued **6/07**

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Purpose: To establish the basic structure for budget transfers.

In keeping with the need for periodic reconciliation of the school system's operating budget, the board authorizes the superintendent or his/her designee to approve ~~[any]~~ general fund line item transfers in the aggregate totaling no more than up to \$10,000. General fund budget transfers over \$10,000 will be presented to the board for approval. All line item transfers, regardless of the amount, will be ~~[reported to the board with]~~ **reflected in** the monthly financial report.

~~[General fund budget and revenue increases or decreases for school fees will be approved by the superintendent or his/her designee and reported to the board on a monthly basis. All other increases or decreases will be approved by the board.]~~

Adopted 2/7/94; Revised 6/25/07; \_\_\_\_\_





**MEMORANDUM**

To: Members of the Board of Trustees

Through: Dr. Herbert M. Berg

From: Helen Anderson  
Chief Instructional Services Officer

Date: July 13, 2009

Re: **Title I 2009-2010 Program Proposal**  
**Title II 2009-2010 Program Proposal**

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Attached to this memo you will find information regarding the following:

- Title I 2009-2010 Program Proposal
- Title II 2009-2010 Program Proposal

I will be present at the meeting to provide you with additional information as needed regarding this information.



## TITLE I 2009-2010

### **2009-2010 Program Proposal**

FY 09-10 (New Grant) Funds	\$ 1,204,989
FY 08-09 (Projected) Carryover Funds	<u>100,000</u>
<b>TOTAL 09-10 PROJECTED FUNDS</b>	<b>\$ 1,304,989</b>

### **Title I Schools -- Targeted Assistance:**

<b>School</b>	<b>Title I Programs</b>
Nursery Road Elementary	<i>Reading Recovery®</i> <i>GEMS Program</i>
Dutch Fork Elementary	<i>Reading Recovery®</i> <i>GEMS Program</i>

### **Title I Schools – Schoolwide:**

*Schools with 40% F/R lunch count, or higher, who have conducted a Needs Assessment in their school and made the community decision to go schoolwide with Title I funds.*

<b>School</b>	<b>Title I Programs</b>
Harbison West Elementary	<i>Reading Recovery®</i> <i>Math Coach/Interventionist</i> <i>Class Size Reduction w/Inst. Ass't</i>
Seven Oaks Elementary	<i>Reading Recovery®</i> <i>GEMS Program</i> <i>Reading/Math Interventionist</i>
H. E. Corley Elementary	<i>Reading Recovery®</i> <i>Math Interventionists</i>
Leaphart Elementary	<i>Reading Recovery®</i> <i>Math Coach/ Interventionist</i>

*Title I funds will be expended for teachers' salaries, benefits, classroom supplies, parent involvement meetings, and professional development opportunities.*

### **Program Purposes:**

(As stated in Federal Regulations)

Programs that provide extended learning time for disadvantaged children to assist in the acquisition of performance standards expected for all children. Programs may include extended school year; before- and after-school or summer programs; and, accelerated, high-quality curriculum including applied learning. Programs should minimize removing children from the regular classroom during regular school hours for instruction and should coordinate with and support the regular education program in the classroom. Programs supported by Title I funds may also include counseling, mentoring, and other pupil services; college and career awareness and preparation; services to transition students from school to work; services to assist preschool children; and, professional development opportunities to provide teachers with strategies to use in the classroom and with promoting parental involvement in their children's education.



**Title II, Part A Program  
*Improving Teacher Quality*  
No Child Left Behind  
2009-2010 Proposed Budget**

**2009-2010 PROGRAM PROPOSAL**

FY 09-10 ( <i>Projected</i> New Grant) Funds	\$ 312,013
FY 08-09 ( <i>Projected</i> Carryover) Funds	<u>43,700</u>
TOTAL 09-10 <b>PROJECTED</b> FUNDS	<b>\$ 355,713</b>

**Program Purposes:**

Per our District's Strategic Plan, Title II monies will be used to support the District Literacy Initiative, Professional Development, Paraprofessional Training and the Content Area needs.