

Students

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Title of Regulation

Regulation No.:

R 43-272

SCHOOL ADMISSION

Effective Date:

06/27/14

Constitutional and Statutory Provisions:

Section(s):

44-29-180.

School pupils shall be vaccinated or immunized.

59-5-60.

General powers of [State] Board.

R 61-8.

Vaccination, Screening and Immunization for Students Regarding
Contagious Disease

Code of Laws of South Carolina, 1976.

State Board Regulation:

43-272. School Admission.

A. Kindergarten and Grades 1–12: Each kindergarten and first-grade pupil not previously enrolled shall submit a birth certificate or other documentation to verify a birth record in special situations as allowed by a local board of trustees. All students in grades K–12 must show evidence of compliance with Department of Health and Environmental Control rules and regulations concerning immunization.

B. Preregistration for Grades 9–12: Each high school shall develop a preregistration form outlining the courses in which a student may enroll for their entire high school career.

C. Preregistration for Career Centers: Each career center shall develop a preregistration form in cooperation with participating high schools which outlines the career and technology education courses students may take in Grades 9–12.

Title of Regulation:

Regulation No.:

R 43-272.2

**Review Process for Homeless Children
And Unaccompanied Youth**

Effective Date:

02/26/2007

Constitutional and Statutory Provisions:

Section(s):

59-5-60.

General powers of [State] Board.

Code of Laws of South Carolina, 1976.

20 U.S.C. § 7844.

Stewart B. McKinney Homeless Assistance Act

U.S. Code of Laws

State Board Regulation:

State-Level Resolution Process for Disputes Involving Unaccompanied Youth and Homeless Children.

The federal Stewart B. McKinney Homeless Assistance Act requires that each state implement a state-level process to review district-level decisions regarding the enrollment of a homeless child or an unaccompanied youth. An unaccompanied youth or the parent or guardian of a homeless child may request that the state conduct a review of a school district's final decision regarding an enrollment issue. The contact person at the State Department of Education is the coordinator for the Office of Coordinator for Education of Homeless Children and Youth.

Under no circumstances must resolution of a dispute delay the school enrollment of an unaccompanied youth or a homeless child. That is, during the pendency of any administrative or judicial proceeding regarding a dispute over the enrollment of an unaccompanied youth or homeless child, the student must continuously be enrolled in school, be provided all relevant services, and be allowed to participate fully in all school activities (as consistent with the Stewart B. McKinney Homeless Assistance Act, as amended).

I. Responsibilities of the School District

A. When it is determined that a dispute cannot be settled at the district level, the school district must carry out the following responsibilities in a timely manner:

1. inform the unaccompanied youth or the parent or guardian of the homeless child concerning his or her right to request that the State Department of Education review the decision of the school district,

2. inform the unaccompanied youth or the parent or guardian of the homeless child that this request must be made either on the district-supplied request-for-review form or by a telephone interview with the coordinator in the State Department of Education's Office of Coordinator for Education of Homeless Children and Youth,

3. give the unaccompanied youth or the parent or guardian of the homeless child a copy of the State Department of Education's request-for-review form and the contact information for the Office of Coordinator for Education of Homeless Children and Youth, and

4. inform the unaccompanied youth or the parent or guardian of the homeless child that he or she may seek the assistance of advocates or attorneys for the review.

B. Once the Office of Coordinator for Education of Homeless Children and Youth has received either the completed request-for-review form or has conducted a full telephone interview with the youth or the parent or guardian, the coordinator will send a copy of the completed form and any other relevant material to the school district.

The school district must send a written response to the state and to the person filing the state review request within five business days from the date it receives the request-for-review form.

II. Responsibilities of the Youth or the Parent or Guardian

A. The unaccompanied youth or the parent or guardian of the homeless child must complete and return the request-for-review form to the address designated on the form or must telephone the coordinator in the Office of Coordinator for Education of Homeless Children and Youth and make an oral report on the circumstances surrounding the request for review.

B. The youth or the parent or guardian either may attach to the form any additional information he or she thinks is relevant or may telephone the coordinator and provide the information orally.

III. Responsibilities of the Coordinator

A. The coordinator for the education of homeless children and youths will conduct all state reviews requested by unaccompanied youths or the parents or guardians of homeless children.

B. The coordinator will review all written documents submitted concerning the particular dispute. The coordinator may request additional information from the parties in making his or her determination.

C. The coordinator will make a final decision within ten business days of receiving the written response from the school district. The decision of the coordinator is binding and will be effective immediately.

Title of Regulation:

Regulation No.:

R 43-273

TRANSFERS AND WITHDRAWALS

Effective Date:

06/28/13

Constitutional and Statutory Provisions:

Section(s):

59-19-90(10).	General powers and duties of school trustees.
59-63-30.	Qualifications for attendance.
59-63-420.	Effect of transfer on enrollment lists.
59-63-470.	Transfer of pupils when enrollment of such pupil threatens to disturb peace.
59-63-480.	Attendance in schools in adjacent county.
59-63-490.	Transfer to adjoining school district.
59-63-500.	Transfer without consent of school district of residence.
59-63-510.	County board of education authorized to order transfer.
59-63-520.	Consent required for transfer.
59-63-530.	Credit on tuition for taxes paid.
59-65-30.	Exceptions [to Compulsory Attendance].
59-65-90.	Rules and regulations

Code of Laws of South Carolina, 1976.

20 U.S.C. 7165 (2002) Transfer of school disciplinary records.
U. S. Code of Laws

State Board Regulation:

Transfers and Withdrawals.

Kindergarten; Grades 1–6; 7–8:

Transfer of Students

Each student transferring shall be given a transfer form showing name, date of birth, grade placement, and attendance record to present to the appropriate school official where he or she is enrolling. Appropriate additional data shall be furnished by the sending school when requested in writing by the receiving school, as soon as possible but no later than ten business days upon receiving the written request, excluding weekends and recognized state holidays.

A school must transfer a student's disciplinary record of suspensions and expulsions to the public or private school to which the student is transferring when requested in writing by the receiving school, as soon as possible but no later than ten business days upon receiving the written request, excluding weekends and recognized state holidays.

Schools must transfer these records within ten business days upon receiving the written request from the public or private school to which the student is transferring. Schools may not withhold the transfer of records to a public or private school for fees owed by the student.

Grades 9–12:

Transfer of Students

Each student transferring shall be given a transfer form showing name, date of birth, grade placement, and attendance record to present to the appropriate school official where he or she is enrolling. Appropriate additional data shall be furnished by the sending school when requested in writing by the receiving school, as soon as possible but no later than ten business days upon receiving the written request, excluding weekends and recognized state holidays.

A. Accurate accounting records shall be developed and maintained for student transfers and withdrawals. Comprehensive transcripts shall be submitted directly to the receiving school when requested in writing, as soon as possible, but no later than ten business days upon receiving the written request, excluding weekends and recognized state holidays. A permanent record of the transferred student shall be retained in the school from which the student is transferred. The school of record must transfer a student's disciplinary record of suspensions and expulsions to the public or private school to which the student is transferring as soon as possible, but no later than ten business days upon receiving the written request, excluding weekends and recognized state holidays. Schools may not withhold the transfer of records to a public or private school for fees owed by the student.

B. Units earned by a student in an accredited high school of this state or in a school of another state which is accredited under the regulations of the board of education of that state, or the appropriate regional accrediting agency (New England Association of Colleges and Schools, Middle States Association of Colleges and Schools, Southern Association of Colleges and Schools, North Central Association of Colleges and Schools, Western Association of Colleges and Schools, and the Northwest Association of Colleges and Schools), will be accepted under the same value which would apply to students in the school to which they transferred.

C. If a student transfers from a school, which is not accredited, he or she shall be given tests to evaluate prior academic work and/or be given a tentative assignment in classes for a probationary period.

Title of Regulation:

Regulation No.:

R 43-274

STUDENT ATTENDANCE

Effective Date:

06/27/14

Constitutional and Statutory Provisions:

Section(s):

59-5-65.

Powers and responsibilities of State Board of Education

59-65-90.

Rules and regulations

Code of Laws of South Carolina, 1976.

20 U.S.C. § 7112.

No Child Left Behind Act of 2001

42 U.S.C. § 5601 et seq.

Juvenile Justice and Delinquency Prevention Act of 1974

U.S. Code of Laws

State Board Regulation:

43-274. Student Attendance.

I. Lawful and Unlawful Absences

School districts must adopt policies to define and list lawful and unlawful absences.

(A) Lawful absences include but are not limited to

(1) absences caused by a student's own illness and whose attendance in school would endanger his or her health or the health of others,

(2) absences due to an illness or death in the student's immediate family,

(3) absences due to a recognized religious holiday of the student's faith, and

(4) absences due to activities that are approved in advance by the principal.

(B) Unlawful absences include but are not limited to

(1) absences of a student without the knowledge of his or her parents, or

(2) absences of a student without acceptable cause with the knowledge of his or her parents.

(C) Suspension is not to be counted as an unlawful absence for truancy purposes.

II. Truancy

The State Board of Education recognizes that truancy is primarily an educational issue and that all reasonable, educationally sound, corrective actions should be undertaken by the school district prior to resorting to the juvenile justice system.

(A) Truant

A child ages 6 to 17 years meets the definition of a truant when the child has three consecutive unlawful absences or a total of five unlawful absences.

(B) Habitual Truant

A “habitual” truant is a child age 12 to 17 years who fails to comply with the intervention plan developed by the school, the child, and the parent(s) or guardian(s) and who accumulates two or more additional unlawful absences. This child may need court intervention and an initial truancy petition may be filed. The written intervention plan, and documentation of non-compliance, must be attached to the truancy petition asking for court intervention.

(C) Chronic Truant

A “chronic” truant is a child ages 12 to 17 years who has been through the school intervention process, has reached the level of a “habitual” truant, has been referred to Family Court and placed on an order to attend school, and continues to accumulate unlawful absences. Should other community alternatives and referrals fail to remedy the attendance problem, the “chronic” truant may be referred to the Family Court for violation of a previous court order. All school intervention plans existing to this point for this child and family must accompany the Contempt of Court petition as well as a written recommendation from the school to the court on action the court should take.

III. Intervention Plans

(A) Each district must develop a policy relating to requirements for intervention. The district plan for improving students’ attendance must be in accordance with any applicable statutes.

(B) Once a child is determined to be truant as defined in Section II(A), school officials must make every reasonable effort to meet with the parent(s) or guardian(s) to identify the reasons for the student’s continued absence. These efforts should include telephone calls and home visits, both during and after normal business hours, as well as written messages and e-mails. School officials must develop a written “intervention plan” to address the student’s continued absence in conjunction with the student and parent(s) or guardian(s).

(C) The intervention plan must include but is not limited to

(1) Designation of a person to lead the intervention team. The team leader may be someone from another agency.

(2) Reasons for the unlawful absences.

(3) Actions to be taken by the parent(s) or guardian(s) and student to resolve the causes of the unlawful absences.

(4) Documentation of referrals to appropriate service providers and, if available, alternative school and community-based programs.

(5) Actions to be taken by intervention team members.

(6) Actions to be taken in the event unlawful absences continue.

(7) Signature of the parent(s) or guardian(s) or evidence that attempts were made to involve the parents(s) or guardian(s).

(8) Documentation of involvement of team members.

(9) Guidelines for making revisions to the plan.

(D) School officials may utilize a team intervention approach. Team members may include representatives from social services, community mental health, substance abuse, and prevention, and other persons the district deems appropriate to formulate the written intervention plans.

IV. Referrals and Judicial Intervention

At no time should a child ages 6 to 17 years be referred to the Family Court to be placed on an order to attend school prior to the written intervention planning being completed with the parent(s) or guardian(s) by the school. A consent order must not be used as an intervention plan from any local school or school district. Should the parent(s) or guardian(s) refuse to cooperate with the intervention planning to remedy the attendance problem, the school district has the authority to refer the student to Family Court in accordance with S.C. Code Ann. Section 59-65-50 (2004), and a report shall be filed against the parent(s) or guardian(s) with the Department of Social Services in compliance with S.C. Code Ann. Section 20-7-490(2)(c)(Supp. 2002).

(A) Petition for a School Attendance Order

If the intervention plan is not successful and further inquiry by school officials fails to cause the truant student and/or parent(s) or guardian(s) to comply with the written intervention plan or if the student and/or parent(s) or guardian(s) refuses to participate in intervention and the student accumulates two or more additional unlawful absences, the student is considered an “habitual” truant. Each referral must include a copy of the plan and specify any corrective action regarding the student and/or the parent(s) or guardian(s) that the district recommends that the court adopt as well as any other available programs or alternatives identified by the school district. The intervention plan must be attached to the petition to the Family Court and served on the student and the parent(s) or guardian(s).

(B) Petition for Contempt of Court

Once a school attendance order has been issued by the Family Court and the student continues to accumulate unlawful absences, the student is considered to be a “chronic” truant and school officials may refer the case back to Family Court. The school and district must exhaust all reasonable alternatives prior to petitioning the Family Court to hold the student and/or the parent(s) or guardian(s) in contempt of court. Any petition for contempt of court must include a written report indicating the corrective actions that were attempted by the school district and what graduated sanctions or alternatives to incarceration are available to the court in the community. The school district must include in the written report its recommendation to the court should the student and/or parent(s) or guardian(s) be found in contempt of court.

V. Coordination with the South Carolina Department of Juvenile Justice

Each school district should coordinate with the local office of the South Carolina Department of Juvenile Justice to establish a system of graduated sanctions and alternatives to incarceration in truancy cases.

VI. Transfer of Plans

If a student transfers to another public school in South Carolina, intervention plans shall be forwarded to the receiving school. School officials will contact the parent(s) or guardian(s) and local team members to review the plan and revise as appropriate. Court ordered plans may be amended through application to the court.

VII. Approval of Absences in Excess of Ten Days and Approval of Credit

(A) Approval or Disapproval of Absences

The district board of trustees, or its designee, shall approve or disapprove any student's absence in excess of ten days, whether lawful, unlawful, or a combination thereof, for students in grades K-12. For the purpose of awarding credit for the year, school districts must approve or disapprove absences in excess of ten days regardless as to whether those absences are lawful, unlawful, or a combination of the two.

(B) High School Credit

In order to receive one Carnegie unit of credit, a student must be in attendance at least 120 hours, per unit, regardless of the number of days missed, or must demonstrate proficiency as determined by the local school district. This exception to the 120-hour requirement is to be administered by local school districts on a case-by-case basis and only for students who have excessive absences that have been approved by the local school board. General request for proficiency-based credit must be made through the process described in Regulation 43-234. Students whose absences are approved should be allowed to make up any work missed in order to satisfy this requirement. Local school boards should develop policies governing student absences giving appropriate consideration to unique situations that may arise within their districts when students do not meet the minimum attendance requirements. Therefore, districts should allow students, whose excessive absences are approved in part 1 of this section, to make-up work missed to satisfy this requirement.

Examples of make-up work may include

(1) after-school and/or weekend make-up programs that address both time and academic requirements of the course(s), or

(2) extended-year programs that address both time and academic requirements of the course(s). All make-up time and work must be completed within thirty days from the last day of the course(s). The district board of trustees or its designee may extend the time for student's completion of the requirements due to extenuating circumstances that include but are not limited to the student's medical condition, family emergencies, and other student academic requirements that are considered to be a maximum load. Make-up requirements that extend beyond thirty days due to extenuating circumstances must be completed prior to the beginning of the subsequent new year.

VIII. Reporting Requirements

The South Carolina Department of Education will develop and implement a standard reporting system for the adequate collection and reporting of truancy rates on a school-by-school basis.

IX. Guidelines

Additional information relating to the implementation of this regulation will be contained in South Carolina Department of Education Guidelines. The South Carolina Department of Education will review and update these guidelines as needed.

Guideline for Extenuating Circumstances R 43-274

Local school boards or their designee may extend the number of days allowed for a student's completion of academic and time requirements for a course to more than thirty days due to extenuating circumstances. Extenuating circumstances include but are not limited to the student's medical condition, family emergencies, and other student academic requirements that are considered to be a maximum load. Extending make-up requirements beyond thirty days because of extenuating circumstances must be completed prior to the beginning of the subsequent school year.

Title of Regulation:

Regulation No.:

R 43-274.1

AT-RISK STUDENTS

Effective Date:

04/27/12

Constitutional and Statutory Provisions:

Section(s):

59-5-60.

General powers of [State] Board

59-5-65.

Powers and responsibilities of State Board of Education

59-59-10 et seq.

South Carolina Education and Economic Development Act

Code of Laws of South Carolina, 1976.

State Board Regulation:

At-Risk Students.

I. At-Risk Student Definition

A. A student at risk of dropping out of school is any student who, because of his or her individual needs, requires temporary or ongoing intervention in order to achieve in school and to graduate with meaningful options for his or her future.

B. Students--depending on their degree of resiliency and connectedness to caring adults in the home, in the community, and/or at school--may respond differently to those things frequently cited as barriers, predictors, or indicators of being "at risk." Therefore, educators and other responsible adults working with students should consider the whole child, who might have both short-term and long-term needs requiring intervention.

II. At-Risk Student Indicators, Predictors, and Barriers

The South Carolina Education and Economic Development Act mandates the promulgation of State Board of Education regulations outlining specific objective criteria for districts to use in identifying students who may be poorly prepared for the next level of study or who are at risk of dropping out of school. The Act calls for these criteria to include diagnostic assessments for districts to use in order to identify the strengths and weaknesses of individual students in the core academic areas.

A. Poor academic performance--generally, a grade point average of 2.0 or lower on a 4.0 scale--in the core content areas is a significant predictor that districts must consider in identifying at-risk students. Careful consideration should be given to students demonstrating declining academic performance. School districts are encouraged to carefully review a variety of assessments, including the following, in diagnosing students' academic difficulties and selecting appropriate short-term and long-term interventions:

1. Palmetto Assessment of State Standards (PASS) test results,
2. High School Assessment Program (HSAP) test results,
3. Preliminary Scholastic Assessment Test (PSAT) or PLAN test results,
4. district- or school-adopted CAI (computer-aided instruction) assessments,
5. end-of-course examination results,
6. classroom-level assessments related to the state's academic standards, and

7. other district-approved diagnostic assessments.

B. The following are among the specific behaviors and characteristics that school districts must consider as indicators, predictors, and barriers in identifying at-risk students:

1. being overage for their grade level due to retention attributable to risk factors such as a high rate of absences and truancy;

2. showing a lack of effort or interest in their academic work;

3. working an excessive number of hours per day or week;

4. having a history of discipline problems leading to suspension, expulsion, and/or probation;

5. showing or expressing feelings of being disconnected from the school environment;

6. showing evidence of physical and/or emotional abuse;

7. coming from and/or living in a disadvantaged socioeconomic environment;

8. living in a home situation that does not include at least one parent;

9. being a single parent; and

10. having limited proficiency in the English language.

III. At-Risk Student Model, Initiative, and Program Selection

By the 2007-08 school year each high school of the state must implement one or more model programs approved by the South Carolina Department of Education (SCDE).

Schools must select at-risk student models, initiatives, and programs that meet the needs of the at-risk populations to be served and must ensure that models, initiatives, and programs selected provide students with the opportunity to graduate with a high school diploma. The SCDE will provide an implementation document that will include a tiered matrix of approved evidence-based models, initiatives, and programs to facilitate the selection process in accordance with the Education and Economic Development Act requirements for implementing evidence-based models, initiatives, and programs. The document will also contain a more extensive list of indicators, predictors, and barriers as well as one-page descriptions for each evidence-based model, initiative, and program included in the matrix.

IV. Population and Model, Initiative, and Program Identification Parameters

Each high school either must implement a model, initiative, or program that is chosen from a list provided by the SCDE or must submit to the SCDE for approval a specific dropout prevention model, comprehensive initiative, or multifaceted program that it wants to use. High schools may explore and implement newly developed models with approval from the SCDE. One criterion for SCDE approval of any newly developed model will be evidence presented by the district and/or school that the model is centered in research-based dropout-prevention strategies.

A. Implementation efforts related to any model, initiative, or program (or combination of models, initiatives, and programs) must ensure that students are properly identified and provided timely, appropriate guidance and assistance and must ensure that no group is disproportionately represented.

B. When subpopulations are identified, high schools must ensure that these groups reflect the demographics of populations identified as at risk of dropping out of school.

C. When no subpopulations are identified, high schools implementing comprehensive initiatives will not have to address the disproportionate representation of any one group of students. In such cases, methods of determining the effectiveness of the at-risk initiative must be given careful consideration with regard to collecting data and preparing necessary reports.

D. Parental involvement must be part of final placement decisions in any model, initiative, or program where small groups of students are identified for services in a particular school or district.

E. The target population must reflect the demographics of the population identified in Section II, above, as being at risk of dropping out of school.

F. High schools must provide relevant data related to identifying the at-risk student population and to addressing the needs of these at-risk students as required for SCDE reports.

V. Building-Level Program Evaluation

A. Evaluation Criteria

All high schools must annually evaluate their dropout-prevention models, initiatives, and/or programs using, at a minimum, the following criteria:

1. an identification process, including (where appropriate and based on the particular model, initiative, or program) the number of at-risk students identified and the specific risk factors identified;
2. the extent of parental involvement in the school's dropout-prevention efforts;
3. the number of students served;
4. a formative assessment of strengths and weaknesses of the model, initiative, and/or program; and
5. a qualitative assessment of desired outcomes (see item B, immediately below).

B. Desired Outcomes

Schools should establish desired outcomes or performance criteria based on the specific needs of the at-risk population identified and on the nature and structure of the particular model, initiative, and/or program they are implementing. Examples of desired outcomes among the target population include, but are not limited to, the following:

1. decreased percentages of truancy, absenteeism, discipline problems, and retentions;
2. increases in students' grade point averages; and
3. increased percentages of students who are on grade level and students who graduate on time.

Model-, initiative-, and/or program-specific data and PowerSchool™ data elements should be used to assess desired outcomes on the basis of specific evaluation criteria. The state's PowerSchool™ data management system can be used to collect, sort, and report data related to each student's attendance record; age and grade level; gender; ethnicity; grade point average; and retention, truancy, and dropout status.

C. Teacher and/or counselor assessments may be used to provide supplemental anecdotal documentation and insights related to the effectiveness of the model, initiative, and/or program implemented. A district or school checklist may be beneficial in the evaluation process.

VI. Model, Initiative, and/or Program Evaluation and Assessment Reporting

All high schools must annually provide reports requested by the SCDE that relate to the implementation and effectiveness of models, initiatives, and/or programs addressing the needs of students at risk of dropping out of school. District and school report card contents must contain information on the disciplinary climate, promotion and retention ratios, dropout ratios, dropout reduction data, and attendance data. Districts and schools must be prepared to provide accurate and relevant data to the SCDE.

Title of Regulation:

Regulation No.:

R 43-279

**MINIMUM STANDARDS OF STUDENT
CONDUCT AND DISCIPLINARY
ENFORCEMENT PROCEDURES TO BE
IMPLEMENTED BY LOCAL SCHOOL
DISTRICTS**

Effective Date:

06/27/14

Constitutional and Statutory Provisions:

Section(s):

59-5-60.

General powers of [State] Board.

59-5-65.

Minimum Standards for student conduct, attendance, and scholastic achievement; enforcement.

59-63-210, *et seq.*

Discipline

Code of Laws of South Carolina, 1976.

State Board Regulation:

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 Students with Disabilities

For additional information regarding Disciplinary Procedures for students with disabilities, see R 43-243.

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.