



**AGENDA
BOARD OF TRUSTEES
IRMO MIDDLE SCHOOL'S CAFETERIA
MARCH 14, 2011**

1. Call to order at 6 p.m.
2. Enter executive session in the office conference room to consider the following:
 - a. Selected employment items (Exhibit A)
 - b. Requests for instruction at a place other than a school (Exhibit B)
 - c. Superintendent's contract (Exhibit B-2)
3. Welcoming remarks at **7 p.m.**
4. Invocation – Buddy Price
5. Pledge of Allegiance – Cassidy Ryan, a 7th grade student at Irmo Middle School
6. School Board Spotlight
7. Approve the agenda (**2 minutes**)
8. Approve the minutes of the February 28, 2011 board meeting (**3 minutes**)
9. Welcome and brief overview of Irmo Middle School by Marie Waldrop, Principal (**5-7 minutes**)
10. Superintendent's report by **7:30 p.m.**
 - a. Superintendent
 1. Report on the "Battle on the Dam"
 2. New Elementary property (Derrick Pond) update
 3. Report on V.C. Summer Nuclear Plant Tour

- b. Community Services
 - c. Financial Services
 - 1. Update on the cost of the Chapin High School's wetlands legal appeal (Exhibit C)
 - d. Human Resources
 - e. Instructional Services
 - f. Technology Services
11. Public participation* by **8 p.m.**

ACTION AGENDA

- 12. Items considered in executive session **(7-10 minutes)**
- 13. Motions related to Chapin High School additions and renovations per the successful 2008 Bond Referendum and the on-going legal proceedings before the Administrative Law Court **(5-7 minutes)**
- 14. First reading of proposed revisions to board policy BEDG "Minutes of Board Meetings" (Exhibit D) **(10-12 minutes)**
- 15. Second reading approval of proposed revisions to board policies J: JICA "Student Dress" replaces JCDB "Dress Code, JICA-R "Student Dress" replaces AR-JCDB-R "Dress Code," JICF "Secret Societies/Gang Activity" replaces JCDAF "Gangs and Gang Related Activity," JICFA add "Hazing", JICFAA "Harassment, Intimidation or Bullying" replaces JCDAAAA "Harassment, Intimidation or Bullying," JICI add "Weapons In School" (Exhibit E) **(10 minutes)**
- 16. First reading approval of proposed revisions to board policy ADF "School Wellness" (Exhibit F) **(5 minutes)**
- 17. Board meeting dates for 2011-2012 school year (Exhibit G) **(3 minutes)**

DISCUSSION AGENDA

- 18. Proposed revisions to board policy JICDA-R "Code of Conduct" (Exhibit H) **(5 minutes)**

19. Capital budget for 2011-2012 (Exhibit I) **(30-45 minutes)**
20. Adjourn by **9:45 p.m.**

FOR YOUR INFORMATION

21. The next regular scheduled board meeting will be on March 28, 2011 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/ February 28, 2011

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. Beth Hutchison-Watson, Vice Chairman
Mrs. Ellen Baumgardner, Secretary
Mrs. Jan Hammond
Mrs. Kim Murphy
Mr. Jim Turner
Mr. Ed White
Dr. Stephen Hefner, Interim 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

Robert Gantt called the meeting to order and gave welcoming remarks.

Reverend Marc Rattray, St. Andrews Presbyterian Church, gave the Invocation. The Pledge of Allegiance was led by Riley Goldstein, a fifth grade student at River Springs Elementary School.

The School Board Spotlight was presented by Robert Gantt, Ellen Baumgardner and Buddy Price.

During the superintendent's report, an update related to options for video broadcast of Board Meetings (Exhibit B) was given by Buddy Price; Karl Fulmer presented the monthly financial reports (Exhibit C) and gave an update on the cost of the Chapin High School's wetlands lawsuit (Exhibit D); and a presentation on the Health Advisory Council's recommendation (Exhibit H) was given by Traci Hogan.

During the public participation, Albert Bueno spoke regarding the District.

Buddy Price presented information on the board meeting dates for the 2011-2012 school year (Exhibit I).

Ken Childs presented information on the proposed revisions to board policy BEDG "Minutes of Board Meetings" (Exhibit J).

Meeting of February 28, 2011

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

SCHOOL DISTRICT FIVE
OF
LEXINGTON AND RICHLAND COUNTIES

Meeting of February 28, 2011

		B A U M G A R D N E R	G A N T T	H A M M O N D	M U R P H Y	T U R N E R	W A T S O N	W H I T E
M. Watson S. Baumgardner								
Approve the minutes of the February 14, 2011 board meeting minutes								
M. Murphy S.								
Amend the minutes of the February 14, 2011 meeting to include a disclaimer for on the record comments and we hopefully can have discussion and during that discussion Mr. Childs can succinctly come up with some disclaimer for us								
M. Murphy S.								
Amend the February 14, 2011 minutes to exclude the attorney's opinion that was submitted after the fact								
Vote on the original motion		X	X	X	No	X	X	X
4. M. Hammond S. White		X	X	X	X	X	X	X
Move item 18) Health Advisory Council recommendation (Exhibit H) to 9e under Instructional Services								
5. M. Watson S. Baumgardner		X	X	X	X	X	X	X
Approve the selected employment items (Exhibit A)								
6. M. Hammond S. Watson		X	X	X	X	X	X	X
Approve second reading of proposed revisions to board J policies: JIB add "Student Involvement In Decision Making", JICEA "School Related Student Publications" replaces JHCC "Student Publications", JICG "Tobacco Use By Students" replaces JCDA "Tobacco Free Facilities/Possession and Use of Tobacco", JICG-R "Tobacco Use By Students" replaces AR-JCDA-R "Tobacco Free Facilities/Possession and Use of Tobacco", JICH "Drug And Alcohol Use By Students" replaces JCDAB/JCDAC "Alcohol/Drug Use" (Exhibit E)								

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SCHOOL DISTRICT FIVE
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LEXINGTON AND RICHLAND COUNTIES

Meeting of February 28, 2011

		B A U M G A R D N E R	G A N T	H A M M O N D	M U R P H Y	T U R N E R	W A T S O N	W H I T E
7.	M. Hammond S. Watson Approve first reading approval of proposed revisions to board policies J: JICA "Student Dress" replaces JCDB "Dress Code, JICA-R "Student Dress" replaces AR-JCDB-R "Dress Code", JICF "Secret Societies/Gang Activity" replaces JCDAF "Gangs and Gang Related Activity", JICFA add "Hazing", JICFAA "Harassment, Intimidation or Bullying" replaces JCDAAAA "Harassment, Intimidation or Bullying", JICI add "Weapons In School" (Exhibit F)	X	X	X	X	X	X	X
8.	M. White S. Watson Resolved that the Board of Trustees of District Five of Lexington and Richland Counties disapproves of the lawsuit brought by Mrs. Kim Murphy, Murphy vs. School District Five of Lexington and Richland Counties and DHEC, which has cost the School District, as of February 28, 2011, in excess of \$1.57 million in professional fees and increased construction costs and \$4.5 million in increased bond interest costs over the life of the construction bonds (20 years), and is delaying the renovations to Chapin High School and denying students the timely use of much needed facilities. The Board also disapproves of the recent appeal filed by Mrs. Kim Murphy on January 20, 2011 requesting that DHEC deny a construction permit for the sewer system which permit is necessary to begin renovations at Chapin High School. The Board requests that Mrs. Murphy abide by the vote of the majority of the Board of Trustees to proceed with the renovations at Chapin High School. M. White S. Watson Amend to add after February 28, 2011, estimated costs Vote on original motion							
		X	X	X	AB	X	X	X
		X	X	X	No	X	X	X
9.	M. White S. Baumgardner The School District publish this resolution in the board briefs, email blast, as well as send it to local media, and in the	X	X	AB	No	AB	X	X

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SCHOOL DISTRICT FIVE
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Meeting of February 28, 2011

		B A U M G A R D N E R	G A N T T	H A M M O N D	M U R P H Y	T U R N E R	W A T S O N	W H I T E
board brief synopsis identify the resolution as pertaining to the lawsuit brought by Mrs. Kim Murphy, Murphy vs. School District Five of Lexington and Richland Counties and DHEC.								
10. M. White	S. Hammond	X	X	X	No	X	X	X
That the Board of Trustees suspends any board policy requiring placement on the agenda or multiple readings to adopt the following specified motion and that the Board of Trustees adopts the motion effective immediately: The Chairman of the Board, or the presiding officer, shall have the discretion to set time limits for meetings of the Board including specific time limits for each agenda item. The Chairman shall have the discretion to set the time periods for meeting and agenda items prior to or during a Board meeting. The Board, by a majority vote, may modify any time limit for a meeting or agenda item set by the Chairman.								
11. M. White	S. Baumgardner							
That the Board of Trustees suspends any board policy requiring placement on the agenda or multiple readings to adopt the following specified motion and that the Board of Trustees adopts the motion effective immediately: The Chairman of the Board, or the presiding officer, shall have the discretion to set time limits on discussion by each member of the Board and limit the number of times each Board member can speak on a motion or any discussion item on the agenda. Any time limitations set by the Chairman shall apply equally to each Board member and each Board member shall have an equal opportunity to speak the number of times set by the Chairman. The Chairman has the discretion to set the time periods for Board member discussions prior to or during a Board meeting. The Board, by a majority vote, may modify any time limit for a discussion item set by the Chairman.								
M. Murphy	S.							
Amend to ask Dr. Hefner to provide use with rules of order used for Richland 2 and Lexington 1 and table until the next meeting								

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SCHOOL DISTRICT FIVE
OF
LEXINGTON AND RICHLAND COUNTIES

Meeting of February 28, 2011

	B A U M G A R D N E R	G A N T	H A M M O N D	M U R P H Y	T U R N E R	W A T S O N	W H I T E
Vote on original motion	X	X	No	No	No	X	X
12. M. White S. Baumgardner That the Board of Trustees suspends any board policy requiring placement on the agenda or multiple readings to adopt the following specified motion and that the Board of Trustees adopts the motion effective immediately: The Chairman of the Board, or the presiding officer, shall have the discretion to end any discussion by a Board member if the discussion is no longer relevant to the motion before the Board or the discussion item under consideration.	X	X	No	No	AB	X	X
13. M. White S. Hammond That the Board of Trustees suspends any board policy requiring placement on the agenda or multiple readings to adopt the following specified motion and that the Board of Trustees adopts the motion effective immediately: The Chairman of the Board, or the presiding officer, shall have the discretion to call for a motion to be voted upon if Board member discussions are repetitious or no longer relevant to the motion. The Board, by a majority vote, may extend the time for discussion. M. Murphy S. Amend to take as first reading as change of board policy and have a second reading at the next meeting							
Vote on original motion	X	X	AB	No	AB	X	X
14. M. White S. Baumgardner That the Board of Trustees suspends any board policy requiring placement on the agenda or multiple readings to adopt the following specified motion and that the Board of Trustees adopts the motion effective immediately: All actions of the Board must be decided by a majority vote of	X	X	AB	No	AB	X	X

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Meeting of February 28, 2011

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SCHOOL DISTRICT FIVE
OF
LEXINGTON AND RICHLAND COUNTIES

Meeting of February 28, 2011

		B A U M G A R D N E R	G A N T T	H A M M O N D	M U R P H Y	T U R N E R	W A T S O N	W H I T E
18. M.	Baumgardner	X	X	X	X	X	X	X
	S. White							
	Adjourn at 10:55 p.m.							

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Received from Kim Murphy
for 2/28/11 board meeting

"On the record" comments:

Agenda item #15 - Related to costs for legal proceedings of the Chapin High School case before the Administrative Law Court and other information contained in Mr. White's motion:

"My reason for abstaining on that last vote is the information contained in the memo, which is reflected in Mr. White's motion, is incorrect."

Agenda item #16 – Related to Mr. White's motions to suspend board policies "requiring placement on the agenda or multiple readings to adopt" in order to change Board Policy and its Rules of Order:

"It is one thing to suspend Board Policy to act on something. It's another thing to suspend board policy to change Board Policy. I think that's wrong."



March 8, 2011

TO: Stephen Hefner, Ed.D.
Interim Superintendent

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

RE: Updated Estimated Cost of Kim Murphy's Lawsuit Delaying
Renovations at Chapin High School

Combining all the costs referenced below, the lawsuit by Ms. Kim Murphy has cost the school district in excess of \$1.63 million.

As a result of the protest and subsequent lawsuit the costs associated with the delay of the Chapin High School renovation project continue to increase. A summary of those costs are as follows:

- The school district anticipates that construction costs will continue to increase. The initial delay in the Chapin High School renovations started when Ms. Murphy protested and then appealed the Water Quality Permit. DHEC cleared the project on May 24, 2010. Ms. Murphy subsequently filed her lawsuit further delaying the project. As of today, the resulting delay has increased construction costs by an estimated \$1,020,000.
- To date our retained professional staff estimates they have incurred extra costs due to expenses related to attending meetings and drafting alternative designs at the request of the Corp of Engineers during Ms. Murphy's administrative protest. That estimated amount is \$103,479.
- Attorney fees related to the protests and lawsuit continue to accumulate and currently total \$314,593.
- Architectural fees currently total \$123,365.
- To date, total staff time devoted to the wetlands litigation is approximately 504.5 hours or \$27,618.
- To date, fees for Tidewater Environmental Services total \$37,098.

Dr. Stephen Hefner

March 8, 2011

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In addition, the project will require the issuance of approximately \$45,000,000 of 20-year General Obligation Bonds. Ms. Murphy's lawsuit will delay the issuance of these bonds, which places the district at risk for increases in interest rates and the potential sunset of the Build America Bonds Program (BAB), which has provided unprecedented subsidies to the district to offset bond interest expense. The district's financial advisors project that the sunset of the BAB program would result in a 100 basis point (1.0%) increase in borrowing costs to the district. A 1% increase in interest costs for \$45,000,000 in bonds would translate into an increase of payments of approximately \$4.5 million over the life of the bonds. The 1% increase would also increase the cost to carry the loan by approximately \$292,000 per year.

With these additional costs, and the expectation of further costs, it is almost certain the Chapin High School renovations project may exceed our budget and require some components of the project to be scaled back.



Memorandum

To: Members of the Board of Trustees
Stephen Hefner, Ed.D., Interim Superintendent

From: Buddy Price
Director of Community Services

Date: March 10, 2011

Re: 1st Reading Proposed Revisions to
Board Policy BEDG – "*Minutes of Board Meetings*"

Issue: First reading of proposed revisions to Board Policy BEDG – "*Minutes of Board Meetings*."

Recommendation: Attached for your consideration are the proposed revisions to Board Policy BEDG – "*Minutes of Meetings*." Administration recommends board approval to proceed to second reading approval.

Thank you and please let me know if you have any questions.

BP/aw

Attachment - Board Policy BEDG – Current Policy
Board Policy BEDG - Revisions

Policy BEDG Minutes of Board Meetings

Issued 3/06

Purpose: To establish the basic structure for maintaining a record of business conducted at board meetings.

The minutes of a school board meeting constitute the written record of board action. The minutes are legal evidence of the board's action.

The board secretary will keep, or cause to be kept, a complete record of the action of board meetings. As provided by the South Carolina Freedom of Information Act, these minutes will include, but need not be limited to, the following:

- the date, time and place of the meeting
- the members recorded as either present or absent
- the substance of all materials proposed, discussed or decided and, at the request of any member, a record, by an individual member, of any votes taken
- any other information that any member requests be included or reflected in the minutes

The minutes will become permanent records of the board and will be in the custody of the superintendent. He/she will make them available to interested citizens of the district upon request, with exceptions as provided by law, at reasonable times during the working day.

Adopted 2/24/69; Revised 11/16/81, 1/25/88, 3/27/06

Legal references:

S.C. Code, 1976, as amended:

[Section 30-4-10](#), [et seq.](#) - South Carolina Freedom of Information Act.

[Section 30-4-90](#) - Minutes of meetings of public bodies.

SCHOOL DISTRICT FIVE OF LEXINGTON AND RICHLAND COUNTIES

MINUTES OF BOARD MEETINGS

Code **BEDG** Issued **DRAFT**

Purpose: To establish the basic structure for maintaining a record of business conducted at board meetings.

The minutes of a school board meeting constitute the written record of board action. The minutes are legal evidence of the board's action.

The board secretary will keep, or cause to be kept, a complete record of the action of board meetings. As provided by the South Carolina Freedom of Information Act, these minutes will include, but need not be limited to, the following:

1. The date, time and place of the meeting.
2. The members recorded as either present or absent.
3. The substance of all materials proposed, discussed or decided and, at the request of any member, a record, by an individual member, of any votes taken.
4. Information which any Board member requests be included in the minutes pursuant to South Carolina Code § 30-4-90(4), including for the record comments shall be limited to written materials germane to the public agenda which, absent exceptional or special circumstances as determined by the Board Chair, shall be limited to five pages (front and back).
5. Such materials must be presented in writing to the Board's recording secretary at the time of the meeting, or within 48 hours following a Board meeting.
6. Such materials will be designated as an attachment to the minutes, with the disclaimer that such materials are included at the request of a Board member pursuant to South Carolina Code § 30-4-90(4) and Board Policy BEDG and do not imply approval by the Board majority, disapproval, or any other Board action.
7. It is understood that the Board Chair or presiding officer always has the prerogative to rule any such request out of order for the reason that such materials are not germane to the agenda, inappropriate as an attachment, or that the materials are otherwise publicly available. Such ruling by the presiding officer shall stand unless overturned by the Board majority.

The minutes will become permanent records of the board and will be in the custody of the superintendent. He/she will make them available to interested citizens of the district upon request, with exceptions as provided by law, at reasonable times during the working day.

Adopted 2/24/69; Revised 11/16/81, 1/25/88, 03/27/06

Legal references:

S.C. Code, 1976, as amended:

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

Section 30-4-90 – Minutes of meetings of public bodies.

School District Five of Lexington and Richland Counties



MEMORANDUM

TO: Members of the Board of Trustees
Stephen Hefner, Ed.D., Interim Superintendent

FROM: Ms. Helen Anderson 
Chief Instructional Services Officer

DATE: March 3, 2011

RE: March 14, 2011 Board Meeting, Second and Final Reading.
"Proposed Revisions to Board J Policies"

JICA "Student Dress" replaces JCDB "Dress Code"
JICA-R "Student Dress" replaces AR-JCDB-R "Dress Code"
JICF "Secret Societies/Gang Activity" replaces JCDAF "Gangs and Gang Related Activity"
JICFA add "Hazing"
JICFAA "Harassment, Intimidation or Bullying" replaces JCDAAAA "Harassment, Intimidation or Bullying"
JICI add "Weapons In School"

Recommendation:

The administration recommends that the proposed revisions to Board J Policies proceed to Board approval.

Attachments: Recommended New Policies

Mr. Michael Harris will be available to answer any questions at the March 14th meeting.

STUDENT DRESS

Code **JICA** Issued **Final**

Purpose: To establish the basic structure for determining appropriate dress standards for students.

In the interest of health, safety, cleanliness and generally accepted standards of decency and decorum among the students in the schools of this district, the board hereby adopts the following policy.

- In all matters relating to individual dress and grooming, students in this district's schools are required to exercise good judgment, exhibit responsible behavior and endeavor to reflect respect for themselves, their school and their community.
- The wearing of clothing, hair arrangements, or other personal adornments or embellishments which are disruptive or interfere with the regular operations of school expressly is prohibited.
- Students working in areas where rotating machinery is used will wear appropriate head coverings or have their hair cut so it cannot be caught in any part of the machine.
- Nothing in this policy is intended to intrude on student dress and grooming prerogatives, as long as, in the exercise of these choices, students do not create a threat to the good order of the school or cause the disruption of any recognized school function. The exercise of such choices by students must be consistent with the public purposes for which the public schools have been established.
- Administrative regulations (JICA-R) will be developed with input from parent, teacher and student representatives.
- All administrative regulations approved by the board will apply districtwide.

Adopted 8/19/74; Revised 10/24/83, ^

Legal references:

- A. S. C. Code, 1976, as amended:
1. Section 59-19-90(3) - Authority to regulate student conduct.

STUDENT DRESS

Code **JICA-R** Issued **Final**

This administrative rule on student dress will apply in all schools, district-sponsored activities, district transportation, as appropriate, and will be administered uniformly throughout the district.

- Clothing and/or hair should not be so extreme or inappropriate to the school as to disrupt the educational process. Therefore, clothing deemed distracting, revealing, overly suggestive or otherwise disruptive will not be permitted. This includes bare midriffs, halter/tank tops, see-through shirts, tops or blouses and bike shorts.
- No vulgar, obscene or otherwise inappropriate symbols, language or wording will be permitted on clothing or accessories.
- Clothing or accessories (i.e. bookbags, jewelry, hats, etc.) that display alcohol, tobacco or other drug symbols are not permitted.
- Gang attire, gang colors or gang symbols are also not permitted to be worn or displayed on accessories.
- Hats, head stockings or kerchiefs may only be worn during the school day for special occasions when approved by the principal.
- Proper shoes must be worn at all times.
- Special dress or costume may be worn during the school day for special occasions when approved by the principal.
- Wearing accessories or clothing that could pose a safety threat to one's self or others is not allowed. This includes heavy chains, not made as jewelry; fishhooks, multiple-finger rings, studded bracelets or collars; nose/lip to ear chains, etc. Unusual body piercing that is disruptive to the order of the school or is a distraction to the learning environment will not be allowed.
- Pants must be worn at the natural waistline and undergarments are not to be visible.

Individual schools may have more specific and restrictive dress codes if recommended by the school administration and the school improvement council and approved by the superintendent or his/her designee.

The administration will make the final judgment on the appropriateness of dress and reserves the right to prohibit students from wearing any article of clothing or accessory which may foreseeably result in the disruption of the school environment.

This administrative rule will be reviewed on a regular basis with input and advice from parents/legal guardians, teachers, administrators and students. Subsequent recommendations to the board will be made through administrative channels.

Written notice of the district's policy and administrative rule on student dress will be provided in school handbooks distributed annually to students and parents/legal guardians.

Issued 1/23/84; Revised 8/13/84, 1/25/88, 1/23/89, 7/7/97, 7/13/98, 6/26/00, 6/24/02, ^

SECRET SOCIETIES/GANG ACTIVITY

Code **JICF** Issued **Final**

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

School District Five of Lexington and Richland Counties will maintain conditions on school property and at school-sponsored events in order to ensure as safe an environment as possible for students and staff in accordance with law and the standards set by the School District Five board of trustees. In establishing such standards, the board prohibits the presence and activities of gangs on or near school property and at school-sponsored events.

The board defines a gang as any non-school sponsored group, possibly of secret and/or exclusive membership, whose purpose or practices include the commission of illegal acts, the violation of school rules, the establishment of territory or "turf," or any other action which threatens the safety or welfare of others. In prohibiting the presence and activities of gangs, the board makes the following findings.

- Gangs which initiate or advocate activities which threaten the safety and well-being of persons or their possessions anywhere on or near school property or at school-sponsored events are harmful to the educational purposes of the district.
- Gang incidents involving recruitment, initiation, hazing, wearing of colors or other gang indicators, threats and intimidation, fighting or establishment of "turf or territory" on school property or at any school-sponsored event are likely to cause intimidation or fear, bodily danger, physical harm, or personal degradation or disgrace resulting in physical and mental harm to students.
- The use of hand signals and the presence of any apparel, jewelry, accessory, book or manner of grooming which, by virtue of its color, arrangement, trademark, symbol or any other attribute, denotes membership in a gang creates a clear and present danger of the commission of unlawful acts on school premises, the violation of school regulations, or the substantial disruption of the orderly operation of the school and is prohibited. In determining whether or not a student is in violation of the prohibition on the wearing/display of a gang-related item, the district will maintain, in all of its school offices, an example of potential gang indicators including symbols, hand signals, graffiti, and clothing/accessories. In providing these examples for students and parents/legal guardians, the board acknowledges that not all potential gang indicators actually connote actual membership in a gang.
- If the district determines that a student has initiated or participated in a gang or a secret society as stipulated above, that student will be disciplined in a manner which may include, but will not be limited to, detention, removal from extracurricular activities, suspension and/or expulsion, and referral to law enforcement, dependent upon the circumstances of the particular offense. The district also reserves the right to prohibit any student from wearing/displaying any article of clothing or accessory which the district has determined to be a gang indicator.

Adopted 3/11/02; Revised ^

Legal references:

- A. S.C. Code, 1976, as amended:
1. Section 59-63-270 - Regulation or prohibition of clubs or like activities.
 2. Section 59-63-275 - Student hazing prohibited; definitions.

HAZING

Code **JICFA** Issued **Final**

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

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

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

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

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

Any student who is found to have engaged in hazing will be subject to disciplinary action. Individuals may also be referred to law enforcement officials. The district will take all other appropriate steps to correct or rectify the situation.

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

Cf. GBEB, JIC

Adopted ^

Legal references:

- A. S. C. Code, 1976, as amended:
 - 1. Section 16-3-510 - Organizations and entities revised.
 - 2. Section 59-19-90 - General powers and duties of school trustees.
 - 3. Sections 59-63-210 through 270 - Grounds for which trustees may expel, suspend or transfer pupils; petition for readmission; notices and parent conferences; expulsion for remainder of year and hearings; transfer of pupils; corporal punishment; regulation or prohibition of clubs or like activities.
 - 4. Section 59-63-275 - Student hazing prohibited.
 - 5. Section 59-67-240 - Other duties of bus driver; discipline of students for misconduct.
- B. State Board of Education Regulations:
 - 1. R43-279 - Minimum standards of student conduct and disciplinary enforcement procedures to be implemented by local school districts.



MEMORANDUM

TO: Members of the Board of Trustees
Stephen Hefner, Ed.D., Superintendent

FROM: Ms. Helen Anderson 
Chief Instructional Services Officer

DATE: March 3, 2011

RE: March 14, 2011 Board Meeting, First Reading Approval
"Proposed Revisions to Board Policy ADF"

As discussed at the February 28 Board Meeting, the Health Advisory Council recommends a proposal for packaged foods. Current Board Policy ADF is attached, as well as the recommended new Board Policy ADF with the proposed revisions (underlined and in bold).

Recommendation:

The administration recommends that the proposed revisions to Board Policy ADF proceed to First Reading approval.

Attachments:

Current Board Policy ADF
Recommended New Board Policy ADF

I will be available at the Board Meeting to answer any questions.

Policy ADF School Wellness

Issued 8/06

Purpose: To establish the board's vision for nutrition, physical education and physical activity in the schools.

Local wellness

School District Five of Lexington and Richland Counties is committed to providing a school environment that enhances learning and development of lifelong wellness practices.

To accomplish these goals the district will assure the following.

- Child nutrition programs comply with federal, state and local requirements. Child nutrition programs are accessible to all children.
- Sequential and inter-disciplinary nutrition education is provided and promoted.
- Patterns of meaningful physical activity should be incorporated into the school day as much as possible.
- All foods provided through School District Five Food Services adhere to food safety and security guidelines.
- The school environment is safe, comfortable, pleasing and allows ample time and space for eating meals. Food and/or physical activity are not used as a reward or punishment.

Nutrition education

- Require that school cafeteria managers meet with student advisory committees in grades four through twelve a minimum of twice a year.
- Ensure that school food service meals not only provide the optimal nutrition that students need for growth, development and academic achievement, but also support the development of healthful eating behaviors in students, including their learning to eat a variety of foods.
- Provide information on calories, percentages of fat and serving sizes of school meal items to help children select appropriate portions of food.
- Encourage input regarding the selection of food items to be offered at all grade levels in the school meal programs by promoting and encouraging student and parent participation in taste-testing events and in menu-review panels.
- Schools will not use foods of minimal nutritional value as a reward.
- Nutrition education will be incorporated into classroom instruction when appropriate and in the school dining area.

Nutritional guidelines for foods on school campus

- Ensure that school food service meals are made attractive to students by appealing to their taste preferences and meeting their cultural needs.
- Encourage students to eat school meals by offering a choice of entrées at lunch - a minimum of two in elementary schools, three in middle and junior high schools (one choice may be an entrée salad) and four in high schools (one choice may be an entrée salad.)
- Allow students to purchase at a la' carte prices additional servings of any food item that is part of a reimbursable school meal (serving sizes should be comparable to those of the meal components.)
- Offer a minimum of three milk choices (2% fat, 1% fat and nonfat) for all grade levels at breakfast and lunch. Restrict access to whole milk.
- Offer a low-fat meal choice (30 % or less of calories from fat) at every meal.
- Offer a minimum of four choices of fruits and vegetables daily, including fresh fruits and vegetables in season at all grade levels (salad bars or prepackaged salads may be included.)
- Provide low-fat and non-fat salad dressings.
- Offer whole-grain foods in all programs at all grade levels if possible to meet bread and cereal requirements.
- Encourage preschool, kindergarten and elementary students to try a variety of foods by serving the full reimbursable meal.
- Ensure that all foods and beverages sold or otherwise made available at any public school site through District Five Food Services provide the optimal nutrition that students need for growth, development and academic achievement as well as development of healthful eating behaviors.
- Limit single-serving food items sold to students to the following maximum portion sizes: 1.25 ounces for snacks (including baked chips, crackers, popcorn, cereal, trail mix, nuts, seeds, dried fruits, jerky); 2 ounces for cookies or cereal bars; 3 ounces for other bakery items (sweet rolls, muffins, etc.); 4 ounces for frozen desserts, including ice cream; 8 ounces for yogurt (not frozen); and 1/2 cup for fried potatoes or other fried vegetables.
- Ensure that single servings of entrée items and side dishes are no larger than the portions of those foods served by school food services.
- Offer fruits and vegetables for sale at any location on the school site where foods are sold.
- Make the following beverages available to all students: low-fat or nonfat milk, water and 100% juices that do not contain added sugars or sweeteners.
- Sell no beverage - except water or reduced-fat milk - in portions larger than 20 ounces.

Physical education and activity

- The district will comply with the requirements of the Comprehensive Health Education Act, Section 53-29-100, Code of Laws of South Carolina, 1976, the 2005 Student Health and Fitness Act 102, and the South Carolina Physical Education Standards regarding physical education and activity.
- Students in grades K through 8 will participate annually in physical education designed to facilitate the development of the knowledge, attitudes and skills to live a physically active lifestyle and maintain health-related fitness.
- A physical activity coordinator, who is a certified physical education teacher, will be designated in each elementary school to coordinate physical activity initiatives.
- Middle school students (grades 6 through 8) will participate annually in physical education for at least nine weeks.
- Students in grades 9 through 12 will successfully complete a minimum of one Carnegie unit in physical education or ROTC prior to graduation, with half of the course addressing personal fitness and wellness, in addition to lifetime fitness.
- Student health-related fitness reports will be shared with parents/legal guardians at fifth, eighth and high school.
- The district will establish a Coordinated School Health Advisory Council to assess, implement and monitor district/school health policies and programs and develop school health improvement plans to be included in the required district strategic plan.
- Administrators and staff will promote a school environment which is supportive of physical activity. Staff are encouraged to model physical activity by participating, as appropriate, in physical activities with children. A staff wellness program, including physical activity, will be offered to all district employees.
- Withholding participation in recess or other physical activity as a disciplinary action is discouraged.

Adopted 8/28/06

Legal references:

Federal Legislation:

The Child Nutrition and WIC Reauthorization Act of 2004.

Public Law 103-448, Healthy Meals for Healthy Americans Act, 1994.

NASPE standards.

USDA/FNS guidelines for nutritional integrity of school meals.

S.C Code of Laws, 1976, as amended to include Chapter 10 of Title 59, Students Health and Fitness Act of 2005:

Title 59 of the 1976 Code as amended: Physical Education, School Health Services and Nutritional Standards - Sections 1,2, and 3.

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Issued 8/06

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- Ensure that single servings of entrée items and side dishes are no larger than the portions of those foods served by school food services.
- Offer fruits and vegetables for sale at any location on the school site where foods are sold.
- Make the following beverages available to all students: low-fat or nonfat milk, water and 100% juices that do not contain added sugars or sweeteners.
- Sell no beverage - except water or reduced-fat milk - in portions larger than 20 ounces.
- **Only allow food that comes from home with the purpose of sharing among the students be store bought, packaged foods.**

Physical education and activity

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Adopted 8/28/06

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S.C Code of Laws, 1976, as amended to include Chapter 10 of Title 59, Students Health and Fitness Act of 2005:

Title 59 of the 1976 Code as amended: Physical Education, School Health Services and Nutritional Standards - Sections 1,2, and 3.

Exhibit G



Memorandum

To: Members of the Board of Trustees
Stephen Hefner, Ed.D., Interim Superintendent

From: Buddy Price
Director of Community Services

Date: March 10, 2011

Re: 2011-12 School Board Meeting Schedule

Attached is a proposed 2011-12 meeting schedule for the school board. All meetings are on the second and fourth Mondays of each month, as required by school board policy. The only exceptions are one scheduled meeting in July, August, November and December. Due to the Memorial Day holiday the meetings in May will be held on May 7 and May 21.

This proposed schedule will be on the agenda for approval on March 14, 2011.

Thank you and please let me know if you have any questions.

BP/aw

Attachment - Proposed 2011-12 Meeting Schedule

2011-2012 Meeting Schedule
School District Five of Lexington and Richland Counties
Board of Trustees

<u>Date</u>	<u>Location</u>
July 11, 2011	District Office
August 8, 2011	District Office
September 12, 2011	Ballentine Elementary
September 26, 2011	District Office
October 10, 2011	Dutch Fork Middle
October 24, 2011	District Office
November 14, 2011	Chapin Elementary
December 12, 2011	Dutch Fork Elementary
January 9, 2012	Harbison West Elementary
January 23, 2012	District Office
February 13, 2012	Lake Murray Elementary
February 27, 2012	District Office
March 12, 2012	Leaphart Elementary
March 26, 2012	District Office
April 9, 2012	Chapin Middle School
April 23, 2012	District Office
May 7, 2012	CrossRoads Middle School
May 21, 2012	District Office
June 11, 2012	District Office
June 25, 2012	District Office

**MEMORANDUM**

TO: Members of the Board of Trustees
Stephen Hefner, Ed.D., Interim Superintendent

FROM: Ms. Helen Anderson
Chief Instructional Services Officer

DATE: March 4, 2011

RE: **March 14, 2011 Board Meeting, Discussion Item,
"Proposed Revisions to Board Policy JICDA-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 2011-2012 school year are as follows:

- Page 4, added to HEALTH CODE VIOLATIONS "or defecation"
- Page 8 and Page 9, added to Offenses 101 through 113 "****"
- Page 11, added to Offense 209 "****"
- Page 13, added to Offense 312 "about sexual orientation" and "intentionally"
- Page 17, added to Offense 412 "Afterschool"
- Page 18, removed from Offense 437 "Afterschool"

Mr. Michael Harris will be available to answer any questions at the March 14th meeting.

CODE OF CONDUCT

Code **JICDA-R** Issued **7/09**

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 are 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 3 and 4. 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.

- Harming a student physically or emotionally or damaging a student's property or placing a student in reasonable fear of personal harm or property damage.
- Insulting or demeaning a student or group of students causing substantial disruption in or substantial interference with, the orderly operation of the school.

School District Five of Lexington and Richland Counties (see next page)

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.

- 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.
- 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).
- 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).
- 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 that corrective action has been taken by the school.
- 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.

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- 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 three school days. No student will be removed from the bus until a transportation supervisor has made direct contact with the student's parent/legal guardian. Students will have the right to appeal bus suspensions to the transportation coordinator in the same manner as suspensions from school.
- 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

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.

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CONTROLLED SUBSTANCE: A drug, substance or immediate precursor 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.

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 or defecation in a public or inappropriate location; and other such health code violations will be considered as prohibited (see category 2.)

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.

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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 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.

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

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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.

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.

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.

Suspension from school or transportation and appeals

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).

Suspension from riding in a school bus or in other school vehicles will be assigned by the Office of Transportation. Inappropriate behavior (Category 1, 2, 3) on a bus will also involve school assigned consequences.

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.

- To the principal/director if the decision to suspend was made by a school-level designee.
- To the district hearing officer if the decision to suspend was made by the principal/director.
- Bus suspensions may be appealed to the coordinator of transportation.

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- 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.
- In cases of eight to 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.
- 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.

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.

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 2 level offense, two category 3 level offenses and anytime during five to 10 category 4 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.

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.

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.

Law enforcement involvement

All Category 1 Offenses will result in law enforcement involvement. Some offenses in Categories 2 and 3 will also involve law enforcement.

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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.

Category 1 Offenses

Acts considered to be Category 1 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 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.

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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.

Consequences for students who commit a Category 1 Offense will be as follows.

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

Other consequences for students who commit a Category 1 Offense will be as follows.

- In considering the developmental appropriateness of consequences, kindergarten, first and second graders, as noted with (*K - 2), will be addressed as follows.
 - 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.
 - A second offense of any Category 1 rule will result in a 3-day suspension from school or the student may be recommended for expulsion.
 - A third offense of any Category 1 rule will result in 5 -day suspension and recommendation for expulsion.
 - A fourth Category 1 Offense will result in an automatic recommendation for expulsion

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- Elementary students, grades three through five and kindergarten - second grade (when not noted with the *K - 2 disclaimer) will be addressed as follows:

A first Category 1 Offense will result in a three day out of school suspension and the student may be recommended for expulsion.

A second Category 1 Offense will result in a five day out of school suspension and the student may be recommended for expulsion.

A third Category 1 Offense will result in an automatic recommendation for expulsion.

- Restitution of property and damages where appropriate will be sought by the school or district.
- High school and middle school students will be suspended immediately from school and recommended for expulsion.
- 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 eight to 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.
- 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.

Law enforcement involvement

All Category 1 Offenses will involve law enforcement. Category 2 and 3 Offenses may involve law enforcement. These offenses are noted with two stars (**) or three stars (***) as follows.

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

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

Category 2 Offenses

Acts considered being Category 2 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.

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- 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, prescription drugs or over the counter drugs without regard to amount.
- 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 JICH).
- 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.
- 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.

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224. **Simple Assault (Middle and High School only).

225. Refusal to obey school or district administrator.

Consequences for students who commit a Category 2 Offense will be as follows:

*Kindergarten, first and second graders (*K - 2).*

- A first offense will result in a parent conference and a penalty deemed appropriate by the principal.
- A second offense may include, but not limited to, time-out, detention hall, administrative review, in-school suspension, or out-of-school suspension.
- A third offense will result in three (3) days suspension from school and a possible recommendation for expulsion.

*Elementary students (grades 3 - 5 and K - 2 without the special *K - 2 disclaimer)*

- First offense - May include, but not limited to, time-out, detention hall, administrative review, in-school suspension or suspension out of school.
- Second offense - Three (3) days mandatory suspension from school and the student may be recommended for expulsion.
- 3rd Offense - Automatic suspension with a possible recommendation for expulsion.

Middle school students

- First offense - Up to five days suspension out-of-school or immediate suspension with a recommendation for expulsion.
- Second offense - Immediate suspension from school with a recommendation for expulsion.

High school students

- First offense - Up to eight days suspension out-of-school or immediate suspension with a recommendation for expulsion.
- Second offense - immediate suspension from school with a recommendation for expulsion.

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.

Restitution of property and damages where appropriate will be sought by the school or district.

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

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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.

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

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.

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.

Category 3 Offenses

Acts considered to be Category 3 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.
- 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 about sexual orientation) intentionally addressed publicly to others that may disrupt the school educational program or incite violence.

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- 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, facebook, 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 students, a staff member, or any other adult designated by the school to supervise students including volunteers.
- 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.
(Example: sexually suggestive language, movements, writings, drawings; this includes sexting)
- 324. Health code violation (middle and high school only).
- 325. **Simple Assault. (See Glossary) (SASI Code 520) (Elementary K-5 school only).

Consequences for students who commit any Category 3 Offense will be as follows.

Elementary students

Consequences for students (K-5) who commit any Category 3 Offense are determined by the principal or his/her designee and will be as follows:

May include, but not be limited to, time-out, detention hall, administrative review, in-school suspension or suspension out-of-school.

May include, but not be limited to, time-out, detention hall, administrative review, in-school suspension or suspension out-of-school. The student may be placed on a behavior contract by the administration.

Repeated Category 3 Offenses may result in a recommendation for expulsion.

Restitution of property and damages where appropriate will be sought by the school or the district.

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Students who are suspended from school immediately forfeit the opportunity to ride school buses or other school vehicles for the duration of the suspension.

Because of the seriousness of Category 3 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.

Middle and high school students

The following consequences will be assigned for middle school students who commit a health code violation, uses profanity/obscenity, a racial or ethnic slur directed to a staff member or to any adult authorized by the school to supervise students, including volunteers, uses an inappropriate sexual gestures/behaviors or plans and/or organizes and/or instigates and/or participates 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 10 days suspension out of school or recommendation for expulsion.
- Fourth offense - immediate suspension from school with a recommendation for expulsion.

For middle school students who violate the tobacco use/possession rule, the consequences are the following.

- First Offense – Parent conference, counseling and in school suspension and law enforcement will be called to issue a citation.
- Second Offense – Saturday detention, in school suspension and/or work detail and law enforcement will be called to issue a citation.
- Third Offense – Three days out-of-school suspension and law enforcement will be called to issue a citation.
- Fourth Offense – possible recommendation for expulsion.

For 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 – Saturday detention, Twilight School, In school suspension, and/or weekend detail, and law enforcement will be called to issue a citation.
- Second Offense – Four days suspension out of school and law enforcement will be called to issue a citation.
- Third Offense – Eight days out of school suspension and law enforcement will be called to issue a citation.
- Fourth Offense – Possible recommendation for expulsion.

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

The following consequences for middle school and high school students will be assigned for all category 3 offenses **other than**, use of profanity/obscenity, a racial or ethnic slur, directed to a staff member or to any adult authorized by the school to supervise students, including volunteers, uses an inappropriate sexual gestures/behaviors or plans and/or organizes and/or instigates and/or participates 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.

Category 4 offenses

Acts considered to be Category 4 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 third bulleted item 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 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.

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- 412. Missing Afterschool detention.
- 413. Hazing (see hazing policy JICFA.)
- 414. Possession, sale or distribution of unauthorized materials at school.
- 415. Harassment.
- 416. Violation of parking and driving regulations.
- 417. Violation of cafeteria rules.
- 418. Violation of health room rules. All medication (to include over the counter drugs such as Benadryl, Tylenol, etc. or personal prescriptions) 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.

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434. Failure to obey a staff member.
435. Disrespect to others, i.e. verbal ridicule, pulling wedgies, ankling/zipping, etc. (Ankling/ Zipping 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 {*After-school detention,*} Saturday detention or In-school suspension.
438. Aiding and/or abetting another student(s) who is committing any rules violation.
439. *Violation of a behavior contract (see third bulleted item under "consequences".)
440. Violation of District level behavior contract.
441. **Vandalism or theft of school or personal property where value is \$50 or less. (This includes cafeteria items.)
442. Planning or creating a situation that may lead to a crime or rule violation.
443. Participation in gangs/gang-related activity. (Refer to policy JICF.)
444. Any behavior or act that interferes with the safe operation of a school bus.

Consequences for students who commit any Category 4 Offense other than participation in gangs/gang-related activity are determined by the principal/designee and will be as follows:

- Any offense will result in a behavior management intervention deemed appropriate by the school such as a conference, counseling, parent conferences, detention hall, Saturday detention, work detail, in-school suspension, Twilight School out-of-school suspension or a recommendation for expulsion.
- Any student suspended three times for a Category 4 Offense must be placed on a behavior contract by the administration.
- 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.

Consequences for students who commit the offense of participation in gangs/gang-related activity will be as follows.

- First offense - Parent/Legal guardian/student/administration conference.
- Second Offense – Three (3) day out-of school suspension and the student may be recommended for expulsion. (Elementary School Only)

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- Second Offense – Five (5) day out-of school suspension and the student may be recommended for expulsion. (Middle School Only)
- Second Offense – Eight (8) day out-of school suspension and the student may be recommended for expulsion. (High School Only)
- Third Offense - Recommendation for expulsion.

* 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.

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.

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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.
- 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.

Offenses committed on the bus or in a school vehicle

Consequences for students who commit a Category 1 Offense on the bus or in a school vehicle will be as follows.

- 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.
- Second Offense - (K-grade 3) - 30-day to indefinite suspension.
(Grades 4-12) - suspended pending expulsion hearing determination.
- Third Offense - (K-Grade 12) - suspended pending expulsion hearing determination.

Consequences for students who commit a Category 2 Offense on the bus or in a school vehicle will be as follows.

- 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.
- Second Offense - (K-grade 3) - 15-day to indefinite suspension.

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(Grades 4-12) - suspended pending expulsion hearing determination.

- Third Offense - (K-grade 12) - suspended pending expulsion hearing determination.

Consequences for students who commit a Category 3 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.

- First Offense - (K-grade 5) - five-day to indefinite suspension.
(Grades 6-12) - 15-day suspension.
- Second Offense - (K-grade 5) - five-day to indefinite suspension.
(Grades 6-12) - 45-day suspension.
- Third Offense - (K-grade 5) - five-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.

- First Offense - (K-grade 5) - five-day to indefinite suspension.
(Grades 6-12) - 5-day suspension.
- Second Offense - (K-grade 5) - five-day to indefinite suspension.
(Grades 6-12) - 15-day suspension.
- Third Offense - (K-grade 5) - five-day to indefinite suspension.
(Grades 6-12) - 30-day suspension.
- Fourth Offense - (K-grade 5) - five-day to indefinite suspension.
(Grades 6-12) - Indefinite suspension.
- Fifth Offense - (K-grade 5) - five-day to indefinite suspension.

Consequences for students who commit a Category 4 Offense on the bus or in a school vehicle will be as follows.

- Any Offense - (K-grade 12) - a range of consequences from immediate counseling to indefinite suspension.

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.

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Discipline of students with disabilities

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.

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.

Administrators dealing with suspension offenses by students with disabilities will consult the office of special services regarding the suspension of students with disabilities.

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.

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.

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.

School board policies

JICF (Gang Activity) - If the district determines that a student has initiated or participated in a gang or a secret society as defined in this policy, that student will be disciplined in a manner which may include, but will not be limited to, detention, removal from extracurricular activities, suspension and/or expulsion and referral to law enforcement, dependent upon the circumstances of the particular offense. The district also reserves the right to prohibit any student from wearing/displaying any article of clothing or accessory which the district has determined to be a gang indicator.

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

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.

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.

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.

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

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.

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.

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.

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- 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.
- 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.

Authority of the hearing officer

- ** Uphold or alter the decision of a principal to suspend a student.
- ** Reduce the number of days of an out of school suspension imposed by the school's administration.
- Determine the dates that an out of school suspension will be served.
- Expel a student from school and all activities associated with schools in the district
- In lieu of expulsion, transfer students from their home school to the Alternative Academy for Success for a definite period.
- Return students to their regular school after an expulsion hearing.
- 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.

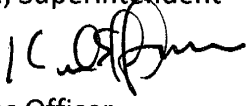
** Denotes only applicable in situations where out of school suspension is eight days or more or if the principal is directly involved.

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, 7/8/02, 5/19/03, 7/19/04, 5/9/05, 5/22/06, 6/25/07, 7/28/08, 7/13/09



March 8, 2011

TO: Members of the Board of Trustees
Stephen Hefner, Ed.D., Superintendent

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

RE: Proposed 2011-2012 Capital Budget

Attached is the proposed 2011-2012 Capital Budget for your review. In order to better coordinate the Capital Budget with the district's bond referendum for facilities, we have divided the budget into three categories: On-Going Maintenance; New Initiatives; and Equipment.

KEF:tl

Attachment

EXHIBIT MATERIAL FOR THIS TOPIC WILL BE MADE AVAILABLE AFTER THE SCHOOL BOARD MEETING ON THE WEB SITE. IF THE FILE IS TOO LARGE TO DOWNLOAD IT WILL BE AVAILABLE AT THE DISTRICT OFFICE FOR VIEWING. PLEASE CALL AMEE WHITE AT 476.8118 TO MAKE THOSE ARRANGEMENTS.