

43-279. Minimum Standards of Student Conduct and Disciplinary Enforcement Procedures to be Implemented by Local School Districts.

I. Expectations for Student Conduct in South Carolina Public Schools

Students in the public schools of South Carolina enjoy the same basic rights of United States citizenship as do other United States citizens. The rights of students are supported by the responsibility to insure that the rights of others are respected. This regulation is adopted with the intent to better assure that the opportunity to enjoy the benefits of public education is available to all those attending the public schools of the state of South Carolina.

II. Previously Adopted School District Discipline Policies

This regulation is established as a uniform system of minimum disciplinary enforcement for the school districts of South Carolina. School districts, which previously have adopted discipline policies that are consistent with and contain the elements included in this regulation, may retain their local policies as adopted.

III. Levels of Student Misconduct

A. The levels of student misconduct considered in this regulation are arranged by degrees of seriousness. The levels are arranged from the least serious to the most serious.

B. Three levels of student misconduct are identified: disorderly conduct, disruptive conduct, and criminal conduct. The levels are defined in this regulation.

C. This regulation includes a listing of possible sanctions for the three levels of student misconduct. As the levels increase in seriousness, the severity of possible disciplinary sanctions increases.

D. Suggested sanctions within the Level I misconduct category range from verbal reprimand to in-school suspension. Level II misconduct includes sanctions ranging from temporary removal from class to expulsion, while Level III misconduct includes sanctions ranging from out-of-school suspension to appropriate action within the criminal justice system.

E. A local school board, in its discretion, may authorize more stringent standards than those contained in this regulation.

IV. Minimum Standards

A. Disorderly Conduct--Level I

1. Disorderly conduct is defined as those activities engaged in by student(s) which tend to impede orderly classroom procedures or instructional activities, orderly operation of the school, or the frequency or seriousness of which disturb the classroom or school. The provisions of this regulation apply not only to within-school activities, but also to student conduct on school bus transportation vehicles, and other school sponsored activities.

2. Acts of disorderly conduct may include, but are not limited to:

- a. Classroom tardiness;
- b. Cheating on examinations or classroom assignments;
- c. Lying;
- d. Acting in a manner so as to interfere with the instructional process;
- e. Abusive language between or among students;
- f. Failure to complete assignments or carry out directions;
- g. Use of forged notes or excuses;
- h. Cutting class;
- i. School tardiness;
- j. Truancy;
- k. Other disorderly acts as determined by local school authorities.

3. The basic enforcement procedures to be followed in instances of disorderly conduct are:

a. Upon observation or notification and verification of an offense, the staff member should take immediate action to rectify the misconduct. The staff member should apply an appropriate sanction, and should maintain a record of the misconduct and the sanction.

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

c. The administrator should meet with the reporting staff member, and, if necessary, the student and the parent or guardian, and should effect the appropriate disciplinary action.

d. A complete record of the procedures should be maintained.

4. Possible sanctions to be applied in cases of disorderly conduct may include, but are not limited to:

- a. Verbal reprimand;
- b. Withdrawal of privileges;
- c. Demerits;
- d. Detention;
- e. Corporal punishment;
- f. In-school suspension;
- g. Other sanctions as approved by local school authorities.

B. Disruptive Conduct--Level II

1. Disruptive conduct is defined as those activities engaged in by student(s) which are directed against persons or property, and the consequences of which tend to endanger the health or safety of oneself or others in the school. Some instances of disruptive conduct may overlap certain criminal offenses, justifying both administrative sanctions and court proceedings. Disorderly conduct (Level I) may be reclassified as disruptive conduct (Level II) if it occurs three or more times. The provisions of this regulation apply not only to within school activities, but also to student conduct on school bus transportation vehicles, and other school sponsored activities.

2. Acts of disruptive conduct may include, but are not limited to:

- a. Use of an intoxicant;
- b. Fighting;
- c. Vandalism (minor);
- d. Stealing;
- e. Threats against others;
- f. Trespass;
- g. Abusive language to staff;
- h. Refusal to obey school personnel or agents (such as volunteer aides or chaperones)

whose responsibilities include supervision of students;

i. Possession or use of unauthorized substances, as defined by law or local school board policy;

j. Illegally occupying or blocking in any way school property with the intent to deprive others of its use;

- k. Unlawful assembly;
- l. Disrupting lawful assembly;
- m. Other acts as determined by local school authorities.

3. The basic enforcement procedures to be followed in instances of disruptive conduct are:

a. Upon observation or notification and verification of an offense, the administrator should investigate the circumstances of the misconduct and should confer with staff on the extent of the consequences.

b. The administrator should notify the parent or guardian of the student's misconduct and related proceedings. The administrator should meet with the student and, if necessary, the parent or guardian, confer with them about the student's misconduct, and effect the appropriate disciplinary action.

c. A complete record of the procedures should be maintained.

4. Possible sanctions to be applied in cases of disruptive conduct may include, but are not limited to:

- a. Temporary removal from class;

- b. Alternative education program;
- c. In-school suspension;
- d. Out-of-school suspension;
- e. Transfer;
- f. Referral to outside agency;
- g. Expulsion;
- h. Restitution of property and damages, where appropriate, should be sought by local school authorities;
- i. Other sanctions as approved by local school authorities.

C. Criminal Conduct--Level III

1. Criminal conduct is defined as those activities engaged in by student(s) which result in violence to oneself or another's person or property or which pose a direct and serious threat to the safety of oneself or others in the school. These activities usually require administrative actions which result in the immediate removal of the student from the school, the intervention of law enforcement authorities, and/or action by the local school board. The provisions of this regulation apply not only to within-school activities, but also to student conduct on school bus transportation vehicles, and other school sponsored activities.

2. Acts of criminal conduct may include, but are not limited to:

- a. Assault and battery;
- b. Extortion;
- c. Bomb threat;
- d. Possession, use, or transfer of dangerous weapons;
- e. Sexual offenses;
- f. Vandalism (major);
- g. Theft, possession, or sale of stolen property;
- h. Arson;
- i. Furnishing or selling unauthorized substances, as defined by local school board policy;
- j. Furnishing, selling, or possession of controlled substances (drugs, narcotics, or poisons).

3. The basic enforcement procedures to be followed in instances of criminal conduct are:

a. Upon observation or notification and verification of an offense, the administrator should confer with the staff involved, should effect the appropriate disciplinary action, and, if appropriate, should meet with the student.

b. If warranted, the student should be removed immediately from the school environment.

A parent or guardian should be notified as soon as possible.

c. If appropriate, school officials should contact law enforcement authorities.

d. Established due process procedures shall be followed when applicable.

e. A complete record of the procedures should be maintained.

4. Possible sanctions to be applied in cases of criminal conduct may include, but are not limited to:

- a. Out-of-school suspension;
- b. Assignment to alternative schools;
- c. Expulsion;
- d. Restitution of property and damages, where appropriate, should be sought by local school authorities;
- e. Other sanctions as approved by local school authorities.

D. Extenuating, Mitigating or Aggravating Circumstances

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

V. Discipline of Handicapped Students

A. Disciplinary Process

Handicapped students are not exempt from school disciplinary processes, nor are they entitled to remain in a particular educational program when their conduct substantially impairs the education of other children in the program. However, the public schools are required by federal and state law and regulations to meet the individual educational needs of handicapped children to the extent that current educational expertise permits.

B. Program Prescriptions

A handicapped student's Staffing Committee may prescribe or prohibit specified disciplinary measures for an individual student by including appropriate provisions in the student's individual education plan. The student's handicapping condition must be taken into consideration when deciding whether or not a particular form of discipline is to be utilized. Administrative authorities should observe any such provisions contained in a handicapped student's individual education plan, except that a Staffing Committee may not prohibit the initiation of proceedings for suspension or expulsion which are conducted in accordance with this regulation.

C. Suspensions

A handicapped student may be suspended, unless a suspension is prohibited by the student's individual education plan. At the end of the suspension, the student should, if appropriate, be returned to the same educational placement. School districts may remove immediately, for a short period of time, a handicapped student who is endangering himself or others.

D. Expulsions

Expulsion of a handicapped student is equivalent to a change in educational placement and therefore requires special procedures. Before a handicapped student may be expelled, a multi-disciplinary team must determine whether or not there is a connection between the handicapping condition and the misconduct. If there is a connection or causal relationship between the handicapping condition and the misconduct, then expulsion resulting in cessation of educational services for that student would be unallowable.

Handicapped students who have been expelled under the regulations of the State Board of Education shall continue to receive a free and appropriate education as set forth in such student's Individual Education Program. The term handicapped as used herein means handicapped students as defined in P.L. 94-142, as amended.

E. Immediate Removal

Nothing contained in this regulation shall be construed as limiting an administrative authority's ability to remove a handicapped student from school immediately under emergency conditions.

VI. Other Areas of Student Conduct Which May Be Regulated by Local School Board Policy

A. Other areas of student conduct which are subject to regulation by local school boards include, but are not limited to:

1. School attendance;
2. Use of and access to public school property;
3. Student dress and personal appearance;
4. Use of tobacco in the public schools;
5. Speech and assembly within the public schools;
6. Publications produced and/or distributed in the public schools;
7. The existence, scope and conditions of availability of student privileges, including extracurricular activities and rules governing participation;
8. Other activities not in conflict with existing state statutes or regulations.

B. Other areas of student conduct may be regulated within legal limits by local school boards as they deem appropriate to local conditions. The term "legal limits" signifies the requirements of the federal and state constitutions and governing statutes, standards and regulations, the fundamental common-law requirement that rules of student conduct be reasonable exercises of the school's authority in pursuance of legitimate educational and related functions, and special limitations arising from constitutional guarantees.

Appendix A.

The following chart is presented as a summary of types of misconduct, examples of misconduct, disciplinary procedures, and examples of sanctions. The chart includes much of the information covered in this regulation.

GRAPHICAL IMAGE APPEARS HERE; USE JUMP TO DISPLAY

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APPENDIX B. Relevant State Law

The following code citations pertain to rule making powers of boards, suspension, expulsion, student's right to hearing, transfer, corporal punishment, regulation of clubs, and disciplinary powers of school bus drivers.

59-19-90 (3). General powers and duties of school trustees.

The board of trustees shall also:

(3) Promulgate rules and regulations. Promulgate rules prescribing scholastic standards of achievement and standards of conduct and behavior that must be met by all pupils as a condition to the right of such pupils to attend the public schools of such district. The rules shall take into account the necessity for scholastic progress in order that the welfare of the greatest possible number of pupils shall be promoted notwithstanding that such rules may result in the ineligibility of pupils who fail to observe the required standards, and require the suspension or permanent dismissal of such pupils.

59-63-210. Grounds for which trustees may expel, suspend or transfer pupils; petition for readmission.

Any district board of trustees may authorize or order the expulsion, suspension, or transfer of any pupil for a commission of any crime, gross misbehavior, persistent disobedience, or for violation of written rules and regulations established by the district board, county board, or the State Board of Education, or when the presence of the pupil is detrimental to the best interest of the school. Every expelled pupil shall have the right to petition for readmission for the succeeding school year. Expulsion or suspension shall be construed to prohibit a pupil from entering the school, or school grounds, except for a prearranged conference with an administrator, attending any day or night school functions or riding a school bus. The provisions of this section shall not preclude enrollment and attendance in any adult or night school.

59-63-220. Suspension of pupils by administrators.

Any district board may confer upon any administrator the authority to suspend a pupil from a teacher's class or from the school not in excess of ten days for any one offense and for not more than thirty days in any one school year but no such administrator may suspend a pupil from school during the last ten days of a year if the suspension will make the pupil ineligible to receive credit for the school year without the approval of the school board unless the presence of the pupil constitutes an actual threat to a class or a school or a hearing is granted within twenty-four hours of the suspension.

59-63-230. Notices of suspensions; conferences with parents or guardian.

When a pupil is suspended from a class or a school, the administrator shall notify, in writing, the parents or legal guardian of the pupil, giving the reason for such suspension and setting a time and place when the administrator shall be available for a conference with the parents or guardian. The conference shall be set within three days of the date of the suspension. After the conference the parents or legal guardian may appeal the suspension to the board of trustees or to its authorized agent.

59-63-240. Expulsion for remainder of year; hearings.

The board may expel for the remainder of the school year a pupil for any of the reasons listed in Section 59-63-210. If procedures for expulsion are initiated, the parents or legal guardian of the pupil shall be notified in writing of the time and the place of a hearing either before the board or a person or committee designated by the board. At the hearing the parents or legal guardian shall have the right to legal counsel and to all other regular legal rights including the right to question all witnesses. If the hearing is held by any authority other than the board of trustees, the right to appeal the decision to the board is reserved to either party. The hearing shall take place within fifteen days of the written

notification at a time and place designated by the board and decision shall be rendered within ten days of the hearing. The pupil may be suspended from school and all school activities during the time of the expulsion procedures. The action of the board may be appealed to the proper court. The board may permanently expel any incorrigible pupil.

59-63-250. Transfer of pupils.

The board or a designated administrator may transfer a pupil to another school in lieu of suspension or expulsion but only after a conference or hearing with the parents or legal guardian. The parents or legal guardian may appeal a transfer made by an administrator to the board.

59-63-260. Corporal punishment.

The governing body of each school district may provide corporal punishment for any pupil that it deems just and proper.

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

Any district board of trustees may regulate, control, or prohibit clubs or other such activities on school property or during school hours.

59-67-240. Other duties of driver; discipline of pupils for misconduct.

The driver of each school bus shall cooperate with the teachers in their work in the school to which he is transporting pupils by being on time in the mornings and waiting in the afternoons until all his pupils are dismissed by the school faculty and safely aboard his bus. He also shall take particular notice along his route in the mornings and give pupils within sight a reasonable time in which to board his bus. The driver shall be responsible for maintaining good conduct upon his bus and shall report promptly to the governing head of the school to or from which the pupils are transported any misconduct or any violation of the driver's instructions by any person riding in his bus.

District boards of school trustees in this State may authorize school administrators to suspend or expel pupils from riding a school bus for misconduct on the bus or for violating instructions of the driver.