

# **Greenville County Schools**

## **Student Behavior Code**

(May 18, 2010)

### **Student Behavior (Policy JCDA)**

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

Students have a responsibility to know and respect the policies, rules and regulations of the school and District. Violations of such policies, rules and regulations will result in disciplinary actions. The Board directs students to the District's Behavior Code set forth in this policy and the student handbook for their individual school. The Board authorizes its school authorities to employ probation and suspension and to recommend expulsion, if necessary, to enforce this policy.

It is the philosophy of the District to handle all student disciplinary matters at the lowest supervisory level possible and in the most reasonable manner possible. Disciplinary action will be taken in accordance with appropriate procedural rights being afforded to students and their parents/guardians as provided by state law, State Board of Education regulation, and/or the policies of this District.

The Board and the administration offer the following listing of offenses and the required or recommended dispositions for the information of students, parents/legal guardians and school personnel.

#### **Application of this Policy**

The following rules regarding student conduct are in effect during the following times and in the following places:

- on the school grounds during, and immediately before or immediately after, school hours
- on the school grounds at any other time when the school is being used by a school group
- off the school grounds at a school activity, function or event
- en route to and from school or a school activity on a school bus or other school vehicle
- at any time or in any place that impacts the school's ability to maintain order and discipline in the Greenville County School District

#### **Student Conduct Away from School Grounds or School Activities**

The Board expects administrators to take appropriate action when information becomes available about student misconduct away from school grounds or school activities that may have a direct and detrimental effect on or seriously threaten the discipline, educational environment, safety or general welfare of students, faculty, staff and/or administrators of the District. When assessing the impact of out-of-school behavior on a District school, the administrator should take into consideration the seriousness of the alleged out-of-school offense and the protection of students, faculty, staff and administrators from the effects of violence, drugs and/or disruptions.

Administrators are directed to evaluate each situation on a case-by-case basis. At a minimum, administrators or their designees should meet with the student upon his/her arrival at school, give the student notice of the concerns based on the reported out-of-school behavior and allow the student an opportunity to present his/her side of the story. Based upon all of the circumstances, including a finding that the alleged conduct will have a direct and immediate effect on the school or threatens the discipline,

educational environment, safety or general welfare of students, faculty, staff and/or administrators of the school, the administration may either permit the student to attend classes as usual or may take appropriate disciplinary action including, but not limited to, in-school suspension or out-of-school suspension in order to conduct an investigation into the matter. The parents/legal guardians of students will be notified of any action taken by the administration and offered the opportunity for a conference with the administration.

In the event the student is incarcerated based on his/her out-of-school conduct, the principal or his/her designee will notify the student that he/she is to meet with the administration prior to returning to school.

At the conclusion of the inquiries to obtain more information on the matter, the administrator or his/her designee should take appropriate action which may include, but is not limited to, one or more of the following:

- returning the student to his/her normal class schedule and removing all evidence of suspension
- placing the student on probation and allowing the student to resume his/her normal class schedule
- placing the student on probation, allowing the student to continue class work, but restricting the student's participation in extracurricular activities and/or designated school activities, for example, clubs, study halls, pep rallies, student government activities and so forth
- suspending the student
- recommending placement in the District's alternative school
- recommending expulsion of the student for the remainder of the year

The disciplinary action taken must be supported by the evidence and take into full consideration the impact of the student's presence at school on the discipline, educational environment and safety or general welfare of other students, faculty, staff and/or administrators of the school.

### **Levels of Offenses**

Students who engage in an ongoing pattern of behavior that is disruptive to the orderly operations of the school shall be recommended for expulsion. The following is a general listing of offenses and the required or recommended disciplinary actions which should be taken as a result of such offenses being committed.

#### **Disorderly Conduct - Level I**

Disorderly conduct is defined as any activity in which a student engages that tends to impede orderly classroom procedures or instructional activities, orderly operation of the school or the frequency or seriousness of which disturbs the classroom or school.

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

- classroom tardiness
- cheating on examinations or classroom assignments
- lying
- blackmail of other students or school personnel
- acting in a manner so as to interfere with the instructional process
- abusive language between or among students, to include profane language
- failure to complete assignments or carry out directions
- use of forged notes or excuses
- violation of school bus regulations
- cutting class
- possession or use of a paging device in violation of District policy
- school tardiness

- truancy
- use of obscene or profane language or gestures
- other disorderly acts as determined at the school level, which are not inconsistent with Board policy

The administration may apply sanctions in cases of disorderly conduct which may include, but are not limited to, the following:

- verbal reprimand
- withdrawal of privileges (a privilege, as defined by the Greenville County School Board, is a student's opportunity to participate in any function of the school beyond attending class, riding buses and participating in the school District's food service program)
- demerits
- detention
- in-school/out of school suspension
- other sanctions approved by the Board or administration

#### Disruptive Conduct - Level II

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 themselves or others in the school. Some instances of disruptive conduct may overlap certain criminal offenses, justifying both administrative sanctions and court proceedings.

The administration may reclassify disorderly conduct (Level I) as disruptive conduct (Level II) if the student engages in the activity three or more times.

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

- fighting
- vandalism (minor)
- stealing
- use or possession of laser pointers, fireworks, smoke bombs, pepper-style sprays, and other similar devices or materials
- threats against others
- trespass
- abusive language to staff, to include profane language
- other disruptive acts which interfere with the educational process
- refusal to obey school personnel or agents (such as volunteer aides or chaperones) whose responsibilities include supervision of students
- possession or use of unauthorized substances, including tobacco and tobacco products, non-prescription drugs, "look-a-like" drugs, and drug paraphernalia, including rolling papers
- illegally occupying or blocking in any way school property with the intent to deprive others of its use
- inappropriate verbal or physical conduct of a sexual nature
- misuse of District technology resources
- gambling on school property
- unlawful assembly
- disrupting lawful assembly
- harassment, intimidation or bullying
- intimidating, threatening, or physically abusing another student
- any other acts as determined at the school level that are not inconsistent with Board policy

The administration may apply sanctions in cases of disruptive conduct which may include, but are not limited to, the following:

- in-school suspension
- withdrawal of privileges (a privilege, as defined by the Greenville County School Board, is a student's opportunity to participate in any function of the school beyond attending class, riding buses and participating in the school District's food service program)
- temporary removal from class
- out-of-school suspension
- referral to outside agency
- assignment to alternative school
- expulsion
- restitution of property and damages, where appropriate, should be sought by local school authorities
- other sanctions as approved by the Board or administration

### Criminal Conduct - Level III

Criminal conduct is defined as those activities engaged in by students (whether or not they result in criminal charges) that result in violence to themselves or to another's person or property or which pose a direct and serious threat to the safety of themselves 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 Board.

Whenever a student is engaging or has engaged in activities including, but not limited to, one of the acts specified below, while on school property or at a school sanctioned or sponsored activity which a principal or his/her designee has reason to believe may result, or has resulted, in injury or serious threat of injury to a person or to his/her property, the principal or his/her designee is required to notify law enforcement officials.

Acts for which principals must recommend students for expulsion include, but are not limited to, the following:

- bomb threat
- possession, use or transfer of weapons - a weapon is defined as a firearm (rifle, shotgun, pistol or similar device that propels a projectile through the energy of an explosive); a knife, razor, bludgeon, blackjack, metal pipe or pole, brass knuckles (to include multi-finger rings); incendiary or explosive device; or any other type of device or object which may be used to inflict bodily injury or death
- sexual offenses (which include sexual acts that do not result in a criminal offense)
- arson
- distribution, sale, purchase, manufacture, use, being under the influence of, or unlawful possession of alcohol or a controlled substance, as defined in S.C. Code Ann. §§ 44-53-110 through 44-53-270. (See Policy JCDAC)
- threatening to take the life of or inflict bodily harm upon a school employee or member of their immediate family
- ganging ("Ganging" or participating as a member of a gang and inflicting a violent act of bodily harm, however slight, upon another person will not be tolerated. A "gang" shall consist of two or more persons acting together for and with the purpose of committing an act of violence against another person. "Participation" also includes any act that interferes with or hinders a staff member from stopping the infliction of bodily injury that is the objective of the gang.)

Additional acts for which principals may recommend students for expulsion include, but are not limited

to, the following:

- vandalism (major)
- theft, possession or sale of stolen property
- disturbing the schools
- possession, use, or transfer of "look-a-like" weapons
- assault and battery
- extortion
- any other acts as determined by the Board

**Note Regarding Students Under the Influence:** In determining whether a student is under the influence of alcohol or a controlled substance, the student's appearance, behavior, manner, presence of an odor of the substance, and statements made by the student as to the use of controlled substances or alcohol may be considered without regard to the amount of alcohol/controlled substance consumed.

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**Note Regarding Recommendations for Expulsion**

Recommendations for expulsion do not automatically result in expulsion. Hearing officers have the authority and flexibility to consider other disciplinary action based on the offense, age of student, previous disciplinary record, extenuating circumstances, and totality of the incident.

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The principal must recommend students for expulsion if they have committed offenses which are underlined. If a student commits an offense that is not underlined, the principal may recommend the student for expulsion when the circumstances warrant it. The administration may apply sanctions in cases of criminal conduct which may include, but are not limited to, the following:

- withdrawal of privileges (a privilege, as defined by the Greenville County School Board, is a student's opportunity to participate in any function of the school beyond attending class, riding buses and participating in the school District's food service program)
- out-of-school suspension
- assignment to alternative school
- expulsion
- restitution of property and damages, where appropriate, should be sought by local school authorities
- other sanctions as approved by the Board or administration

**Extenuating, Mitigating or Aggravating Circumstances**

The Board confers upon the Superintendent or his/her designee the authority to consider extenuating, mitigating or aggravating circumstances which may exist in a particular case of misconduct. The administrator should consider such circumstances in determining the most appropriate sanction.

**Discipline of Disabled Students**

Students identified as disabled pursuant to the Individuals with Disabilities Education Improvement Act ("IDEIA disabled") will be disciplined in accordance with federal and state law as set forth in the special education procedures developed by the administration.

**Paging Devices, Telecommunications Devices, and Cell Phones**

For purpose of this policy, paging devices are defined as telecommunications devices, to include mobile telephones, that emit an audible signal, vibrate, display a message or otherwise summon or deliver a

communication to the possessor.

Students who choose to bring paging devices to school must keep them in their vehicles or lockers, or another appropriate location determined by the school principal. During school hours while on school grounds, no student may use, or have turned on, a paging device without the prior permission of the principal, as set forth below. "Turned on" includes a paging device that is activated and set or programmed to ring, vibrate or otherwise send or receive a signal.

The principal or his/her designee may authorize a student to otherwise possess a paging device if the student is an active member of an emergency service organization, needs the paging device for a legitimate medical reason or otherwise needs the paging device for a legitimate reason, as determined by the principal. In such cases, the student must have prior written consent from the principal or his/her designee.

## **Suspension** **(Summary of Policy JDD)**

The Board provides due process of law to students, parents/legal guardians and school personnel through procedures for the suspension of students, which are consistent with federal law, state law and regulation and local policy.

According to state law, the Board may authorize the suspension of a student from school for commission of any crime, gross immorality, gross misbehavior, persistent disobedience or for violation of written rules and regulations established by the District Board of Trustees (Student Behavior Code Policy JCDA), or the State Board of Education. The Board may also authorize the suspension of a student when the presence of the student is detrimental to the best interest of the school. Suspension means a student cannot attend school or be on the school grounds, cannot attend any program at the school in the daytime or at night and cannot ride a school bus.

Suspension is the exclusion of a student from school and school activities for a period of time not to exceed 10 school days for any one offense. The Board uses the word suspension in this policy to mean either suspension from school or in-school suspension as determined by the principal.

The Board delegates the power of suspension to District administrators.

Requests for review of suspensions may be made to the principal and the Superintendent's designee. The decision of the Superintendent's designee ends the appeal process for suspensions. However, the Board must review suspensions that occur within the last 10 days of the school year if such suspension would make a student ineligible to receive credit for the school year.

Suspension of students who are classified as disabled will be handled consistent with federal and state law and with procedures established by the Board.

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### **Missed Work**

Students who are suspended must make up missed work.

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## **Expulsion** **(Summary of Policy JDE)**

Expulsion is the removal of a student from a school for the remainder of the school year, except in cases of permanent expulsion.

A student may be expelled for any reason listed in the Student Behavior Code Policy JCDA, for the commission of any crime, gross immorality, gross misbehavior or the violation of any other written rules and regulations established by the Board or the State Board of Education, or when the presence of the student is deemed to be detrimental to the best interests of the school. Students who engage in an ongoing pattern of behavior that is disruptive to the orderly operations of the school shall be recommended for expulsion, as set forth in Policy JCDA. Expulsion means the student cannot attend school or be on the school grounds, cannot attend any school-related events or activities on or off campus, and cannot ride a school bus.

The Board delegates to a District hearing officer the authority to conduct administrative hearings and expel students. The decision of the hearing officer may be appealed by either the student or the administration to the Board as indicated in Policy JDE.

## **Harassment, Intimidation, and Bullying (Summary of Policy JCDA)**

As provided in the South Carolina Safe School Climate Act, the District prohibits acts of harassment, intimidation or bullying of a student by another student or students, staff, or third parties that interfere with or disrupt a student's ability to learn and the school's responsibility to educate its students in a safe and orderly environment whether in a classroom, on school premises, on a school bus or other school-related vehicle, at an official school bus stop, at a school-sponsored activity or event, whether or not it is held on school premises, or at another program or function where the school is responsible for the student.

The District 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.

### **Definitions**

"Harassment, intimidation, or bullying" is defined as a gesture, an electronic communication, or a written, verbal, physical, or sexual act that a reasonable person should know will have the effect of:

- a) harming a student, physically or emotionally, or damaging a student's property, or placing a student in reasonable fear of personal harm or damage to his property; or
- b) insulting or demeaning a student or group of students in such a way as to cause substantial disruption in, or substantial interference with, the orderly operation of the school.

### **Reporting**

Any student who believes he/she has been subject to harassment, intimidation, or bullying should file a complaint with the principal or his or her designee. Such a complaint may also be filed by a student's parent. If an employee receives a complaint of harassment, intimidation, or bullying or observes any behavior which could amount to harassment, intimidation, or bullying, the employee must transmit the complaint to the school's principal or other designated contact person as soon as practicable.

### **Consequences for Engaging in Harassment, Intimidation, or Bullying**

If the investigation determines that harassment, intimidation, or bullying has occurred, the administration shall take reasonable, timely, age-appropriate, and effective corrective action. Examples of corrective action include, but are not limited to, disciplinary action against the aggressor, up to and including termination of an employee or expulsion of a student; special training or other interventions; apologies; dissemination of statements that the school does not tolerate harassment, intimidation, or bullying; independent reassessment of student work; and/or tutoring.

Individuals, including students, employees, parents, and volunteers, may also be referred to law enforcement officials. The District will take all other appropriate steps to correct or rectify the situation.

## **Sexual Harassment (Summary of Policy JCA)**

All students and employees must avoid any action or conduct that could be viewed as sexual harassment or inappropriate conduct of a sexual nature. This includes any action or conduct communicated or performed in person, in writing or electronically. Sexual harassment or inappropriate conduct of a sexual nature directed at students, either male or female, by District employees, other students, volunteers or third parties associated with schools is strictly prohibited. Such conduct is considered a violation that is disorderly, disruptive, and/or criminal in nature and will not be tolerated. Any employee who engages in such conduct may be subject to disciplinary action, up to and including a recommendation for termination. A student who engages in such conduct may be disciplined up to and including expulsion.

Any student who believes he/she has been subjected to sexual harassment or inappropriate conduct of a sexual nature by an employee, another student, a volunteer, or a third party, is encouraged to file a complaint in accordance with JCA/JCA-R. A parent may also file a complaint on behalf of his/her child. Students will not be subject to retaliation or reprisal for having filed a complaint.

## **Gang Activity or Association (Summary of Policy JCDAE)**

Gangs and activities of gangs are prohibited on or near school property and at school-sponsored events. A "gang" consists of two or more persons acting together for and with the purpose of committing an act of violence against another person.

The following conduct is prohibited at all times on school property and at school-sponsored events, regardless of where the events are held:

- Wearing, possessing, using, distributing, displaying or selling any clothing, jewelry, emblem, badge, symbol, sign, manner of grooming or other item that evidences or reflects membership in or affiliation with any gang
- Engaging in any act, either verbal or nonverbal, including, but not limited to, gestures or handshakes, that indicates membership in or affiliation with any gang
- Engaging in any act in furtherance of the interests of any gang activity, including, but not limited to, soliciting membership or affiliation with a gang; soliciting any person to pay for "protection"; or soliciting any person to engage in physical violence against any other person
- Painting, writing, engraving, or otherwise inscribing any gang-related graffiti, messages, symbols or signs on school property

In determining as part of the implementation of this regulation whether certain acts or conduct are gang-related, school officials should consult with local law enforcement.

If the District determines that a student has violated the prohibitions set forth in this policy, the student will be subject to exclusion from participation in extracurricular activities, detention, suspension, and/or expulsion, dependent upon the specific circumstances of the offense. Students also may be referred to law enforcement. The District also reserves the right to permanently prohibit any student from wearing or displaying any article of clothing or accessory which the District has determined to be a gang indicator.

## **Searches, Student Interrogations, and Arrests (Summary of Policy JCAB)**

The Board recognizes that both state law and the Fourth Amendment to the United States Constitution protect citizens, including students, from unreasonable searches and seizures. The Board accordingly directs all District personnel to conduct searches and seizures on District property or during District sponsored events in accordance with applicable federal and state law.

### **Searches**

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

### **Contacting Law Enforcement**

As provided in S.C. Code Ann. § 59-24-60, school administrators must contact law enforcement authorities immediately upon notice that a person is engaging or has engaged in activities on school property or at a school sanctioned or sponsored activity, which may result, or results in, injury or serious threat of injury to the person, or to another person, or his property. Such reportable activities or conduct may include, but are not limited to, the examples of criminal conduct referenced in Level III of Board Policy JCDA (Behavior Code).

The Board recognizes that, when law enforcement authorities are contacted pursuant to S.C. Code Ann. § 59-24-60, the law enforcement authorities must make the determination whether they will conduct an investigation into the matter.

### **Interrogations by School Personnel and School Resource Officers**

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

### **Interrogations by Law Enforcement**

When law enforcement officers find it necessary to question a student during the school day regarding matters not connected to the school, the principal or his/her designee shall cooperate with law enforcement and shall request to be present, so long as his/her presence does not impede the

investigation. The principal or his/her designee should make a reasonable attempt to contact the student's parent/legal guardian and request his/her presence.

## **Weapons in School (Summary of Policy JCDA)**

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

### **Weapons (firearms)**

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

## **Alcohol Use/Drug Use (Summary of Policy JCDA)**

No student, regardless of age, will possess, use, sell, purchase, barter, distribute, or be under the influence of alcohol or a controlled substance, as defined in S.C. Code Ann. §§ 44-53-110 through 44-53-270, (see the Behavior Code) in the following circumstances:

- on school property (including buildings, grounds, vehicles)
- at any school-sponsored activity, function or event, whether on or off school grounds (including any place where an interscholastic athletic contest is taking place)
- en route to or from, or during any field trip
- during any trip or activity sponsored by the Board or under the supervision of the Board or its authorized agents

**NOTE:** In determining whether a student is under the influence of alcohol or a controlled substance, the student's appearance, behavior, manner, presence of an odor of the substance, and statements made by the student as to the use of controlled substances or alcohol may be considered without regard to the amount of alcohol/controlled substance consumed.

The administration will recommend students who violate this policy for expulsion. The Board intends to expel all students who are determined to have distributed any controlled substance on school grounds.

## **Tobacco Use (Policy JCDA)**

Students are not permitted to use or possess any tobacco products while in school buildings, on school grounds, on school buses, or at any time that a student is under the direct administrative jurisdiction of the school or school officials. Disciplinary actions will be handled in accordance with the Behavior Code.

## **Computer Acceptable Use Rule**

Each school year every person who uses a Greenville County School District computer must review the Acceptable Use Rule (Board Rule EFE). This rule is available on the GCS website at [www.greenville.k12.sc.us/gcsd/depts/ets/policy/aup.asp](http://www.greenville.k12.sc.us/gcsd/depts/ets/policy/aup.asp).

## **Participation in Extracurricular Activities**

Student participation in extracurricular activities is a privilege (not a right) that a student earns through proper conduct and academic achievement. A student may be denied the privilege of participating in an extracurricular activity and/or an event when the student's conduct is not consistent with District Policy; the District's Behavior Code and/or academic standards; the conduct expectations and/or academic standards of the student's school; and/or the conduct expectations and/or academic standards of the particular activity. Extracurricular activities include, but are not limited to, athletic teams, academic clubs/teams, prom, graduation exercises, and attendance at any school function outside of the normal school day.

## **Dress Code (Policy JCDAF)**

Greenville County School District students are expected to dress and be groomed in such a way as to not distract or cause disruption in the educational program or orderly operation of the school. Personal appearance of students should promote health and safety, contribute to a climate conducive to teaching and learning, and project a positive image of the District to the community. Students should dress for the educational setting and not the recreational one. The principal may create further guidelines regarding student dress, which are consistent with this policy.

- Clothing and/or hair should not be so extreme or inappropriate to the school setting as to disrupt the education process. Therefore, clothing deemed distracting, revealing, overly suggestive or otherwise disruptive will not be permitted.
- Wearing accessories or clothing that could pose a safety threat to oneself or others is not allowed.
- Hats and sunglasses may not be worn in the building.
- Attire must not evidence membership or affiliation with a "gang" in any negative sense of the term.
- Proper shoes must be worn at all times.
- Attire must not be immodest, obscene, profane, lewd, vulgar, indecent or offensive.
- Clothing that inappropriately exposes body parts is not permitted. Students shall not expose undergarments.
- Pants must be worn at the natural waistline and undergarments are not to be visible. Pants and slacks must not bag, sag, or drag.
- No clothing, jewelry, or tattoos are permitted that display profanity, suggestive phrases, or advertisements for, or messages or pictures depicting or suggesting alcohol, tobacco, drugs, or sex.

The administration will make the final judgment on the appropriateness of clothing and/or appearance and reserves the right to prohibit students from wearing any articles of clothing or other items which lead to or may foreseeably result in the disruption of or interference with the school environment. In the event the administration determines a student's dress is inappropriate for school in accordance with this policy, the administration will either require the student to change or will inform the student not to wear the garment to school again. Repeated violations of the Dress Code will be treated as disruptive behavior in violation of the District's Behavior Code.