

DARLINGTON COUNTY SCHOOL DISTRICT
Section J - STUDENTS
Policy JICDA Code of Conduct
AR JICDA-R Student Code of Conduct

AR JICDA-R Student Code of Conduct

Issued 6/05

The following listing of offenses and the required or recommended dispositions are submitted for the information of students, parents/legal guardians and school personnel. Disciplinary actions will include appropriate hearings and review and the removal of a student from the learning environment will occur only for just cause and in accordance with due process of law.

The following rules apply to any student under the following circumstances.

- who is on the school or district property
- who is in attendance at school or any school sponsored activity, whether on or off school grounds
- who is en route to and from school on a school bus or other district vehicle
- whose conduct at any time or in any place has a direct and immediate effect on maintaining order and discipline in Darlington County School District

Level I - disorderly conduct

Disorderly conduct includes any activity engaged in by student(s) which tends to impede orderly classroom procedures or instructional activities, orderly operation of the school or the frequency or seriousness of which disturbs 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
- acting in a manner so as to interfere with the instructional process
- abusive language between or among students
- failure to complete assignments or carry out directions
- use of forged notes or excuses
- cutting class
- school or class tardiness
- truancy
- other disorderly acts as determined by the board or administration

Possible sanctions to be applied in cases of disorderly conduct may include, but are not limited to, one or more of the following.

- verbal reprimand
- withdrawal of privileges
- demerits
- detention
- in-school suspension
- exclusion from participation in extracurricular activities
- other sanctions approved by the board or administration

Level II - disruptive conduct

Disruptive conduct includes 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.

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

- use of an intoxicant

- fighting
- vandalism (minor)
- stealing
- threats against others
- trespassing
- abusive language to staff
- 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, as defined by law or local school board policy
- illegally occupying or blocking school property with the intent to deprive others of its use
- unlawful assembly
- disrupting lawful assembly
- possession of a paging device/telecommunications device
- inappropriate verbal or physical conduct of a sexual nature
- **bullying**
- participation in gang related activities
- other disruptive acts as determined by the board or administration

Possible sanctions to be applied in cases of disruptive conduct may include, but are not limited to, one or more of the following.

- temporary removal from class
- alternative education program
- in-school suspension
- out-of-school suspension
- transfer
- referral to outside agency
- expulsion
- restitution of property and damages, where appropriate, should be sought by local school authorities
- withdrawal of privileges/exclusion from participation in extracurricular activities
- other sanctions approved by the board or administration

Level III - criminal conduct

Criminal conduct includes those activities engaged in by students which result in violence to oneself or to 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 board.

School administrators will 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/her property.

Criminal conduct may include, but is not limited to, the following.

- assault and battery
- extortion
- bomb threat
- possession, use or transfer of dangerous weapons
- sexual offenses
- vandalism (major)
- theft, possession or sale of stolen property
- arson

- furnishing or selling unauthorized substances, as defined by board policy
- distribution, sale, purchase, manufacture or unlawful possession of a controlled substance
- threatening to take the life of or inflict bodily harm upon a principal, teacher or members of their immediate family
- **bullying**
- participation in gang related activities
- other criminal acts as determined by the board or administration

Possible sanctions to be applied in cases of criminal conduct may include, but are not limited to, one or more of the following.

- out-of-school suspension
- assignment to alternative schools
- expulsion
- restitution of property and damages, where appropriate, should be sought by local school authorities
- withdrawal of privileges - exclusion from participation in extracurricular activities
- other sanctions approved by the board or administration

Nothing in this policy or administrative rule prohibits the superintendent or other appropriate district-level administrators from directly, or in consultation with appropriate school level administrators, imposing authorized disciplinary sanctions.

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 action 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 (example: clubs, study halls, pep rallies, student government activities and so forth)
- suspending the student
- recommending expulsion of the student from regular school and placement in the district's alternative school.
- recommending expulsion of the student for either the remainder of the semester or year

The disciplinary action taken must be supported by 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.

Note regarding special education students: Administrators must ensure all procedural safeguards afforded to special education students are also implemented in such circumstances.

Extenuating, mitigating or aggravating circumstances

The board confers upon the superintendent and his/her designee the authority to consider extenuating, mitigating or aggravating circumstances which may exist in a particular case of misconduct. The administrators should consider such circumstances in determining the most appropriate action.

Discipline of students with disabilities

Definition

A student identified as disabled pursuant to Section 504 of the Rehabilitation Act of 1973 (hereinafter "Section 504-disabled") or as disabled pursuant to the Individuals with Disabilities Education Act (hereinafter "IDEA-disabled") may not be suspended from school for any number of school days in a school year beyond 10 if such removal would constitute a "change of placement" as defined below unless, pursuant to the procedural requirements as described in the section entitled "Procedures to be followed" in this administrative rule, the student's behavior resulting in suspension is determined not to be a manifestation of the student's disability. The determination whether a "change of placement" would occur as a result of a removal must be made on a case-by-case basis based on the circumstances of each case.

In regard to a suspension beyond 10 days in the school year, a "change of placement" would likely occur if either of the following occurs.

- The student's suspension from school is more than 10 consecutive days.
- The student is subjected to a series of suspensions from school that constitute a "pattern" because they cumulate to more than 10 school days in a school year and because of factors such as the length of each suspension, the total amount of time the student is suspended and the proximity of the suspension to one another.

Discipline options

Short term suspensions which do not constitute a "change of placement"

Duration of suspensions

If a disabled student violates the district's code of conduct, a school administrator may order the student to an alternative placement (as determined by the IEP team) or suspend the student for a maximum of 10 consecutive school days for that particular incident. For separate incidents of misconduct, the school administrator may suspend the student for additional periods of not more than 10 consecutive school days in that same school year as long as the suspensions do not constitute a "change of placement" as set forth in the definition section.

Services provided during suspensions

The school does not need to provide services to a student with a disability who has been suspended, so long as the student is suspended for not more than 10 cumulative school days during a school year.

The school must provide services to a student who has been suspended for more than 10 cumulative school days in the same school year. During any subsequent days of suspension beyond 10, (so long as the suspension does not constitute a "change of placement"), the school must provide services to the student to the extent necessary to enable the student to, (1) appropriately progress in the general curriculum; and (2) appropriately advance toward achieving the goals set out in the student's IEP. A determination of the appropriate services to be provided to a student suspended for more than 10 cumulative school days in a school year will be made by appropriate school administrative personnel, in consultation with the student's special education teacher.

Removal to alternative placement for up to 45 calendar days (dangerous weapons or drugs)

If a disabled student (1) carries a dangerous weapon to school or to a school function; or (2) knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function, the school administrator may refer the student to an appropriate "interim alternative educational setting" (as determined by the IEP team) for up to 45 calendar days.

A "dangerous weapon" is defined as a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than two and one half inches in length.

The "interim alternative educational setting" must be determined by the IEP team. Any interim alternative educational setting must be the following.

- selected so as to enable the student to continue to progress in the general curriculum, although in another setting, and to continue to receive those services and modifications, including those described in the student's current IEP, that will enable the student to meet the goals set out in the IEP
- include services and modifications to address the behavior that are designed to prevent the behavior from recurring

Conduct a functional behavioral assessment

Either before or not later than 10 business days after suspending a student for more than 10 school days in a school year or commencing a removal that constitutes a "change of placement," the school must do one of the following.

- Convene an IEP meeting to develop an assessment plan to address the behavior (if the school did not conduct a functional behavioral assessment and implement a behavioral intervention plan for the student before the suspension was imposed).
- If the student already has a behavioral intervention plan, the IEP team will review the plan and modify it, as necessary, to address the behavior.

If a student is subjected to additional suspension days beyond 10 days in a school year which do not constitute a "change of placement," the IEP team members will review the behavioral intervention plan and its implementation, as appropriate, to determine if modifications are necessary and make any such modifications.

Conduct by manifestation determination

The IEP team must also conduct a manifestation determination immediately, if possible, but no later than 10 school days after taking a disciplinary action which amounts to a "change of placement" or results in a student being placed in an interim alternative educational setting.

When the parents/legal guardians are notified of the decision to take action, they must be provided with a procedural safeguards notice.

The manifestation determination will be conducted by the IEP team and other qualified personnel.

A manifestation determination may be conducted by the IEP team to review a student's misconduct at a point earlier than required, irrespective of whether any disciplinary action taken would constitute a "change of placement." Thus, the mere convening of such a meeting does not constitute an admission on the part of the school personnel that the disciplinary action taken amounts to a "change of placement".

Finding that conduct was related to a student's disability

The IEP team may determine that the behavior of the student was not a manifestation of the student's disability only if the team does the following.

- Considers, in terms of the behavior subject to disciplinary action, all relevant information, including the following.
 - evaluation and diagnostic results including the results or other relevant information supplied by the parents/legal guardians of the student
 - observations of the student
 - the student's IEP placement
- the IEP team determines that in relationship to the behavior subject to the disciplinary action
 - the student's IEP and placement were appropriate and the special education services, supplementary aids and services, and behavior intervention strategies were provided consistent with the student's IEP and placement
 - the student's disability did not impair the ability of the student to understand the impact and consequences of the behavior subject to disciplinary action
 - the student's disability did not impair the ability of the student to control the behavior subject to disciplinary action.

Note: If the IEP team determines that any of the standards above were not met, then the behavior must be considered a manifestation of the student's disability.

Finding that the conduct was not related to a student's disability

If the multi-disciplinary team determines that an IDEA-disabled student's misconduct was not a manifestation of his/her disability, the student may be disciplined to the same extent that a non-disabled student may be disciplined, subject to procedural safeguards; however, the student must be provided services to the extent necessary to enable the student to appropriately progress in the general curriculum and appropriately advance toward achieving the goals set out in the student's IEP. The IEP team will determine the services to be provided.

If the multi-disciplinary team determines that a Section 504-disabled student's misconduct was not a manifestation of his/her disability, the student may be expelled as otherwise provided for by district policy or procedure. In such cases, the district is not obligated to continue educational services.

Court injunctions/45-day interim alternative placement

In appropriate circumstances, the district may seek a court injunction or an order from a hearing officer to allow disciplinary removals of disabled students beyond the time limits set forth in this policy and administrative rule.

Referral to law enforcement

Nothing will prohibit a school district from reporting a crime committed by a student with a disability to the appropriate authorities. In reporting such a crime, the school will ensure, consistent with the requirements of the Family Educational Rights and Privacy Act, that copies of the special education and discipline records of the student are made available to the appropriate authorities to whom it reports the crime.

Issued 4/12/04; Revised 6/27/05

DARLINGTON COUNTY SCHOOL DISTRICT