

CODE OF STUDENT CONDUCT

Admin. Reg. SS-18
May, 2017

I. Introduction.

- A. The purpose of this Code of Student Conduct is to notify students and parents of the standards of behavior expected of students, conduct that may subject students to discipline, and the range of disciplinary measures to be used by school officials in enforcing Board policies, administrative regulations, school rules, and classroom rules. It is important parents, students and school officials understand these are guidelines and not prescribed actions that must be followed in each and every instance of student misconduct. School administrators may impose more or less severe disciplinary actions based on mitigating and aggravating factors and in keeping with the principles set out in Board policy and administrative regulations.
- B. A school is a community. It is responsible for educating those children who attend and, therefore, it must establish and enforce guidelines and procedures that provide for reasonable order and an atmosphere where learning can take place
- C. In keeping with the philosophy that discipline is a means of teaching and that most effective teaching is done in a positive manner, disciplinary efforts are to be as positive as possible. Positive means of working with students include individual discussion and counseling, involvement of students in defining acceptable behavioral standards and involvement of parents/legal guardians.
- D. Under the direction of the Superintendent, school personnel will establish, periodically review and, if necessary, revise procedures for disciplining students.
- E. All procedures and guidelines will be fair, just, flexible and in the best interests of individual students and the school community. In addition, all procedures and guidelines will comply with the appropriate statutes and constitutional provisions.

II. Discipline of Students with Disabilities. The procedures set forth in the Individuals with Disabilities Act (IDEA) and its implementing regulations, Chapter 33 of Title 59 of the South Carolina Code of Laws, and its implementing regulations, shall be followed when disciplining students with disabilities. See also BCSD AR SS-16.

III. Definitions. For purposes of this Administrative Regulation, the following terms shall be defined as follows:

- A. Aggravating factors. Factors that may be considered by a school official which would increase the severity of a student's punishment for violating the Code of Student Conduct.
- B. Alcoholic beverage shall be defined in accordance with Chapter 6 of Title 61 of the South Carolina Code of Law, and includes any spirituous malt, vinous, fermented,

brewed, or other liquor or a compound or mixture of them which contains alcohol and is used as a beverage. This definition also includes powdered alcohol and any substance which, when mixed with another substance or in its original form, has the same or similar effect as an alcoholic beverage.

- C. Alternative school program. The BCSD's part or full time programs, wherever situated, providing appropriate services to students who, for behavioral or academic reasons, are not benefitting from the regular school program or may be interfering with the learning of others. Alternative school programs include programs established by the local board of education in conformity with Chapter 63, Article 13 of Title 53 of the South Carolina Code of Laws.
- D. Controlled substance. Includes marijuana, heroin, LSD, methamphetamine, cocaine, or any other drug, substance or immediate precursor listed in Schedules I – V in S.C. Code Ann. §§ 44-53-190, 44-53-210, 44-53-230, 44-53-250 and 44-53-270.
- E. Corporal punishment. The intentional infliction of physical pain upon the body of a student as a disciplinary measure.
- F. Educational property or school property. Any school building or bus, school campus, grounds, recreational area, athletic field, or other school property under the control of the BCSD or any property temporarily being used for or incidental to the instruction of BCSD students. When applicable, this definition includes BCSD owned personal property, including but not limited to BCSD issued electronic devices.
- G. Expulsion. The disciplinary exclusion of a student from enrollment in all BCSD schools and educational programs for the remainder of the school year. Expulsion is to be construed as prohibiting a student from entering a BCSD school or school grounds, except for a prearranged conference with an administrator, attending any day or night school functions, or riding a school bus. It is not meant to preclude enrollment and attendance in any adult or night program operated by the BCSD.
- H. Firearm. Shall be defined in accordance with S.C. Code Ann. § 16-8-10, and includes the following:
 - 1. A weapon, including a starter gun, which will or is designed to or may readily be converted to expel a projectile by the action of an explosive.
 - 2. The frame or receiver of any such weapon.
 - 3. Any firearm muffler or firearm silencer.
 - 4. A firearm does not include an inoperable antique firearm, a BB gun, stun gun, air rifle, paintball gun, or air pistol.
- I. Gang. Shall be defined in accordance with S.C. Code Ann. § 16-8-230.

- J. Mitigating factors. Factors that may be considered by a school official which would decrease the severity of a student's punishment for violating the Code of Student Conduct.
- K. Narcotic. Shall be defined in accordance with S.C. Code Ann. § 44-53-110(29), and includes any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:
1. opium, coca leaves, and opiates;
 2. a compound, manufacture, salt, derivative or preparation of opium, coca leaves, or opiates; or
 3. a substance (and any compound, manufacture, salt, derivative, or preparation thereof) which is chemically identical with any of the substances referred to in K.1. or 2. This term does not include decocainized coca leaves or extracts of coca leaves, which extracts do not contain cocaine or ecgonine.
- L. Parent. Includes a parent, legal guardian, legal custodian, or other caregiver adult who is acting in the place of a parent and entitled to enroll a student in school.
- M. Destructive device. Shall be defined in accordance with S.C. Code Ann. § 16-23-710(7) and means:
1. a bomb, incendiary device, or anything that can detonate, explode, be released, or burn by mechanical, chemical, or nuclear means, or that contains an explosive, incendiary, poisonous gas, or toxic substance (chemical, biological, or nuclear materials) including, but not limited to, an incendiary or over-pressure device, or any other device capable of causing damage, injury, or death;
 2. a bacteriological weapon or biological weapon; or
 3. a combination of any parts, components, chemical compounds, or other substances, either designed or intended for use in converting any device into a destructive device which has been or can be assembled to cause damage, injury, or death.
- N. Principal. Includes the principal and the principal's designee.

O. School Personnel. Includes any of the following:

1. An employee of the Board of Education, including but not limited to the Superintendent, and a Principal, Assistant Principal, teacher, and teacher assistant;
2. Any person working on school grounds or at a school function under a contract or written agreement with the Board and/or the BCSD to provide educational or related services to students;
3. Any person working on school grounds or at a school function for another agency providing educational or related services to students; and
4. Any school volunteer.

P. Serious Personal Injury. Includes, (1) substantial risk of death, (2) serious permanent disfigurement, (3) a coma, (4) a permanent or protracted condition that causes extreme pain, (5) permanent or protracted loss or impairment of the function of any bodily member or organ, or (6) an injury that results in prolonged hospitalization.

Q. Short-term suspension. The exclusion of a student from school attendance for disciplinary purposes for up to ten (10) school days from the school to which the student was assigned at the time of the disciplinary action.

R. Substantial evidence. Such relevant evidence as a reasonable person might accept as adequate to support a conclusion; it is more than a scintilla or permissible inference.

S. Superintendent. Includes the Superintendent and his/her designee(s).

T. Weapon. Shall be defined in accordance with S.C. Code Ann. § 16-23-405, and as set forth in Administrative Regulation SS-26.

IV. **Disciplinary Measures that May be Used for Violating the Code of Student Conduct.** When considering the appropriate disciplinary measure for a student, school officials should utilize sanctions authorized by the Code of Student Conduct for the given offense. Sanctions are organized by level as described herein. Guideline sanctions are found in Section VII hereinbelow; however, school officials may aggravate or mitigate sanctions as described in Section VI hereinbelow. Pursuant to BCSD Administrative Regulation SS-38, corporal punishment is not authorized as a disciplinary measure in the BCSD. The procedures for disciplining regular education students are found in BCSD Administrative Regulation SS-39, Suspension, Expulsion & Alternative Education Assignment of Students. The procedures for disciplining students with disabilities are found in BCSD Administrative Regulation SS-16, Discipline of Students with Disabilities.

A. **Level I Offenses - Discipline that does not remove a student from the classroom for an extended period of time or from the school.** This non-exhaustive list of interventions is not appealable pursuant to the student discipline appeal procedures found in BCSD Administrative Regulation SS-39, Suspension, Expulsion & Alternative Education Assignment of Students.

1. parental involvement, such as conferences;
2. positive behavior interventions;
3. behavior improvement agreements;
4. reduction in student's grade (for academic misconduct);
5. instruction in conflict resolution and anger management;
6. peer mediation;
7. individual or small group sessions with the school counselor;
8. academic intervention;
9. detention before and/or after school or on Saturday;
10. silent lunch;
11. community service;
12. loss of parking privileges;
13. exclusion from graduation or promotion ceremonies;
14. exclusion from extracurricular activities;
15. suspension from bus privileges;
16. participation in a gang awareness program;
17. submission to random, mandatory drug tests for one calendar year;
18. participation in a drug, alcohol and/or tobacco treatment or education program; and/or
19. In-School Suspension ("ISS"). ISS is a form of discipline in which a student maintains classroom assignments and remains in school but in a separate location than the student's regular classroom. The student's teacher will continue to provide coursework for the student to complete while in ISS. Period ISS is preferred to day-long ISS. ISS should be used as a short-term solution. ISS assignment is not appealable pursuant to the student discipline appeal procedures found in Administrative Regulation SS-39, Suspension, Expulsion & Alternative Education Assignment of Students.

B. **Level II Offenses – Up to Four (4) Days Short-Term Suspension.** A student committing a Level II offense may be short-term suspended out-of-school for up to four (4) days (at a time) for willfully engaging in conduct that violates the Code of Student Conduct. Administrators are to utilize non-suspension alternatives where appropriate prior to suspending a student out of school. Students shall not be short-term suspended for truancy or tardiness offenses.

C. **Level III Offenses – Up to Six (6) Days Short-Term Suspension.** A student committing a Level III offense may be short-term suspended out-of-school for up to six (6) days (at a time) for willfully engaging in conduct that violates the Code of Student Conduct. Administrators are to utilize non-suspension alternatives where

appropriate prior to suspending a student out of school. The rules governing out of school suspension and non-suspension alternatives in Section B, above, shall apply.

- D. **Level IV Offenses – Expulsion or Alternative School Recommendation.** A school administrator may suspend a student committing a Level IV offense for up to ten (10) school days and recommend the student be expelled OR assigned to a BCSD alternative school. The procedures for recommending a student be expelled or assigned to alternative school are set forth in BCSD Administrative Regulation SS-39, Suspension, Expulsion & Alternative Education Assignment of Students.
 - E. **Level V Offenses – 365 Calendar Day Suspension.** A school administrator may suspend a student committing a Level V offense for up to ten (10) school days and recommend the student be suspended out of school for 365 calendar days. The procedures for recommending a student be suspended for 365 calendar days shall be the same as for an expelled student as set forth in BCSD Administrative Regulation SS-39, Suspension, Expulsion & Alternative Education Assignment of Students.
- V. **Aiding or Assisting.** A student shall not aid or assist another student to violate board policy, administrative regulation, school rules, or classroom rules. A student commits this offense if he or she knowingly advises, induces, encourages, aids or assists another student to commit an offense OR shares in the purpose of the act (to commit the offense) and aids or is in a position to aid the other student when the offense is committed. A student committing this offense may be disciplined in the same manner as those students actively committing the offense.
- VI. **Aggravating and Mitigating Circumstances.** When considering the appropriate sanction for specific student conduct, the Principal, Assistant Principal, or teacher should consider aggravating and mitigating circumstances relating to the offense. In addition, any other circumstances related to the offense and which are reasonably related to the purposes of discipline may be considered.
- A. Aggravating factors which may be considered include, but are not limited to:
 - 1. Blatant disrespect for authority;
 - 2. Inducing others to take part in the prohibited behavior or occupying a position of leadership or dominance of other participants;
 - 3. Attempting to flee or conceal guilt or to sat blame on an innocent party;
 - 4. Receiving money or something of value from the misbehavior;
 - 5. Victimizing a significantly younger or smaller student or a mentally or physically disabled/handicapped person;
 - 6. Taking advantage of a position of trust or confidence to commit the offense;

7. Committing the same or similar offense (during the student's grade span). For purposes of this Administrative Regulation, "grade span" shall be defined as grades K-5, 6-8, or 9-12;
 8. Having other disciplinary issues this school year;
 9. The misconduct was associated with gang activity; or
 10. The victim of the misconduct is a teacher or other staff member.
- B. Mitigating factors which may be considered include, but are not limited to:
1. Being an elementary school student;
 2. Having no history of disciplinary problems;
 3. Having a significant amount of time pass since the student's last disciplinary problem;
 4. Having the parent(s) of the student cooperate with the school and share in the imposition of disciplinary measures at home and at school;
 5. Being a passive participant or playing a minor role in the offense;
 6. Reasonably believing the conduct was legal;
 7. Acting under strong provocation;
 8. Aiding in the discovery of another offender;
 9. Making a full and truthful statement admitting guilt at an early stage in the investigation of the offense;
 10. Displaying an appropriate attitude and giving respectful cooperation during the investigation and discipline process;
 11. Making appropriate restitution; or
 12. Having the parent(s) and/or student participate in counseling.

VII. Guideline Sanctions for Violations of the Code of Student Conduct. The following guidelines are recommendations for discipline and should not be construed as mandatory discipline actions. Administrators may combine sanctions from different levels where

appropriate (i.e. a short term suspension and recommendation for expulsion). Administrators should also review aggravating and mitigating factors to determine if reducing or increasing the recommended sanction for a particular committed offense is appropriate.

LEVEL I. Non-Suspension Alternatives: Administrative Conference, Counseling, Parent Conference, Detention, ISS, Bus Suspension, Community/School Service, Reprimand, Behavior Contract, Mandatory Behavior Contract after 3rd Offense		
101	006- Dishonesty	Giving false information, verbally or in writing, to school personnel
102	420- Disrespect	Disrespect to school personnel
103	270- Refusal to Obey	Persistent disobedience
104	022- Inappropriate Physical Contact	Horseplay
105	017- Inappropriate Behavior 023- Property Misuse 220- Computer Violation	Unauthorized or inappropriate use of school equipment, including, but not limited to, computers
106	180- Tardy	Excessive tardiness
107	018- Inappropriate Materials	Possession, sale or distribution of unauthorized materials at school, excluding drugs or alcohol
108	012- Harassment 650- Intimidation	Harassment, Bullying – 1st Offense, whether verbal or physical
109	300- Parking Violation	Violation of parking and driving regulations
110	017- Inappropriate Behavior	Violation of cafeteria rules
111	150- Cutting School 160- Cutting Class	Being in an unauthorized area or inappropriate use of facilities; exiting class without teacher permission; attempting to leave school; cutting class or school
112	015- Inappropriate Affection	Public display of affection between students
113	190- Cheating	Cheating
114	390- Unauthorized Device 220- Computer Violation	Possession or use of electronic devices not related to instruction during school hours, including cell phones, pagers, beepers; Unauthorized storage, access, duplication, and/or loading of computer program, system or data file; Use of any computer access accounts other than those assigned to the individual (ES)
115	390- Unauthorized Device	Possession/use of annoyances at school such as laser lights, water pistols, water balloons, whistles, etc.

116	390- Unauthorized Device	Use of skateboards, rollerblades, skates, Heelys or scooters on school property.
117	018- Inappropriate Materials	Unauthorized card playing (not gambling)
118	028- Throwing Objects	Throwing rocks or other objects
119	370- Littering	Littering school grounds
120	280- Dress Code	Dress code violation
121	017- Inappropriate Behavior	Violation of safety rules, including propelling objects i.e. rocks, spitballs, or food items, and science lab rule violations
122	210- Profanity 290- Obscene Gesture	Profanity/obscene gesture directed toward another student or directed toward no one in particular.
123	018- Inappropriate Materials 390- Unauthorized Device	Possession of a lighter or matches; Unauthorized striking or lighting a match/lighter or igniting caps or use of poppers on school property
124	270- Refusal to Obey	Failure to obey school personnel (ES)
125	005- Detention Violation	Failure to attend/complete after-school detention, Saturday detention, or in-school suspension.
126	430- Contract Violation	Violation of a behavior contract
127	250- Gang Activity	Participation in gang/gang-related activity. 1 st offense
128	340- Bus Violations	Any behavior or act interfering with safe operation of a school bus
LEVEL II. Grades K-5: Up to 2 days OSS Grades 6-12: Up to 4 days OSS		
201	740- Stolen Property	Possession or transfer of stolen property (school or personal)
202	630- Gambling	Gambling (games of chance for money or profit).
203	230- Tobacco Violation	Possession, use, or distribution of tobacco, tobacco related products, electronic or alternative nicotine devices (e-cigarettes, e-hookas, vaporizers), or similar product or device
204	011- Forgery	Tampering with, changing or altering records or documents of the school or BCSD by any method, including, but not limited to, computer access or other electronic means.
205	270- Refusal to Obey	Refusal to obey school personnel (MS/HS)
206	007- Disrupting Class 560- Disturb School	Creating or participating in a school or classroom disturbance interfering with the instructional process

207	420- Disrespect 210- Profanity	Engaging in verbal or written abuse, name calling, i.e., ethnic or racial slur, or derogatory statements addressed publicly to others that may disrupt the school educational program or incite violence.
208	009- Fighting	Provoking or simulating a fight
209	390- Unauthorized Device 220- Computer Violation	Possession or use of electronic devices not related to instruction during school hours, including cell phones, pagers, beepers; unauthorized storage, access, duplication, and/or loading of computer program, system or data file; use of any computer access accounts other than those assigned to the individual (MS/HS)
210	710- Pornography	Possession/distribution of pornographic or obscene material
211	210- Profanity 290- Obscene gesture	Profanity/obscenity, racial or ethnic slurs directed to school personnel
212	290- Obscene Gesture	Sexual gestures and/or behavior, i.e. sexually suggestive language, movements, writings, drawings, including sexting
213	520- Assault Simple 014- Hit/ Kick/ Push	Inappropriate physical contact, including, but not limited to, pushing or shoving
214	151- Truant 152- Habitual Truant 153- Chronic Truant	Truancy; Habitual Truancy; Chronic Truancy
215	650- Intimidation	Hazing
216	760- Vandalism 670- Larceny/ Theft	Vandalism or theft of school or personal property where value is \$50.00 or less.
217	310- Leaving School	Leaving school property without permission, including unauthorized driving/riding to an off-campus class
LEVEL III. Grades K-5: Up to 4 days OSS Grades 6-12: Up to 6 days OSS		
301	590- Embezzlement 670- Theft 730- Robbery 760- Vandalism	Vandalism, robbery, or theft of personal or school or BCSD property where value is more than \$50.00.
302	600- Extortion 650- Intimidation	Threatening or intimidating students; extortion or attempting to extort through threat of force
303	027- Threat	Making serious threats to school personnel
304	750- Trespassing	Trespassing; being on any school property or present at any school-sponsored event while under suspension
305	010- Fireworks	Possessing or detonating (in any way)

	390- Unauthorized Devices	fireworks, live ammunition, or other incendiary devices, including stink/smoke bombs and vials of noxious gases/ liquids
306	520- Assault Simple 510- Aggravated Assault 003- Bite/Pinch/Spit	Assault of a student; spitting or urination on a student
307	789- Weapons (then select 786 if knife < 2 in.)	Possession and/or of a knife with a blade two inches or less, starter pistol, replica weapon/device, or bat, or any other item not generally considered as a weapon but used as a weapon to inflict bodily harm
308	004- Contraband	Possession of drug paraphernalia
309	560- Disturb School	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/BCSD property after consuming non-prescribed controlled substances and/or illegal drugs
310	390- Unauthorized Device	Possession or use of mace or pepper gas or spray
311	013- Sexual Harassment	Sexual harassment
312	019- Indecent Exposure	Indecent exposure
313	270- Refusal to Obey	Direct refusal to obey school personnel in a crisis situation
314	620- Fraud	Fraudulent request for emergency services
315	009- Fighting	Fighting
316	690- Non-Forced Sexual Activity	Consensual sexual conduct or contact
317	012- Harassment 650- Intimidation	Harassment, Bullying – 2nd and subsequent offenses, whether verbal or physical
LEVEL IV. Up to 10 Days OSS with Recommendation for Expulsion or Assignment to Alternative School		
401	789- Weapons (then select 784 if knife > 2 in.)	Possession, transfer, or use of prohibited weapon other than firearm, including knife with blade over 2 inches, BB gun, paint ball gun, pellet gun, air-soft pistol, razor, razor blade, martial arts throwing star and metal knuckles. Box cutters and utility or exacto knives containing any size blades are also considered a violation of this section.
402	570- Drug distribution 575- Drug Usage 580- Drug possession 680- Alcohol/Liquor Law	Use, being under the influence at school, possession, sale, distribution, or possession with the intent to distribute alcohol, marijuana (including marijuana seeds

	Violation	and/or oil), hallucinogenic drugs, inhalants, or any other controlled or illegal substance without regard to amount, counterfeit controlled substance, or another's prescription drug, regardless of whether such prescription is a controlled substance
403	610- Forced Sex Offense	Non-consensual sexual conduct or contact; sexual assault; rape
404	510- Aggravated Assault 520- Simple Assault	Assault of school personnel
405	500- Arson	Arson or attempted arson of school property
406	001- Aiding Others 260- Bomb Threat	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
407	789- Weapons	Possession or transfer of dangerous explosives, plastic explosives, or chemical reaction-type and pipe bomb materials including, but not limited to, Molotov cocktails and dynamite
408	510- Aggravated Assault 009- Fighting	Active participation in an act of mob violence. A mob is described as two or more people.
409	350- Fire Alarm	Unauthorized tampering with security, fire, access control or surveillance system or alarms.
410	540- Burglary	Burglary of a school, portable classroom, BCSD building, or any structure on BCSD property
411	770- Vehicle Theft	Auto breaking unlawful entry into a motor vehicle on school property or into a BCSD vehicle at any location
412	660- Kidnapping	Unlawful seizing, confining, abducting or carrying away of another person from school property by any means
413	250- Gang Activity	Gang activity – 2nd and subsequent offenses
LEVEL V. 10 Days OSS with Recommendation for Suspension for 365 Calendar Days		
501	789- Weapon (then select 781- Handguns, 782- Rifles/Shotguns, or	Possession, transfer or use of a firearm

VIII. Special Provisions for Drug & Alcohol Offenses.

- A. In addition to the sanctions set forth in Section VII., *supra*, a student found to have committed a drug or alcohol offense pursuant to this Administrative Regulation shall be referred to the SCIP or other similar intervention program. Any costs associated with such program shall be borne solely by the student and his/her parents/guardians and the BCSD shall have no responsibility therefor.
- B. Although not mandated or required, it is anticipated school administrators will recommend assignment to alternative school rather than expulsion for students under the influence of drugs or alcohol at school, if such is the student's first alcohol or drug offense during the current school year. However, the circumstances of each individual offense will control the appropriate discipline recommendation.

NOTE: The July, 2015, revisions incorporate former Administrative Regulation SS-37, Student Discipline.

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Revised: July, 2010; April, 2013; July, 2015; June, 2016; May, 2017

Legal references:

- A. S.C. Code, 1976, as amended:
1. Section 59-19-90(3) - Gives district trustees authority to prescribe rules of pupil conduct including provisions for suspension or dismissal of those failing to comply with such rules.
 2. Section 59-63-210 - Grounds for suspension, expulsion or transfer.
 3. Section 59-63-220 - Suspension by administrators.
 4. Section 59-63-230 - Notice of suspension, conferences with parents.