

No. 17-1367

**UNITED STATES COURT OF APPEALS FOR  
THE FOURTH CIRCUIT****KENNY, et al.,***Plaintiffs-Appellants,*

v.

**WILSON et al.,***Defendants-Appellees.***On Appeal from the United States District Court for the  
District of South Carolina  
Charleston Division****JOINT APPENDIX**

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Appellees*

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**U.S. District Court  
District of South Carolina (Charleston)  
CIVIL DOCKET FOR CASE #: 2:16-cv-02794-CWH**

Kenny et al v. Wilson et al  
Assigned to: Honorable C Weston Houck  
Case in other court: USCA, 17-01367  
Cause: 42:1983 Civil Rights Act

Date Filed: 08/11/2016  
Date Terminated: 03/03/2017  
Jury Demand: Both  
Nature of Suit: 950 Constitutional - State  
Statute  
Jurisdiction: Federal Question

Plaintiff

**Niya Kenny**

*on behalf of herself and all others similarly  
situated*

represented by **Dennis David Parker**  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

Plaintiff

**Taur ean Nesmith**  
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*situated*

represented by **Dennis David Parker**  
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*LEAD ATTORNEY*  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

**Galen Leigh Sherwin**  
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*ATTORNEY TO BE NOTICED*

**Susan King Dunn**  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

Plaintiff

**Girls Rock Charleston Inc**  
*on behalf of themselves and all others*  
*similarly situated*

represented by **Dennis David Parker**  
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*PRO HAC VICE*  
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**Galen Leigh Sherwin**  
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**Susan King Dunn**  
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Plaintiff

DS  
*by and through her next of kin Juanita Ford,*  
*on behalf of herself and all others similarly*  
situated

represented by **Dennis David Parker**  
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Plaintiff

SP  
*by and through her next of kin Melissa  
Downs, on behalf of herself and all others  
similarly situated*

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V.

Defendant

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others similarly situated*

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Defendant

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Defendant**Gregory G Mullen**

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Defendant**Eddie Driggers , Jr**

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Defendant**Carl Ritchie**

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Defendant

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Defendant

**Ken Miller**

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Police Department of the City of Greenville,  
SC; on behalf of himself and others  
similarly situated*

represented by **James Emory Smith , Jr**  
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Defendant

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*Rest, SC; on behalf of himself and others similarly situated*

**Defendant**

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**Defendant**

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**Defendant**

**Dan Reynolds**  
*in his official capacity as the Chief of the Police Department of the City of Greer, SC; on behalf of himself and others similarly situated*

**Defendant**

**A Keith Morton**  
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**Amicus**

**United States**

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Date Filed	#	Docket Text
08/11/2016	<a href="#">1</a>	COMPLAINT against All Defendants ( Filing fee \$ 400 receipt number 0420-6702430.), filed by DS, Niya Kenny, Taurean Nesmith, SP, Girls Rock Charleston Inc. Service due by 11/14/2016. (Attachments: # <a href="#">1</a> Appendix 1: 1919 S.c. Acts 239, # <a href="#">2</a> Appendix 2: 1968 S.C. Acts 2308, # <a href="#">3</a> Appendix 3: 1972 S.C. Acts 1426, # <a href="#">4</a> Appendix 4:In re Joelle T., No. 20 1 0-UP-547, 2010 WL 10088227, at *1 (S.C. Ct. App. Dec. 16,2010), # <a href="#">5</a> Appendix 5: 1994 S.C. Op. Att'yGen. 25,1994 WL 199757, # <a href="#">6</a> Appendix 6:Letter from Robert D. Cook, S.c. Assistant Att'y Gen., to Hon. John W. Holcombe, # <a href="#">7</a> Appendix 7:

		1990 S.C. Op. Att'y Gen. 61, 1990 WL 482448, # <a href="#">8</a> Appendix Index to Appendices) (vdru, ) (Entered: 08/12/2016)
08/11/2016	<a href="#">2</a>	Local Rule 26.01 Answers to Interrogatories by DS, Girls Rock Charleston Inc, Niya Kenny, Taurean Nesmith, SP.(vdru, ) (Main Document 2 replaced on 8/18/2016) (vdru, ). Modified to replace with corrected document provided by filer on 8/18/2016 (vdru, ). (Entered: 08/12/2016)
08/11/2016	<a href="#">3</a>	Summons Issued as to All Defendants. (vdru, ) (Entered: 08/12/2016)
08/16/2016	<a href="#">5</a>	MOTION for Preliminary Injunction by Niya Kenny. Response to Motion due by 9/2/2016. (Attachments: # <a href="#">1</a> Affidavit Decl of Plaintiff Kenny, # <a href="#">2</a> Affidavit Decl. of Plaintiff Nesmith, # <a href="#">3</a> Affidavit Decl. of Carpenter on behalf of Plaintiff Girls Rock, # <a href="#">4</a> Affidavit Decl. of Plaintiff D.S., # <a href="#">5</a> Affidavit Decl. of Plaintiff S.P., # <a href="#">6</a> Affidavit Decl. of K,B. (minor), # <a href="#">7</a> Affidavit Decl. of French Marcelin, # <a href="#">8</a> Affidavit Decl. of Ryan (expert), # <a href="#">9</a> Addendum Refernces and endnotes to Ryan's decl., # <a href="#">10</a> Appendix Part 1 of Appendix to Ryan Decl. Curriculum vitae, # <a href="#">11</a> Appendix Part 2 of Appendix to Ryan 's Decl. Curriculum vitae., # <a href="#">12</a> Affidavit Decl. of Kayiza, # <a href="#">13</a> Exhibit Ex. A DJJ statistics, # <a href="#">14</a> Exhibit Ex. B Incident reports, # <a href="#">15</a> Exhibit Ex. C.1 Charleston County School District Code of Conduct, # <a href="#">16</a> Exhibit Ex. C.2 Richland One Discipline Code of Conduct, # <a href="#">17</a> Exhibit Ex C.3 Greenville County School District Student Code, # <a href="#">18</a> Exhibit Ex. C.4 Richland School District 2 Back-2-School Handbook, # <a href="#">19</a> Exhibit Ex. C-5 Spring Valley 2015-2016 Student Handbook, # <a href="#">20</a> Exhibit Ex. D Excerpts from DJJ facilities descriptions, # <a href="#">21</a> Exhibit Ex. E Publication of 13th Circuit Public Defenders Office, # <a href="#">22</a> Exhibit Ex.F Expungement information, # <a href="#">23</a> Exhibit Ex. G. Description of Twilight program, # <a href="#">24</a> Exhibit Ex. H Letter from Solicitor Donald Myers, # <a href="#">25</a> Exhibit Ex. I DOJ COPS Fact Sheet on SROs)No proposed order.(Dunn, Susan) (Entered: 08/16/2016)
08/17/2016	<a href="#">6</a>	MOTION to Certify Class by Niya Kenny. Response to Motion due by 9/6/2016. (Attachments: # <a href="#">1</a> Appendix Henry v. Jefferson Cty. Planning Commn, No. 99-2122, 215 F.3d 1318, 2000 WL 742188 (4th Cir. 2000), # <a href="#">2</a> Appendix R.A.G. ex rel. R.B. v. Buffalo City Sch. Dist. Bd. of Educ., 569 F. Appx 41 (2d Cir. 2014), # <a href="#">3</a> Appendix R.A-G ex rel. R.B. v. Buffalo City Sch. Dist. Bd. of Educ., No. 12-CV-960S, 2013 WL 3354424 (W.D.N.Y. July 3, 2013), # <a href="#">4</a> Affidavit Decl. of Plaintiff Kenny, # <a href="#">5</a> Affidavit Decl. of Plaintiff Nesmith, # <a href="#">6</a> Affidavit Decl. of Carpenter on behalf of Plaintiff Girls Rock, # <a href="#">7</a> Affidavit Decl. of Plaintiff D.S., # <a href="#">8</a> Affidavit Decl. of Plaintiff S.P., # <a href="#">9</a> Affidavit Decl. of Plaintiff K.B.)No proposed order.(Dunn, Susan) (Entered: 08/17/2016)
08/25/2016	<a href="#">7</a>	MOTION for Extension of Time by Lance Crowe, Ken Miller, Steve Moore, A Keith Morton, Alan Wilson. Response to Motion due by 9/12/2016. Proposed order is being emailed to chambers with copy to opposing counsel.(Smith, James) (Entered: 08/25/2016)
08/26/2016	<a href="#">8</a>	<b>ORDER granting <a href="#">7</a> Motion for Extension of Time. It is ordered that the Defendants are granted a 21 day extension in addition to the 21 days allowed by Rule 12, FRCP, after service, for a total of 42 days to respond to the Complaint following service. They are also granted a 28 day extension to respond to Plaintiffs' Motions for Preliminary Injunction and Class Certification in addition to the 14 allowed by Local Rule 7.06 after service, for a total of 42 days to respond to the Motions following service. Signed by Honorable C Weston Houck on 8/26/2016.(vdru, ) (Entered: 08/26/2016)</b>
08/29/2016	<a href="#">9</a>	MOTION to Appear Pro Hac Vice by Sarah Ann Hinger ( Filing fee \$ 250 receipt number 0420-6734015) by Niya Kenny. Response to Motion due by 9/15/2016. (Attachments: # <a href="#">1</a> Affidavit Application of Sarah Hinger, # <a href="#">2</a> Supporting Documents



		Certificate of Good Standing)Proposed order is being emailed to chambers with copy to opposing counsel.(Dunn, Susan) (Entered: 08/29/2016)
08/29/2016	<a href="#">10</a>	MOTION to Appear Pro Hac Vice by Dennis David Parker ( Filing fee \$ 250 receipt number 0420-6734036) by Niya Kenny. Response to Motion due by 9/15/2016. (Attachments: # <a href="#">1</a> Affidavit Application of Dennis Parker, # <a href="#">2</a> Supporting Documents Certificate of Good Standing)Proposed order is being emailed to chambers with copy to opposing counsel.(Dunn, Susan) (Attachment 1 replaced on 8/31/2016) (vdru, ). Modified to replace attachment #1 with corrected document provided by the filer on 8/31/2016 (vdru,). (Entered: 08/29/2016)
08/29/2016	<a href="#">11</a>	MOTION to Appear Pro Hac Vice by Galen Leigh Sherwin ( Filing fee \$ 250 receipt number 0420-6734045) by Niya Kenny. Response to Motion due by 9/15/2016. (Attachments: # <a href="#">1</a> Affidavit Application of Galen Sherwin, # <a href="#">2</a> Supporting Documents Certificate of Good Standing)Proposed order is being emailed to chambers with copy to opposing counsel.(Dunn, Susan) (Entered: 08/29/2016)
08/30/2016	<a href="#">12</a>	MOTION for Extension of Time to File Answer by W H Holbrook. Response to Motion due by 9/16/2016. No proposed order.(Hemlepp, William) (Entered: 08/30/2016)
08/31/2016	<a href="#">13</a>	<b>ORDER granting <a href="#">11</a> Motion to Appear Pro Hac Vice. It is ordered that Galen Leigh Sherwin who represents the Plaintiffs is granted admission pro hac vice in this case. Signed by Honorable C Weston Houck on 8/30/2016.(vdru, )</b> (Entered: 08/31/2016)
08/31/2016	<a href="#">14</a>	<b>ORDER granting <a href="#">9</a> Motion to Appear Pro Hac Vice. It is ordered that Sarah Ann Hinger who represents the Plaintiffs is granted admission pro hac vice in this case. Signed by Honorable C Weston Houck on 8/30/2016.(vdru, )</b> (Entered: 08/31/2016)
08/31/2016	<a href="#">15</a>	<b>ORDER granting <a href="#">10</a> Motion to Appear Pro Hac Vice. It is ordered that Dennis David Parker who represents the Plaintiffs is granted admission pro hac vice in this case. Signed by Honorable C Weston Houck on 8/31/2016.(vdru, )</b> (Entered: 08/31/2016)
09/01/2016	<a href="#">16</a>	<b>TEXT ORDER granting <a href="#">12</a> Motion for Extension of Time to Answer re <a href="#">1</a> Complaint, W H Holbrook answer due 9/30/2016. Defendant W.H. Holbrook is granted an extension of time of 21 days to respond by answer or motion to the Complaint. Defendant W.H. Holbrook is also granted an extension of time of 28 days to respond to Plaintiffs Motions for Preliminary Injunction and Class Certification. Entered at the Direction of The Honorable C Weston Houck on 8/31/2016. (vdru, )</b> (Entered: 09/01/2016)
09/07/2016	<a href="#">17</a>	MOTION for Extension of Time by Steve Loftis. Response to Motion due by 9/26/2016. (Attachments: # <a href="#">1</a> Proposed Order)No proposed order.(Culbreath, Anne) (Entered: 09/07/2016)
09/07/2016	<a href="#">18</a>	MOTION for Extension of Time by Leon Lott. Response to Motion due by 9/26/2016. No proposed order.(Garfield, Robert) (Entered: 09/07/2016)
09/08/2016	<a href="#">19</a>	MOTION for Extension of Time by Carl Ritchie. Response to Motion due by 9/26/2016. (Attachments: # <a href="#">1</a> Email from Susan Dunn re: consent to requested extensions)No proposed order.(Lindemann, Andrew) (Entered: 09/08/2016)
09/08/2016	<a href="#">20</a>	Local Rule 26.01 Answers to Interrogatories by Lance Crowe, Ken Miller, Steve Moore, A Keith Morton, Alan Wilson.(Smith, James) (Entered: 09/08/2016)
09/08/2016	<a href="#">21</a>	<b>TEXT ORDER granting <a href="#">18</a> Motion for Extension of Time and <a href="#">19</a> Motion for Extension of Time. The deadline for Defendants Carl Ritchie and Leon Lott to respond to the Complaint and motions is extended until Sept. 30. Entered at the</b>



		<b>Direction of The Honorable C Weston Houck on 9/8/2016.(vdru, )</b> (Entered: 09/08/2016)
09/13/2016	<a href="#">23</a>	MOTION for Extension of Time by M Bryan Turner. Response to Motion due by 9/30/2016. No proposed order.(Smith, James) (Entered: 09/13/2016)
09/14/2016	24	<b>TEXT ORDER granting <a href="#">23</a> Motion for Extension of Time and <a href="#">17</a> Motion for Extension of Time. It is ordered that the deadline for Defendants Loftis and Turner's responses to the Complaint and to the Motions for Preliminary Injunction and Class Certification is extended to September 30. Entered at the Direction of The Honorable C Weston Houck on 9/14/2016.(vdru, )</b> (Entered: 09/14/2016)
09/26/2016	<a href="#">25</a>	MOTION for Leave to File Excess Pages by Lance Crowe, Steve Moore, A Keith Morton, M Bryan Turner, Alan Wilson. Response to Motion due by 10/14/2016. No proposed order.(Smith, James) (Entered: 09/26/2016)
09/28/2016	26	<b>TEXT ORDER granting <a href="#">25</a> Motion for Leave to File Excess Pages. It is ordered that the Defendants may include up to 15 additional pages in their Memo in Support of their Motion to Dismiss and in Opposition to Plaintiffs Motion for Preliminary Injunction. Entered at the Direction of The Honorable C Weston Houck on 9/27/2016.(vdru, )</b> (Entered: 09/28/2016)
09/28/2016	<a href="#">27</a>	MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM by W H Holbrook. Response to Motion due by 10/17/2016. No proposed order.(Hemlepp, William) (Entered: 09/28/2016)
09/30/2016	<a href="#">28</a>	MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>AND MOTION TO STRIKE CLASS ACTION ALLEGATIONS</i> by Lance Crowe, Steve Moore, A Keith Morton, M Bryan Turner, Alan Wilson. Response to Motion due by 10/17/2016. (Attachments: # <a href="#">1</a> Memo in Support)No proposed order.(Smith, James) (Entered: 09/30/2016)
09/30/2016	<a href="#">29</a>	RESPONSE in Opposition re <a href="#">6</a> MOTION to Certify Class Response filed by Lance Crowe, Steve Moore, A Keith Morton, M Bryan Turner, Alan Wilson.Reply to Response to Motion due by 10/11/2016 (Smith, James) (Entered: 09/30/2016)
09/30/2016	<a href="#">30</a>	RESPONSE in Opposition re <a href="#">5</a> MOTION for Preliminary Injunction Response filed by Lance Crowe, Steve Moore, A Keith Morton, M Bryan Turner, Alan Wilson.Reply to Response to Motion due by 10/11/2016 (Smith, James) (Entered: 09/30/2016)
09/30/2016	<a href="#">31</a>	Local Rule 26.01 Answers to Interrogatories by M Bryan Turner.(Smith, James) (Entered: 09/30/2016)
09/30/2016	<a href="#">32</a>	NOTICE of Appearance by Robert P Coler on behalf of Ken Miller (Coler, Robert) (Entered: 09/30/2016)
09/30/2016	<a href="#">33</a>	MOTION to Stay re <a href="#">6</a> MOTION to Certify Class by J Alton Cannon, Jr, Eddie Driggers, Jr, Gregory G Mullen. Response to Motion due by 10/17/2016. No proposed order.(Senn, Sandra) (Entered: 09/30/2016)
09/30/2016	<a href="#">34</a>	First MOTION to Dismiss for Lack of Jurisdiction <i>12(b)(1) Subject Matter Jurisdiction</i> by Ken Miller. Response to Motion due by 10/17/2016. (Attachments: # <a href="#">1</a> Memo in Support)No proposed order.(Coler, Robert) (Entered: 09/30/2016)
09/30/2016	<a href="#">35</a>	RESPONSE in Opposition re <a href="#">5</a> MOTION for Preliminary Injunction Response filed by J Alton Cannon, Jr, Eddie Driggers, Jr, Gregory G Mullen.Reply to Response to Motion due by 10/11/2016 (Senn, Sandra) (Entered: 09/30/2016)
09/30/2016	<a href="#">36</a>	MOTION to Dismiss , MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM (

		Response to Motion due by 10/17/2016.) by Steve Loftis. (Attachments: # <a href="#">1</a> Memo in Support Memorandum in Support of Motion to Dismiss)No proposed order.(Culbreath, Anne) (Entered: 09/30/2016)
09/30/2016	<a href="#">37</a>	RESPONSE in Opposition re <a href="#">5</a> MOTION for Preliminary Injunction Response filed by Steve Loftis.Reply to Response to Motion due by 10/11/2016 (Culbreath, Anne) (Entered: 09/30/2016)
09/30/2016	<a href="#">38</a>	RESPONSE in Opposition re <a href="#">6</a> MOTION to Certify Class Response filed by Steve Loftis.Reply to Response to Motion due by 10/11/2016 (Culbreath, Anne) (Entered: 09/30/2016)
09/30/2016	<a href="#">39</a>	Local Rule 26.01 Answers to Interrogatories by Steve Loftis.(Culbreath, Anne) (Entered: 09/30/2016)
09/30/2016	<a href="#">40</a>	Local Rule 26.01 Answers to Interrogatories by J Alton Cannon, Jr, Eddie Driggers, Jr, Gregory G Mullen.(Senn, Sandra) (Entered: 09/30/2016)
09/30/2016	<a href="#">41</a>	MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM by J Alton Cannon, Jr, Eddie Driggers, Jr, Gregory G Mullen. Response to Motion due by 10/17/2016. No proposed order.(Senn, Sandra) (Entered: 09/30/2016)
09/30/2016	<a href="#">42</a>	MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM / <i>Lack of Jurisdiction</i> by Carl Ritchie. Response to Motion due by 10/17/2016. (Attachments: # <a href="#">1</a> Memo in Support)No proposed order.(Lindemann, Andrew) (Entered: 09/30/2016)
09/30/2016	<a href="#">43</a>	Local Rule 26.01 Answers to Interrogatories by Carl Ritchie.(Lindemann, Andrew) (Entered: 09/30/2016)
09/30/2016	<a href="#">44</a>	MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM / <i>LACK OF JURISDICTION</i> by Leon Lott. Response to Motion due by 10/17/2016. (Attachments: # <a href="#">1</a> Memo in Support)No proposed order.(Garfield, Robert) (Entered: 09/30/2016)
09/30/2016	<a href="#">45</a>	Local Rule 26.01 Answers to Interrogatories by Leon Lott.(Garfield, Robert) (Entered: 09/30/2016)
09/30/2016	<a href="#">46</a>	RESPONSE in Opposition re <a href="#">6</a> MOTION to Certify Class Response filed by Carl Ritchie.Reply to Response to Motion due by 10/11/2016 (Lindemann, Andrew) (Entered: 09/30/2016)
09/30/2016	<a href="#">47</a>	RESPONSE in Opposition re <a href="#">6</a> MOTION to Certify Class Response filed by Leon Lott.Reply to Response to Motion due by 10/11/2016 (Garfield, Robert) (Entered: 09/30/2016)
09/30/2016	<a href="#">48</a>	RESPONSE in Opposition re <a href="#">5</a> MOTION for Preliminary Injunction Response filed by Leon Lott.Reply to Response to Motion due by 10/11/2016 (Garfield, Robert) (Entered: 09/30/2016)
09/30/2016	<a href="#">49</a>	RESPONSE in Opposition re <a href="#">5</a> MOTION for Preliminary Injunction Response filed by Carl Ritchie.Reply to Response to Motion due by 10/11/2016 (Lindemann, Andrew) (Entered: 09/30/2016)
10/07/2016	<a href="#">50</a>	MOTION for Extension of Time to File Response/Reply as to <a href="#">44</a> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM / <i>LACK OF JURISDICTION</i> , <a href="#">35</a> Response in Opposition to Motion, <a href="#">48</a> Response in Opposition to Motion, <a href="#">28</a> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>AND MOTION TO STRIKE CLASS ACTION ALLEGATIONS</i> , <a href="#">33</a> MOTION to Stay re <a href="#">6</a> MOTION to Certify Class , <a href="#">27</a> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM , <a href="#">36</a> MOTION to Dismiss MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM , <a href="#">41</a> MOTION

		TO DISMISS FOR FAILURE TO STATE A CLAIM , <a href="#">46</a> Response in Opposition to Motion, <a href="#">49</a> Response in Opposition to Motion, <a href="#">42</a> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM / <i>Lack of Jurisdiction</i> , <a href="#">38</a> Response in Opposition to Motion, <a href="#">37</a> Response in Opposition to Motion, <a href="#">34</a> First MOTION to Dismiss for Lack of Jurisdiction <i>12(b)(1) Subject Matter Jurisdiction</i> , <a href="#">47</a> Response in Opposition to Motion, <a href="#">30</a> Response in Opposition to Motion, <a href="#">29</a> Response in Opposition to Motion by Niya Kenny. Response to Motion due by 10/24/2016. No proposed order.(Dunn, Susan) (Entered: 10/07/2016)
10/12/2016	51	<b>TEXT ORDER granting <a href="#">50</a> Motion for Extension of Time to File Response/Reply in Support of Plaintiffs' Motions for Preliminary Injunction, Class Certification and Response to Defendants' Motions to Dismiss. Replies due by 10/19/2016. Entered at the Direction of The Honorable C Weston Houck on 10/12/2016.(vdru, )</b> (Entered: 10/12/2016)
10/19/2016	<a href="#">52</a>	MOTION to Appear Pro Hac Vice by Lenora Lapidus ( Filing fee \$ 250 receipt number 0420-6814571) by Niya Kenny. Response to Motion due by 11/7/2016. (Attachments: # <a href="#">1</a> Affidavit PHV affidavit, # <a href="#">2</a> Exhibit Certificate of Good Standing)Proposed order is being emailed to chambers with copy to opposing counsel.(Dunn, Susan) (Entered: 10/19/2016)
10/19/2016	<a href="#">53</a>	RESPONSE in Opposition re <a href="#">28</a> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>AND MOTION TO STRIKE CLASS ACTION ALLEGATIONS</i> Response filed by Niya Kenny.Reply to Response to Motion due by 10/31/2016 (Attachments: # <a href="#">1</a> Affidavit Declaration of True copy of Family court record)(Dunn, Susan) (Entered: 10/19/2016)
10/19/2016	<a href="#">54</a>	RESPONSE in Opposition re <a href="#">44</a> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM / <i>LACK OF JURISDICTION</i> , <a href="#">34</a> First MOTION to Dismiss for Lack of Jurisdiction <i>12(b)(1) Subject Matter Jurisdiction</i> , <a href="#">27</a> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM , <a href="#">36</a> MOTION to Dismiss MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM , <a href="#">41</a> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM , <a href="#">42</a> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM / <i>Lack of Jurisdiction</i> Response filed by Niya Kenny.Reply to Response to Motion due by 10/31/2016 (Dunn, Susan) (Entered: 10/19/2016)
10/19/2016	<a href="#">55</a>	<b>ORDER granting <a href="#">52</a> Motion to Appear Pro Hac Vice. It is ordered that Lenora Lapidus who represents the Plaintiffs is granted pro hac vice admission in this case. Signed by Honorable C Weston Houck on 10/19/2016.(vdru, )</b> (Entered: 10/19/2016)
10/19/2016	<a href="#">56</a>	REPLY to Response to Motion re <a href="#">5</a> MOTION for Preliminary Injunction Response filed by Niya Kenny. (Dunn, Susan) (Entered: 10/19/2016)
10/19/2016	<a href="#">57</a>	REPLY to Response to Motion re <a href="#">6</a> MOTION to Certify Class Response filed by Niya Kenny. (Dunn, Susan) (Entered: 10/19/2016)
10/20/2016	<a href="#">58</a>	MOTION for Extension of Time by Steve Loftis. Response to Motion due by 11/7/2016. No proposed order.(Culbreath, Anne) (Entered: 10/20/2016)
10/20/2016	<a href="#">59</a>	MOTION for Extension of Time to File Response/Reply as to <a href="#">53</a> Response in Opposition to Motion, by Lance Crowe, Steve Moore, A Keith Morton, M Bryan Turner, Alan Wilson. Response to Motion due by 11/7/2016. No proposed order.(Smith, James) (Entered: 10/20/2016)
10/25/2016	60	<b>TEXT ORDER granting <a href="#">58</a> Motion for Extension of Time. It is ordered that the deadline for Sheriff Loftis' Replies to the Plaintiff's Responses filed on October 19 is extended until November 4, 2016. Entered at the Direction of The Honorable C Weston Houck on 10/25/2016.(vdru, )</b> (Entered: 10/25/2016)

10/25/2016	61	<b>TEXT ORDER granting <a href="#">59</a> Motion for Extension of Time to File Replies re <a href="#">28</a> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM AND MOTION TO STRIKE CLASS ACTION ALLEGATIONS Replies of Defendants Wilson, Crowe, Moore, Turner and Morton due by 11/4/2016. Entered at the Direction of The Honorable C Weston Houck on 10/25/2016.(vdru, )</b> (Entered: 10/25/2016)
10/26/2016	<a href="#">62</a>	MOTION for Extension of Time to File Response/Reply as to <a href="#">54</a> Response in Opposition to Motion,, by J Alton Cannon, Jr, Eddie Driggers, Jr, Gregory G Mullen. Response to Motion due by 11/14/2016. No proposed order.(Senn, Sandra) (Entered: 10/26/2016)
10/26/2016	<a href="#">63</a>	REPLY to Response to Motion re <a href="#">44</a> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM /LACK OF JURISDICTION, <a href="#">34</a> First MOTION to Dismiss for Lack of Jurisdiction <i>12(b)(1) Subject Matter Jurisdiction</i> , <a href="#">27</a> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM , <a href="#">36</a> MOTION to Dismiss MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM , <a href="#">41</a> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM , <a href="#">42</a> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM /Lack of Jurisdiction <a href="#">54</a> Response filed by W H Holbrook. (Hemlepp, William) (Entered: 10/26/2016)
10/27/2016	64	<b>TEXT ORDER granting <a href="#">62</a> Motion for Extension of Time to File Reply: The deadline for Defendants Cannon, Driggers, and Mullen to file their Reply to Plaintiffs' Memorandum of Law in Opposition to Defendants' Motions to Dismiss is extended until November 4, 2016. Replies due by 11/4/2016. Entered at the Direction of The Honorable C Weston Houck on 10/27/2016.(vdru, )</b> (Entered: 10/27/2016)
10/27/2016	<a href="#">65</a>	MOTION for Extension of Time to File Response/Reply as to <a href="#">54</a> Response in Opposition to Motion,, by Carl Ritchie. Response to Motion due by 11/14/2016. No proposed order. (Lindemann, Andrew) (Entered: 10/27/2016)
10/28/2016	<a href="#">66</a>	NOTICE of Appearance by Logan McCombs Wells on behalf of Ken Miller (Wells, Logan) (Entered: 10/28/2016)
10/28/2016	<a href="#">67</a>	First MOTION for Extension of Time to File Response/Reply as to <a href="#">54</a> Response in Opposition to Motion,, by Ken Miller. Response to Motion due by 11/17/2016. No proposed order.(Wells, Logan) (Entered: 10/28/2016)
10/28/2016	68	<b>TEXT ORDER granting <a href="#">65</a> Motion for Extension of Time to File Reply re <a href="#">42</a> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM /Lack of Jurisdiction . It is ordered that Defendant Ritchie will be allowed an additional four days to file a reply to Plaintiffs' memorandum in opposition to his motion to dismiss. The deadline is extended until November 4, 2016. Replies due by 11/4/2016. Entered at the Direction of The Honorable C Weston Houck on 10/28/2016.(vdru, )</b> (Entered: 10/28/2016)
10/28/2016	<a href="#">69</a>	NOTICE of Appearance by Michael Stuart Pitts on behalf of Ken Miller (Pitts, Michael) (Entered: 10/28/2016)
10/31/2016	<a href="#">70</a>	MOTION for Extension of Time to File Response/Reply as to <a href="#">54</a> Response in Opposition to Motion,, by Leon Lott. Response to Motion due by 11/17/2016. No proposed order. (Garfield, Robert) (Entered: 10/31/2016)
10/31/2016	71	<b>TEXT ORDER granting <a href="#">67</a> Defendant Ken Miller's Motion for Extension of Time to File Reply to Plaintiffs Memorandum of Law in Opposition to Defendants Motions to Dismiss. The new deadline is November 4, 2016. Entered at the Direction of The Honorable C Weston Houck on 10/31/2016.(vdru, )</b> (Entered: 10/31/2016)
10/31/2016	<a href="#">72</a>	NOTICE of Appearance by Steven Richard Spreewers on behalf of Leon Lott (Spreewers, Steven) (Entered: 10/31/2016)



11/01/2016	73	<b>TEXT ORDER granting <a href="#">70</a> Defendant Sheriff Lott's Motion for Extension of Time to File Reply to the Plaintiff's Motions to Dismiss. Replies due by 11/4/2016. Entered at the Direction of The Honorable C Weston Houck on 11/1/2016.(vdru, )</b> (Entered: 11/01/2016)
11/01/2016	<a href="#">74</a>	MOTION for Leave to File Excess Pages <i>in Reply</i> by Lance Crowe, Steve Moore, A Keith Morton, M Bryan Turner, Alan Wilson. Response to Motion due by 11/18/2016. No proposed order.(Smith, James) (Entered: 11/01/2016)
11/02/2016	75	<b>TEXT ORDER granting <a href="#">74</a> Motion for Leave to File Excess Pages. It is ordered that Defendants Wilson, Crowe, Moore, Morton, and Turner are allowed to include up to five additional pages for their reply to the Plaintiffs Memorandum in Opposition to their Motion to Dismiss (ECF No. 53). Entered at the Direction of The Honorable C Weston Houck on 11/2/2016.(vdru, )</b> (Entered: 11/02/2016)
11/04/2016	<a href="#">76</a>	REPLY to Response to Motion re <a href="#">34</a> First MOTION to Dismiss for Lack of Jurisdiction <i>12(b)(1) Subject Matter Jurisdiction</i> Response filed by Ken Miller. (Wells, Logan) (Entered: 11/04/2016)
11/04/2016	<a href="#">77</a>	REPLY to Response to Motion re <a href="#">28</a> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>AND MOTION TO STRIKE CLASS ACTION ALLEGATIONS</i> Response filed by Lance Crowe, Steve Moore, A Keith Morton, M Bryan Turner, Alan Wilson. (Smith, James) (Entered: 11/04/2016)
11/04/2016	<a href="#">78</a>	REPLY to Response to Motion re <a href="#">44</a> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>/LACK OF JURISDICTION</i> Response filed by Leon Lott. (Garfield, Robert) (Entered: 11/04/2016)
11/04/2016	<a href="#">79</a>	REPLY to Response to Motion re <a href="#">36</a> MOTION to Dismiss MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>And Reply to Plaintiff's Memorandum of Law in Opposition to Defendant's Motion to Dismiss</i> Response filed by Steve Loftis. (Culbreath, Anne) (Entered: 11/04/2016)
11/04/2016	<a href="#">80</a>	REPLY to Response to Motion re <a href="#">5</a> MOTION for Preliminary Injunction <i>And Plaintiff's Reply Memorandum of Law in Support of Plaintiff's Motion for Preliminary Injunction</i> Response filed by Steve Loftis. (Culbreath, Anne) (Entered: 11/04/2016)
11/04/2016	<a href="#">81</a>	REPLY to Response to Motion re <a href="#">6</a> MOTION to Certify Class <i>And Plaintiff's Reply Memorandum of Law Regarding Motion for Class Certification</i> Response filed by Steve Loftis. (Culbreath, Anne) (Entered: 11/04/2016)
11/04/2016	<a href="#">82</a>	REPLY to Response to Motion re <a href="#">41</a> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM Response filed by J Alton Cannon, Jr, Eddie Driggers, Jr, Gregory G Mullen. (Senn, Sandra) (Entered: 11/04/2016)
11/04/2016	<a href="#">83</a>	REPLY to Response to Motion re <a href="#">42</a> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>/Lack of Jurisdiction</i> Response filed by Carl Ritchie. (Lindemann, Andrew) (Entered: 11/04/2016)
11/16/2016	84	NOTICE of Hearing on Motion <a href="#">5</a> MOTION for Preliminary Injunction, <a href="#">6</a> MOTION to Certify Class, <a href="#">33</a> MOTION to Stay re <a href="#">6</a> MOTION to Certify Class, <a href="#">27</a> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM, <a href="#">28</a> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>AND MOTION TO STRIKE CLASS ACTION ALLEGATIONS</i> , <a href="#">34</a> First MOTION to Dismiss for Lack of Jurisdiction <i>12(b)(1) Subject Matter Jurisdiction</i> , <a href="#">36</a> MOTION to Dismiss MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM, <a href="#">41</a> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM, <a href="#">42</a> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>/Lack of Jurisdiction</i> , <a href="#">44</a> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>/LACK</i>

		<i>OF JURISDICTION</i> : Motion Hearing set for 12/1/2016 02:30 PM in Charleston Courtroom #4, U. S. Court House, 85 Broad St, Charleston before Honorable C Weston Houck. (ssam, ) (Entered: 11/16/2016)
11/18/2016	85	NOTICE OF RESCHEDULED HEARING 12/1/2016 cancelled and rescheduled to: Hearing on Motion <a href="#">5</a> MOTION for Preliminary Injunction, <a href="#">6</a> MOTION to Certify Class, <a href="#">33</a> MOTION to Stay re <a href="#">6</a> MOTION to Certify Class, <a href="#">27</a> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM, <a href="#">28</a> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>AND MOTION TO STRIKE CLASS ACTION ALLEGATIONS</i> , <a href="#">34</a> First MOTION to Dismiss for Lack of Jurisdiction <i>12(b)(1) Subject Matter Jurisdiction</i> , <a href="#">36</a> MOTION to Dismiss MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM, <a href="#">41</a> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM, <a href="#">42</a> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM / <i>Lack of Jurisdiction</i> , <a href="#">44</a> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM / <i>LACK OF JURISDICTION</i> set for 12/8/2016 02:30 PM in Charleston Courtroom #1, J. Waties Waring Judicial Center, 83 Meeting St, Charleston before Honorable C Weston Houck. (sshe, ) Modified on 12/8/2016 <b>PLEASE NOTE: CHANGE OF COURTROOM LOCATION</b> (sshe, ). (Entered: 11/18/2016)
11/28/2016	<a href="#">86</a>	RESPONSE in Support re <a href="#">5</a> MOTION for Preliminary Injunction <i>Statement of Interest of the United States</i> Response filed by United States. (Sneed, Robert) (Main Document 86 replaced on 11/29/2016) (sshe, ). Modified on 11/29/2016 to replace with corrected document as requested and provided by filing user, added attorney for United States (sshe, ). (Entered: 11/28/2016)
12/02/2016	<a href="#">87</a>	MOTION to Withdraw as Attorney by Ken Miller. Response to Motion due by 12/16/2016. Add an additional 3 days only if served by mail or otherwise allowed under Fed. R. Civ. P. 6 or Fed. R. Crim. P. 45. No proposed order.(Smith, James) (Entered: 12/02/2016)
12/08/2016	88	<b>TEXT ORDER granting <a href="#">87</a> Motion to Withdraw as Attorney. The Office of the Attorney General of South Carolina, including J. Emory Smith will no longer be representing Defendant Miller. Mr. Miller will continue to be represented by Michael Stuart Pitts, Robert P. Coler, and Logan McCombs Wells of the City Attorneys Office for the City of Greenville. Entered at the Direction of The Honorable C Weston Houck on 12/7/2016.</b> (vdru, ) (Entered: 12/08/2016)
12/08/2016	90	<b>Minute Entry. Proceedings held before Honorable C Weston Houck: Motion Hearing held on 12/8/2016 re <a href="#">44</a> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM /<i>LACK OF JURISDICTION</i> filed by Leon Lott, <a href="#">34</a> First MOTION to Dismiss for Lack of Jurisdiction <i>12(b)(1) Subject Matter Jurisdiction</i> filed by Ken Miller, <a href="#">28</a> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>AND MOTION TO STRIKE CLASS ACTION ALLEGATIONS</i> filed by A Keith Morton, M Bryan Turner , Lance Crowe, Steve Moore, Alan Wilson, <a href="#">27</a> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM filed by W H Holbrook, <a href="#">36</a> MOTION to Dismiss MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM filed by Steve Loftis, <a href="#">41</a> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM filed by Eddie Driggers, Jr, Gregory G Mullen, J Alton Cannon, Jr, <a href="#">42</a> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM /<i>Lack of Jurisdiction</i> filed by Carl Ritchie. Court will consider issues of standing and abstention. Court Reporter: Jack Bryan, Court Smart. (ssam, ) (Entered: 12/09/2016)</b>
03/03/2017	<a href="#">91</a>	<b>ORDER The Court grants the motions to dismiss (ECF Nos. 27, 28, 34, 36, 41, 42, and 44). Accordingly, the case is dismissed without prejudice. Signed by Honorable C Weston Houck on 02/28/2017.</b> (egra, ) (Entered: 03/03/2017)

03/06/2017	<a href="#">92</a>	JUDGMENT: The Court grants the Defendants' Motions to Dismiss and this case is dismissed without prejudice. (vdru, ) (Entered: 03/06/2017)
03/20/2017	<a href="#">93</a>	MOTION for Attorney Fees by J Alton Cannon, Jr, Eddie Driggers, Jr, Gregory G Mullen. Response to Motion due by 4/4/2017. Add an additional 3 days only if served by mail or otherwise allowed under Fed. R. Civ. P. 6 or Fed. R. Crim. P. 45. (Attachments: # <a href="#">1</a> Exhibit Senn Declaration, # <a href="#">2</a> Exhibit Senn CV, # <a href="#">3</a> Exhibit DeAntonio Declaration, # <a href="#">4</a> Exhibit Summary of Time Records, # <a href="#">5</a> Exhibit Certification of Filing User)No proposed order.(Senn, Sandra) Modified to correct filing date on 3/21/2017 (vdru, ). (Entered: 03/21/2017)
03/22/2017	<a href="#">95</a>	NOTICE OF APPEAL as to <a href="#">91</a> Order on Motion to Dismiss for Failure to State a Claim,, Order on Motion to Dismiss/Lack of Jurisdiction,,,, <a href="#">92</a> Judgment by Niya Kenny. - Filing fee \$ 505, receipt number 0420-7064258. The Docketing Statement form, Transcript Order form and CJA 24 form may be obtained from the Fourth Circuit website at www.ca4.uscourts.gov (Dunn, Susan) (Entered: 03/22/2017)
03/23/2017	<a href="#">96</a>	Transmittal Sheet for Notice of Appeal to USCA re <a href="#">95</a> Notice of Appeal, The Clerk's Office hereby certifies the record and the docket sheet available through ECF to be the certified list in lieu of the record and/or the certified copy of the docket entries. (vdru, ) (Entered: 03/23/2017)
03/27/2017	<a href="#">98</a>	MOTION for Attorney Fees by Steve Loftis. Response to Motion due by 4/10/2017. Add an additional 3 days only if served by mail or otherwise allowed under Fed. R. Civ. P. 6 or Fed. R. Crim. P. 45. (Attachments: # <a href="#">1</a> Exhibit Declaration of Anne R. Culbreath, # <a href="#">2</a> Exhibit Summary of Time Records)No proposed order.(Culbreath, Anne) (Entered: 03/27/2017)
04/04/2017	<a href="#">99</a>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of motion hearing for dates of 12-8-16, before Judge C. Weston Houck, re <a href="#">95</a> Notice of Appeal, Court Reporter/Transcriber Bryan/Potocki, Telephone number/e-mail 843-723-2208/potockidebra@bellsouth.net. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Parties have 7 calendar days from the filing of the transcript to file with the court a Notice of Intent to Request Redaction. <b><i>Does this satisfy all appellate orders for this reporter? Y</i></b>  Redaction Request due 4/25/2017. Redacted Transcript Deadline set for 5/5/2017. Release of Transcript Restriction set for 7/3/2017. (dpotocki, ) (Entered: 04/04/2017)
04/04/2017	<a href="#">100</a>	MOTION to Stay re <a href="#">93</a> MOTION for Attorney Fees , <a href="#">95</a> Notice of Appeal, <a href="#">98</a> MOTION for Attorney Fees by Niya Kenny. Response to Motion due by 4/18/2017. Add an additional 3 days only if served by mail or otherwise allowed under Fed. R. Civ. P. 6 or Fed. R. Crim. P. 45. (Attachments: # <a href="#">1</a> Supporting Documents Unpublished decision CSX v. Peirce)No proposed order.(Dunn, Susan) (Entered: 04/04/2017)
04/06/2017	101	<b>TEXT ORDER granting <a href="#">100</a> Motion to Stay proceedings on defendants' motions for fees and expenses. The Court holds the motions for attorney fees (ECF Nos. 93 and 98) in abeyance pending resolution of the appeal by the Fourth Circuit. Entered at the Direction of The Honorable C Weston Houck on 4/6/2017.(vdru, )</b> (Entered: 04/06/2017)

<b>PACER Service Center</b>
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04/12/2017 09:57:46			
PACER Login:	DParker7832:4392179:4375869	Client Code:	
Description:	Docket Report	Search Criteria:	2:16-cv-02794-CWH
Billable Pages:	15	Cost:	1.50



**THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION**

NIYA KENNY; TAUREAN NESMITH; GIRLS  
ROCK CHARLESTON, INC.; D.S., by and through  
her next of kin Juanita Ford, and S.P., by and through  
her next of kin Melissa Downs, on behalf of themselves  
and all others similarly situated,

Plaintiffs

v.

ALAN WILSON in his official capacity as Attorney  
General of South Carolina; J.ALTON CANNON, JR.  
in his official capacity as the Sheriff of Charleston  
County, SC; GREGORY G. MULLEN in his official  
capacity as the Chief of the Police Department of the  
City of Charleston, SC; EDDIE DRIGGERS, JR in his  
official capacity as the Chief of the Police Department  
of the City of North Charleston, SC; CARL RITCHIE  
in his official capacity as the Chief of the Police  
Department of the City of Mt. Pleasant, SC; LEON  
LOTT in his official capacity as the Sheriff of Richland  
County, SC; W.H.HOLBROOK in his official capacity  
as the Chief of the Police Department of the City of  
Columbia, SC; STEVE LOFTIS in his official capacity  
as the Sheriff of Greenville County, SC; KEN MILLER  
in his official capacity as the Chief of the Police  
Department of the City of Greenville, SC; LANCE  
CROWE in his official capacity as the Chief of the  
Police Department of the City of Travelers Rest, SC;  
STEVE MOORE in his official capacity as Interim  
Chief of the Police Department of the City of  
Simpsonville, SC; M.BRYAN TURNER in his official  
capacity as the Chief of the Police Department of the  
City of Mauldin, SC; DAN REYNOLDS in his official  
capacity as the Chief of the Police Department of the  
City of Greer, SC; A. KEITH MORTON in his official  
capacity as the Chief of the Police Department of the  
City of Fountain Inn, SC; on behalf of themselves and  
others similarly situated,

Defendants.

Civil Action No.: 2:16-cv-2794-CWH

COMPLAINT

## PRELIMINARY STATEMENT

1. Plaintiffs challenge as unconstitutional S.C. Code § 16-17-420, commonly referred to as the “Disturbing Schools” statute, which sweeps within the purview of criminal law and the court system a broad swath of adolescent behavior. The Disturbing Schools statute violates fundamental concepts of fairness and the most basic tenets of due process.
2. By broadly labeling as criminal any “interference,” or “disturbance” of a school, any act of “loitering” and any “obnoxious” action, the Disturbing Schools statute creates an impossible standard for school children to follow and for police to enforce with consistency and fairness. The Disturbing Schools statute also chills the ability of students to speak out against abuses and to participate in conversations about policing of their own classrooms and campuses.
3. South Carolina Code § 16-17-420 was enacted almost 100 years ago and there is no indication that it was intended to apply, or was applied at the time, to students rightfully attending their own school. More recently, however, the law’s broad terms have been invoked to draw thousands of adolescents into the juvenile and criminal justice systems. The Disturbing School charge is consistently among the leading sources of referrals to the South Carolina Department of Juvenile Justice.
4. While the Disturbing Schools statute impacts hundreds of adolescents each year, some students in South Carolina feel the burdens of the law more than others. Statewide in 2014-2015, Black students were nearly four times as likely to be referred for charges of Disturbing Schools as were their white classmates. In Charleston County, young people were more likely to be referred to the juvenile justice system

for Disturbing Schools than for any other reason and Black students were more than six times as likely as their white peers to be referred for this offense.

5. When applied to school students, the Disorderly Conduct statute, which prohibits conducting oneself “in a disorderly or boisterous manner,” is similarly vague. S.C. Code §16-17-530. It fails to provide notice to students or guidance to those charged with determining which adolescent behavior falls under the terms of the law. Adolescents are also commonly referred to the Department of Juvenile Justice for Disorderly Conduct.
6. The types of incidents that lead to Disturbing Schools and Disorderly Conduct charges cannot be distinguished by any objective standard from the types of behaviors schools address regularly without resort to the criminal justice system. These include minor school infractions like cursing, refusing to follow directions, and involvement in a physical altercation that did not result in significant injuries and where the student was not the initiator. Students as young as seven have been charged with Disturbing Schools. At times, students have been arrested when they react to disruptions caused by those who are supposed to protect them.
7. School Codes of Conduct from across the state reflect the inability to distinguish criminal Disturbing Schools or Disorderly Conduct from minor school infractions. According to Codes of Conduct, students may experience consequences ranging from a verbal warning to criminal charges for the same behaviors.
8. The resort to charging students criminally occurs despite the substantial role played by school employees in shaping student behavior and the classroom environment.

Research demonstrates that teachers and schools can employ a range of effective approaches to prevent disruption, and to de-escalate disruption and conflicts when they do occur. In contrast, research also shows that educators who employ punitive approaches create negative experiences for all students and may escalate disruptions.

9. Referral to law enforcement during school greatly diminishes the likelihood that a student will graduate. Young people who are charged with crimes may feel stigma and fear, making it more difficult to engage with school. They may also face disciplinary consequences that can include years in alternative settings that fail to offer complete access to course work necessary to graduate.
10. Plaintiffs are individuals and a nonprofit organization whose members are directly impacted by and face ongoing risk of arrest or referral under S.C. Code § 16-17-420. Plaintiffs seek a declaratory judgment that S.C. Code § 16-17-420 violates their constitutional right to due process, as well as an injunction preliminarily and permanently enjoining enforcement of and reliance upon S.C. Code § 16-17-420 by Defendants.
11. Plaintiffs D.S. and S.P. are individuals who face an ongoing risk of arrest or referral under S.C. Code § 16-17-530 while attending school. Plaintiffs seek declaratory judgment that S.C. Code § 16-17-530 violates their constitutional right to due process when applied to elementary and secondary school students, as well as an injunction preliminarily and permanently enjoining enforcement of and reliance upon S.C. Code § 16-17-530 as applied to students by Defendants.

## **JURISDICTION AND VENUE**

12. This action arises under 42 U.S.C. § 1983 to redress the deprivation under color of state law of rights secured by the United States Constitution.
13. This Court has original jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and 1343(a)(3)-(4).
14. Venue is proper in this Court under 28 U.S.C. § 1391(b)(1) and (2).
15. This Court has the authority to enter a declaratory judgment and to provide preliminary and permanent injunctive relief pursuant to Rules 57 and 65 of the Federal Rules of Civil Procedure, and 28 U.S.C. §§ 2201 and 2202.

## **PARTIES**

### **A. Plaintiffs**

16. Plaintiff Niya Kenny (“Plaintiff Kenny” or “Ms. Kenny”) is a nineteen year-old African-American female who resides in Richland County, South Carolina. Ms. Kenny obtained her G.E.D. Diploma from Richland County School District Two in June, 2016.
17. Ms. Kenny was arrested and charged under S.C. Code § 16-17-420 while a student at Spring Valley High School in Richland School District Two. Ms. Kenny fears future arrest and prosecution under the Disturbing Schools statute if, while on or around the grounds of a school, her actions are interpreted to fall under any of the broad terms of the statute.

18. Plaintiff D.S. is a seventeen year-old African-American female who resides in Charleston, South Carolina. She brings this case through her grandmother and next of kin, Juanita Ford. D.S. was enrolled at Stall High School in the Charleston County School District during the 2015-2016 school year. D.S. plans to enroll at Summerville High School in Dorchester County School District Two in August 2016. D.S. experienced lead poisoning as a young child and has an Individualized Education Plan.
19. D.S. was charged under S.C. Code § 16-17-420 while attending school. D.S. fears being charged under the Disturbing Schools or Disorderly Conduct statutes in the future if, while on or around the grounds of a school, her actions are interpreted to fall under any of the broad terms of the statutes.
20. Plaintiff S.P. is a fifteen year-old Caucasian female who resides in Travelers Rest, South Carolina. She brings this case through her mother and next of kin, Melissa Downs. S.P. was enrolled at Travelers Rest High School in the Greenville County School District during the 2015-2016 school year. She plans to continue school at Travelers Rest High School in the 2016-2015 school year. S.P. has been diagnosed with mood and conduct disabilities. She has requested special education services to address her disability and has had a behavior intervention plan.
21. S.P. was referred under S.C. Code § 16-17-0530 (disorderly conduct) while attending school. S.P. fears being charged under the Disturbing Schools or Disorderly Conduct statutes in the future if, while on or around the grounds of a school, her actions are interpreted to fall under any of the broad terms of the statutes.

22. Plaintiff Girls Rock, Charleston (“Girls Rock”) is a non-profit organization with its principal office in Charleston, SC. Girls Rock provides mentorship, music and arts education, and leadership development to young people in Charleston, South Carolina. Girls Rock operates an afterschool program serving at-risk youth and youth who have been involved in the justice system. Girls Rock is guided by core principles that include challenging criminalization and promoting collective accountability for behavior.

23. Girls Rock sues on behalf of its members, students who risk arrest or referral under S.C. Code § 16-17-420 or S.C. Code § 16-17-530 while attending school. Girls Rock also sues on its own behalf. Girls Rock is substantially burdened in its mission by the continued practice of charging students under S.C. Code § 16-17-420.

24. Plaintiff Taurean Nesmith (“Plaintiff Nesmith” or Mr. Nesmith”) is a twenty-one year-old African American male who resides permanently in Kingstree, South Carolina. Mr. Nesmith is a student at Benedict College in Columbia, South Carolina.

25. Mr. Nesmith was arrested and charged with Disturbing Schools under S.C. Code § 16-17-420 at his college-owned apartment building. Mr. Nesmith fears future arrest and prosecution under the Disturbing Schools statute in the future if, while on or around the grounds of a school, his actions are interpreted to fall under any of the broad terms of the statute.

## **B. Defendants**

26. Defendant Alan Wilson (“Defendant Wilson” or “Mr. Wilson”) is sued in his official capacity as the Attorney General of South Carolina. Pursuant to the South Carolina

Constitution, it is Defendant Wilson’s duty in his capacity as Attorney General of South Carolina to assist and represent the Governor in the faithful execution of the laws. S.C. Const. art. IV § 15. Further, pursuant to South Carolina law, “[h]e shall appear for the State in the Supreme Court and the court of appeals in the trial and argument of all causes, criminal and civil, in which the State is a party or interested, and in these causes in any other court or tribunal when required by the Governor or either branch of the General Assembly.” S.C. Code § 1-7-40, and “[i]n all cases wherein the right of the State may be involved, the persons claiming under the State shall call on the Attorney General . . . to defend the right of the State.” S.C. Code § 1-7-710. Mr. Wilson is a person within the meaning of 42 U.S.C. § 1983 and acts under color of state law in all circumstances relevant to this complaint.

#### Charleston Defendants

27. Defendant J. Alton Cannon, Jr. (“Defendant Cannon” or “Mr. Cannon”) is sued in his official capacity as the Sheriff of Charleston County, S.C. The jurisdiction of the Charleston County Sheriff’s Office includes schools within Charleston County.
28. Defendant Gregory G. Mullen (“Defendant Mullen” or “Mr. Mullen”) is sued in his official capacity as the Chief of the City of Charleston, S.C. Police Department. The jurisdiction of the Charleston Police Department includes schools within Charleston County.
29. Defendant Eddie Driggers, Jr. (“Defendant Driggers” or “Mr. Driggers”) is sued in his official capacity as Chief of the North Charleston, S.C. Police Department. The jurisdiction of the North Charleston Police Department includes schools within Charleston County.



30. Defendant Carl Ritchie (“Defendant Ritchie” or “Mr. Ritchie”) is sued in his official capacity as Chief of the Mount Pleasant, S.C. Police Department. The jurisdiction of the Mount Pleasant Police Department includes schools within Charleston County.

Columbia Defendants

31. Defendant Leon Lott (“Defendant Lott” or “Mr. Lott”) is sued in his official capacity as the Sheriff of Richland County, S.C. The jurisdiction of the Richland County Sheriff’s Department includes schools within Richland County.

32. Defendant W.H. Holbrook (“Defendant Holbrook” or “Mr. Holbrook”) is sued in his official capacity as Chief of the Columbia, S.C. Police Department. The jurisdiction of the Columbia Police Department includes schools within Richland County.

Greenville Defendants

33. Defendant Steve Loftis (“Defendant Loftis” or “Mr. Loftis”) is sued in his official capacity as the Sheriff of Greenville County, S.C. The jurisdiction of the Greenville County Sheriff’s Department includes schools within Greenville County.

34. Defendant Ken Miller (“Defendant Miller” or “Mr. Miller”) is sued in his official capacity as Chief of the City of Greenville, S.C. Police Department. The jurisdiction of the Greenville Police Department includes schools within Greenville County.

35. Defendant Lance Crowe (“Defendant Crowe” or “Mr. Crowe”) is sued in his official capacity as Chief of the Travelers Rest, S.C. Police Department. The jurisdiction of the Travelers Rest Police Department includes schools within Greenville County.

36. Defendant Steve Moore (“Defendant Moore” or “Mr. Moore”) is sued in his official capacity as Interim Chief of the Simpsonville, S.C. Police Department. The

jurisdiction of the Simpsonville Police Department includes schools within Greenville County.

37. Defendant M. Bryan Turner (“Defendant Turner” or “Mr. Turner”) is sued in his official capacity as Chief of the Mauldin, S.C. Police Department. The jurisdiction of the Mauldin Police Department includes schools within Greenville County.

38. Defendant Dan Reynolds (“Defendant Reynolds” or “Mr. Reynolds”) is sued in his official capacity as Chief of the City of Greer, S.C. Police Department. The jurisdiction of the Greer Police Department includes schools within Greenville County.

39. Defendant A. Keith Morton (“Defendant Morton” or “Mr. Morton”) is sued in his official capacity as Chief of the Fountain Inn, S.C. Police Department. The jurisdiction of the Fountain Inn Police Department includes schools within Greenville County.

40. Defendants, through their respective duties and obligations, are responsible for enforcing S.C. Code § 16-17-420 and S.C. Code § 16-17-530. Each Defendant, and those subject to their direction, supervision, and control, has or intentionally will perform, participate in, aide and/or abet in some manner the acts alleged in this complaint, has or will proximately cause the harm alleged herein, and has or will continue to injure Plaintiffs irreparably if not enjoined. Accordingly, the relief requested herein is sought against each Defendant, as well as all persons under their supervision, direction, or control, including but not limited to their officers, employees, and agents.

## STATUTORY FRAMEWORK

41. South Carolina Code § 16-17-420 provides:

It shall be unlawful:

- (1) for any person wilfully or unnecessarily (a) to interfere with or to disturb in any way or in any place the students or teachers of any school or college in this State, (b) to loiter about such school or college premises or (c) to act in an obnoxious manner thereon; or
- (2) for any person to (a) enter upon any such school or college premises or (b) loiter around the premises, except on business, without the permission of the principal or president in charge.

S.C. Code § 16-17-420(A).

42. A violation of S.C. Code § 16-17-420 is punishable by fine of not more than \$1,000 or ninety days imprisonment. S.C. Code § 16-17-420(B).

43. Section 16-17-420, now commonly referred to as the “Disturbing Schools” statute, was enacted in 1919 and as originally drafted, applied to “any school or college in the State attended by women or girls.” 1919 S.C. Acts 239 (Appendix 1).

44. The Disturbing Schools statute was amended in 1968 to apply to “any school.” 1968 S.C. Acts 2308 (Appendix 2). It was subsequently applied to arrest protestors on a college campus. *See Bistrick v. Univ. of S. Carolina*, 324 F. Supp. 942 (S.C. 1971); *Herman v. Univ. of S. Carolina*, 341 F. Supp. 226, 229 (D.S.C. 1971), *aff’d*, 457 F.2d 902 (4th Cir. 1972). In 1972, the statute was amended to increase the applicable penalties. 1972 S.C. Acts 1426 (Appendix 3).

45. A Westlaw search generated cases referencing juveniles charged under § 16-17-420 beginning in 1989. *See Matter of Johnny J.*, 387 S.E.2d 251, 252 (S.C. 1989)(indefinite commitment for probation violation and status offenses was

inappropriate); *In Interest of Doe*, 458 S.E.2d 556, 560 (Ct. App. 1995)(conviction for Disturbing Schools upheld; S.C. Code § 20-7-2170 precluded residential evaluation for children ten years old and younger); *In re Amir X.S.*, 639 S.E.2d 144 (S.C. 2006)(statute not overbroad or vague as applied); *In re Joelle T.*, No. 2010-UP-547, 2010 WL 10088227, at \*1 (S.C. Ct. App. Dec. 16, 2010) (Appendix 4).

46. In 2010, the law was amended to remove mandatory minimum sentences and fines and to expressly vest jurisdiction in summary courts or for juveniles, in family court. 2010 South Carolina Laws Act 273 (S.B. 1154).

47. Section 16-17-420 contains no intent requirement before imposing criminal penalties.

48. The terms “interfere,” “disturb,” “loiter,” and “act in an obnoxious manner” are not further defined by the statute.

49. South Carolina Code § 16-17-530 provides:

Any person who shall (a) be found on any highway or at any public place or public gathering in a grossly intoxicated condition or otherwise conducting himself in a disorderly or boisterous manner, (b) use obscene or profane language on any highway or at any public place or gathering or in hearing distance of any schoolhouse or church or (c) while under the influence or feigning to be under the influence of intoxicating liquor, without just cause or excuse, discharge any gun, pistol or other firearm while upon or within fifty yards of any public road or highway, except upon his own premises, shall be deemed guilty of a misdemeanor and upon conviction shall be fined not more than one hundred dollars or be imprisoned for not more than thirty days.

S.C. Code § 16-17-530.

50. The terms “disorderly” and “boisterous” are not further defined by the statute.

51. A series of South Carolina Attorney General’s Opinions discuss the reach of both the Disturbing Schools and Disorderly Conduct statutes to address student conduct.
52. Attorney General’s Opinions conclude that the Disturbing Schools statute and the Disorderly Conduct statute may both be applied to prohibit “[u]se of foul or offensive language toward a principal, teacher, or police officer,” or “[u]se of obscene or profane language near a ‘schoolhouse.’” 1994 S.C. Op. Att’y Gen. 25, 1994 WL 199757 (Appendix 5).
53. The Attorney General’s Office also concludes that “[f]ailure by a student . . . to leave a school campus or school bus, when requested to do so,” *id.*, “fighting,” *id.*, and becoming “uncooperative and disruptive,” each may constitute Disturbing Schools. Letter from Robert D. Cook, S.C. Assistant Att’y Gen., to Hon. John W. Holcombe, Sheriff, Chester Co., 1999 WL 626642 (July 12, 1999) (Appendix 6).
54. Moreover, Attorney General’s Opinions observe that “[n]o express limitations on the time of applicability of [§16-17-420’s] prohibition are set forth,” 1990 S.C. Op. Att’y Gen. 61, 1990 WL 482448 (Appendix 7), and reason that the law might “apply to any part of the campus regardless of whether students or other students [sic] or faculty were present.” 1994 S.C. Op. Att’y Gen. 25.

## **FACTUAL ALLEGATIONS**

### **A. The Impact of Educator Practices on Student Behavior**

55. Normal adolescent development includes the development of behavioral and social skills.
56. Addressing student behavior is a regular part of school administration.
57. Research indicates that the ways in which schools and teachers approach student behavior and the school climate can shape student behavior for better or worse.
58. There are many techniques shown to reduce incidences of disruption and discipline when employed by educators. Evidence based practices exist to respond to a continuum of student needs, and effective approaches exist including for students requiring higher levels of support.
59. In contrast, schools and classrooms that are characterized by a punitive approach with high levels of discipline and fewer positive supports are experienced negatively by students and teachers.
60. Some educator practices and responses can escalate student misbehavior and conflict.
61. Black students and students with disabilities are disproportionately likely to be subjected to exclusionary discipline such as out-of-school suspension as well as referral to law enforcement and arrest at school.
62. Research does not suggest that racial disparities in discipline can be explained by differences in behavior across students of different races.

63. Disparities are most prevalent in categories of discipline that require subjective determination of whether the rule was violated, such as offenses of “disruption” or “excessive noise.”
64. Students who experience punitive discipline miss valuable educational time and may enter a cycle of negative consequences.
65. Students are frequently disciplined more harshly when their behavior is characterized as criminal, and their educational opportunities are diminished through expulsion, suspension, placement in an alternative program, or a combination of these consequences.
66. Disciplinary consequences can have lasting impact on a student’s ability to access educational opportunities. For example, students may be placed into alternative programs without significant support services, providing only computer based instruction, and with no fixed end period, from which they must instead earn their way out. These programs may not even provide the course work required to obtain a high school diploma, placing the prospect of educational reentry further and further out of reach.
67. Students may also experience stigma and increased negative feelings about school which may impact their ability to reengage with school.
68. Students who experience referral to law enforcement have significantly reduced likelihood of graduating from high school, even after a first referral.
69. Without a high school education, a young person’s future prospects are also dimmed.

**B. Enforcement of S.C. Code § 16-17-420 and § 16-17-530 Across South Carolina**

70. Between the 2010-2011 school year and March, 2016, over 9,500 young people in South Carolina were referred to the Department of Juvenile Justice on charges of Disturbing Schools.
71. This number provides only a partial picture of the law's impact. Students 17 and older are charged and prosecuted as adults.
72. Students as young as seven have been charged with Disturbing Schools.
73. Students have been charged with Disturbing Schools in every county in the state except for Chester County.
74. Disturbing Schools and Disorderly Conduct charges are consistently among the leading reasons that young people enter the juvenile justice system.
75. Although referrals for Disturbing Schools have decreased over time in some counties, Disturbing Schools charges have increased statewide from the 2012-2013 school year to the 2015-2016 school year.
76. Rates of racial disparity in referrals for Disturbing Schools have also increased. In the 2014-2015 school year, Black students statewide were nearly 4 times as likely as their white classmates to be charged with Disturbing Schools.
77. Substantial racial disparities in Disturbing Schools referrals exist in large and small counties and in counties that are more and less racially homogenous.



78. Across the state, there are wide discrepancies in how charges of Disturbing Schools are handled, including whether they will be dismissed, diverted, or prosecuted. In about twenty percent of cases in which DJJ recommended diversion, solicitor's offices moved forward with prosecution.
79. School Codes of Conduct from across South Carolina reflect the impossibility of attempting to distinguish criminal Disturbing Schools or Disorderly Conduct from behaviors that should be addressed through school responses, including responses as minimal as a verbal warning or a parent conference.
80. Infractions including "disruption," "behavior that significantly interrupts the learning environment," "fighting," "excessive noise," "boisterous play or pranks," and "profanity" have all been listed as behaviors that can be addressed through lesser school interventions. Yet the same behaviors may lead students to be charged with the crimes of Disturbing Schools or Disorderly Conduct.
81. The prior experiences of named Plaintiffs exemplify the arbitrary and discriminatory application of the Disturbing Schools and Disorderly Conduct statutes to charge or refer students.
82. Students have been arrested and charged with Disturbing Schools when expressing concern over police actions.
83. On October 26th, 2015, Niya Kenny was a student at Spring Valley High School when she was arrested under S.C. Code § 16-17-420. Ms. Kenny was in her math class. Students were instructed to work on their laptops on a practice math lesson. Ms.

Kenny was working on her lesson when she noticed her teacher whispering to a student a couple desks away. She thought that the teacher must have been helping the other student with her work until she saw him walk over to his desk and call for someone to escort the student from the class. Ms. Kenny wondered what the girl could have done wrong, because she had not noticed anything out of the ordinary.

84. Shortly thereafter, a School Resource Officer (“SRO”), a sworn police officer of the Richland County Sheriff’s Office, known among students as “Officer Slam” entered the room. Ms. Kenny witnessed her classmate forcefully pulled from her desk by the SRO, dragged on the floor, and handcuffed. Deeply frightened by the officer’s actions, Ms. Kenny attempted to document the incident and called out for someone to do something to stop the violent treatment of her classmate.

85. In response, Ms. Kenny was herself arrested. She was handcuffed in front of her classmates, berated by the police officer and the school administrator for voicing her concern and distress, held in an adult detention center for several hours, patted down, finger printed and photographed.

86. The police incident report described her offense as a crime of disorderly conduct and she was charged with Disturbing Schools.

87. Throughout her experience, Ms. Kenny was scared and humiliated. Although she would have liked to complete her senior year with friends and classmates, due to the humiliation and anxiety she experienced, Ms. Kenny did not feel that she could return to Spring Valley High School. She withdrew and entered a GED program.

88. Taurean Nesmith was arrested and charged with Disturbing Schools at his college-owned apartment building. A campus police officer who had repeatedly stopped and searched Mr. Nesmith and his friends was patrolling in the apartment complex parking lot as Mr. Nesmith and friends left the building and got into their cars. The officer approached Mr. Nesmith's friend and proceeded to ask him for his identification.

89. Mr. Nesmith complained to another friend that the officer was again stopping them because of their race. The Officer then turned his attention to Mr. Nesmith and asked for his identification. Mr. Nesmith asked why the officer needed to see his identification and continued to question the officer's actions. Other residents came out to their balconies to see what was happening.

90. Mr. Nesmith was eventually handcuffed and transported to a detention center where he remained overnight. He was charged with Disturbing Schools and Disorderly Conduct. His charges were later dropped.

91. In other instances, students have been charged with Disturbing Schools as the result of behaviors that could just as possibly have met with less severe school discipline or other interventions.

92. In Richland School District One, an eight-year-old African-American student was charged with Disturbing Schools and assault when, after being directed to leave class, the student attempted to slam the classroom door and the teacher's arm was caught.

93. In Charleston, an African American student was charged with Disturbing Schools and adjudicated delinquent after she and a group of other students were reported for taking photographs of themselves and other students in the girls' restroom. The student was referred to Girls Rock as a condition of her probation.
94. When K.B., a Latina student in Charleston, was thirteen years old, she was charged with Disturbing Schools and adjudicated delinquent after an incident that started with her late arrival to gym class. A School Resource Officer was called when K.B. began to loudly protest being made to leave the gym class and being followed to the "tardy sweep" room. The police officer physically restrained K.B., taking her to the ground and causing bruises, and placed her in handcuffs. She was searched before being released to her mother. The police incident report indicated that K.B. would be charged with Disorderly Conduct. She was subsequently charged with Disturbing Schools.
95. K.B. was sentenced to probation and referred to Girls Rock by her probation officer. K.B. took honors courses in middle school. When K.B. returned to her high school after being charged, she was placed in a program called "Twilight," through which she was provided no more than three hours of computer-based education per day, and which did not provide access to the courses necessary to obtain a high school diploma. Because K.B. was only permitted to be on campus during program hours, which were shorter than the normal school day, K.B. had to find her own transportation to school, which was a costly expense for K.B. and her mother.

96. K.B. and her mother may move to Texas soon. Although K.B. believes she will be able to return to her regular classes if she begins school in South Carolina, she believes that she will no longer be on track to graduate from high school.

97. D.D., an African American female who has struggled with homelessness, was charged with Disturbing Schools after an incident at her Charleston middle school. D.D. was sent out of class for talking. While she was seated on a bench outside of the classroom, another girl walked past her and began speaking to her. A School Resource Officer noticed her speaking to another student and she was detained, handcuffed, and charged with Disturbing Schools. She was placed on probation and became involved with Girls Rock.

98. When D.D. left the alternative middle school and started high school, she was placed in the Twilight program. Although she has remained in the Twilight program for two years, she continues to attend school and struggle to obtain an education. D.D. must find her own transportation to and from Twilight. Her family does not own a car and navigating the bus system was difficult. D.D. was detained for violating the terms of her probation after being picked up for truancy. While attending Twilight, D.D. also does not have access to the school lunch services that she would receive if attending school regularly.

99. S.P. was charged with Disorderly Conduct as a freshman in the Greenville County School District. S.P. has diagnosed disabilities that impact her mood and conduct and has seen a therapist for several years. S.P. had a Behavior Intervention Plan with her school. On the day that S.P. was charged with Disorderly Conduct, she had an

ongoing altercation with a girl who had been making fun of her throughout the morning. S.P. encountered the girl in the library and told her to stop talking about her before sitting down at a table with friends. The principal came to the library and told S.P. that she needed to leave with him. When she refused and complained that the girl who was making fun of her did not get in trouble, the principal told S.P. he was addressing her because she could be arrested for not leaving with him. An SRO came to the library and S.P. eventually agreed to leave the library with him. As she was leaving, S.P. cursed at the student who had been teasing her. Other students in the library also began to clap as S.P. was escorted out of the library, and S.P. cursed at them.

100. Several months later, S.P. was charged with Disorderly Conduct for these actions.

101. D.S., an African American student in Charleston, was charged with Disturbing Schools after becoming involved in a physical altercation which she did not initiate and in which she was the only person who sustained an injury, a lump on her head.

102. Charged as adults, D.S., her friend, and the other two students involved in the altercation plead guilty to Disturbing Schools without legal representation. D.S. received a suspended sentence of a \$400 fine or 20 days imprisonment conditioned on completion of a Pretrial Intervention program (PTI). D.S. subsequently learned that participation in PTI costs \$300 or more, a cost that she could not afford. D.S. was rejected from the PTI program and spent many stressful weeks fearing that she would be sent to jail before she obtained a public defender who was able to reopen her case, which was eventually dismissed.

103. Enforcement of the Disturbing Schools and Disorderly Conduct laws has also impacted Girls Rock as an organization. Recognizing that Disturbing Schools charges are a primary cause of youth involvement with the justice system, Girls Rock has taken up efforts to challenge the Disturbing Schools statute and bring awareness to the statute's negative impact on Charleston area young people. For example, Girls Rock teen leaders have engaged in an organizing apprenticeship in which they learned about school-based referrals to law enforcement and the Disturbing Schools law and spoke about these issues at public events, Girls Rock After School Program ("GRASP") participants performed a skit on the issue during the program's annual showcase, and created a short video about their advocacy.

104. Girls Rock volunteers have also expended significant time and resources to address the impacts of Disturbing Schools adjudications through mentorship and support of young people in the GRASP program. Girls Rock volunteers also attended hearings with members. They present testimony to speak on a participant's character and her progress in GRASP. Volunteers have spent hours, at times across multiple days, to attend these hearings.

105. Girls Rock is a primarily volunteer run organization with limited resources. The significant time and resources that Girls Rock staff members spend in mentoring and supporting young people who have been caught up in the justice system for charges of Disturbing Schools detracts from Girls Rock's ability to help other young people. In addition, time spent addressing ongoing court involvement and other collateral consequences of a Disturbing Schools adjudication detract from the positive mentorship activities that Girls Rock seeks to provide. Time spent at court hearings



would otherwise be spent developing programming and providing direct services to young people and attending to administrative business necessary to sustain the operations of the organization, such as writing grant proposals and conducting fundraising activities.

106. The experiences of named Plaintiffs and other students in South Carolina reflect the Disturbing Schools and Disorderly Conduct statutes' broad reach and arbitrary and discriminatory enforcement. The terms of § 16-17-420 are vague and fail to provide notice to students and others expected to comply with its terms or to provide sufficient guidance to those charged with its enforcement, permitting arbitrary and discriminatory enforcement. When applied to elementary and secondary school students, the terms of §16-17-530 are equally vague.

107. Plaintiffs have an objectively reasonable fear that they will be charged with Disturbing Schools under § 16-17-420 or Disorderly Conduct under § 16-17-530.

108. Plaintiffs have no adequate remedy at law.

## **CLASS ALLEGATIONS**

### **Plaintiff Class**

109. Plaintiffs D.S and S.P. bring this action on behalf of themselves and on behalf of all elementary and secondary public school students in South Carolina ("Plaintiff Class"), each of whom faces a risk of arrest or juvenile referral under the broad and overly vague terms of the challenged statutes.

110. The class is so numerous that joinder of all members is impracticable. F. R. Civ. P. 23(a)(1). Upon information and belief, there are over 750,000 elementary and secondary public school students residing South Carolina. Each of these students faces a risk of arrest or juvenile referral under the broad and overly vague terms of S.C. Code § 16-17-420 or S.C. Code § 16-17-530.
111. Plaintiffs' claims share common issues of law and fact, including but not limited to whether each of the challenged statutes is overly vague and violates the Due Process Clause of the Fourteenth Amendment. Fed. R. Civ. P. 23(a)(2).
112. The claims or defenses of the named Plaintiffs are typical of the claims of members of the Plaintiff Class. All Plaintiffs' claims arise from S.C. Code § 16-17-420 and S.C. Code § 16-17-530 and are based on the same constitutional provisions and arguments.
113. The named Plaintiffs will fairly and adequately protect the interests of the Plaintiff Class. The named Plaintiffs have no interest that is now or may be potentially antagonistic to the interests of the class. Named Plaintiffs and the Plaintiff Class both seek to enjoin enforcement of S.C. Code § 16-17-420 and S.C. Code § 16-17-420 and to obtain a declaration that each law violates the due process guarantees of the Fourteenth Amendment. The attorneys representing the Plaintiffs are experienced civil rights attorneys and are considered able practitioners in federal constitutional litigation.
114. This action is also maintainable as a class action under Fed. R. Civ. P. 23(b)(2). Class certification is also proper because S.C. Code § 16-17-420 and S.C. Code § 16-

17-530 each apply generally to the class, thereby making final injunctive and declaratory relief appropriate as to the whole.

### **The Defendant Class**

115. Plaintiffs bring this action against named Defendants individually and, pursuant to Rules 23(a) and 23(b)(1) and (b)(3) of the Federal Rules of Civil Procedure, on behalf of all South Carolina law enforcement agencies who may enforce S.C. Code §§ 16-17-420 and 16-17-530 against Plaintiffs. The proposed Defendant Class consists of all South Carolina law enforcement agencies with authority to enforce S.C. Code § 16-17-420 and S.C. Code § 16-17-530 against Plaintiffs.
116. The class is so numerous that joinder of all members is impracticable. Fed. R. Civ. P. 23(a)(1). Upon information and belief, there are more than 200 state and local law enforcement agencies in South Carolina, employing over 11,000 personnel. S.C. Code § 16-17-420 has been enforced against Plaintiffs in each county in South Carolina, apart from Chester County.
117. There are questions of law and fact common to the members of the class, including but not limited to whether the challenged statutes are overly vague and violate the Due Process Clause of the Fourteenth Amendment. Fed. R. Civ. P. 23(a)(2).
118. The claims against the named Defendants are typical of the claims against the Defendant Class, particularly because this is a facial challenge to the statute. All claims arise from S.C. Code § 16-17-420 and S.C. Code § 16-17-530 and are based on the same constitutional provisions and arguments. The Defenses expected to be

asserted by the named Defendants likewise are common to the members of the Defendant Class.

119. This action is maintainable as a class action under Fed. R. Civ. P. 23(b)(1).

Prosecution of separate actions against individuals would create the risk of inconsistent and varying adjudications.

120. This action is also maintainable as a class action under Fed. R. Civ. P. 23(b)(2).

Plaintiffs' claims to enjoin enforcement of S.C. Code § 16-17-420 and S.C. Code § 530 apply generally to the class, thereby making final injunctive and declaratory relief appropriate as to the whole.

## **CLAIMS FOR RELIEF**

### **First Cause of Action**

#### **S.C. Code § 16-17-420 Violates Due Process**

#### **Under the United States Constitution, 42 U.S.C. § 1983**

121. Plaintiffs incorporate by reference all of the preceding paragraphs of this Complaint as though fully set forth herein.

122. S.C. Code § 16-17-420's vague terms violate Plaintiffs' rights to due process guaranteed by the Fourteenth Amendment to the United States Constitution. U.S. Const. amend. XIV, § 1.

**Second Cause of Action**

**S.C. Code § 16-17-530 Violates Due Process**

**Under the United States Constitution as Applied to Elementary and  
Secondary Students, 42 U.S.C. § 1983**

123. Plaintiffs incorporate by reference all of the preceding paragraphs of this  
Complaint as though fully set forth herein.

124. S.C. Code § 16-17-530's vague terms as applied to elementary and secondary  
school students violate Plaintiffs' rights to due process guaranteed by the Fourteenth  
Amendment to the United States Constitution. U.S. Const. amend. XIV, § 1.

**PRAYER FOR RELIEF**

Wherefore, Plaintiffs respectfully request that the Court:

A. Issue a declaratory judgment that S.C. Code § 16-17-420 is unconstitutional;

B. Issue a declaratory judgment that S.C. Code § 16-17-530 is unconstitutional;

C. Issue injunctive relief:

1. preliminarily and permanently enjoining enforcement by Defendants of S.C.  
Code § 16-17-420;

2. preliminarily and permanently enjoining enforcement by Defendants of S.C.  
Code § 16-17-530 against elementary and secondary school students;

3. enjoining Defendants from considering any Plaintiffs' records relating to being  
taken into custody, charges filed, adjudication, or disposition under S.C. Code § 16-17-  
420 or S.C. Code § 16-17-530, and from retaining such records except as would be  
permissible following expungement under S.C. Code § 17-1-40;

3. enjoining Defendants from considering any Plaintiffs' records related to arrest, booking record, associated bench warrants, mug shots, fingerprints, charges filed, proceedings, or sentencing under S.C. Code § 16-17-420 or S.C. Code § 16-17-530, and from retaining such records except as would be permissible following expungement under S.C. Code § 17-1-40;

D. Award Plaintiffs costs and attorneys' fees pursuant to 42 U.S.C. § 1988; and

E. Grant such other, further, and different relief as the Court deems just and proper.

F. The declaratory and injunctive relief requested in this action is sought against each Defendant; against each Defendant's officers, employees, and agents; and against all persons acting in active concert or participation with any Defendant, or under any Defendant's supervision, direction, or control.

Pursuant to Local Rule 3.01(B), undersigned counsel hereby endorses and certifies that this action is properly filed in the Charleston Division.

Dated: Aug. 11, 2016

Respectfully submitted,

s/Susan K. Dunn

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*\*Pro Hac Vice Motions to be submitted*  
ATTORNEYS FOR PLAINTIFFS

THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION

KENNY, et al.  
  
Plaintiffs,  
  
v.  
  
WILSON, et al.  
  
Defendants.

Civil Action No.: -----  
2:16-cv-2794-CWH

DECLARATION OF NIYA KENNY IN SUPPORT OF PLAINTIFFS' MOTIONS FOR  
CLASS CERTIFICATION AND PRELIMINARY INJUNCTION

I, Niya Kenny, submit this declaration in support of the Plaintiffs' motions for class certification and for a preliminary injunction:

1. I am an 18 year old African-American female. I reside with my mother and sister in Columbia, South Carolina.
2. I received my G.E.D. Diploma from Richland School District Two in May, 2016. I attended Spring Valley High School, in Richland School District Two, from 9<sup>th</sup> grade until November 6, 2015.
3. On the morning of October 26, 2015, I was in my math class. We were working on a practice lesson on our laptops. As everyone began working on the assignment, I noticed our teacher whispering to a female student sitting a couple seats away from me. I thought that he was helping her with the assignment. I did not realize anything was out of the ordinary until the teacher walked back to his desk and picked up the phone. I heard him say that he needed someone to be escorted. I wondered what the girl could have done wrong because I hadn't seen anything.
4. Shortly after our teacher made the call, an administrator, Mr. Webb, came into the room. At that point, I noticed other students in the class became distracted watching what Mr. Webb was doing. Mr. Webb told the female student to come with him. When she did not get up, Mr. Webb radioed for the School Resource Officer to come to the room.



5. A few moments later, I saw Officer Fields entering the classroom. When I saw him, I had a bad feeling that something would go wrong. I knew that Officer Fields had a reputation for being aggressive and was known as "Officer Slam." I told other students to get their cameras out.
6. Officer Fields approached the area where the girl was sitting and moved the other students' desks away. He closed her laptop and moved it off of her desk. I heard him ask the girl to come with him.
7. Then, I saw Officer Fields grab the girl. He pulled her out of her desk and the desk flipped over. Then he dragged her to the front of the room by an arm and a leg.
8. During this, I was trying to record a video of what was happening. I was very scared for the girl. My heart was beating hard and my leg was shaking, and I was crying.
9. I was in disbelief and I started praying out loud. I said "isn't anyone going to help her?," and "ya'll cannot do this." I thought our teacher or Mr. Webb would stop things, but they did not.
10. As Officer Fields was handcuffing the girl, I exclaimed something like, "What the fuck? What did she do wrong?" Officer Fields turned to me and told me that I was going to jail, too.
11. Another officer, Deputy Bradley, came to the room. He and Officer Fields handcuffed the girl and took her out of the room. I went to sit down.
12. A few moments later, Officer Fields came back into the room and I heard him say "where is she?"
13. I knew that he was going to arrest me and I was really scared. I did not want him to treat me like I had seen him treat the other girl so I stood up and turned around and put my hands behind my back for him to handcuff me.
14. Officer Fields handcuffed me and then took my upper arm and led me across the hall to an administrator's office. Mr. Webb also walked into the office with us.
15. I was still very upset and scared and my legs were buckling as I walked across the hall. It felt very humiliating to be arrested in front of my classmates and my teacher.

16. Officer Fields told me to sit in a chair. Officer Fields and Mr. Webb were yelling at me for not being quiet and staying seated while the other student was being arrested. Mr. Webb said to me, "we don't have time to play with you damn kids."
17. I was asked where my phone was. I was still handcuffed, but I managed to pull my phone out of my pocket and hand it to Officer Fields. I told him my password and how to see the video I had recorded of the incident. I was still very scared and I was trying to be very deferential. I offered to delete the video. I was trying to do anything to prevent being sent to jail.
18. Sometime later, two police officers came to pick me up.
19. I was still crying and really scared. Officer Bradley had known me since I was a freshman and we had always had a good relationship. He walked me out of the building with the other two officers and told me something like, "you're going to be ok." They led me handcuffed out of the front of the school building. I felt humiliated.
20. They led me out of school to a police van paddy wagon. Before I was put into the van, a female police officer took off my belt and jewelry. I was still handcuffed. I was placed in one side of the van with my knees touching a metal separation wall. There was an older man already in the van on the other side of the wall. The vehicle drove us to the Alvin S. Glenn Detention Center.
21. At the detention center, they made me take off my jacket and boots and I was given a pat down. They took my finger prints and a mug shot. Most of the time that I was at the detention center I sat in a large waiting area with a10 to 15 other people who had been arrested. For a short period of time during a shift change, I was placed in a jail cell with another girl.
22. While I was at the detention center, I remember feeling exhausted, like I had been through hell. My head was spinning and I felt nauseous.
23. I was released from the detention center sometime between 8:00 and 9:00 pm on my own recognizance.
24. I was charged with Disturbing Schools under SC Code § 16-17-420. *See* Kenny Incident Report (Attached as Ex. A).
25. I was afraid that I would also be expelled from school because when the school called my mother, they told her that students who are arrested are referred for expulsion. A couple

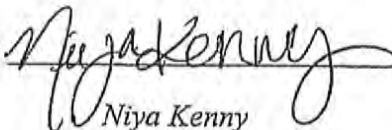


days after the incident, my mother and I met with school administrators who assured us that I would not face any school discipline. They also gave me back my purse and book bag, which had been left at school when I was taken to the detention center.

26. After my experience, I felt humiliated and fearful of returning to school. I felt a lot of anxiety. It was a very difficult decision, but I decided not to return to Spring Valley High School. Instead, I withdrew from school and entered the G.E.D. Program at W.R. Rogers Adult Education Center.
27. Because of this incident, I missed out on my last year of high school. I did not have the opportunity to go to prom with the people I have been in school with since the ninth grade, and I did not get to attend graduation with my classmates.
28. I have a younger sister who still attends Spring Valley High School. There will likely be times when I come to school to pick up my sister or to support her at a school event like her orchestra performance. I worry that I would be arrested again for disturbing schools if while there I were to see wrongdoing by police and speak out, or if any of my actions were considered by police to constitute disturbing schools.
29. I also have hopes of attending a college in the near future and eventually hope to open my own business. I worry that I could be subject to arrest while on a college campus for disturbing schools if while there I were to see wrongdoing by police and speak out, or if any of my actions were considered by police to constitute disturbing schools.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed July 22, 2016

By:   
Niya Kenny

# EXHIBIT A



RICHLAND COUNTY SHERIFFS  
SC0400000

INCIDENT REPORT

INFORMATION ONLY

CASE NUMBER  
1510018926

NCIC  
INO. No. ENTD. No.

INCIDENT TYPE	COMPLETED	FORCED ENTRY	PREMISE TYPE	UNITS ENTERED	TYPE VICTIM
1. SIMPLE ASSAULT SIMPLE ASSAULT	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	SCHOOL (GRADE K-12)		<input type="checkbox"/> Individual <input checked="" type="checkbox"/> Business <input type="checkbox"/> Financial Inst <input type="checkbox"/> Government <input type="checkbox"/> Relig. Orgn. <input type="checkbox"/> Soc./Public <input type="checkbox"/> Other <input type="checkbox"/> Unknown <input type="checkbox"/> Police Off.
2. DISORDERLY CONDUCT 90C DISORDERLY CONDUCT	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	SCHOOL (GRADE K-12)		
3. RESISTING ARREST 90N RESISTING ARREST	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	SCHOOL (GRADE K-12)		

INCIDENT LOCATION (SUBDIVISION, APARTMENT AND NUMBER, STREET NAME AND NUMBER)  
120 SPARKLEBERRY LAINE, COLUMBIA, SC

ZIP CODE 29223- WEAPON TYPE

INCIDENT DATE	24 HR. CLOCK	TO	DATE	24 HR. CLOCK	DISPATCH DATE/TIME	24 HR. CLOCK	DISPATCH TIME	TIME ARRIVED	DEPART. TIME	LOCATION NO.
10/26/2015	11:10		10/26/2015	11:10	10/26/2015	11:10	11:15	11:30		

COMPLAINANT'S NAME (LAST, FIRST, MIDDLE)	RELATIONSHIP TO SUBJECT	RESIDENT	RACE	SEX	AGE	ETH.	DAYTIME PHONE	EVENING PHONE
FIELDS, RCSD	#1 #2 #3						803-576-3000	

ADDRESS 5623 TWO NOTCH RD CITY COLUMBIA STATE SC ZIP CODE 29223- LOCATION NO.

VICTIM'S NAME (LAST, FIRST, MIDDLE)	RELATIONSHIP TO SUBJECT	RESIDENT	RACE	SEX	AGE	ETH.	DAYTIME PHONE	EVENING PHONE
SPRING VALLEY HIGH SCHOOL	#1 #2 #3						803-699-3500	

HEIGHT WEIGHT HAIR EYES FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.

ADDRESS 120 SPARKLEBERRY Ln CITY COLA STATE SC ZIP CODE 29223- LOCATION NO.

VISIBLE INJURY (VCT.1)  YES  NO  EXPLAIN- COMPLAINT OF ANY NON-VISIBLE INJURIES:  YES  NO

VICTIM(NO.1) USING ALCOHOL  YES  NO  UNK.  DRUGS:  YES  NO  UNK.  TYPE:  TWO MAN VEH  ONE MAN VEH  DETECTIVE PLASMT.  OTHER  ALONE  ASSISTED

SUSPECT	NAME (LAST, FIRST, MIDDLE)	RACE	SEX	AGE	ETH.	DATE OF BIRTH	HEIGHT	WEIGHT	HAIR	EYES
<input checked="" type="checkbox"/>	KENNY, NIYA, MONAE	B	F	18	N	09/16/1997	508	140	1	2

WANTED  FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC. RELATED OFFENSE(S) 13B 90C 90N DAYTIME PHONE [REDACTED] EVENING PHONE [REDACTED]

ARREST  ADDRESS [REDACTED] CITY [REDACTED] STATE SC ZIP CODE 29223- LOCATION NO.

JAIL  SUBJECT(NO.1) USING ALCOHOL  YES  NO  UNK.  ARRESTED NEAR OFFENSE SCENE  YES  NO  DATE/TIME OF OFFENSE 10/26/2015 11:10:00 AM DATE/TIME OF ARREST

SUMMONS  DRUGS:  YES  NO  UNK.  TYPE: TOTAL # ARRESTED DATE/TIME OF OFFENSE 10/26/2015 11:10:00 AM DATE/TIME OF ARREST

DAY OF THE WEEK	HOW REPORTED	A= OFFICER DISPATCHED ON CALL	D= COMPLAINT WRITTEN IN	DIFF. FACTOR	A= RESISTANCE/HOSTILITY	E= COMPLAINANT FRE-QUENTLY INTOXICATED
S M T W T F S U N K		B= REPORT TAKEN BY PHONE	E= OFFICER INITIATED		B= WEAPONS	F= DOMESTIC
		C= COMPLAINANT WALKED IN	F= OTHER		C= UNFOUNDED CALLS	N= NORMAL

ADMINISTRATIVE SUBJECT IDENTIFIED  YES  NO  SUBJECT LOCATED  YES  NO  S. F.  ACTIVE  ADM. CLOSED  ARRESTED UNDER 18  EX-CLEAR UNDER 18

REASON FOR EXCEPTIONAL CLEARANCE	REPORTING OFFICER(S)	DATE	UNIT NUMBER	APPROVING OFFICER	DATE	UNIT NUMBER
1. <input type="checkbox"/> OFFENDER DEATH 2. <input type="checkbox"/> NO PROSECUTION PROSECUTION 3. <input type="checkbox"/> EXTRADITION DENIED 4. <input type="checkbox"/> VICTIM DECLINES COOPERATION 5. <input type="checkbox"/> JUVENILE NO CUSTODY.	FIELDS, BENJAMIN P	10/26/2015 11:10:00 AM	1297			

NARRATIVE R/O was contacted by an administrator at I/L in reference to a [REDACTED] refusing to leave class. [REDACTED] was asked by the teacher and administrator several times. R/O made contact with [REDACTED] at I/L and asked her several times to please comply with the administrator and leave class. [REDACTED] refused R/O then told her because of the disruption and not complying she was disturbing school and to stand up and put her hands behind her back. [REDACTED] stated she would not. R/O then used muscling techniques to get [REDACTED] out of her chair. [REDACTED] began to push and pull away from R/O and then she hit R/O in the chest with a closed fist. [REDACTED] continued to resist and pull away. While this was going on, another subject Kenny began to yell and curse at R/O saying 'what the fuck' and 'that is fucked up' she was told to get back and she continued to be disruptive and curse. After R/O got [REDACTED] in handcuffs R/O placed Kenny under arrest for disturbing school. Kenny was transported to jail by the RCSD paddy wagon. [REDACTED] was turned over to her parents and a custody.

TYPE (GROUP)	TOTAL VALUE
STOLEN	
DAMAGED	
BURNED	
RECOVERED	
SEIZED	

### ADDITIONAL NARRATIVE

Agency Name: RICHLAND COUNTY SHERIFFS DEPT	ORI #: SC0400000	Report Date/Time: 10/26/2015 11:10	OCA #: 1510018926
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SIMPLE ASSAULT

release was signed. A defensive action report was completed by R/O for the incident.



**THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION**

KENNY, et al.

Plaintiffs,

v.

WILSON, et al.

Defendants.

Civil Action No.: -----

2:16-cv-2794-CWH

**DECLARATION OF TAUREAN NESMITH IN SUPPORT OF PLAINTIFFS'  
MOTIONS FOR CLASS CERTIFICATION AND PRELIMINARY INJUNCTION**

I, Taurean Nesmith, submit this declaration in support of the Plaintiffs' motions for class certification and for a preliminary injunction:

1. I am a twenty-one-year-old African American male. My permanent residence is in Kingstree, S.C.
2. I am a college student at Benedict College in Columbia, SC. During the 2015-2016 school year, I resided at an apartment building owned by Benedict College. I plan to reside in college-owned housing again during the 2016-2017 school year.
3. In college, I am majoring in business administration with a concentration in management. When I graduate, I hope to expand my business working as a freelance graphic designer.
4. I have a high degree of respect for police officers who do their job well. My father is a police officer. Benedict College has a Campus Police Department and I have gotten along well with the police officers I knew on campus until last year. At the start of the 2015-2016 school year, a new police officer started to patrol the campus, Officer B. Carlson.



5. During the 2015-2016 school year, I was stopped by Officer Carlson on six occasions and searched by him on at least four occasions. I was not arrested for any crime until the last incident, when I was arrested and charged with disturbing schools and disorderly conduct.
6. I have numerous African American friends who have also been stopped and searched by Officer Carlson.
7. On April 17, 2016, I was leaving my apartment building with some friends. My friend went to his car to get some cologne and was sitting with the door open. I got into a car a few spaces away with another friend.
8. Officer Carlson approached my friend and asked him to show his identification.
9. I got out of the car to observe. I said to my friend who was standing with me, "this must be a problem with color, because we've never had these problems before with campus police." I believed that Officer Carlson was subjecting us to stops and searches because of our race.
10. When Officer Carlson heard me say this, he walked toward me saying, "let me see your id, since every time I see you you're getting involved."
11. I was tired of being treated with suspicion by Officer Carlson. I asked him why he needed to see my identification when I hadn't done anything wrong and when he had already indicated that he knew who I was.
12. Officer Carlson then went to put handcuffs on me and arrest me. I knew that I had not done anything wrong, so I started to walk away from him in the parking lot.
13. My friend went to get the building manager to try to resolve the situation. The building manager came out and talked to Officer Carlson and told him that I was a good kid.
14. After speaking with her, Officer Carlson walked back towards me. He put on rubber gloves and pulled out his taser. He told me I was about to get resisting arrest and did I want this.
15. I took everything out of my pockets and put it on the ground, so that the officer would not have a reason to search me. I turned around and put my hands behind me and said "ok, arrest me."

16. As the officer was putting me in handcuffs, my friend came over to pick my things up off of the ground. As he was bending down, Officer Carlson pushed him backwards and he stumbled and almost fell. My friend got upset and told Officer Carlson not to put his hands on him.
17. The officer told my friend to get on the ground. He told me to sit down and then walked over to my friend and placed him in handcuffs, too.
18. We were not told about our rights.
19. When Officer Carlson pushed my friend, I started to voice my frustration with how we were being treated more loudly. Some people from the apartment complex came out to see what was going on.
20. Two other police officers came to the parking lot. Eventually, they took us to the school. They gave us a piece of paper and told us to write our statements.
21. After we wrote our statements, another officer transported us to jail. While we were driving to the jail, I heard the officer talking on the phone to what sounded like his sergeant. He was asking why he had to be the one to transport us and saying that he did not want to be involved because he did not know the details of what happened and whether what Officer Carlson had done was correct.
22. My friend and I were taken to jail. I was patted down, finger printed, and had my picture taken. We stayed in jail overnight.
23. I was released at about 4 p.m. the next day on my own recognizance and with the condition that I provide my school I.D., which was written on the bail proceeding form I received. Bail Proceeding Form I (attached as Ex. A).
24. I was told that I was being charged with Disturbing Schools, S.C. Code § 16-17-420, and Disorderly Conduct, S.C. Code § 16-17-530, because my protests against the officer's treatment attracted the attention of other people in the apartment complex. The arrest warrant I received said something similar. Arrest Warrant (attached as Ex. B).
25. When I went to court, the charges against me were dropped. My friend had also been charged, and his charges were also dropped.
26. I am afraid that I could be subject to arrest in the future while on my college campus, my college apartment building, or at another college if I speak out against police actions that



I believe to be wrong or if a police officer finds my actions, speech, or presence disagreeable for any reason under the broad terms of the Disturbing Schools law. pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed 8/8/, 2016

By: Taurean Nesmith  
Taurean Nesmith

SHIP TO  
NEW YORK



THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION

KENNY, et al.	
	Plaintiffs,
	v.
WILSON, et al.	
	Defendants.

Civil Action No.: -----

2:16-cv-2794-CWH

**DECLARATION OF MICAH BLAISE CARPENTER IN SUPPORT OF PLAINTIFFS' MOTIONS FOR PRELIMINARY INJUNCTION AND FOR CLASS CERTIFICATION**

1. I, Micah Blaise Carpenter, submit this declaration in support of the Plaintiff's motions for class certification and for a preliminary injunction.

2. I was the Program Coordinator for Girls Rock Charleston ("Girls Rock") during the 2015-2016 school year. Due to budget restraints, my title is now Organizer.

3. I have worked for Girls Rock since 2011 when the organization was founded. I have been the sole paid staff person for Girls Rock since the fall of 2015. My background is as a special education teacher.

4. Girls Rock is a non-profit organization providing mentorship, music and arts education, and leadership development programming to girls, transgender and gender nonconforming youth in Charleston, South Carolina.

5. Girls Rock uses music as a vehicle for social change and builds power among girls and transgender youth, developing feminist and anti-racist youth leaders through cultural organizing practices that blend music education, political education, and DIY media making.

6. Girls Rock was founded in 2011 to address intersecting problems of poverty, racism, sexism, homophobia, and transphobia affecting young people in Charleston. It advocates for the respect, protection, and empowerment of students and girls, and it works directly with young people to develop leaders dedicated to making positive change within their communities.

7. Girls Rock is guided by core principles that include challenging criminalization and promoting collective accountability for behavior. As a part of its vision statement, Girls Rock states “We envision a Charleston in which [t]he current models of domination, violence, and punishment which enforce the current set of rules are replaced by the development of practices of consent and collective accountability.”

8. Girls Rock serves school-aged youth, and as a result, issues that affect students are central to the work that the organization does.

9. At its founding, Girls Rock’s primary focus was the operation of a summer music camp for young people and community organizing focused on the goals of building a better city for girls and transgender youth.

10. Through its work, Girls Rock observed that many young people became involved with the juvenile justice system due to school-based referrals to law enforcement, while at the same time, there was a lack of supportive services for youth in the Charleston area. These circumstances negatively impact the ability of young people to contribute positively to their communities and to develop leadership skills, which are core objectives of Girls Rock’s work.

11. In response to the negative impacts of involvement with the juvenile justice system and a lack of available support services, in 2014 Girls Rock initiated a pilot program called the Girls Rock After School Program (“GRASP”), which was initiated at Burke High School.

12. The GRASP program was made part of Girls’ Rock’s permanent programming in the fall of 2015. The Program targets youth who have struggled in school, have been expelled, or have been involved with the juvenile justice system. The goals of the program are to interrupt youth involvement in the juvenile justice system and support a youth-led movement for social change in South Carolina. Participants in GRASP are students in the Charleston County Public School System between the ages of twelve and eighteen. GRASP conducts outreach in Charleston County middle and high schools and in particular at the Daniel Jenkins Creative Learning Center (“Daniel Jenkins”), an alternative middle school.

13. GRASP itself is both an after school program for young people and a community organizing force whose specific target is the criminalization of Black, working-class, and/or LGBTQ youth. During GRASP, participants explore themes of racial, economic, and gender justice through writing original music, creating visual art, and organizing community events. GRASP seeks to give girls involved in criminal justice system and their families the tools to advocate for their collective interests, and to build out a broad base of parents, volunteers, youth and other supporters.

14. GRASP engages young people in a program of ‘direct mentorship’ by musicians, artist, community leaders, and educators (teachers and former teachers). Young people who have completed the formal program are encouraged to continue their involvement with GRASP and can become mentors and leaders within the program. Mentorship through GRASP is



designed to help young people to communicate thoughts, feelings and ideas effectively, to build teamwork and cooperation skills, to establish a voice in their community, and to recognize their own capabilities.

15. In April 2016, GRASP was given preliminary approval by the South Carolina Department of Juvenile Justice to be placed on a list alternatives to incarceration, meaning that a family court judge can refer a young person to GRASP as a condition of probation. Young people can also be referred by the solicitor at the time of referral or during the intake process with the Department of Juvenile Justice. It was the first and remains the only community based organization in the Charleston area to be placed on this list. GRASP does the necessary work of diverting young people away from juvenile detention centers and into a strong and effective programming designed to reduce recidivism and improve participants' life outcomes.

16. Several of the students involved in GRASP attend Daniel Jenkins after being placed there following a juvenile referral. Daniel Jenkins is an alternative school where young people in grades 4-8 are placed when expelled from their home schools in Charleston County School District. Some students have been charged with crimes, others have not. If they return to their regular school, some students in GRASP report that they are required to attend a program called "Twilight." Twilight is solely computer-based and provides less than a full day of instruction. Because students in Twilight are only permitted to be at school during program hours, which are shorter than a normal school day, they must arrange their own transportation to or from the program. Students in Twilight are also not permitted to participate in most electives or extracurricular activities. Students sometimes languish for years in this program. Principals can send students to Twilight at will, or the District can refer them to the program.



17. Recognizing that charges under the Disturbing Schools statute are a primary cause of youth involvement with the justice system, Girls Rock has taken up efforts to challenge the Disturbing Schools statute and bring awareness to the statute's negative impact on Charleston area young people.

18. Girls Rock has held regular meetings with a small group of teen leaders in GRASP who were participating in an organizing apprenticeship program that included political education regarding school-based referrals to law enforcement and the Disturbing Schools statute in order to prepare the participants to speak at public events. Girls Rock is also member of the Give Kids a Chance Coalition, through which Girls Rock has partnered in organizing events and town halls for students and Girls Rock members to share stories of their experiences with being detained or arrested in school and the ongoing negative impacts of a school-based referral to law enforcement through sharing testimony and performance. These speaking opportunities and events have included: speaking at a community policing event last spring, and at the Nehemiah Action Assembly, an event convened by the Charleston Area Justice Ministry, a non-profit that organizes faith communities around social justice issues; performing a skit on the subject of school-based referrals to law enforcement at the end of year showcase for the GRASP program; and creating a short video about their advocacy against school-based referrals to law enforcement which was published on the Girls Rock website.

19. Examples of the girls served by GRASP who have become involved with the juvenile justice system after being charged with disturbing schools include the following:

- A. One African-American student attending a predominantly white high school in the Charleston County School District was charged in connection with an incident involving numerous students who were using

their mobile phones to take photographs of each other and of other students in the bathroom. She was charged under the Disturbing Schools law after one of the students complained. As a result, she was expelled and sent to an alternative school, which created a major disruption in her education. She was adjudicated delinquent, placed on probation and was referred to GRASP.

- B. K.B., a Latina high school student in the Charleston County School District, was charged with disturbing schools and adjudicated delinquent after an incident that started with her late arrival to gym class. When she arrived, her administrator followed her into the locker room and told her to go to the “tardy sweep” room. When she protested, the administrator called a School Resource Officer (“SRO”). The SRO physically restrained her and took her to the ground, causing bruises. She was charged with disturbing schools, adjudicated delinquent, and sentenced to probation. She was referred to GRASP through her probation officer. Before getting into trouble, K.B. was an A and B student. When K.B. returned to her home high school, she was placed in the Twilight program where she received limited education. As a result, K.B. had to find her own transportation to and from the Twilight program.
- C. D.D., an African-American high school student at Burke High School in Charleston, has struggled with poverty and has repeatedly experienced homelessness. She has been identified eligible for protection under the McKinney-Vento Act, 42 U.S.C. §§11431-11435. She was charged with

disturbing schools while attending Daniel Jenkins following an incident in which she had been sent out of class for talking. While she was seated on a bench outside of the classroom, another girl walked past her and began speaking to her. A School Resource Officer noticed her speaking to another student and she was detained, handcuffed, and charged with disturbing schools and placed on probation. After being released from Daniel Jenkins, she was placed in the Twilight program. As a result, D.D. had to find her own transportation to and from school. Because D.D.'s family struggles with homelessness, they moved several miles further from school. They did not have a car and navigating public transportation to get to school became more difficult. D.D. was subsequently detained for violating the terms of her probation after being picked up for truancy. She has remained in the Twilight program for over two years. She continues to attend school and struggles to obtain an education.

20. Girls Rock volunteers have also expended significant time and resources to attended court hearings with GRASP participants, including hearings stemming from an adjudication for disturbing schools. They frequently attend court with young people to advocate with them, because their own research on similar Alternatives to Incarceration program suggested that having community representatives can make a difference in the outcome of their court hearings. They present testimony to speak on their character and their progress in the program.



21. For example, Girls Rock volunteers went to court on two separate dates with a GRASP participant who was charged with violating her probation—issued following adjudication for disturbing schools— for truancy and for failing to attend GRASP. On the first court date, four Girls Rock volunteers including myself spent two hours there, but the case was adjourned to the following day. On that day, I returned and waited for approximately four hours; At the end of the four hours, I had to leave to meet with other students. Before I left, I was able to speak with her parole officer and vouch for her progress in GRASP. The student was not detained.

22. Girls Rock is a primarily volunteer run organization with limited resources. The significant time and resources that Girls Rock staff members and volunteers spend in mentoring and supporting young people who have been caught up in the justice system for charges of disturbing schools reduces from Girls Rock's ability to help other young people. In addition, time spent addressing ongoing court involvement and other collateral consequences of a disturbing schools adjudication compromises the positive mentorship activities that Girls Rock seeks to provide.

23. Time spent at court hearings would otherwise be spent developing programming and providing direct services to young people, including providing direct mentorship such as the organizing and skills transfer apprenticeship, providing music and arts education, and taking young people to arts events. It would also be spent attending to administrative business necessary to sustain the operations of the organization, such as writing grant proposals and conducting fundraising activities.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed August 1<sup>st</sup>, 2016

By: Micah Blaise Carpenter  
Micah Blaise Carpenter

THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION

KENNY, et al.  
  
Plaintiffs,  
  
v.  
  
WILSON, et al.  
  
Defendants.

Civil Action No.: -----

2:16-cv-2794-CWH

**DECLARATION OF D.S. IN SUPPORT OF PLAINTIFFS' MOTIONS FOR  
CLASS CERTIFICATION AND PRELIMINARY INJUNCTION**

I, D.S., submit this declaration in support of the Plaintiffs' motions for class certification and for a preliminary injunction:

1. I am a 17 year-old African American female. I reside with my grandmother in Charleston, South Carolina.
2. During the 2015-2016 school year, I attended Stall High School in the Charleston County School District. My grandmother and I recently moved and I plan to begin school at Summerville High School in Dorchester School District Two in August, 2016.
3. I was diagnosed with lead poisoning as a small child, which has impacted my developmental health and makes it more challenging for me to learn. I have had an Individualized Education Plan to assist me throughout my education.
4. After high school, I plan to attend college and become a nurse.
5. I was charged with Disturbing Schools, S.C. Code § 16-17-420, following an incident that happened at school. Because I was 17 years old at the time, I was charged as an adult.
6. On the morning of April 8, 2016, two girls approached me and my friend in the hallway. We started to argue with each other. One of the girls hit my friend,



starting a fight between them. The second girl hit me, starting a fight between us. Teachers broke up the fight shortly after that.

7. One of the girls hit me in the head with her cell phone, which left a lump on my head. The nurse examined me and gave me an ice pack. No one else needed to go to the nurse's office.
8. While I was in the nurse's office, a police officer came in and handed me a paper and said that I needed to write down a statement of my side of the story. I wrote down my statement.
9. After seeing the nurse, I was taken to the principal's office and my grandmother was called to take me home.
10. I received a Notice of Disciplinary Action (attached as Ex. A), issuing me a five day out-of-school suspension, and a citation charging me with Disturbing Schools (attached as Ex. B).
11. I did not understand why I was being charged with a crime and I was scared about what would happen.
12. My hearing occurred on May 5, 2016. At the hearing, I went to the front of the courtroom along with the other three students. No one had told me what would happen when I went to court, and the experience was confusing for me. I did not have a lawyer.
13. There was no solicitor in the courtroom, but the police officer was there. The judge asked the police officer what he recommended, and the officer recommended Pretrial Intervention. There was a lot going on that I did not understand. I do not remember whether I had to agree to do Pretrial Intervention.
14. My case was placed on deferred prosecution with the order that if I was unsuccessful in completing Pretrial Intervention, a sentence of \$400 or 20 days jail time would be imposed. Municipal Court Case History (attached as Ex. C); Motion to Reopen ¶ 3, (attached as Ex. D).
15. After the hearing, we were told to go to a window to pick up information about Pretrial Intervention. That was the first time that I learned there is a \$100 charge to apply for Pretrial Intervention. Later, I received a letter explaining more about Pretrial Intervention, which said that there is also a \$250 participation fee and that there could be other costs for things like drug screenings. Notice of Application Appointment (attached as Exhibit E).
16. My grandmother and I do not have very much money right now. We could not afford to pay the costs of Pretrial Intervention. I went to the Pretrial Intervention Office and filled out the application forms, although I was not able to pay the fee.

I received a Notice of Rejection from the Pretrial Intervention program for this reason. Pretrial Intervention Rejection Notice (attached as Ex. F).

17. I saw that my grandmother put a lot of time and effort into trying to figure out what to do in this situation. I was concerned about the stress it was causing her. We were both very worried about what might happen to me because I could not complete Pretrial Intervention.
18. I was getting very overwhelmed, I couldn't sleep at night and I was getting bad headaches. I did not even want to go to school because everything was so stressful.
19. Eventually, I was able to obtain a public defender. My public defender sought to have the case reopened and I had another hearing on July 7, 2016. At that hearing, my case was reopened and my guilty plea was withdrawn.
20. My case was later dismissed.
21. In order to enroll at my new high school, Summerville High School, I will need to show them records that my case was dismissed.
22. After my experience, I worry that teachers, police and other people at school will think of me as a troublemaker or a bad person.
23. I am afraid that I could be charged with a crime under the Disturbing Schools statute, S.C. Code § 16-17-420, or Disorderly Conduct, S.C. Code § 16-17-530, based on something that happens at school if a police officer or someone else at school considers it a crime.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed 8-5-2016, 2016

By: D.S.  
D.S.



# EXHIBIT A

## Notice of Disciplinary Action

April 11, 2016

R. B. Stall High School  
3625 Ashley Phosphate Road  
North Charleston, SC 29418

Dear Parent/Guardian,

Your daughter, [Redacted] DS, has received her 5th discipline referral for her behavior at school.

- *Date/Time:* April 8, 2016 at 8:25 AM
- *Location:* Hallway
- *Offense:* Disturbing School 560 - [Redacted] and [Redacted] DS were involved in a physical altercation with [Redacted] and [Redacted] in the upper D hallway.

According to students' statements, there was some conflict between the three females that started the day before in the cafeteria.

[Redacted] and [Redacted] are seen on camera in a verbal confrontation with [Redacted] DS in the upper D hallway before the start of the first bell. As the parties are engaged in a verbal back-and-forth; other students and teachers are seen on the hall. At first both parties appear separated from each other, but at one point, [Redacted] DS goes to approach one of the females and [Redacted] intervened by pulling [Redacted] DS away. [Redacted] then takes out her cellphone and calls someone. She is seen talking to on the phone on camera.

According to [Redacted]'s statement [Redacted] called a brother/male cousin to "come to the school to handle [Redacted]." The person on the phone threatens to come to the school and "shoot [Redacted] and the school up" over his cousin. [Redacted] reacts to what is said over the phone and confronts her. As he confronts one female as the other comes around and hits him. The two begin fighting. It takes multiple teachers to intervene to help break up the fight with all parties involved.

All students will be suspended and charged with disturbing school.

- *Action:* **Out-of-School Suspension**
- *Duration:* 5.0 days (04/08/16 All Day, 04/11/16 All Day, 04/12/16 All Day, 04/13/16 All Day, 04/14/16 All Day)

*All students will be suspended and charged with disturbing school.*

Please discuss this behavior with [Redacted] DS and follow through with any consequences you feel are appropriate.

If you have any questions, please contact the school at (843) 764-2200.

**Students who receive Suspension or Conditional Suspension must return to school with a parent/guardian for a readmit conference. Failure to report with a parent will be considered trespassing. Readmit Conferences are conducted AFTER 8:30am each morning.**

For offenses other than Suspension/Conditional Suspension, please sign below and return this letter to the school with your daughter tomorrow.

Thank you for your help and cooperation,

\_\_\_\_\_  
Mrs. Patricia Johnson, Administrative Assistant

R. B. Stall High School

\_\_\_\_\_  
Parent Signature and Date

# EXHIBIT B

Form S-438  
 Rev. 9/10

STATE OF SOUTH CAROLINA

UNIFORM TRAFFIC TICKET

CITY OR COUNTY OF North Charleston VERSUS  
 LAST NAME

FIRST NAME DS MIDDLE NAME DS STATE SC ZIP CODE 29406

STREET AND NO. 2300 City Hall Ln

STATE LICENSED DRIVER'S LICENSE NO. SC CDL  YES  NO CLASS B

VEH. LIC. NO. SC MAKE OF VEH. YEAR 2000 COMB. VEH.  AUTO  MOPED  OTHER

HAZ. MT.  MTRCYCL.  OTHER

YOU ARE SUMMONED TO APPEAR BEFORE THE TRIAL COURT

NAME OF TRIAL COURT Mecklenburg STREET AND NO. 2300 City Hall Ln STATE NC ZIP CODE 27406

DATE OF TRIAL 05 15 2016 TIME OF TRIAL 10:00 CITY Charlotte STATE NC ZIP CODE 29406

VIOLATION - COURT APPEARANCE REQUIRED YES  NO

OWNER OF VEHICLE Districting School VIOLATION SECTION NO. 16-17-420

DATE OF ARREST 04 28 2016

ADDRESS OF OWNER 04 28 2016

DATE OF VIOLATION 04 28 2016

BAIL DEPOSITED CS NAME OF ARRESTING OFFICER Sorrell RANK PT

DESCRIPTION OF ACCUSED CS COUNTY Ches NUMBER 10

RACE F HT. 54 WT. 184 EYES Bn TRUOP 4

DATE BAIL RECD. 05 15 2016 BADGE 180

BASE BEFORE  MAGISTRATE  MUN. COURT  FEDERAL COURT

COURT COURT  FAMILY COURT

NAME OF TRIAL COURT Mecklenburg TIME OF VIOLATION 04:25 WEATHER C

IF DEFERENT FROM ABOVE 04:25 DISTANCE IN FEET FROM INTERSECTION 325

DEFENDANT: DID NOT APPEAR  APPEARED

NOBLE PROSSED  DISPOSITION Chesapeake

FORFEITTED BOND  PLED: NOLO CONTENDERE

TRIAL BY: TRIAL JUDGE  JURY

VERDICT OF  GUILTY  DATE OF TRIAL IF ANY 0

TRIAL IF ANY:  NOT GUILTY  FINE 400 AMT. COLLECTED 20

JAIL  SUSPENS  AMT. SUSPENDED 0

COMMITTED TO: PTI Vehicle Searched  Arrest as Result of Collision

CERTIFIED CORRECT PTI DATE 05 15 2016

DOCKET NO. 2016010423

MILES 0 HWY NO. 0 CITY Ches

OFFENSE CODE 0 B.L. LEVEL 0

56359HA

DRIVER'S RECORD COPY

# EXHIBIT C



North Charleston Municipal Court

CASE HISTORY FOR CASE 56359HA

State v. [REDACTED] DS

FILED DATE: 04/12/2016

JUDGE:

STATUS: Deferred Prosec

CASE TYPE: CR

ARRESTING AGENCY: North Charleston Police Department

LAW ENFORCEMENT CASE #: 2016010423

CASE PARTIES:

Defendant [REDACTED] DS  
 Officer Swagel #180, James  
 Defendant Attorney Woosley, Cassandra

CASE HISTORY FOR CASE 56359HA

[REDACTED] DS Age: 17 DOB: 08/26/1998  
 [REDACTED] DL#: 104054276 SSN: 000-00-0000  
 Summerville, SC 29483 Total Paid: \$ 0.00 Balance Due: \$ 2,105.00

CHARGE	VIOL. DATE	DISPOSITION	DISP. DATE
16-17-420/Disturbing Schools 16-17-420	04/08/2016		

COST	AMOUNT	PAY PRIORITY
Charge: Disturbing Schools 16-17-420		
Assessment - City/County	\$118.55	5
Assessment - State	943.49	5
CJA Training Fund	5.00	3
Conviction Fee	25.00	4
Fine	987.96	5
Law Enforcement Surcharge	25.00	3
<b>Total:</b>	<b>\$2,105.00</b>	

DATE	TIME	EVENT DESCRIPTION
09/05/2016	9:30 am	Court event: Def Pros* Judge Name: [REDACTED] DS
06/03/2016	10:10 am	Note added
06/03/2016	9:30 am	neilsom recorded the following Case Action Note: PTI rejected - defendant reports inability to pay fees due to financial issues - eligible for 2nd referral - return to court [REDACTED] DS
05/17/2016	3:43 pm	Note added [REDACTED] DS carpentr recorded the following Case Action Note: 5/17/2016 Atty Woosley - Filing 5 & 6 Edwards Notice - Copy to Judge Revelise rc
05/09/2016	3:20 pm	Note added
05/09/2016	10:47 am	haskelld recorded the following Case Action Note: Deferred Prosecution (PTI)* - If the defendant is unsuccessful, a sentence of \$400 or 20 days is to be imposed per Judge Doughty. [REDACTED] DS
05/06/2016	2:40 pm	Note added
05/06/2016	10:47 am	carpentr recorded the following Case Action Note: 5/6/2016 Changed address rc
05/05/2016	10:47 am	Changed Case status from Active to Deferred Prosec
05/05/2016	10:47 am	Court event: Def Pros Judge Name:

CASE HISTORY FOR CASE 56359HA

---

		DS	
05/05/2016	10:00 am	Court event: SRO Court (Thurs) @ 10:00AM	Judge Name:
		DS	
		Completed Description: Deferred Prosecution	Completed date: 05/09/2016
04/12/2016	3:21 pm	Added Case status Active	

---



# EXHIBIT D

Copy

**MUNICIPAL JUDGES**

Samuel M. Coleman, Chief Judge  
Thad J. Doughty  
John L. Duffy, III

**COURT ADMINISTRATOR**

ANGELA E. CARTRETTE

*City of North Charleston*  
SOUTH CAROLINA  
MUNICIPAL COURT

2500 City Hall Lane  
P.O. Box 190016  
North Charleston, SC 29419-9026

Phone: (843) 740-2601  
Fax: (843) 745-1051

June 23, 2016

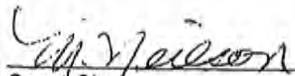
Cassandra Woosley, Esquire  
Public Defender's Office  
101 Meeting St., 5th Floor  
Charleston, SC 29401

RE: State vs. DS  
OCA#: 2016010423  
Ticket/Warrant #: 56359HA  
Charge(s): Disturbing Schools 16-17-420

To Whom It May Concern:

Please be advised that the Motion to Reopen Hearing requested in the above case has been scheduled for **July 7, 2016**, at **10:00 AM** in the North Charleston Municipal Court.

Thank you for your cooperation in this matter.

  
\_\_\_\_\_  
Court Clerk

Copy To: James Swagel #180

STATE OF SOUTH CAROLINA )  
COUNTY OF CHARLESTON )

) IN THE MUNICIPAL COURT FOR THE  
) CITY OF NORTH CHARLESTON

) Warrant No: 56359HA

) Charge: Disturbing Schools

) STATE OF SOUTH CAROLINA )

) vs. )

) **DS** )

) MOTION TO RE-OPEN

) Defendant )  
)

The Defendant, by and through her undersigned attorney, would move before this Honorable Court to re-open the case of State of South Carolina v. DS

The Defendant is charged with Disturbing Schools.

This motion is based on the following facts:

1. This case was initially placed on a deferred prosecution status on May 5, 2016 after the Defendant was informed that Pre-Trial Intervention was an option in order to solve her pending charge and she chose to pursue this avenue.
2. The Defendant accepted to participate in Pre-trial Intervention without the advice of an attorney. She was not fully aware of all the implications related to successfully completing Pre-Trial Intervention. As of the date of this motion, the Defendant is financially unable to participate in Pre-Trial Intervention.
3. The Defendant is facing a fine of \$400 or 20 days in jail if she does not complete Pre-Trial Intervention.

The undersigned attorney, with the consent and agreement of the Prosecution, respectfully requests the court to re-open this case, vacate any sentence it may have issued, and notify the attorney of the new court date and time.

Respectfully submitted,

*Cassandra L. Woosley*

Cassandra L. Woosley  
Attorney for the Defendant

Charleston, South Carolina  
May 18, 2016

I consent,

*Joseph Kaiser*

Joseph Kaiser  
Prosecutor

Set for hearing before any judge on officer Smagel's  
next court date

*Sm*

6/21/16

# EXHIBIT E



State of South Carolina



Charleston County  
101 Meeting Street, Suite 400  
Charleston, SC 29401  
Phone (843) 958-1900  
Fax (843) 958-1905

Berkeley County  
300-B California Avenue  
Moncks Corner, SC 29461  
Phone (843) 723-3800 ext. 4529  
Fax (843) 719-4588

SCARLETT A. WILSON  
Solicitor, Ninth Judicial Circuit

SOLICITORS DIVERSION SERVICES  
PRETRIAL INTERVENTION  
NOTICE OF APPLICATION APPOINTMENT

Resent  
FILE COPY

May 6, 2016

NAME: DS

ADDRESS: [REDACTED]

CITY/STATE/ZIP: Summerville, SC 29483

You have been recommended for enrollment in the PRETRIAL Intervention (PTI) Program, rather than be prosecuted for your recent arrest. PTI is a diversionary program under the Ninth Judicial Circuit Solicitor. The program itself costs \$350.00, which includes a \$100.00 "non-refundable" application fee and a \$250.00 participation fee. There may be outside referral fees and/or drug testing fees, if any individual case warrants it.

We take "walk-in" applications on Thursday, between the hours of 9:00am and 4:00pm.  
**YOU HAVE 10 DAYS FROM THE DATE OF THIS LETTER TO APPLY FOR PRETRIAL INTERVENTION OR YOUR FILE WILL BE SENT BACK TO COURT.**

**YOU MUST BRING A \$100.00 APPLICATION FEE (IN MONEY ORDER FORM), A PHOTO IDENTIFICATION, AND YOUR SOCIAL SECURITY CARD TO APPLY TO THE PROGRAM. PTI DOES NOT ACCEPT PERSONAL CHECKS OR CASH.**

We look forward to working with you.

Ninth Circuit Diversion Services  
Charleston PTI 843-958-1930 -Fax 843-958-1931  
101 Meeting Street, 2<sup>nd</sup> Floor, Suite 230  
Charleston, SC 29401

**DEADLINE TO APPLY: 5/19/2016**

**\*\* NO CHILDREN ALLOWED \*\***

THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION

KENNY, et al.

Plaintiffs,

v.

WILSON, et al.

Defendants.

Civil Action No.: -----

2:16-cv-2794-CWH

DECLARATION OF S.P. IN SUPPORT OF PLAINTIFFS' MOTIONS FOR  
CLASS CERTIFICATION AND PRELIMINARY INJUNCTION

I, S.P., submit this declaration in support of the Plaintiffs' motions for class certification and for a preliminary injunction:

1. I am a 15 year-old Caucasian female. I reside with my mother in Travelers Rest, South Carolina.
2. During the 2015-2016 school year, I was a freshman at Travelers Rest High School in the Greenville County School District. I plan to begin my sophomore year at Travelers Rest High School in August 2016.
3. I have been diagnosed with disruptive mood dysregulation disorder (DMDD) and unspecified disruptive, impulse control and conduct disorder. My disability causes me to

become irritable when I feel threatened or confronted. I have been treated by a therapist since about 2007.

4. I have requested special education services to address my disability and had a behavior intervention plan through my school last year. *See* S.P. Behavior Intervention Plan (Attached as Ex. A). My Behavior Intervention Plan lists two “safety people” who I can go and talk to if I get upset and need to leave the classroom to calm down.
5. I chose my assistant principal and my keyboarding teacher as my safety people. I chose my assistant principal because she listens to my story and finds ways to help calm me down. She does not assume I am wrong. Instead she points out what I did wrong and what others could have done better, too. I chose my keyboarding teacher because I have known her for many years and feel comfortable with her.
6. I was charged with disorderly conduct under S.C. Code § 16-17-0530 following an incident that occurred at my school on October 28, 2015.
7. On October 28, 2015, I had an ongoing conflict with a female classmate. The conflict started when she made fun of me when I could not find my pencil in class that morning and became upset. The girl mocked me and asked why I was so upset over a pencil.
8. The same girl was in my next class and she continued to make fun of me, calling me “fat” and “ugly” and saying that I sounded like a man. I was getting more upset because she continued to make fun of me.
9. Around lunchtime, I went to the library. The same girl was also in the library. I approached her and told her to stop talking about me. Then I sat down at another table with my friends.
10. I heard the librarian call and ask for an administrator come to the library. I did not know why she was calling for an administrator.
11. While I was sitting at the table, the principal came into the library and asked me to leave with him. I told the principal that I had not done anything wrong and that I did not want to talk to him.
12. The principal called for a School Resource Officer (SRO) to come to the library.
13. While I was talking to the principal, the girl who had been making fun of me throughout the day was laughing at me. I asked the principal why he was not doing anything about her.



14. He told me, "I could arrest you for not coming with me, so I have to address you."
15. I was upset that the principal was continuing to focus on me while the other girl was laughing at me and because they had not done anything to address her making fun of me earlier during the day.
16. Soon, the SRO arrived. He continued to ask me to go with him and to talk to him and the principal. I continued to tell him that I did not want to talk to them.
17. I was also getting more frustrated because the other girl was still laughing at me and I just wanted to be left alone.
18. I realized that they were not going to leave me alone and that I was going to get arrested, because that is what the principal had told me. I said to the SRO "are you going to put me in handcuffs or not, apparently I'm getting arrested."
19. The SRO replied that he had not said anything about an arrest. The assistant principal also said that I was not being arrested. The SRO said that I could be sent home. I replied that "I'd rather be home than in this hell." The SRO replied, "let's go take care of that."
20. At that point, I left the library with the SRO and the principal.
21. As I was leaving the library, I walked past the girl who had been teasing me and laughing at me. I said to her something like, "you think this is funny, huh?" She nodded her head yes. Then I said "fuck you" to her.
22. Several students in the library had started clapping as I was being lead out of the library. That made me upset, and I said something like "fuck all of you" to them.
23. The SRO and principal took me to the SRO's office. Then, I was sent to In-School-Suspension for the rest of the day.
24. I was suspended out-of-school for 4 days for "major disruption."
25. When I returned to school, I was placed on school probation. I was told that school probation meant that I could not get any referrals, could not be late, and could not be absent without an excuse.
26. On April 29, 2016, I received a letter from the Department of Juvenile Justice stating that I had been charged with Disorderly Conduct, S.C. Code § 16-17-0530. Department of

Juvenile Justice Notice of Intake (attached as Ex. C); S.P. Juvenile Petition (attached as Ex. D).

27. I was initially unable to obtain a public defender to represent me because my mother and I could not afford the \$40 application fee for a public defender before we were required to appear back in court. Eventually, I was able to secure a public defender.
28. After this experience, I am afraid that I could be charged with a crime like Disorderly Conduct or Disturbing Schools again at school if any of my actions or statements are considered to fall under the terms of those laws.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed Issa P. Downs 2016  
July 29, 2016

By: S.P.

S.P.



# EXHIBIT A

# Behavior Support Plan (BSP)

Date: 9/16/15 Name: [redacted] School: TRHS Grade: 9th

Participants at the Meeting: Dr. Merry, Ms. Baker, Ms. Hunt, [redacted], Ms. Rees, Ms. Parker,

Challenging Behavior: threatening, upset/ consequences, walk out of class, conflict w/ other students

### Interventions

2 "safety people" Ms. Bowser and Ms. Parker / Communicate need to leave the classroom

Outside counseling, medications (Zoloft, trazodone, Hydroxizine)

Who/When/Where (Name of person(s) responsible for each intervention and when and where the intervention will occur)

Who: Ms. Parker & Ms. Bowser

When: When [redacted] needs to calm down

Where: Ms. Bowser's class or Ms. Parker's office

Progress Monitoring (Indicate how student's performance will be monitored and how the intervention plan will be monitored)

keep track of how many times she utilized the plan, disciplinary records

### Positive Reinforcement of Desired Behavior:

- listening to music
- talking w/ adults

Date BSP Reviewed: 10-28-15

- Must implement BSP for a minimum of 6 weeks

### Outcome of BSP: (Check one)

- 1. Student's behavior has greatly improved- Continue plan & to fade out BSP, as Appropriate.
- 2. Student's behavior has shown some improvements- Make adjustments to BSP, and implement adjusted BSP.
- 3. Student's behavior has not improved or worsened - Recommend an evaluation through A-Team or initiate a reevaluation. FBA and BIP are conducted by psychologist as part of a comprehensive psycho-educational evaluation.

# EXHIBIT C



South Carolina  
DEPARTMENT OF  
JUVENILE JUSTICE  
Sylvia Murray, Interim Director

P.O. Box 21069  
Columbia, SC 29221-1069

www.state.sc.us/djj



Nikki R. Haley  
Governor  
State of South Carolina

## NOTICE OF INTAKE APPOINTMENT/INTERVIEW

April 29, 2016

[REDACTED]  
[REDACTED]  
[REDACTED]

RE: [REDACTED]

Dear [REDACTED]

The Department of Juvenile Justice (DJJ) has received a petition/complaint/referral charging your child, [REDACTED] with **Public Disorderly Conduct**. In order to assist you and your child with the court process, a county case manager will need to meet with you and your child on the date listed below. This meeting will also give you the opportunity to provide additional information to be considered should your child's case go to court.

A meeting has been scheduled for:

**Day and Date:** Monday, May 18, 2016

**Time:** 11:00 am

**Location:** Family Court Building;  
301 University Ridge, Suite 625  
Greenville, SC 29601

Please bring with you the following important documents regarding your child:

- Birth Certificate
- Immunization Record
- Social Security Card
- Medicaid Card or Private Insurance Card
- Identification Card with Photograph (i.e. driver's license, school identification card)

If you have any questions please call (864) 467-5888.

Por favor, comuníquese al 864-467-5878 si usted necesita que se le provea la asistencia de un traductor para la entrevista inicial.

Sincerely,

Jacinda Mattison, County Case Manager

Additional information/Comments: Please arrive 15 minutes early to fill out paperwork. Failure to arrive on time may result in a rescheduled appointment date and time.

# EXHIBIT D



STATE OF SOUTH CAROLINA )  
COUNTY OF GREENVILLE )  
A JUVENILE: )  
[REDACTED] )  
A Child Under Seventeen (17) Years of Age )  
[REDACTED] )  
[REDACTED] )  
DOB: [REDACTED] AGE: 15 )  
FILED CLERK OF COURT )  
GREENVILLE, S.C. )  
2016 APR -5 A 10: 47 )

IN THE FAMILY COURT  
THIRTEENTH JUDICIAL CIRCUIT  
JUVENILE PETITION FOR:  
**Disorderly Conduct**

2016 319

FAMILY COURT

W. Walter Wilkins, the Petitioner, having sufficient knowledge to believe that a case has arisen which invokes the juvenile jurisdiction of the Court alleges:

- 1. That the above named juvenile resides in or was found in GREENVILLE County.
- 2. That the names and addresses of the child's parent/guardian/custodian are as follows:

NAME:	RELATIONSHIP:	ADDRESS:
[REDACTED]	Guardian	SAME

- 3. The above named juvenile was a delinquent child, in that: [REDACTED] did in Greenville County on or about 2015-10-28 display inappropriate actions in public place or gathering in a disorderly and/or boisterous manner, to wit: **the juvenile was loud and used profanity when the administrator and school resource officer were trying to talk with her.** Such actions are in violation of §16-17-0530 of the South Carolina Code of Laws (1976) as amended.
- 4. The above named juvenile was less than seventeen (17) years of age when the above-mentioned acts occurred.

WHEREFORE, the petitioner prays that the Court determine whether these allegations are true and whether the juvenile is in need of the care, protection or discipline of the State.

W. Walter Wilkins, Solicitor

By: Acid  
PETITIONER

STATE OF SOUTH CAROLINA  
COUNTY OF GREENVILLE

Ashley Case, being duly sworn says that she is the Petitioner herein, and that she has read the foregoing petition and knows the contents therein, that same is true to her own knowledge, except such matters therein alleged upon information and belief, as to those matters, she believes them to be true.

A. V.  
PETITIONER

SWORN TO BEFORE ME THIS 4 APRIL 2016  
[Signature]  
NOTARY PUBLIC FOR SOUTH CAROLINA  
MY COMMISSION EXPIRES: 2/7/2023

NOTARY PUBLIC  
CAROLINA  
ATTORNEY AT LAW  
[REDACTED]

THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION

KENNY, et al.

Plaintiffs,

v.

WILSON, et al.

Defendants.

Civil Action No.: -----

2:16-cv-2794 -CWH

DECLARATION OF K.B. IN SUPPORT OF PLAINTIFFS' MOTIONS FOR  
CLASS CERTIFICATION AND PRELIMINARY INJUNCTION

I, K.B., submit this declaration in support of the Plaintiffs' motions for class certification and for a preliminary injunction:

1. I am a fifteen-year-old Latina female. I reside with my mother and sister in Charleston, South Carolina.
2. During the 2015-2016 school year, I attended R.B. Stall High School, in the Charleston County School District for 9<sup>th</sup> grade. Next year I may be moving to Texas with my family and will enroll in school there.
3. I was arrested and charged with Disturbing Schools following an incident that occurred at school when I was fourteen years old.

4. On September 25, 2015, I was on my way to gym class, walking in just as the bell rang.
5. My gym teacher told me that I could not enter class because I was late and I would instead have to go to Tardy Sweep and obtain a tardy slip.
6. Everyone else was still changing for class and I wanted to get dressed for class so I went into the locker room.
7. The teacher called for an administrator and they both followed me into the locker room.
8. They continued to tell me that I had to leave and go to tardy sweep. I continued to argue that I should be allowed to stay and dress for class. Finally, I agreed to go with them to the tardy sweep room.
9. I was frustrated by the situation, which did not seem fair and did not make sense to me. I continued to argue that I should not have to go to tardy sweep.
10. The administrator called for two School Resource Officers to escort me to tardy sweep.
11. I became frustrated and in an effort to cool down, I asked if I could go speak to my mentor, who is supposed to help me when I feel distressed. I was not allowed to go to see my mentor.
12. The SROs grabbed me and slammed me to the ground, leaving bruises. I felt frightened and confused about what was happening.
13. I was then placed in handcuffs and escorted to the SRO office. At the SRO office, I was read my rights and searched.
14. They told me that I would go to jail that day if my mom could not get there to take me home. My mom had to leave work to come and get me. I was scared about going to jail, but eventually my mom was able to come and get me.
15. When my mother arrived we were told I was being charged with Disturbing Schools and would have to go to court and that I was being suspended from school.
16. I was adjudicated delinquent and placed on probation. My probation officer referred me to Girls Rock.



17. In middle school, I had taken honors classes and was an A and B student. After my arrest, I returned to school and I was placed in the Twilight program.
18. Twilight lasted for about three hours. It did not start or end at the same times that regular school started and ended. I was not allowed to remain at school after the Twilight program ended or I would be charged with trespassing.
19. Before I entered the Twilight program, I took the school bus to and from school each day. Because of the irregular hours of the Twilight program, my mother had to drive me to school each day and I had to take the public bus home when the program ended. Bus fare cost \$2. The costs of taking the bus and having my mother drive me to school were a financial burden for our family.
20. All of my work in Twilight was completed on the computer.
21. In the Twilight program, I took only one course, math.
22. You have to earn your way out of the Twilight program. I was told that I would be allowed to return to my regular courses in the next school year, 2016–2017. However, I will be behind on the courses I need to graduate and will have to take classes I missed to get back on track.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed July 29, 2016

By: 

K.B.

THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION

KENNY, et al.

Plaintiffs,

v.

WILSON, et al.

Defendants.

Civil Action No.: ----

2:16-cv-2794-CWH

DECLARATION OF MEGAN FRENCH MARCELIN IN SUPPORT OF  
PLAINTIFFS' MOTIONS FOR CLASS CERTIFICATION AND PRELIMINARY  
INJUNCTION

I, Megan French Marcelin, submit this declaration in support of the Plaintiffs' motions for class certification and for a preliminary injunction:

1. I am the Policy and Research Manager for the American Civil Liberties Union and an American Council of Learned Societies Mellon Public Fellow. In my role, I support research within the ACLU's Racial Justice Program and Center for Justice. I have worked for the ACLU since September 1, 2016.
2. I have a PhD in U.S. History from Columbia University. In the year prior to joining the ACLU, I taught at Barnard College in Urban Studies. I trained students in research methods, as well as ethics in research. I also taught a course on social and economic disparities in New York City.
3. I prepared an analysis of records received by the ACLU through a South Carolina Freedom of Information Act, S.C. Code § 30-4-30, to the South Carolina Department of Juvenile Justice.
4. In response to the request, the South Carolina Department of Juvenile Justice (DJJ) provided the ACLU with a PDF with data representing all instances in which a juvenile was referred to the Department of Juvenile Justice for the charge of Disturbing Schools,



S.C. Code § 16-17-420, from October 8, 2010 through March 9, 2016. The received PDF contains the following data points: a) referral date; b) county; c) student age; d) student race; e) DJJ presumption; f) Solicitor decision; g) judicial outcome; f) whether the student required a behavioral or mental health evaluation; and h) whether a charge was amended and the outcome of that amendment.

5. In reviewing the data, I was intentional in my focus on three things: 1) the overall use of the disturbing schools law to charge students statewide and by county; 2) the outcome of cases; and 3) the racial disparities present in the use of referrals for disturbing schools violations.
6. To conduct a thorough analysis, the data was converted from a PDF into an Excel Spreadsheet, systematized by the headings as given by the DJJ. Data was then broken down by school year, based on a survey of county academic school calendars. Referrals that occurred during the summer months were included in the previous school year to keep data consistent.
7. In the DJJ data, race was described in the following categories: Black, White, Hispanic, Asian and "Other." Due to the proportionately small number of students that were classified as Hispanic, Asian, or "Other," I excluded those students from my analysis. I calculated racial disparities between Black and White students.
8. The dataset included several different diversion programs across and within counties. To keep a consistent frame of analysis across geography, I classified all Solicitor Decisions that included the word "diversion" under the heading "diversion." Finally, to ensure the same consistency with dismissals, I grouped dismissed, dismiss/nolle prossed, and nolle prossed under the heading of "dismissed."
9. The 180-day headcount supplied each year by the South Carolina Department of Education provides the most accurate statewide data on public school student population and includes the demography of each county with respect to gender, free or reduced lunch status, and race. This data can be found on the South Carolina Department of Education's website (<http://ed.sc.gov/data/other/student-counts/active-student-headcounts/>). I excluded data from the 2010-2011 and 2011-2012 school years because I was unable to find accurate 180-day headcounts for students attending South Carolina public schools for those particular years. Therefore, in the data attached, the tables begin with data from the 2012-2013 school year (SY). With respect to the analysis, I pulled data from the "Active Student Headcounts, 180 days" solely on race, statewide and county-by-county.

10. In Table I, attached as Exhibit A, I calculated the percentage of black and white students referred for disturbing schools violations by dividing the number of black/white students referred by the total number of black/white students in the South Carolina school system. Percentages were calculated to the nearest first decimal, except in cases when it would change the integer number.
11. In Table II, Ex. A, I included the rate of racial disparity found statewide in each year for which we had complete data and corresponding head counts. The rate of racial disparity in this case refers to the number of times more likely a black student is to be referred under the disturbing schools statute than a white student. This calculation requires two equations. The first is to divide the number of black students referred by the total number of black students in the school district (or the state's public schools, if calculating a statewide rate of racial disparity) and the same for white students (number of white students referred by white student population of county or state). This calculation gives you the number at which black/white students are referred (if you were to use this, you would multiply by 1000 with the end result being X out of every 1000 students is subject to referral for disturbing schools).
12. To pinpoint the disparity, this calculation is done for black students and white students, with those two rates being then divided. An illustration of this calculation is as follows:

$$\frac{\text{\# of black students referred in county or state}}{\text{black student population in county or state}}$$

is divided by

$$\frac{\text{\# of white students referred in county or state}}{\text{white student population in county or state}}$$

= Rate of Disparity

This calculation results in the rate of racial disparity between black and white student referrals.

13. In the county tables, Ex. A.V, this same method was repeated to calculate the rate of racial disparity in particular counties. These tables also included the number of students diverted, prosecuted, and dismissed by the Solicitor's office. These numbers were calculated by isolating SY and County data on disturbing schools referrals and then computing sums for each variable (Dismissed, Diverted, Prosecuted). The percentages reference the total number of students referred each year and thus can reveal patterns in how cases are handled.
14. Table III, Ex. A, summarizes data from 2010-2016 on the age of students arrested who were under 12. The age of 12 was chosen as a cut-off point because twelve year-olds are



most likely to be in the elementary grades six and below, and reflect the youngest cohort of students.


15. From the beginning of SY 2010 through March 9, 2016, 9,555 students have been referred for Disturbing Schools.
16. Students ages twelve and younger make up over 12% of disturbing schools referrals. The youngest students referred for Disturbing Schools were seven years old.
17. According to the statewide DJJ data, referrals for disturbing schools increased from 1,644 in SY 2012-13 to 1,752 in SY 2014-15, as shown in Table II. While in some counties, there appears to be a downward trend in such referrals (e.g. Greenville, and Spartanburg), in others, referrals are increasing (e.g., Berkeley County, Charleston County, Lexington County, and Saluda County).
18. With the data available for the 2015-16 school year, estimates suggest that this trend in rising disturbing school referrals would continue. As of March 9, 2016, 1,219 students had been referred under the disturbing schools law. Based on the trends in SY 2014-15, it can be conservatively estimated that by the end of the 2015-16 summer, the total arrests for that year would be at least 1,874.
19. Alongside the increase in total disturbing schools referrals statewide, the rate of racial disparity has increased as well. *See* Table II. In SY 2012-13, the rate of racial disparity between black and white student referrals for disturbing schools was 3.53. In SY 2014-15, black students were 3.93 times more likely to be referred than white students statewide. This reflects an increase in referrals of black students (from 1,129 to 1,219) at roughly the same rate that referrals of white students decreased (from 451 to 439).
20. The data reflect that all South Carolina counties apart from Chester County referred students for Disturbing Schools between 2010 and 2016.
21. Rates of referral for Disturbing Schools vary widely across counties. The highest rate of referral can be seen in McCormick County, in which there were 16.22 referrals for every 1,000 students. The lowest rate of referral in SY 2014-15 is seen in Fairfield County where no referrals were made.
22. In some counties, the numbers of referrals for Disturbing Schools also varied substantially from year to year. For example, Berkeley referrals increased by 97 from SY 2013-2014 to SY 2014-2015, a 53.7% increase. In contrast, in Greenville, referrals dropped by 89 from SY 2013-2014 to SY 2014-2015, a 57.8% decrease. In Sumter, referrals of black students

vacillated from 49 to 85 to 59 between SY 2012-2013 and 2014-2015, while white student referrals went from 22 to 7 and remained at 7.

23. The mean rate of racial disparity across counties in SY 2012-13 through SY 2014-15 is 3.89. Much larger racial disparities were seen in some counties. For example, in Charleston in 2014-2015, Black students were more than six times as likely as white students to be referred.
24. Substantial racial disparities were found across counties that were more and less racially homogeneous. In Greenville, in SY 2014-2015, the student population was 65% white and 35% black, and black students were referred at just over 3.7 times the rate of white students. Likewise, in Beaufort, in SY 2014-2015, the student population was 70% white and 30% black, and black students were nearly five times as likely to be referred for disturbing schools. In Colleton, a small district where black students comprise just over 50% of the student body, they were 13.12 times more likely to be referred. In Sumter, where the black student population is nearly twice that of the white student population, black students were 4.22 times more likely to be referred than their white counterparts.
25. The data also reveals differences in case dispositions across counties. For example, in Beaufort County, where both total referrals (86) and the rate of racial disparity (4.87) were relatively high, over 50% (53.5%) of cases were dismissed by the Solicitor's office in SY 2014-15. See Ex. A.V.B. In the same year, fewer than 10% of cases were prosecuted in Beaufort. Two counties that encompass a major metropolis, Charleston and Richland, also had high total referrals and high rates of racial disparity. In these counties, dismissal rates were just 9.2% and 19.4% respectively for SY 2014-15. Prosecution rates averaged 30.9% and 29.8% in Charleston and Richland, respectively, between SY 2012-13 and SY 2014-2015.
26. The Department of Juvenile Justice recommended diversion in 83% of all Disturbing Schools referrals from SY 2010-2011 through March 2016. There were no instances in which DJJ recommended dismissal. Of the 7,935 cases DJJ recommended for diversion, Solicitors prosecuted 1,564 cases, or 20%.
27. A number of students were committed to juvenile detention centers following a referral for disturbing schools. Several students were also placed on probation following a referral.
28. A county-by-county breakdown of the data analysis is attached to this declaration as Exhibit A.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed 8/4, 2016

By:   
*Megan French Marcelin*



**Exhibit A:**

**South Carolina Department of Juvenile Justice Disturbing Schools Data**

**Table I: Multi-year data\* by race and percentage\*\***

<b>SY</b>	<b>Total</b>	<b>Black</b>	<b>White</b>	<b>% Black</b>	<b>%White</b>
2012-2016*	6253	4393	1632	70.2%	26.1%

\*Only reports until March 9, 2016. School Year (SY) is measured from first day of academic calendar through the end of the summer break.

\*\*Percentages rounded to closest 1<sup>st</sup> decimal;.5 is rounded up. Percentages will not add up to 100% because they do not include other racial classifications. In other places, percentages do not add up to 100% because of missing data or classifications that are not counted, such as "charge amended" where outcome is missing.

Note: Where academic calendars were available, the specific county start date was used. Where they were not, August 18<sup>th</sup> was used as the start date. In Table II, which spans counties, August 18<sup>th</sup> is used as a start date each year.

**Table II: Multi-year data by race and rate of racial disparity (RRD)**

<b>Year</b>	<b>Total</b>	<b>Black</b>	<b>White</b>	<b>Rate of Racial Disparity</b>
2012-13	1644	1129	451	3.53
2013-14	1639	1157	425	3.81
2014-15	1752	1243	439	3.93
2015-16*	1219	864	317	N/A

\*Only reports until March 9, 2016

**Table III: Referrals of Students under 12\***

<b>Age</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>11</b>	<b>12</b>	<b>12 and Under</b>
Students	2	2	17	22	253	890	1186

\*Data represents SY 2010 – March 9, 2016

Table IV: Top Five Counties with Highest Rate of Referral

County	Rate of Referral
McCormick	16.22
Newberry	10.24
Berkeley	7.84
Charleston	6.22
Greenwood	5.91

V: County Tables

A. Race Disparity and Enrollment

Abbeville

Year	Black Enrollment	Black Arrests	White Enrollment	White Arrests	RRD
2012-13	1,165	16	1,902	7	3.73
2013-14	1,160	3	1,876	1	4.85
2014-15	1,088	1	1,895	3	0.58

Aiken

Year	Black Enrollment	Black Arrests	White Enrollment	White Arrests	RRD
2012-13	8,657	14	13,441	5	4.35
2013-14	8,757	4	13,260	5	1.21
2014-15	8,843	7	13,088	1	10.3

Allendale

Year	Black Enrollment	Black Arrests	White Enrollment	White Arrests	RRD
2012-13	1,248	7	33	0	N/A
2013-14	1,250	4	31	0	N/A
2014-15	1,230	6	31	0	N/A

Anderson

Year	Black Enrollment	Black Arrests	White Enrollment	White Arrests	RRD
2012-13	6,992	19	22,100	19	3.16
2013-14	7,069	25	22,154	38	2.06
2014-15	7,217	13	22,245	37	1.08

**Bamberg**

Year	Black Enrollment	Black Arrests	White Enrollment	White Arrests	RRD
2012-13	1,543	0	606	0	N/A
2013-14	1,474	0	601	0	N/A
2014-15	3,017	1	1,207	0	N/A

**Barnwell**

Year	Black Enrollment	Black Arrests	White Enrollment	White Arrests	RRD
2012-13	2,312	2	1,654	0	N/A
2013-14	2,273	1	1,655	0	N/A
2014-15	4,585	1	3,309	1	0.72

**Beaufort**

Year	Black Enrollment	Black Arrests	White Enrollment	White Arrests	RRD
2012-13	6,622	64	8,869	22	3.89
2013-14	6,652	50	8,816	15	4.41
2014-15	6,742	60	8,757	16	4.87

**Berkeley**

Year	Black Enrollment	Black Arrests	White Enrollment	White Arrests	RRD
2012-13	10,576	95	16,348	58	2.53
2013-14	10,825	105	16,675	44	3.68
2014-15	11,041	171	16,879	74	3.53

**Calhoun**

Year	Black Enrollment	Black Arrests	White Enrollment	White Arrests	RRD
2012-13	1,067	9	522	0	N/A
2013-14	1,093	0	537	0	N/A
2014-15	1,065	6	582	1	3.28

**Charleston**

Year	Black Enrollment	Black Arrests	White Enrollment	White Arrests	RRD
2012-13	19,865	171	20,199	31	5.61
2013-14	19,948	189	20,889	34	5.82
2014-15	19,920	245	21,725	41	6.52

**Cherokee**

Year	Black Enrollment	Black Arrests	White Enrollment	White Arrests	RRD
2012-13	2,429	5	5,942	2	6.11
2013-14	2,423	5	5,928	6	2.04
2014-15	2,405	10	5,879	3	8.15

**Chesterfield**

Year	Black Enrollment	Black Arrests	White Enrollment	White Arrests	RRD
2012-13	3,030	0	3,928	1	N/A
2013-14	2,953	0	3,863	0	N/A
2014-15	2,945	7	3,747	1	8.91

**Clarendon**

Year	Black Enrollment	Black Arrests	White Enrollment	White Arrests	RRD
2012-13	3,089	13	1,705	0	N/A
2013-14	3,043	8	1,675	0	N/A
2014-15	3,060	6	1,631	0	N/A

**Colleton**

Year	Black Enrollment	Black Arrests	White Enrollment	White Arrests	RRD
2012-13	3,036	15	2,656	1	13.12
2013-14	2,977	18	2,669	3	5.38
2014-15	2,944	12	2,566	3	3.49



**Darlington**

Year	Black Enrollment	Black Arrests	White Enrollment	White Arrests	RRD
2012-13	5,576	1	4,293	0	N/A
2013-14	5,657	3	4,318	1	2.29
2014-15	5,651	5	4,284	4	0.95

**Dillon**

Year	Black Enrollment	Black Arrests	White Enrollment	White Arrests	RRD
2012-13	3,279	48	2,087	5	6.11
2013-14	3,275	36	2,179	8	2.99
2014-15	3,236	15	2,221	8	1.29

**Dorchester**

Year	Black Enrollment	Black Arrests	White Enrollment	White Arrests	RRD
2012-13	7,745	34	13,607	5	12
2013-14	9,331	36	14,627	13	4.34
2014-15	9,609	28	14,835	9	4.8

**Edgefield**

Year	Black Enrollment	Black Arrests	White Enrollment	White Arrests	RRD
2012-13	1,621	17	1,665	7	2.5
2013-14	1,586	9	1,612	0	N/A
2014-15	1,562	6	1,675	1	6.43

**Fairfield**

Year	Black Enrollment	Black Arrests	White Enrollment	White Arrests	RRD
2012-13	2,557	0	329	1	N/A
2013-14	2,539	0	345	0	N/A
2014-15	2,491	0	329	0	N/A

**Florence**

Year	Black Enrollment	Black Arrests	White Enrollment	White Arrests	RRD
2012-13	12,296	9	9,468	1	6.93
2013-14	12,451	5	9,496	0	N/A
2014-15	12,836	4	9,300	0	N/A

**Georgetown**

Year	Black Enrollment	Black Arrests	White Enrollment	White Arrests	RRD
2012-13	4,265	6	4,829	7	0.97
2013-14	4,315	4	4,786	2	2.22
2014-15	4,308	16	4,801	8	2.23

**Greenville**

Year	Black Enrollment	Black Arrests	White Enrollment	White Arrests	RRD
2012-13	18,875	185	42,384	107	3.88
2013-14	19,173	139	42,228	80	3.83
2014-15	19,455	89	42,159	52	3.71

**Greenwood**

Year	Black Enrollment	Black Arrests	White Enrollment	White Arrests	RRD
2012-13	4,217	28	6,088	12	3.37
2013-14	4,300	45	5,972	20	3.13
2014-15	4,386	52	5,782	13	5.27

**Hampton**

Year	Black Enrollment	Black Arrests	White Enrollment	White Arrests	RRD
2012-13	2,241	0	1,085	0	N/A
2013-14	2,160	1	1,063	0	N/A
2014-15	2,089	6	1,066	0	N/A

Horry

Year	Black Enrollment	Black Arrests	White Enrollment	White Arrests	RRD
2012-13	9,501	27	25,664	18	4.05
2013-14	9,684	25	26,235	17	2.87
2014-15	9,893	32	26,666	28	2.79

Jasper

Year	Black Enrollment	Black Arrests	White Enrollment	White Arrests	RRD
2012-13	1,839	4	346	0	N/A
2013-14	1,730	7	328	3	0.44
2014-15	1,746	2	363	0	N/A

Kershaw

Year	Black Enrollment	Black Arrests	White Enrollment	White Arrests	RRD
2012-13	3,066	2	6,680	1	4.36
2013-14	3,119	3	6,667	2	3.21
2014-15	3,218	9	6,589	3	6.14

Lancaster

Year	Black Enrollment	Black Arrests	White Enrollment	White Arrests	RRD
2012-13	3,551	0	7,172	0	N/A
2013-14	3,617	0	7,268	0	N/A
2014-15	3,702	3	7,397	3	2

Laurens

Year	Black Enrollment	Black Arrests	White Enrollment	White Arrests	RRD
2012-13	3,027	2	5,097	3	1.12
2013-14	3,111	1	5,163	2	0.83
2014-15	3,181	17	5,053	5	5.4



**Lee**

Year	Black Enrollment	Black Arrests	White Enrollment	White Arrests	RRD
2012-13	2,036	1	157	1	0.08
2013-14	2,068	15	149	0	N/A
2014-15	1,988	9	108	0	N/A

**Lexington<sup>#</sup>**

Year	Black Enrollment	Black Arrests	White Enrollment	White Arrests	RRD
2012-13	12,486	13	36,368	9	4.21
2013-14	12,806	19	36,405	10	5.4
2014-15	13,019	22	36,289	9	6.81

# Lexington-Richland School District 5 spans both Lexington and Richland Counties. Within South Carolina Department of Education data, the District is listed as "Lexington District 5; therefore, the enrollment for Lexington-Richland School District 5 is included in the calculations for Lexington County. This means that the student population covered by Lexington County law enforcement agencies is likely slightly smaller than recorded in these tables, while the student population covered by Richland County law enforcement agencies is likely slightly larger.

**Marion**

Year	Black Enrollment	Black Arrests	White Enrollment	White Arrests	RRD
2012-13	3,812	4	1,119	2	0.59
2013-14	3,787	34	1,063	1	9.54
2014-15	3,699	20	1,000	2	2.7

**Marlboro**

Year	Black Enrollment	Black Arrests	White Enrollment	White Arrests	RRD
2012-13	2,590	1	1,292	0	N/A
2013-14	2,612	2	1,259	1	0.96
2014-15	2,616	3	1,239	0	N/A

**McCormick**

Year	Black Enrollment	Black Arrests	White Enrollment	White Arrests	RRD
2012-13	666	3	153	0	N/A
2013-14	665	2	164	0	N/A
2014-15	646	11	150	2	1.28



**Newberry**

Year	Black Enrollment	Black Arrests	White Enrollment	White Arrests	RRD
2012-13	2,272	23	2,809	5	5.69
2013-14	2,307	27	2,835	4	8.3
2014-15	2,311	49	2,820	9	6.64

**Oconee**

Year	Black Enrollment	Black Arrests	White Enrollment	White Arrests	RRD
2012-13	1,309	4	8,115	3	8.27
2013-14	1,339	0	8,004	0	N/A
2014-15	1,313	1	7,980	4	1.52

**Orangeburg**

Year	Black Enrollment	Black Arrests	White Enrollment	White Arrests	RRD
2012-13	10,534	21	2,739	2	2.73
2013-14	10,486	33	2,693	4	2.12
2014-15	10,373	32	2,710	5	1.67

**Pickens**

Year	Black Enrollment	Black Arrests	White Enrollment	White Arrests	RRD
2012-13	1,650	26	13,585	41	5.22
2013-14	1,693	21	13,569	50	3.37
2014-15	1,751	20	13,327	35	4.35

**Richland**

Year	Black Enrollment	Black Arrests	White Enrollment	White Arrests	RRD
2012-13	34,318	142	11,817	10	4.89
2013-14	34,789	123	11,600	11	3.73
2014-15	35,203	118	11,398	8	4.78

**Saluda**

Year	Black Enrollment	Black Arrests	White Enrollment	White Arrests	RRD
2012-13	671	7	889	4	2.32
2013-14	643	3	854	1	3.98
2014-15	620	7	844	2	4.77

**Spartanburg**

Year	Black Enrollment	Black Arrests	White Enrollment	White Arrests	RRD
2012-13	12,160	13	28,581	6	5.09
2013-14	12,216	17	28,406	12	3.29
2014-15	12,316	6	28,127	6	2.28

**Sumter**

Year	Black Enrollment	Black Arrests	White Enrollment	White Arrests	RRD
2012-13	10,443	50	5,226	21	1.19
2013-14	10,439	85	5,248	6	7.12
2014-15	10,598	59	5,311	7	4.22

**Union**

Year	Black Enrollment	Black Arrests	White Enrollment	White Arrests	RRD
2012-13	1,636	0	2,339	2	N/A
2013-14	1,689	2	2,392	2	1.42
2014-15	1,726	2	2,318	0	N/A

**Williamsburg**

Year	Black Enrollment	Black Arrests	White Enrollment	White Arrests	RRD
2012-13	4,238	5	284	0	N/A
2013-14	4,033	10	297	0	N/A
2014-15	4,110	8	284	0	N/A

York

Year	Black Enrollment	Black Arrests	White Enrollment	White Arrests	RRD
2012-13	9,914	22	26,473	31	1.9
2013-14	1,0325	40	26,774	29	3.58
2014-15	1,0723	45	26,916	34	3.32

**B. Arrest Outcomes**

Note: Percentages do not always add up to 100% because tables exclude "charges amended," "rule to show cause," and other classifications other than dismissal, diversion, or prosecution.

**Abbeville**

Year	Total Arrests	Dismissed	Diverted	Prosecuted
2012-13	23	6 (26.1%)	13 (56.5%)	4 (17.4%)
2013-14	4	2 (50%)	0	2 (50%)
2014-15	4	1 (25%)	2 (50%)	1 (25%)

**Aiken**

Year	Total Arrests	Dismissed	Diverted	Prosecuted
2012-13	20	6 (30%)	11 (55%)	3 (15%)
2013-14	9	3 (33.33%)	6 (66.66%)	0
2014-15	8	1 (12.5%)	6 (75%)	1 (12.5%)

**Allendale**

Year	Total Arrests	Dismissed	Diverted	Prosecuted
2012-13	7	6 (85.7%)	0	1 (14.3%)
2013-14	4	1 (25%)	0	2 (50%)
2014-15	6	6 (100%)	0	0

**Anderson**

Year	Total Arrests	Dismissed	Diverted	Prosecuted
2012-13	39	26 (66.7%)	0	13 (33.3%)
2013-14	69	41 (59.4%)	16 (23.2%)	12 (17.4%)
2014-15	53	30 (56.6%)	12 (22.6%)	10 (18.9%)

**Bamberg**

Year	Total Arrests	Dismissed	Diverted	Prosecuted
2012-13	0	0	0	0
2013-14	0	0	0	0
2014-15	1	0	1 (100%)	0



**Barnwell**

Year	Total Arrests	Dismissed	Diverted	Prosecuted
2012-13	2	2 (100%)	0	0
2013-14	1	1 (100%)	0	0
2014-15	2	1 (50%)	0	0

**Beaufort**

Year	Total Arrests	Dismissed	Diverted	Prosecuted
2012-13	87	42 (48.3%)	35 (40.2%)	10 (11.5%)
2013-14	69	32 (46.4%)	28 (40.6%)	8 (11.6%)
2014-15	86	46 (53.5%)	32 (37.2%)	8 (9.3%)

**Berkeley**

Year	Total Arrests	Dismissed	Diverted	Prosecuted
2012-13	163	30 (18.4%)	102 (62.6%)	31 (19.0%)
2013-14	155	30 (19.4%)	80 (51.6%)	32 (20.7%)
2014-15	252	26 (10.3%)	139 (55.2%)	78 (30.9%)

**Calhoun**

Year	Total Arrests	Dismissed	Diverted	Prosecuted
2012-13	9	5 (55.6%)	3 (33.3%)	1 (11.1%)
2013-14	0	0	0	0
2014-15	7	2 (28.6%)	3 (42.9%)	1 (14.3%)

**Charleston**

Year	Total Arrests	Dismissed	Diverted	Prosecuted
2012-13	204	16 (7.8%)	120 (58.8%)	59 (28.9%)
2013-14	225	24 (10.7%)	126 (56.0%)	71 (31.6%)
2014-15	290	27 (9.3%)	159 (54.8%)	93 (32.1%)

**Cherokee**

Year	Total Arrests	Dismissed	Diverted	Prosecuted
2012-13	7	4 (57.1%)	3 (42.9%)	0
2013-14	11	2 (18.2%)	5 (45.5%)	4 (36.4%)
2014-15	14	1 (7.1%)	8 (57.1%)	3 (21.4%)

**Chesterfield**

Year	Total Arrests	Dismissed	Diverted	Prosecuted
2012-13	1	1 (100%)	0	0
2013-14	0	0	0	0
2014-15	9	7 (77.8%)	2 (22.2%)	0

**Clarendon**

Year	Total Arrests	Dismissed	Diverted	Prosecuted
2012-13	13	3 (23.1%)	9 (69.2%)	1 (7.7%)
2013-14	8	1 (12.5%)	6 (75%)	0
2014-15	7	3 (42.9%)	4 (57.1%)	0

**Colleton**

Year	Total Arrests	Dismissed	Diverted	Prosecuted
2012-13	16	3 (18.8%)	12 (75%)	1 (6.3%)
2013-14	21	8 (38.1%)	7 (33.3%)	5 (23.8%)
2014-15	17	6 (35.3%)	4 (23.5%)	2 (11.8%)

**Darlington**

Year	Total Arrests	Dismissed	Diverted	Prosecuted
2012-13	2	2 (100%)	0	0
2013-14	4	1 (25%)	1 (25%)	2 (50%)
2014-15	10	8 (80%)	1 (10%)	1 (10%)

**Dillon**

Year	Total Arrests	Dismissed	Diverted	Prosecuted
2012-13	55	19 (34.6%)	24 (43.6%)	11 (20%)
2013-14	47	17 (36.2%)	3 (6.4%)	26 (55.3%)
2014-15	24	17 (70.8%)	2 (8.3%)	5 (20.8%)

**Dorchester**

Year	Total Arrests	Dismissed	Diverted	Prosecuted
2012-13	39	14 (35.9%)	14 (35.9%)	7 (17.9%)
2013-14	49	19 (38.8%)	5 (10.2%)	7 (14.3%)
2014-15	38	13 (34.2%)	6 (15.8%)	8 (21.1%)

**Edgefield**

Year	Total Arrests	Dismissed	Diverted	Prosecuted
2012-13	24	3 (12.5%)	12 (50%)	7 (29.2%)
2013-14	9	0	4 (44.4%)	5 (55.6%)
2014-15	7		6 (85.7%)	1 (14.3%)

**Fairfield**

Year	Total Arrests	Dismissed	Diverted	Prosecuted
2012-13	1	0	0	1 (100%)
2013-14	0	0	0	0
2014-15	0	0	0	0

**Florence**

Year	Total Arrests	Dismissed	Diverted	Prosecuted
2012-13	10	4 (40%)	5 (50%)	0
2013-14	5	3 (60%)	2 (40%)	0
2014-15	4	4 (100%)	0	0

**Georgetown**

Year	Total Arrests	Dismissed	Diverted	Prosecuted
2012-13	13	4	3	6
2013-14	6	3 (50%)	1 (16.7%)	2 (33.3%)
2014-15	24	17 (70.8%)	3 (12.5%)	5 (20.8%)

**Greenville**

Year	Total Arrests	Dismissed	Diverted	Prosecuted
2012-13	313	105 (33.5%)	142 (45.4%)	65 (20.8%)
2013-14	243	70 (28.8%)	124 (51.0%)	47 (19.3%)
2014-15	154	38 (24.7%)	98 (63.6%)	12 (7.8%)

**Greenwood**

Year	Total Arrests	Dismissed	Diverted	Prosecuted
2012-13	40	9(22.5%)	18(45%)	11(27.5%)
2013-14	66	19(28.8%)	35 (53.03%)	12 (18.2%)
2014-15	68	11 (16.2%)	44 (64.7%)	11 (16.2%)



**Hampton**

Year	Total Arrests	Dismissed	Diverted	Prosecuted
2012-13	0	0	0	0
2013-14	1	0	0	1 (100%)
2014-15	7	2 (28.6%)	0	4 (57.1%)

**Horry**

Year	Total Arrests	Dismissed	Diverted	Prosecuted
2012-13	49	20 (40.8%)	22 (44.9%)	6 (12.2%)
2013-14	43	17 (39.5%)	21 (48.8%)	2 (4.6%)
2014-15	60	29 (50.9%)	27 (45%)	1 (1.7%)

**Jasper**

Year	Total Arrests	Dismissed	Diverted	Prosecuted
2012-13	4	1 (25%)	2 (50%)	1 (25%)
2013-14	10	6 (60%)	3 (30%)	1 (10%)
2014-15	2	0	1 (50%)	1 (50%)

**Kershaw**

Year	Total Arrests	Dismissed	Diverted	Prosecuted
2012-13	3	2 (66.7%)	0	1 (33.3%)
2013-14	5	1 (20%)	3 (60%)	1 (20%)
2014-15	13	7 (53.9%)	2 (15.4%)	4 (7.8%)

**Lancaster**

Year	Total Arrests	Dismissed	Diverted	Prosecuted
2012-13	0	0	0	0
2013-14	0	0	0	0
2014-15	7	5 (71.4%)	2 (28.6%)	0

**Laurens**

Year	Total Arrests	Dismissed	Diverted	Prosecuted
2012-13	9	4 (44.4%)	4 (44.4%)	1 (11.1%)
2013-14	3	0	3 (100%)	0
2014-15	22	4 (18.2%)	8 (36.4%)	10 (45.5%)



**Lee**

Year	Total Arrests	Dismissed	Diverted	Prosecuted
2012-13	3	0	2 (66.7%)	1 (33.3%)
2013-14	15	1 (6.7%)	14 (93.3%)	0
2014-15	9	3 (33.3%)	4 (44.4%)	0

**Lexington**

Year	Total Arrests	Dismissed	Diverted	Prosecuted
2012-13	23	12 (52.2%)	4(17.4%)	7(30.4%)
2013-14	30	8(26.7%)	10(33.3%)	12 (40%)
2014-15	33	6 (18.2%)	18(54.6%)	9(27.3%)

**Marion**

Year	Total Arrests	Dismissed	Diverted	Prosecuted
2012-13	6	2(33.3%)	3(50%)	1(16.7%)
2013-14	35	18 (51.4%)	13 (37.1%)	4(11.4%)
2014-15	22	12(54.6%)	4(18.2%)	3(13.6%)

**Marlboro**

Year	Total Arrests	Dismissed	Diverted	Prosecuted
2012-13	1	1 (100%)	0	0
2013-14	3	3(100%)	0	0
2014-15	3	1(33.3%)	2(66.7%)	0

**McCormick**

Year	Total Arrests	Dismissed	Diverted	Prosecuted
2012-13	3	2 (66.7%)	0	1(33.3%)
2013-14	2	0	1(50%)	1(50%)
2014-15	13	3(23.1%)	2(15.4%)	8 (61.5%)

**Newberry**

Year	Total Arrests	Dismissed	Diverted	Prosecuted
2012-13	29	3(10.3%)	19(65.5%)	7(77.8%)
2013-14	31	1(3.2%)	25(80.7%)	5(16.1%)
2014-15	62	4(6.5%)	44(71%)	13(21%)

Oconee

Year	Total Arrests	Dismissed	Diverted	Prosecuted
2012-13	8	5 (62.5%)	2(25%)	1(12.5%)
2013-14	0	0	0	0
2014-15	6	3 (50%)	1(16.7%)	2(33.3%)

Orangeburg

Year	Total Arrests	Dismissed	Diverted	Prosecuted
2012-13	23	3(13.04%)	13(56.5%)	7(30.4%)
2013-14	37	10 (27.03%)	15 (40.5%)	11(29.7%)
2014-15	38	1 (2.6%)	13 (34.2%)	23 (60.5%)

Pickens

Year	Total Arrests	Dismissed	Diverted	Prosecuted
2012-13	71	18 (25.4%)	32(45.1%)	21 (29.6%)
2013-14	72	25 (34.7%)	24 (33.3%)	22 (30.6%)
2014-15	61	12 (19.7%)	28 (45.9%)	20 (32.8%)

Richland

Year	Total Arrests	Dismissed	Diverted	Prosecuted
2012-13	156	28 (17.9%)	89 (57.1%)	38 (24.4%)
2013-14	136	20 (14.7%)	79 (58.1%)	37 (27.2%)
2014-15	129	25 (19.4%)	55 (42.6%)	49 (37.9%)

Saluda

Year	Total Arrests	Dismissed	Diverted	Prosecuted
2012-13	11	1 (9.1%)	7 (77.8%)	3 (27.3%)
2013-14	3	0	2 (66.7%)	1 (33.3%)
2014-15	9	1 (11.1%)	7 (77.8%)	1 (11.1%)

Sumter

Year	Total Arrests	Dismissed	Diverted	Prosecuted
2012-13	74	8 (10.8%)	46 (62.2%)	20 (27%)
2013-14	93	8 (8.6%)	54 (58.1%)	31 (33.3%)
2014-15	66	15 (22.7%)	37 (56.1%)	14 (21.2%)

**Spartanburg**

Year	Total Arrests	Dismissed	Diverted	Prosecuted
2012-13	20	3 (15%)	11 (55%)	6 (30%)
2013-14	31	3 (9.7%)	7 (22.6%)	20 (64.5%)
2014-15	12	2 (16.7%)	1 (8.3%)	9 (75%)

**Union**

Year	Total Arrests	Dismissed	Diverted	Prosecuted
2012-13	2	0	0	2 (100%)
2013-14	5	1 (20%)	0	3 (60%)
2014-15	2	0	0	2 (100%)

**Williamsburg**

Year	Total Arrests	Dismissed	Diverted	Prosecuted
2012-13	5	2 (40%)	3 (60%)	0
2013-14	10	8 (80%)	0	2 (20%)
2014-15	8	6 (75%)	1 (12.5%)	0

**York**

Year	Total Arrests	Dismissed	Diverted	Prosecuted
2012-13	55	15 (27.3%)	26 (47.3%)	13 (23.6%)
2013-14	71	16 (22.5%)	38 (53.5%)	15 (21.1%)
2014-15	81	17 (21%)	51 (63%)	13 (16.1%)

**THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION**

KENNY, et al.	
	Plaintiffs,
	v.
WILSON, et al.	
	Defendants.

Civil Action No.: -----

2:16-cv-2794-CWH

**EXPERT OPINION OF JOSEPH B. RYAN IN SUPPORT OF PLAINTIFFS' MOTION  
FOR PRELIMINARY INJUNCTION**

I, Joseph B. Ryan, respectfully submit this expert report in support of plaintiffs' motion for preliminary injunction.



### **Introduction**

I am Joseph B. Ryan, a Distinguished Professor of special education, specializing in students with emotional and behavioral disorders (EBD) at Clemson University. I was asked by the plaintiffs to respond to the question of whether, and if so, how, school approaches to classroom management impact student behavior. In preparation of this report I relied on findings published in peer-reviewed journals, and my own professional experiences over the past quarter century. I file this report in my individual capacity and have no financial stake in the outcome of this case. My compensation is not contingent on any action or event resulting from the opinions or conclusions in, or use of, this report. I have never testified as an expert witness previously. I am being compensated by the plaintiffs at a rate of \$100/hr.

### **Qualifications**

I serve as the Sue Stanzione Distinguished Professor at Clemson University. I am the founder and Executive Director of Clemson LIFE (Learning is for Everyone), a nationally recognized post-secondary educational program for individuals with disabilities. I received my Ph.D. from the University of Nebraska in 2004. I have taught students with emotional and behavioral disorders from grades K through 12 across a variety of educational settings, including resource and self-contained classrooms, special day schools, and a residential treatment center. I have over 60 publications and currently serve as the Editor of the journal *Beyond Behavior*. I have successfully raised over \$5 million in grants and private donations, and frequently consult and speak at national and international professional conferences. I have been interviewed by Anderson Cooper, CNN, Headline News, New York Times, Wall Street Journal, and other leading periodicals, and given two U.S. Congressional Briefings on behavioral crisis interventions for schools. My curriculum vitae is included in Appendix 1.

## Introduction

Throughout the last half century there have been a number of theoretical models on classroom management proposed (e.g., Neo-Skinnerian model, Kounin Model, Ginott Model, Canter Model, Jones Model, Glasser Model, Gordon Model) to help educators better manage challenging student behaviors. In the past decade there has been a strong push at the federal level for schools to implement scientifically-based or evidence based practices (EBP) to the extent practicable as called for by both the Individuals with Disabilities Education Improvement Act (IDEIA, 2004), and Every Student Succeeds Act (ESSA, 2015).

The term EBP generally describes an intervention, teaching strategy or instructional program that reliably and consistently demonstrates evidence of effectiveness through research studies published in peer reviewed journals (Massar, Knowles & Braun-Monega, in press). The essential criteria for identifying EBPs is that (a) there are a sufficient number of high quality experimental research studies examining the effectiveness of the practice, (b) the practice demonstrates a positive magnitude of effect, and (c) has been investigated by more than one researcher (Cook, Tankersly & Landrum, 2009). It is important to understand however, that EBPs are not guaranteed to be effective either for every individual or under every condition (Cook, Smith & Tankersley, 2011). The use of EBPs does however increase the likelihood of achieving positive academic and/or behavioral outcomes when teaching students. The Institute of Education Sciences (IES) has begun to review the research on different programs, products, practices and policies in education, and provides summary reports for educators on the What Works Clearinghouse (WWC) website.<sup>1</sup>

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<sup>1</sup>The What Works Clearing House can be accessed at <http://ies.ed.gov/ncee/wwc/>.



Despite the recent push for EBPs, there is a significant “research to practice gap” between the EBPs which are recommended by educational researchers and the teaching practices commonly being used in classrooms (Massar et al., in press). The lack of EBPs implemented by teachers is connected to several other critical challenges schools face regarding classroom management and student behavior, including:

1. Nearly half (41%) of classroom teachers report that student misbehavior interferes with their ability to teach. Unfortunately, these challenges are often the result of inadequate teacher preparation, given approximately the same percentage (43%) of teachers reported receiving insufficient training in behavior management (National Center for Educational Statistics, 2014).
2. In lieu of positive behavioral intervention strategies which have demonstrated efficacy in preventing problem behaviors from occurring, many educators have opted to use more punitive disciplinary approaches for addressing student misbehavior. Punitive approaches however, are often ineffective for addressing problem behaviors because they (a) are reactive in nature and only implemented after the behavior occurs, (b) fail to teach appropriate alternative behaviors to students, (c) may inadvertently reinforce a problem behavior, and (d) all too often remove students from the educational learning environment (George, 2012; Ryan, Sanders, Katsiyannis & Yell, 2007).
3. While most schools would never consider punishing children for academic skill deficits, far too many educators consider punishment a viable option for addressing behavioral and social skill deficits. Behavioral and social skills are learned through the process of adolescent development. Similar to any other type of skill deficit (e.g.,

academic), educators can more effectively change or shape a child's behavior by (a) teaching the desired skill/response, and (b) reinforcing successive approximations of the behavior whenever it is performed (Alberto & Troutman, 2013).

4. Punitive disciplinary practices are disproportionately applied to racial minorities and students with disabilities.
5. Research shows that poor classroom management skills typically leads to less academic instruction and worse student outcomes (Cameron, Connor, Morrison & Jewkes, 2008). In addition, student behavioral challenges have also been frequently cited as a primary factor influencing high teacher attrition rates (Smith & Smith, 2006).
6. Teachers require training and support in a range of EBPs that focus on positively reinforcing prosocial behaviors, which is more effective at promoting prosocial behaviors and reducing maladaptive behaviors than providing frequent negative reactions to student misbehavior (Leflot, van Lier, Onghena & Colpin, 2010; Mooney et al., 2012; Sutherland & Oswald, 2005;)

### **Challenges with Behavior Management**

Recent reports show schools have increased their use of punitive/exclusionary disciplinary approaches with students ranging from suspension, seclusion, restraint and even criminal charges (Bracey, Geib, Plant, et al., 2013; Robers, Zhang, Truman & Snyder 2012).<sup>i ii</sup> These trends highlight a recurring theme — teachers continue to struggle with classroom management (Oliver & Reschly, 2014; Onderi & Odera, 2012), with nearly half (41%) of educators reporting student misbehavior interferes with their ability to teach (NCES, 2014). Educational researchers have long cautioned that the combination of ineffective educational



programming (e.g., failure to provide appropriate modifications and accommodations), and a lack of appropriate behavioral interventions can exacerbate student behaviors, leading to a vicious cycle of antecedents that set the stage for problem behavior (Long, 1996; Couvillon, Peterson, Ryan, Scheuermann, & Steggall, 2010).

The increased use of punitive/exclusionary disciplinary approaches has concerned many researchers given they are often ineffective at addressing problem behaviors because they (a) are reactive in nature and only implemented after the behavior occurs, (b) fail to teach appropriate alternative behaviors to students, (c) may inadvertently reinforce a problem behavior, and (d) all too often remove students from the educational learning environment (George, 2012; Ryan et al., 2007). For instance, despite the popularity of suspending students in schools nationwide, there is scant evidence it has any positive impact on improving student behavior (Christie, Nelson & Jolivette, 2004). What research does show however, is that once a student is suspended, s/he is more likely to receive additional suspensions (Atikins, et al., 2002; Dupper 1994). Increased levels of misbehavior is not uncommon, and has been observed with the use of other harsh behavioral interventions (e.g., seclusion) given both the teacher and student are often inadvertently reinforced by the intervention (Ryan et al., 2007). Students are often inadvertently reinforced for displaying maladaptive behavior given they escape (at least temporarily) from either an environment (e.g., math class) or performing an assignment. Teachers are reinforced because the student's absence from the classroom provides the teacher an escape from the aversive behavior (Ryan et al., 2007). Hence, it is not uncommon to see schools implement harsh consequences repeatedly, even when there has been no improvement in student behavior.

Researchers have also found that students react negatively to harsh and aggressive teacher behaviors (e.g., yelling). Secondary students reported that when teachers treat them in

this manner, they often respond with higher rates of student misbehavior (Lewis, 2001), while younger elementary students develop feelings of inadequacy including guilt, shame, or embarrassment (Thomas & Montgomery, 1998). None of these behaviors promote an effective learning environment. In addition, poor behavior management negatively impacts teacher retention rates, given behavioral challenges are frequently cited as a primary factor influencing teacher attrition rates (Smith & Smith, 2006). Historical estimates show that somewhere between a third (30%) to one half (50%) of all teachers leave the profession within the first 5 years of entering the field (Brunetti, 2001; Stanford, 2001), with disproportionately higher rates in socio-economically disadvantaged schools (Smith & Smith, 2006).

### **Disproportionality in School Discipline**

Many students have also been subjected to arrest for misbehaviors displayed at school. A report by the U.S. Department of Education Office for Civil Rights (OCR), found that over the course of a recent academic school year, more than 260,000 students were referred to law enforcement, and 92,000 students were arrested (U.S. Department of Education [OCR], 2014). This is unfortunate, given discipline that involves law enforcement negatively impacts student outcomes. Researchers in several studies have found that intervention by law enforcement can significantly reduce the likelihood of graduation (Bernburg & Krohn, 2003). This held true even for first-time offenses that resulted in court appearances, which supports previous research in this area (Sweeten, 2006).

A growing concern is that harsh disciplinary practices have disproportionately impacted students who are most at-risk of school failure, including minorities, families from low socio-economic status (SES), and individuals with disabilities (Anyon et al., 2014; OCR, 2014). Punitive discipline is disproportionately applied to Black, Native American and Latino students



from low SES (Anyon et al., 2014; Fabelo, et al., 2011), and children with disabilities (OCR, 2014). A recent report from the U.S. Department of Education Office of Civil Rights (2014) found that Black students are suspended three times more frequently than their Caucasian peers, while students with disabilities are more than twice as likely to be suspended in comparison to individuals without disabilities. Similarly skewed outcomes were observed across other harsh disciplinary measures, including arrest rates and the use of seclusion and restraint procedures (OCR, 2014). These findings are in line with a previous study of Maryland public schools which found that the odds ratios for minorities, including those who were African American (2.53), being suspended was significantly higher than White students<sup>iii</sup>. The highest odds ratios were found among students with disabilities, including those with emotional disturbance (13.43; Krezmien, Leone & Achilles, 2006). A comparison of disciplinary procedures in South Carolina from the 2011-12 academic school year in accordance with the U.S. Department of Education's guidelines (DOE, 2011), showed the risk ratio for disciplinary measures for African American students with disabilities was disproportionately higher than Caucasian students with disabilities for suspensions and expulsions (1.8), referrals to law enforcement (1.6) and in school arrests (1.8).

Skiba, Michael, Nardo & Peterson (2002) found that significant racial disparities existed in school discipline even after accounting for SES, when looking at large urban middle schools. Evidence did not support common misperceptions that disparities in discipline resulted from racial differences in misbehavior. In contrast, researchers found a large racial disparity was evident when comparing the types of offenses, or reasons students were being suspended by staff. Skiba and colleagues (2002) reported African American students were more likely to be suspended for subjective types of offenses (e.g., disrespect, excessive noise), in comparison to

their Caucasian peers who received suspensions for predominantly more objective types of offenses (e.g., smoking, vandalism).

### **Effective Behavioral Interventions**

The remainder of this report focuses on behavioral interventions that address the skill deficits of children by teaching and reinforcing prosocial behaviors through teacher praise and reinforcement, rather than relying upon punitive or abusive interventions. There are a number of simple but effective evidence-based behavioral interventions that schools can implement to prevent and better manage challenging student behavior. This report provides a detailed summary of positive behavioral intervention supports (PBIS), which offer a systematic multi-tiered approach for providing a school-wide structure to support appropriate student behavior. PBIS is defined as a framework for enhancing the adoption and implementation of a continuum of evidence based interventions to achieve academically and behaviorally important outcomes for all students (Sugai et al., 2000). It emphasizes providing a framework of the process as opposed to a specific curriculum, intervention or practice. The next section of the report provides a description of PBIS and several examples of evidence-based interventions that can be implemented as part of a comprehensive hierarchical behavior management plan designed to help prevent and/or reduce problem behaviors.

### **Positive Behavioral Interventions and Supports (PBIS)**

PBIS provides a framework to develop a hierarchical approach for providing behavioral supports at school for all students, with an emphasis on teaching and reinforcing prosocial behaviors and preventing maladaptive behaviors from occurring or escalating. PBIS is based on the principles of applied behavior analysis (ABA), which is the systematic application of behavioral principles (e.g., positive reinforcement) to change socially significant behavior to a



meaningful level (Alberto & Troutman, 2013). ABA has more than a half century of research supporting its use for reducing problem behaviors and increasing prosocial behaviors. ABA is one of the strongest evidence based fields of contemporary applied psychology, with two highly rated journals (*Journal of Applied Behavior Analysis*, *Journal of Experimental Analysis of Behavior*) dedicated to publishing research within the field. PBIS emphasizes promoting positive behaviors as an alternative to harsh or punitive type interventions (Solomon, Klein, Hintze, Cressey, & Peller, 2011). The effectiveness of PBIS in reducing problem behaviors within schools is well documented (Bradshaw, Reinke, Brown, Bevens, & Leaf, 2008; Horner et al., 2009; Horner, Sugai, Todd, & Lewis-Palmer, 2005), and is currently being implemented in over 20,000 school across all 50 states (Freeman, Simonsen, McCoach, Sugai, Lombardi & Horner, 2016). To date, there have been a number of large scale studies on PBIS conducted across multiple school sites that have resulted in reduced levels of student misbehavior, office discipline referrals, and suspension rates, while increasing prosocial behaviors and perceived school safety as measured through interviews and school climate surveys (Bradshaw, Mitchell & Leaf, 2010; Bradshaw, Waasdorp & Leaf, 2012; Horner et al., 2009; Mass-Galloway, Panyan, Smith, & Wessendorf, 2008). One of the most recent reviews of PBIS evaluated high schools across 37 states, and found statistically significant reductions in office discipline referral (ODR) rates per year, while increasing school attendance rates (Freeman et al., 2016).

PBIS is a problem-solving model, grounded in differentiated instruction that offers multiple levels of support which is systematically applied to students based on demonstrated need (Office of Special Education Programs Technical Assistance Center on PBIS, n.d.). PBIS aims to reduce problem behaviors and avert school failure due to academic, social or behavioral issues through the systematic application of evidence-based behavioral practices, which include a

continuum of interventions at the primary, secondary and tertiary level (Mooney et al., 2012). An explanation of each follows.

**Primary Tier Interventions.** Primary tier interventions are preventative in nature, and address the entire school including students, teachers, and support staff. Primary interventions consist of (a) defining and teaching behavioral expectations for students, (b) developing and implementing a schoolwide incentive system for reinforcing appropriate student behavior, (c) teaching socially acceptable replacement behaviors, and (d) the use of informed decision making that is linked to the collection of data related to student discipline (Lewis, Jones, Horner, & Sugai, 2010; Sugai, 2013). A major focus at this level is establishing a set of rules, routines, and physical arrangements by school staff to meet each school house's unique needs (Peterson, Miller, & Skiba, 2004). For example, an important component of primary level interventions is establishing 3 to 5 behavioral expectations that meet the needs of their school (e.g., respect yourself, others & property). These expectations are then (a) taught, (b) modeled, (b) practiced, and (c) observed and rewarded to help promote compliance (Office of Special Education Programs Technical Assistance Center on PBIS, n.d.). Several other examples of primary tier interventions are discussed below, including modifying the classroom learning environment, and providing high rates of teacher praise.

*Modify Classroom Learning Environment.* One effective method for preventing student misbehavior is to modify the classroom environment to encourage instructional momentum. Teachers should assess specific environmental variables that precede common problem behaviors, including the classroom layout, agenda, procedures, and routines. To better manage classroom behavior, Epstein and colleagues (2008) recommend teachers ask themselves: (a) Are my most demanding academic activities scheduled during times when most students'



engagement is high? (b) Is the teaching strategy used appropriate for the lesson? (c) Is the length and pacing of the lesson appropriate for the students' developmental abilities? (d) Are students being offered choices regarding how to participate in activities? (e) Are transitions performed quickly and efficiently? (f) Does the physical layout of the classroom allow teacher access (proximity) to all students?

*High Rates of Teacher Praise.* Teacher praise has also been supported as an empirically sound educational practice (Lewis, Hudson, Richer, & Johnson, 2004; Maag & Katsiyannis, 1999). In many schools, negative comments or reprimands regarding student misbehavior often exceed the number of positive reinforcing comments made by teachers during instruction (Sutherland, 2000). Research has shown that teachers who provide frequent negative reactions to student misbehavior, while ignoring positive behaviors may unintentionally increase the likelihood of problem behaviors reoccurring (Sutherland & Oswald, 2005; Mooney et al., 2012). In contrast, when teachers focus on positively reinforcing prosocial behaviors, these desirable behaviors increase through positive reinforcement, while the likelihood of maladaptive behaviors decrease given they are no longer being reinforced (Leflot et al., 2010). A frequently suggested ratio for teachers is to provide 4 or 5 positive comments for every 1 negative remark given to students. Such focus on positive attributes helps students better understand what behaviors are expected, increases on-task behaviors, and creates a more positive atmosphere in the classroom (Ryan et al., 2007; Sutherland, Wehby & Copeland, 2000).

**Secondary Tier Interventions.** Secondary tier interventions are designed to reduce the number of existing problem behaviors within a school. These interventions focus on either small groups, or individual students who fail to respond to primary or preventative measures. Students targeted for these interventions are at-risk of displaying severe behavioral problems in the future

(Lewis & Sugai, 1999). Teachers should use data based criteria to identify students who require secondary tier interventions which can include office discipline referrals, attendance, and teacher concerns. Traditionally, the older the student body, the greater the number of students there are that require secondary level interventions. Research suggests that approximately 11% of elementary, 26% of middle, and 29% of high school students are considered to be at risk for poor behavioral outcomes, and require secondary level supports (Horner, 2007; Sugai, 2013). These interventions may include strategies such as social skills instruction in small group settings; increased time spent reviewing expectations; check-in check-out procedures; and the development of function-based support options, such as providing contingent access to adult attention or peer attention, opportunities to avoid non-preferred activities, and providing students choices (Lewis et al., 2010; Sugai, 2013). Several examples of secondary tier interventions are discussed in the following section, including Check-in/Check-out procedures and crisis de-escalation procedures.

*Check-in / Check-out.* Check-in Check-out (CICO) is recognized as one of the most widely used tier 2 behavioral interventions, having been implemented by over 3,000 schools across the United States (Hawken, Bundock, Kladis, O’Keefe & Barrett, 2014). Research indicates CICO has a positive effect on increasing prosocial behaviors, while reducing inappropriate behaviors in both elementary and secondary school settings (Campbell & Anderson, 2011). CICO which is also known as the Behavior Education Program (Crone, Hawken & Horner, 2010) entails a student checking in with a CICO coordinator at the beginning of the school day. The CICO coordinator or mentor ensures the student is prepared for the school day (e.g., school supplies, homework), and reviews the student’s Daily Progress Report (DPR) which the student’s teacher(s) award points for specific accomplishments (e.g., completing class



assignments, displaying respectful behavior) throughout the school day. The student checks back with the CICO coordinator at the end of the day to review the DPR, and track student progress (Hawken et al., 2014). CICO has demonstrated effectiveness by improving academic engagement rates of students, and reducing office discipline referrals (Mong, Johnson & Mong, 2011).

*Conflict De-escalation Training.* Conflict de-escalation describes a wide variety of techniques that are useful in reducing tension between staff members and students who display either verbally or physically aggressive behaviors (Peterson & Parnell, 2016). Research suggests that training staff on methods of managing intense emotions and aggressive behaviors can help reduce conflict (Banks & Zions, 2009; Maag, 2008). De-escalation training teaches staff (a) the various stages of the cycle of aggression (i.e., agitation, acceleration, peak, de-escalation), (b) behaviors students typically display during each phase, and (c) how educators should best respond to a student during each phase (Colvin & Scott, 2015). Understanding the cycle of aggression is critical for staff when dealing with aggressive students, especially given that the staffs' actions (verbal, non-verbal & physical), can either calm or exacerbate a student's behavior. De-escalation training helps staff members interrupt the conflict cycle. For example, when a student first becomes agitated by a trigger event (e.g., being picked on by a peer) and a teacher observes increased levels of stress within the student, merely engaging the student and asking them to explain what occurred can reduce a child's anxiety and prevent a potential outburst. Crisis intervention training has demonstrated efficacy across grade levels. One study by Ryan, Peterson, Tetreault and van der Hagen (2007) showed training staff in de-escalation procedures at a k-12 special day school for students with emotional and behavioral disorders (EBD) was effective in reducing the use of seclusion timeout procedures by 39.4%, and physical

restraints by 17.6%. Similarly Jones & Timber (2003) found de-escalation training resulted in a 40% and 75% reduction in restraints respectively across two residential treatment programs serving students with EBD between 8 to 18 years of age. Staff also reported an 80% reduction in significant incident reports.

**Tertiary Tier Interventions.** Tertiary interventions are designed for those students who don't respond to secondary level interventions. They are meant to reduce the intensity and complexity of recurring problem behaviors. Tertiary interventions are the most intensive and resource dependent, but only approximately 1% - 5% of students who are at the greatest risk of school failure will require tertiary supports (Peterson et al., 2004). Instruction and intervention efforts are directly related to the student's needs and supports, and typically involve conducting a functional behavioral assessment (FBA), behavioral intervention plan and wraparound services (Sugai et al., 2000; Lewis et al., 2010; Sugai, 2013). An overview of functional behavioral assessment and school-based wraparound procedures is provided.

*Functional Behavioral Assessments.* Functional behavioral assessments, or what are commonly referred to as FBAs, are a common practice in special education, with decades of research supporting their effectiveness in reducing serious problem behaviors for students of different age groups and disabilities (Mooney et al., 2012; Mueller, Nkoski & Hine, 2011). FBAs provide a systematic approach to clearly (a) identify a student's challenging behavior (e.g., physical aggression towards peers); (b) observe the frequency/duration of the behavior under specific conditions and times; (c) identify the most common antecedents (what happens before the behavior), and consequences (what happens afterward) through both direct and indirect data collection methods; and (d) form a testable hypothesis regarding the function or purpose (e.g., attention, escape) that the problem behavior serves for the student (Anderson & Scott, 2006;



Mooney et al., 2012). Once the underlying function or purpose of the behavior is identified, staff focus shifts to developing and reinforcing a more appropriate replacement behavior that meets the needs of the student, and makes the inappropriate behavior less effective (Sugai, Lewis-Palmer & Hagan-Burke, 2001; Umbreit, Ferro, Liaupsin, & Lane, 2007).

FBA's have proven to be instrumental in helping students who display even the most severe and challenging behaviors succeed in school. A recent meta-analysis of 69 studies showed FBA-based interventions reduced problem behaviors by an average of 70.5%, and that the procedure was effective across all student characteristics (Gage, Lewis & Stichter, 2012). Currently, federal special education legislation calls for FBA's to be performed by schools whenever a child with a disability is removed for more than 10 days, or for behavior that interferes with the learning environment (IDEIA, 2004).

**School Based Wraparound.** Wraparound is a successful evidence-based program which entails a unique set of community-based services and supports (e.g., mental health, special education, juvenile justice, child welfare) that are provided to a child and family with the goal of keeping the child in the community (Walter & Petr, 2011; Wyles, 2007). Current estimates show that over 100,000 youth are engaged in a well-defined wraparound process (Bruns, Sather & Stambaugh, 2008). Wraparound is based on 10 basic principles, including (1) all planning is grounded in the family member's perspectives, (2) wraparound team is agreed upon by the family through a combination of both formal (e.g., social worker, teacher) and informal community supports (e.g., Church), (3) includes natural supports (e.g., family, friends), (4) requires collaboration of team members to develop, implement and monitor the wraparound plan, (5) services and supports are community based, and should take place in the most inclusive settings, (6) the process demonstrates respect for the beliefs, values, and culture of the child and

family, (7) wraparound plan is individualized to the unique strengths and limitations of the child and family, (8) is a strength based process building upon existing capabilities, knowledge, skills and assets of the child and family, (9) support from the wraparound team neither gives up or blames the child or family for challenges or setbacks, and (10) is outcome based, developing observable and measurable indicators of success (Bruns et al., 2004).

Wraparound has demonstrated success with many of the most challenging students across a variety of settings since it was first introduced in the 1980's. Studies investigating the efficacy of wraparound showed youth who received services (a) were three times less likely to commit a felony offense than control students (Pullmann, Kerbs, Koroloff, Veach-White, Gaylor & Sieler, 2006); (b) reported significantly higher levels of positive outcomes (47%) concerning their living situation, school attendance, job attendance and serious problem behaviors than the control group (8%) who were assigned to traditional mental health services (Hyde, Burchard & Woodworth, 1996), and (c) experienced significantly fewer assaultive behaviors, events of running away, missed school days, and being picked up by the police (Carney & Buttell, 2003). A beneficial aspect of wraparound services is that it has demonstrated efficacy even when working with older adolescents with serious emotional and behavioral disorders (SEBD) who have traditionally been more resistant to behavioral interventions (Hyde et al., 1996; Pullman et al., 2006)

#### **Additional Recommendations for Schools**

In addition to implementing EBPs through a framework like PBIS in schools, there are several other important actions schools can take to more effectively address problem behaviors, including (a) conducting professional teacher training in behavior management, (b) making data based decisions, (c) screening students to identify those who are at-risk for behavioral problems,



and (d) emphasize the importance of fidelity of implementation for achieving optimum results. The importance of each in creating a safe school environment is discussed.

*Conduct Teacher Training in Behavior Management.* A critical aspect of improving behavior within a school environment is to ensure the focus is not limited to addressing student behaviors, but to targeting teacher behaviors as well. Making changes in teacher behavior can positively impact both teacher and student behavior. This is essential given the current deficits many teachers have in the area of behavior management. A recent survey of newly certified teachers found that nearly half (40%) reported feeling either “not at all prepared” or “only somewhat prepared” to handle a range of classroom management or discipline situations (Coggshall, Bivona, & Reschly, 2012). This is not surprising given the findings of a 2014 study by the National Council on Teacher Quality (NCTQ) which evaluated 122 teacher preparation programs across 33 states. The study found most teacher preparation programs failed to provide sufficient training on even the most basic concepts of behavior management. Further, only a third of the programs required teacher candidates to practice the behavior management skills studied by implementing any type of assignment. NCTQ reported that on average, teacher preparation programs expose teachers to only about half of the core content required for effective classroom management. They found most programs did not address even the most fundamental evidence-based components of behavior management. For instance, (a) 29% of programs did not address establishing class rules, (b) 24% did not address establishing class routines, (c) 74% did not address praising positive student behaviors, (d) 38% did not address how to handle misbehavior, and (f) 51% did not teach candidates how to increase student participation by teaching interesting lessons that include opportunities for active student participation (Greenberg, Putman & Walsh, 2014).

This lack of training in behavior management is mirrored in special education teacher preparation programs as well. This is especially problematic given special educators are responsible for teaching those students who display many of the most challenging, and self-injurious behaviors, including students with emotional and behavioral disorders (EBD), intellectual disabilities, and Autism Spectrum Disorder. Oliver and Reschly (2010) investigated 26 special education teacher preparation programs and found that only a quarter (27%) had an entire course devoted to behavior management, with the vast majority (73%) addressing behavior management in a piecemeal fashion through various courses. This raises concerns because youth who display aggressive behaviors are likely to continue to do so without effective classroom behavioral interventions (Greer-Chase, Rhodes & Kellam, 2002; Oliver & Reschly, 2010; van Lier, Muthen, van der Sar, & Crijnen, 2004).

Improving teacher knowledge of EBPs in behavior management requires a twofold approach. First there needs to be a strong effort placed on increasing content requirements of teacher preparation programs. Secondly, professional development is required for existing teachers in the field. While there are a number of professional development models (e.g., workshop, coaching, peer observation), the most effective form of professional development requires intensive training anywhere between 50 to 80 hours of instruction, practice and coaching to achieve mastery (Yoon, Duncan, Lee, Scarlos & Shapley, 2007). Recommended guidelines for providing high quality practice based opportunities entail (a) modeling skills to demonstrate exactly what expert performance looks like, (b) spaced learning opportunities to allow practice of the knowledge and skills acquired over time, (c) varied learning opportunities to provide exposure to multiple contexts (e.g., students with disabilities, English language learners), (d) providing coaching and feedback from supervisors following practice opportunities, and (e) an



opportunity to analyze and reflect upon acquired skills (Benedict, Holdheide, Brownell & Foley, 2016).

*Make Data Based Decisions.* In the field of behavior management, there is no guaranteed effective response to addressing challenging behavior. When a specific behavioral intervention (e.g., proximity control) is being used with a student and the inappropriate behavior does not decrease, another strategy (e.g., re-direction) should be implemented. However, it may not always be obvious to educators when a behavioral intervention is not accomplishing its desired effect. This is because most behaviors are shaped or changed gradually over time. Shaping is the process of building a new behavior in a child's repertoire by reinforcing successive approximations of the target behavior. For instance, if a child does not raise his hand in class and wait to be called upon, the teacher would reward any behavior that is a closer approximation (e.g., raising hand while calling out). This gradual change in behavior over time is why data collection is critical for effective decision-making. Gage and McDaniel (2013) recommend a simple 4-step process for making data based decisions, including (1) Defining the problem behavior so that it is observable and measurable, (2) Acquire a plan (determine how you will collect data), (3) Track the data (determine data collection procedure), and (4) Actively inspect data (graph data & analyze results) and modify instruction based on results. This process helps ensure teachers make sound decisions based on actual student performance, rather than an emotional response or teacher intuition. Data based decision making has been the cornerstone of special education for the past several decades, improving decision making and student performance in academics through curriculum-based measurement (Fuchs, Fuchs, Hamlet & Stecker, 1991) and behavior through PBIS (Freeman et al., 2016).

*Implement Behavior Screening Procedures*. It is currently estimated that somewhere between 13% and 20% of children in the United States suffer from a mental health disorder. For educators, that amounts to about one in every five children and youth. Many of these disorders (e.g., anxiety, depression) are impacted by a combination of both biological and environmental factors (Mental Health America, 2015), with half beginning by age 14 (National Institute of Mental Health; NIMH, 2005). Without proper treatment, these children have an increased risk for problems at home and school (Centers for Disease Control and Prevention, 2013). However, relatively few (40%) of these children and youth ever receive the mental health treatment they need. The majority of children with mental health needs remain unidentified, and fail to receive the services that could improve their long-term outcomes. The NIMH reports that while up to 8% of youth have emotional disturbance, however, only a fraction (0.8%) are identified by schools (Mental Health America, 2015). This means that only 1 of 10 children who require accommodations through a special education individualized education program (IEP) actually receive them.<sup>iv</sup>

Traditionally, many schools have relied predominantly on office discipline referrals or ODRs to identify students that are not responding to primary level interventions (Kalberg, Lane, Menzies, 2010). One method for schools to better identify students who are at-risk for behavioral problems is by implementing a systematic schoolwide screening process (Walker, Cheney, Stage & Blum, 2005). Screening assessments such as the *Systematic Screening for Behavior Disorders (SSBD)* provide an effective multiple-gated screening process for identifying children that display both internalizing (e.g., depression, anxiety) and externalizing (e.g., verbal & physical aggression) behavioral problems. Screening and identifying children who are at-risk of behavioral problems earlier allows schools to provide secondary level interventions prior to



children developing chronic and/or severe problem behaviors, which are more difficult to treat. This is especially important for children who display internalizing behaviors which are harder to detect than externalizing behaviors (Richardson, Cladarella, Young, Young & Young, 2009). Kalberg and colleagues (2010) showed how systematic screening with the use of the SSBD can help elementary schools better identify students that are non-responders to primary level interventions prior to developing serious academic or behavioral issues. This study supported previous findings by Walker and colleagues (2005), who reported that systematic screening with the SSBD is more effective at identifying students who are at-risk of behavioral problems than ODRs.

*Increase Involvement of Families.* A critical component to ensuring a child's prosocial behaviors generalize or are demonstrated across different environments (e.g., school, home) requires coordination with other staff members, as well as the involvement of the child's parents. Partnerships between school staff and the families of students with behavioral difficulties may increase positive school outcomes, including decreasing drop-out rates and enhancing self-advocacy (Fabiano, Vujnovic, Pelham, Waschbusch, Massetti & Pariseau, 2010). Strengthening the partnerships between schools and a student's home has become a federal priority thanks to legislation including Title I of the Elementary and Secondary Education Act, and IDEIA 2004 which identifies specific priorities for increasing the parents' role in education, mandating increased consultation and collaboration (Vannest, Davis, Davis, Mason & Burke, 2010).

One evidence-based method for increasing the connection between schools and the families of children displaying problem behaviors in over 17 studies conducted at both the primary and secondary levels is the Daily Behavior Report Card ([DBRC]; Vannest et al., 2010). The DBRC has been incorporated by schools for decades, and has been called a variety of names

including Home School Notes (Long & Edwards, 1994), Home Notes (Blechman, Schraeder & Taylor, 1981) and Home Based Reinforcement (Atkeson & Forehand, 1979). DBRC provides a reflective rating of a student's behavior each school day, and is used to help communicate with parents on a regular basis. DBRCs are often paired with other interventions such as CICO and a contingent reinforcement (reward) that is delivered at home for attaining established behavioral goals (Vannest, Burke, Sauber & Davis, 2011). A meta-analysis of 17 studies investigating DBRCs showed an average improvement rate of student behavioral outcomes which included both on-task and disruptive behaviors by 61% (Vannest, Davis, Davis, Mason & Burke, 2010).

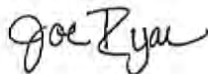
*Fidelity of Implementation.* Implementation fidelity is commonly defined as the degree to which teachers implement a program, strategy or intervention as it was intended in the original program model or protocol (Slaughter, Hill & Clarke, 2015). Fidelity in implementing a framework like PBIS and the techniques it incorporates is critical. The use of terms or language associated with PBIS is not the same as implementing the framework principles (e. g., defined behavioral expectations, engaged in ongoing behavioral monitoring). If not all school leaders and educators are implementing PBIS consistently, this can undermine the effectiveness of the program. A recent study investigating the effects of school wide PBIS across 8 high schools found that as fidelity of implementation increased, office discipline referrals significantly decreased (Flannery, Fening, McGrath-Kato & McIntosh, 2013). The authors reported the degree of reduction in problem behaviors was significantly related to the degree to which the critical features of SWPBIS were delivered. Hence, it is critical that administrators not only ensure teachers are incorporating evidence based practices in schools, but must also monitor these interventions are being implemented with fidelity to achieve maximum benefits.

### Conclusion

In closing, school approaches to classroom management can have either a positive or negative impact upon student behavior. While research shows many teachers experience behavioral problems that interfere with their classroom teaching, this is often the result of limited training in behavior management. Research also shows the most effective behavioral interventions focus on prevention and addressing students' skill deficits through positive behavioral interventions and supports. Fortunately, there are a number of evidence based practices readily available to schools that are both cost effective and practical to implement. For instance, PBIS includes a continuum of primary, secondary and tertiary level interventions to prevent and/or reduce problem behaviors within a school environment, while promoting prosocial behaviors.

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Respectfully submitted,



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Joseph B. Ryan



## References

- Alberto, P. A. & Troutman, A. C. (2013). *Applied Behavior Analysis for Teachers (9<sup>th</sup> ed)*. Pearson, Boston.
- Anderson, C. & Scott, T. (2006). Implementing function based support within school-wide positive behavior support. In: W. Sailor, G. Dunlap, G. Sugai & R. Horner (Eds.). *Handbook of positive behavior support* (pp. 705-728). New York, NY Springer Publishing.
- Anyon, Y., Jenson, J. M., Atschul, I., Farrar, J., McQueen, J., Eldrige, G.,...Simmons, J. (2014). The persistent effect of race and the promise of alternatives to suspension in school discipline outcomes. *Children and Youth Services Review, 44*, 379-386.
- Atkeson B. M., & Forehand, R. (1979) Home-based reinforcement programs designed to modify classroom behavior: A review and methodological evaluation. *Psychological Bulletin, 86*, 1298–1308.
- Atkins, M.S., Frazier, S.L., Jakobsons, L.J., Arvanitis, D., Cunningham, T., Brown, C. & Lambrecht, L. (2002). Suspensions and detentions in an urban, low income school: Punishment or reward? *Journal of Abnormal Child Psychology, 30*, 361-371.
- Banks, T., & Zions, P. (2009). Teaching a cognitive behavioral strategy to manage emotions rational emotive behavior therapy in an educational setting. *Intervention in School and Clinic, 44*, 307-313.
- Benedict, A., Holdeide, L., Brownell, M. & Foley, A.M. (2016). *Learning to Teach: Practice Based Preparation in Teacher Education*. U.S. Office of Special Education Programs



- Bernburg, J. G., & Krohn, M. D. (2003). Labeling, life chances, and adult crime: The direct and indirect effects of official intervention in adolescence on crime in early adulthood. *Criminology, 41*, 1287–1318.
- Blechman, E. A., Schrader, S. M., & Taylor, C. J. (1981). Family problem solving versus home notes as early intervention with high-risk children. *Journal of Counseling and Clinical Psychology, 49*, 919–926.
- Bracey, J. L., Geib, C. F., Plant, R., O’Leary, J. R., Anderson, A., Herscovitch, L., O’Connell, M. & Venderploeg, J. J. (2013). Connecticut’s comprehensive approach to reducing in-school arrests: Changes in statewide policy, systems coordination and school practices. *Family Court Review, 51(3)*, 427-434.
- Bradshaw, C. P., Mitchell, M. M., & Leaf, P. J. (2010). Examining the effects of schoolwide positive behavioral interventions and supports on student outcomes: Results from a randomized controlled effectiveness trial in elementary schools. *Journal of Positive Behavior Interventions, 12*, 133-148.
- Bradshaw, C., Reinke, W., Brown, L., Bevans, K., & Leaf, P. (2008). Implementation of school-wide positive behavioral interventions and supports (PBIS) in elementary schools: Observations from a randomized trial. *Education and Treatment of Children, 31*, 1-26.
- Bradshaw, C. P., Waasdorp, T. E., & Leaf, P. J. (2012). Effects of school-wide positive behavior interventions and supports on child behavior problems. *Pediatrics, 130*, 1136-1145.
- Brunetti, G.J. (2001). Why do they teach? A study of job satisfaction among long-term high school teachers. *Teacher Education Quarterly, 28*, 49-67.
- Bruns, E. J., Sather, A., & Stambaugh, L. (2008). National trends in implementing wraparound Results from the state wraparound survey, 2007. In E.J. Bruns & J.S. Walker (Eds.),

- Resource guide to wraparound*. Portland, OR: National Wraparound Initiative, Research and Training Center for Family Support and Children's Mental Health
- Bruns, E.J., Walker, J.S., Adams, J., Miles, P., Osher, T.W., Rast, J., VanDenBerg, J.D. & National Wraparound Initiative Advisory Group (2004). *Ten principles of the wraparound process*, Portland State University, Oregon.
- Cameron, C E., Connor, C. M., Morrison, F. & Jewkes, A. M. (2008). Effects of classroom organization on letter-word reading in first grade. *Journal of School Psychology, 46*, 173-19.
- Campbell, A., & Anderson, C. M. (2011). Check-in/check-out: A systematic evaluation and component analysis. *Journal of Applied Behavior Analysis, 44*, 315-326.
- Carney, M. M., & Buttell, F. (2003). Reducing juvenile *recidivism: Evaluating the wraparound services model*. *Research on Social Work Practice, 13*, 551-568.
- Centers for Disease Control and Prevention (2016). Youth Risk Behavior Surveillance System. Retrieved from <http://www.cdc.gov/healthyyouth/data/yrbs/results.htm>
- Centers for Disease Control and Prevention (2013). Mental health surveillance among children: United States 2005 – 201. *Morbidity and Mortality Weekly Report, 62*, 1-35.
- Christie, C., Nelson, C. M., & Jolivette, K. (2004). School characteristics related to the use of suspension. *Education & Treatment of Children, 21*. 509-526
- Cogshall, J. G., Bivona, L., & Reschly, D. J. (2012). *Evaluating the effectiveness of teacher preparation programs for support and accountability*. Washington, DC: National Comprehensive Center for Teacher Quality. This study analyzed data from the 2007-2008 Schools and Staffing Survey gathered by the National Center for Education Statistics.



- Colvin, G., & Scott, T. M. (2015). *Managing the cycle of acting-out behavior in the classroom* (Rev. 2nd ed.). Thousand Oaks, CA: SAGE.
- Cook, B. G., Smith, G. J., & Tankersley, M. (2011). Evidence-based practices in education. In K. Harris (Ed). *Educational Psychology: Contributions to Education*. American Psychological Association.
- Cook, B. G., Tankersley, M., & Landrum, T. J. (2009). Determining evidence-based practices in special education. *Exceptional Children*, 75, 365-283.
- Couvillon, M., Peterson, R.L., Ryan J.B., Scheuermann, B.K., & Steggall, J. (2010). A review of crisis intervention training programs for schools. *Teaching Exceptional Children*, 42(5), 6-17.
- Crone, D. A., Hawken, L. S., & Horner, R. H. (2010). *Responding to problem behavior in schools: The Behavior Education Program* (2<sup>nd</sup> Ed.) New York: Guilford Press.
- Dupper, D. R. (1994). Reducing out-of-school suspensions: A survey of attitudes and barriers. *Social Work in Education*, 16. 115-123.
- Epstein, M., Atkins, M., Cullinan, D., Kutash, K. & Weaver, R. (2008). *Reducing behavior Problems in the Elementary School Classroom*. U.S. Department of Education Institute of Education Sciences.
- Fabelo, T., Thompson, M. D., Plotkin, M., Carmichael, D., Marchbanks III, M. P., & Booth, E. A. (2011). *Breaking school's rules: A statewide study of how school discipline relates to students' success and juvenile justice involvement*. New York: Council of State Governments Justice Center.
- Fabiano, G. A., Vujnovic, R. K., Pelham, W. E., Waschbusch, D. A., Massetti, G. M., Pariseau, M. E., ... others. (2010). Enhancing the effectiveness of special education programming

- Daily Behavior Report Card for children with attention deficit hyperactivity disorder using a daily report card. *School 301 Psychology Review*, 39(2), 219.
- Flannery, K.B., Fening, P., McGrath-Kato, M. & McIntosh, K. (2013). Effects of school-wide positive behavioral interventions and supports and fidelity of implementation on problem behavior in high schools. *School Psychology Quarterly*, 29(2), 111-124.
- Freeman, J., Simonsen, B., McCoach, D. B., Sugai, G., Lombardi, A. & Horner, R. (2016). Relationship between school-wide positive behavioral interventions and supports and academic, attendance, and behavior outcomes in high schools. *Journal of Positive Behavioral Interventions*, 18, 41-51.
- Fuchs, L. S., Fuchs, D., Hamlett, C. L. & Stecker, P. M. (1991). Effects of curriculum-based measurement and consultation on teacher planning and student achievement in mathematics operations. *American Educational Research Journal*, 28, 617-641.
- Gage, N. A., Lewis, T. J. & Stichter, J. P. (2012). Functional behavioral assessment – based interventions for students with or at risk for emotional and behavioral disorders in school: A hierarchical linear modeling meta-analysis. *Behavioral Disorders*, 37(2), 55-77.
- Gage, N. A., & McDaniel, S. C. (2013). Creating smarter classrooms: Data-based decision-making for effective classroom management. *Beyond Behavior*, 22 (1) 48-55.
- George, H. P. (2012, May 23). *PBIS: Implementing, sustaining and innovating across the continuum of behavioral supports*. Keynote presentation at the ESC Region 19 PBIS Conference, El Paso, TX.
- Greenberg, J., Putman, H. & Walsh, K. (2014). *Training Our Teachers: Classroom Management*. National Council on Teacher Quality. Retrieved from



[http://www.nctq.org/dmsView/Future Teachers Classroom Management NCTQ Report](http://www.nctq.org/dmsView/Future_Teachers_Classroom_Management_NCTQ_Report)

t

- Greer-Chase, M., Rhodes, W. A., & Kellam, S. G. (2002). Why the prevention of aggressive disruptive behaviors in middle school must begin in elementary school. *The Clearing House*, 5, 242-245.
- Hawken, L. S., Bundock, K., Kladis, K., O'keeffe, B. & Barrett, C. A. (2014). Systematic review of the check-in, check-out intervention for students at risk for emotional and behavioral disorders. *Education and Treatment of Children*, 37, 635-658.
- Heward, W. L. (2009). *Exceptional Children: An Introduction to Special Education*. Pearson, Columbus, OH.
- Horner, R. H. (2007). *Discipline prevention data*. Eugene, OR: OSEP Center on Positive Behavioral Interventions and Supports, University of Oregon.
- Horner, R., Sugai, G., Smolkowski, K., Todd, A., Nakasato, J., & Esperanza, J. (2009). A randomized control trial of school-wide positive behavior support in elementary schools. *Journal of Positive Behavior Interventions*, 11(3), 133–144.
- Horner, R. H., Sugai, G., Todd, A.W., & Lewis-Palmer, T. (2005). School-wide positive behavior support. In L. Bambara & L. Kern (Eds.) *Individualized supports for students with problem behaviors: Designing positive behavior plans* (pp. 359-390). New York: Guilford Press.
- Hyde, K.L., Burchard, J.D. & Woodworth, K. (1996). Wrapping services in an urban setting, *Journal of Child and Family Studies*, 5, 67-82.
- Individuals with Disabilities Education Improvement Act of 2004, 20 U.S.C., § 1400 et seq.

- Jones, R. J., & Timbers, G. T. (2003). Minimizing the need for physical restraint and seclusion in residential youth care through skill-based treatment programming. *Families in Society: The Journal of Contemporary Human Services*, 84(1), 21–29.
- Kalberg, J. R., Lane, K. L. & Menzies, H. M. (2010). Using systematic screening procedures to identify students who are nonresponsive to primary prevention efforts: Integrating academic and behavioral measures. *Education and Treatment of Children*, 33(4), 561-584.
- Krezmien, M. P., Leone, P. E. & Achilles, G. M. (2006). Suspension, race and disability: Analysis of statewide practices and reporting. *Journal of Emotional and Behavioral Disorders*, 14(4), 217-226.
- Leflot, G., van Lier, P., Onghena, P., & Colpin, H. (2010). The role of teacher behavior management in the development of disruptive behaviors: *An intervention study with the good behavior game*. *Journal of Abnormal Psychology*, 38, 860-882.
- Lewis, R. (2001). Classroom discipline and student responsibility: The students' view. *Teaching and Teacher Education*, 17, 307–319.
- Lewis, T. J., Hudson, S., Richter, M., & Johnson, N. (2004). Scientifically supported practices in emotional and behavioral disorders: A proposed approach and brief review of current practices. *Behavioral Disorders*, 29, 247-259.
- Lewis, T. J., Jones, S. L., Horner, R. H., & Sugai, G. (2010). School-wide positive behavior support and students with emotional/behavioral disorders: Implications for prevention, identification and intervention. *Exceptionality*, 18(2), 82-93.
- Lewis, T. J. & Sugai, G. (1999). Effective behavioral support: A systems approach to proactive school-wide management. *Focus on Exceptional Children*, 31, 1-24.

- Long, N. (1996). The conflict cycle paradigm on how troubled students get teachers out of control. In N. Long, W. Morse, & R. Newman (Eds.), *Conflict in the classroom* (5th ed., pp. 244–266). Austin, TX: Pro-Ed
- Maag, J. W., & Katsiyannis, A. (1999). Teacher preparation in E/BD: A national survey. *Behavioral Disorders, 24*, 189-196.
- Maag, J. W. (2008). Rational-Emotive Therapy to help teachers control their emotions and behavior when dealing with disagreeable students. *Intervention in School and Clinic, 44*, 52-57.
- Mass-Galloway, R. L., Panyan, M. V., Smith, C. R., & Wessendorf, S. (2008). Systems change with schoolwide positive behavior supports: Iowa’s work in progress. *Journal of Positive Behavior Interventions, 10*, 129-135.
- Massar, M., Knowles, C. & Braun-Monega, J. (in press). *Beyond Behavior*,
- Mental Health America (2015). *Parity or Disparity: The State of Mental Health in America*. National Institute of Mental Health release of landmark and collaborative study conducted by Harvard University, the University of Michigan and the NIMH Intramural Research Program. Retrieved from [www.nimh.nih.gov](http://www.nimh.nih.gov).
- Mong, M. D., Johnson, K. N., & Mong, K. W. (2011). Effects of check-in/check-out on behavioral indices and mathematics generalization. *Behavioral Disorders, 36*, 225-240.
- Mooney, P., Ryan, J.B., Denny, R.K., & Gunter, P.L. (2012). Behavior modification/traditional techniques for students with EBD. In J.P. Bakken, F.E. Obiakor, & A.F. Rotatori (Eds.), *Advances in special education: Behavioral disorders: Current perspectives and issues: Identification, assessment, and instruction of students with EBD* (pp. 173-202). Bingley, United Kingdom: Emerald Group Publishing Limited.



- Mueller, M. M., Nksoki, A. & Hine, J. F. (2011). Functional analysis in public schools: A summary of 90 functional analyses. *Journal of Applied Behavior Analysis, 44*(4), 807-818.
- National Institute for Mental Health. (2005). Mental Illness Exacts Heavy Toll, Beginning in Youth. Retrieved from <http://www.nimh.nih.gov>
- National Center for Educational Statistics (2014). *Indicators of School Crime and Safety*. Retrieved from <http://nces.ed.gov/programs/crimeindicators/crimeindicators2014/key.asp>
- Oliver, R. M., & Reschly, D. J. (2014). Special education teacher preparation in classroom organization and behavior management. In P. T. Sinclair, E. D. McCray, M. T. Brownell, & B. Lignugaris/Kraft (Eds.), *Handbook of Research on Special Education Teacher Preparation*, (pp. 288–301). New York, NY: Routledge.
- Onderi, H. L., & Odera, F. Y. (2012). Discipline as a tool for effective school management. *Educational Research, 3*(9), 710-716.
- Peterson, R. L. & Parnell, K. (2016). Conflict De-escalation: Strategy Brief. Retrieved from [http://k12engagement.unl.edu/strategy-briefs/Conflict%20De-Escalation%204-2-2016%20\\_1.pdf](http://k12engagement.unl.edu/strategy-briefs/Conflict%20De-Escalation%204-2-2016%20_1.pdf)
- Peterson, R.L., Miller, C, & Skiba, R. (2004). A Framework for Planning Safe and Responsive Schools. *Beyond Behavior*, 12-16.
- Pullmann, M. D., Kerbs, J., Koroloff, N., Veach-White, E., Gaylor, R., & Sieler, D. (2006). Juvenile offenders with mental health needs: Reducing recidivism using wraparound. *Crime and Delinquency, 52*, 375-397.



- Richardson, M. J., Cladarella, P., Young, B. J., Young, E. L. & Young, K. R. (2009). Further validation of the systematic screening for behavior disorders in middle and junior high school. *Psychology in the Schools, 46*(7), 605- 615.
- Robers, S., Zhang, J., Truman, J. & Snyder, T.D. (2012). *Indicators of school crime and safety: 2011*. Bureau of Justice Statistics.
- Ryan, J.B., Peterson, R.L. & Rozalski, M. (2007). Review of state policies concerning the use of timeout in schools. *Education and Treatment of Children, 30*(3), 215-239.
- Ryan, J.B., Peterson, R.L., Tetreault, G. & Van der Hagen, E. (2007). Reducing Seclusion Timeout and Restraint Procedures with At-Risk Youth. *Journal of At-Risk Issues, 13*(1), 7-12.
- Ryan, J.B., Robbins, K., Peterson, R.L. & Rozalski, M. (2009). Review of state policies concerning the use of physical restraint procedures in schools. *Education and Treatment of Children, 32*(3), 487-504.
- Ryan, J.B., Sanders, S., Katsiyannis, A. & Yell, M. L. (2007). Using timeout effectively in the classroom. *Teaching Exceptional Children, 39*(4), 60-67.
- Skiba, R.J., Michael, R.S., Nardo, A.C. & Peterson, R.L. (2002). The color of discipline: Sources of racial disproportionality in school punishment. *The Urban Review, 34*(4), 317-324.
- Slaughter,S.E., Hill, J.N. & Snelgrove-Clarke, E. (2015). What is the extent and quality of documentation and reporting of fidelity to implementation strategies: A scoping review. *Implementation Science, 10*, 1-12.
- Smith, D. L. & Smith, B. J. (2006). Perceptions of violence: The views of teachers who left urban schools. *The High School Journal, 89*, 34-42.

- Solomon, B. G., Klein, S. A., Hintze, J. M., Cressey, J. M., & Peller, S. L. (2011). A meta-analysis of school-wide positive behavior support: An exploratory study using single case synthesis. *Psychology in the School, 49*(2), 105-121.
- Stanford, B.H. (2001). Reflections of resilient, persevering urban teachers. *Teacher Education Quarterly, 28*, 75-85.
- Sugai, G. (2013). Key PBIS concepts, principles, and terminology. Retrieved from [http://www.pbis.org/common/pbisresources/presentations/PBIS\\_Big\\_Ideas\\_Mar\\_30\\_2013.pdf](http://www.pbis.org/common/pbisresources/presentations/PBIS_Big_Ideas_Mar_30_2013.pdf)
- Sugai, G., Horner, R. H., Dunlap, G., Hieneman, Lewis, T. J., Nelson, C. M., Scott, T. M., Liaupsin, C. J., Sailor, W., Turnbull, A. P., Turnbull, H. R. III, Wickham, D., Ruef, M., Wilcox, B. (2000). Applying positive behavioral support and functional assessment in schools. *Journal of Positive Behavioral Interventions, 2*, 131-143.
- Sugai, G., Lewis, Palmer, T., & Hagan-Burke, S. (2001). Overview of the functional behavioral assessment process. *Exceptionality, 8*, 149-160.
- Sutherland, K.S. (2000). Promoting positive interactions between teachers and students with emotional/behavioral disorders. *Preventing School Failure, 44*, 110-116.
- Sutherland, K.S. & Oswald, D. P. (2005). The relationship between teacher and student behavior in classrooms for students with emotional and behavioral disorders: Transactional processes. *Journal of Child and Family Studies, 4*, 1-154.
- Sutherland, K. S., Wehby, J. H., & Copeland, S. R. (2000). Effect of varying rates of behavior specific praise on the on-task behavior of students with EBD. *Journal of Emotional and Behavioral Disorders, 8*, 2-8.

- Sweeten, G. (2006). Who will graduate? Disruption of high school education by arrest and court involvement. *Justice Quarterly*, 23(4), 462-480.
- Thomas, J. A., & Montgomery, P. (1998). On becoming a good teacher: Reflective practice with regard to children's voices. *Journal of Teacher Education*, 49, 372-380.
- Umbreit, J., Ferro, J., Liaupsin, C. & Lane, K.L. (2007). *Functional behavioral assessment and function based intervention: An effective, practical approach*. Upper Saddle River, NJ: Prentice Hall.
- U.S. Department of Education. (2011, March). Methods for Assessing Racial//Ethnic Disproportionality in Special Education: A Technical Assistance Guide. Retrieved from [http://www.isbe.net/spec-ed/pdfs/disproportionality\\_ta-guide.pdf](http://www.isbe.net/spec-ed/pdfs/disproportionality_ta-guide.pdf)
- U.S. Department of Education Office for Civil Rights. (2014, March). *Civil rights data collection data snapshot: School discipline* (Issue Brief No. 1). Washington DC: Author
- van Lier, P. A. C, Muthen, B. O., van der Sar, R. M., & Crijnen, A. A. M. (2004). Preventing disruptive behavior in elementary schoolchildren: Impact of a universal classroom-based intervention. *Journal of Consulting and Clinical Psychology*, 72, 467-478.
- Vannest, K. J., Davis, J. L., Davis, C. R., Mason, B.A.& Burke, M.D. (2010) Effective intervention for behavior with a daily behavior report card: A meta-analysis. *School Psychology Review*. 4, 39. 654-672.
- Vannest, K. J., Burke, M.D., Sauber, S. B., Davis, J. L. & Davis, C. R. (2011). Daily behavior report cards as evidence based practice for teachers. *Beyond Behavior*, 20(2), 13-21.
- Vannest, K. J., Davis, J. L., Davis, C. R., Mason, B. A. & Burke, M. D. (2010). Effective intervention for behavior with a daily report card: A meta-analysis. *School Psychology Review*, 39(4), 654-672.



- Walker, B., Cheney, D., Stage, S. & Blum, C. (2005). Schoolwide screening and positive behavior supports: Identifying and supporting students at risk for school failure. *Journal of Positive Behavior Interventions*, 7(4), 194-204.
- Walter, U. M., & Petr, C. G. (2011). Best Practices in Wraparound: A Multidimensional View of the Evidence. *Social Work*, 56(1), 73-80.
- Wyles, P. (2007). Success with wraparound: A collaborative individualized, integrated and strength based model. *Youth Studies Australia*, 26, 45-53.
- Yoon, K. S., Duncan, T., Lee, S. W., Scarloss, B., & Shapley, K. L. (2007). *Reviewing the evidence on how teacher professional development affects student achievement*. Washington, D.C.: Institute of Educational Sciences



## Endnotes

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<sup>i</sup> **Seclusion** is a very restrictive form of timeout, sometimes called isolation timeout. In seclusion timeout a student is removed from the classroom and placed in a room or area in which s/he is prohibited from leaving until the timeout period is served. The procedure typically involves placing a student in a: (a) comfort room, (b) quiet room, (c) cool down room, or (d) timeout room (Ryan, Peterson, & Rozalski, 2007).

<sup>ii</sup> **Restraint** is defined as any physical method of restricting an individual's freedom of movement, physical activity, or normal access to his or her body. Three types of restraint procedures are found in the literature: mechanical, chemical, and ambulatory (also known as manual restraint or therapeutic holding). Mechanical restraint involves the use of an object or device to limit an individual's movement to prevent or manage out-of-control behavior. Examples include harnesses, flexible handcuffs or any other object (e.g., tape) used to restrict a student's movement. Chemical restraint uses medication to control behavior or restrict a patient's freedom of movement. Last, ambulatory restraint which is typically the most commonly used procedure in schools, involves one or more people using their bodies to restrict another individual's body movement as a means for reestablishing behavioral control and establishing and maintaining safety for the client, other clients, and staff (Ryan, Robbins, Peterson, & Rozalski, 2009).

<sup>iii</sup> **Odds Ratio (OR)** is a measure of association between an exposure and an outcome. The OR represents the odds that an outcome will occur given a particular exposure, compared to the odds of the outcome occurring in the absence of that exposure. Odds ratios are used to compare the relative odds of the occurrence of the outcome of interest (e.g. suspension), given exposure to the variable of interest (e.g. disability). OR also provides a useful way to compare two populations, and may be more meaningful than their differences.

<sup>iv</sup> **Individualized Education Program (IEP)** is a written document required for each student who is eligible for special education services. The IEP is a legally binding document meant to address each child's unique learning issues and include specific educational goals. IEPs must include (a) a statement of the student's Present Level of Academic and Functional Performance (PLAFP), (b) annual educational goals, (c) special education supports and services that the school will provide to help the student reach goals, (d) modifications and accommodations provided to help the student make progress, (e) accommodations allowed for standardized tests, (f) how and when the school will measure a student's progress toward annual goals, and (g) transition planning that prepares students for life after high school (Heward, 2009).

# APPENDIX 1

**JOSEPH B. RYAN, PH.D.**  
**Distinguished Professor**  
**Clemson University**  
**227 Holtzendorff Hall**  
**Clemson, SC 29634**  
**(864) 656-1531**  
**Jbryan@clemson.edu**

**Academic Background/Degrees**

Ph.D.	2004	University of Nebraska – Lincoln	Special Education
M.S.S.	2011	United States Army War College	Strategic Studies
M.S.Ed.	1995	Old Dominion University	Education
M.B.A.	1992	University of West Florida	Finance
B.S.B.A.	1984	University of Arizona	Business Administration

**Professional Experience**

2005 – Present	<i>Clemson University</i> <ul style="list-style-type: none"><li>• Robert &amp; Kaye Stanzione Distinguished Professor in Clemson LIFE 2016 - Present</li><li>• Professor 2014 - 2016</li><li>• <i>Associate Director of Research</i> for School of Education 2011 - 2015</li><li>• Associate Professor 2010 – 2014</li><li>• Assistant Professor 2005 – 2010</li></ul>
2007 – Present	<i>Founder &amp; Executive Director Clemson LIFE (Learning is for Everyone)</i> <ul style="list-style-type: none"><li>• Post-Secondary Transition program for individuals with cognitive disabilities. Trains young adults in independent living &amp; employment skills. Responsible for oversight of \$630,000 annual budget, 14 staff, 29 LIFE students and 500 undergraduate/graduate volunteers.</li></ul>
2005 – Present	<i>Founder &amp; Director Clemson's Challenger Baseball, Top Soccer &amp; Equine Therapy</i> <ul style="list-style-type: none"><li>• Adaptive sports programs for children and adolescents with physical and emotional disabilities. Supervise over 100 athletes and 120 Clemson student volunteers each year.</li></ul>
2004 – 2005	<i>James Madison University</i> <ul style="list-style-type: none"><li>• Assistant Professor 2004 – 2005</li></ul>
2001 – 2004	<i>University of Nebraska – Lincoln</i> <ul style="list-style-type: none"><li>• Doctoral Research Assistant</li></ul>



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- 1999 – 2001 Fort Stewart Elementary School, Department of Defense School System, Savannah GA.
- Instructed self-contained classroom for students with emotional and behavioral disorders.
- 1998 – 1999 South Guam Elementary / Middle School, Department of Defense School System, Guam.
- (Inclusion and Resource teacher for students with learning disabilities and behavioral disorders.
- 1996 – 1998 Advocate Schools, Chula Vista, CA.
- Lead Instructor for Special Day School for Seriously Emotionally Disturbed.
  - Special Education Teacher at Residential School for Seriously Emotionally Disturbed.

## RESEARCH

### Publications

#### Books

1. Peterson, R.L., **Ryan, J.B.** & Rozalski, M. (2013). *Physical Restraint and Seclusion in Schools*. Arlington, VA: Council for Exceptional Children.

#### Peer Reviewed Articles

1. Dunn, M., Katsiyannis, A & **Ryan, J.B.** (in press). Charter schools and students with disabilities: A legal update. *Intervention in School and Clinic*,
2. Katsiyannis, A., Counts, J., Popham, M., **Ryan, J.B.** & Butzer, M. (in press). Litigation and students with disabilities: An overview of cases from 2015. *National Association of Secondary School Principals Bulletin*,
3. **Ryan, J.B.**, Katsiyannis, A., Counts, J. & Shelnut, J. (in press). The Growing Concerns Regarding School Resource Officers. *Intervention in School and Clinic*,
4. Popham, M., Lawton, K. L., Katsiyannis, A., & **Ryan, J. B.** (in press). Maintenance of effort: A challenging road. *Journal of Special Education Leadership*,
5. Losinski, M., Maag, J.W., Katsiyannis, A., & **Ryan, J.B.** (in press). The use of structural analysis to develop Interventions for secondary students exhibiting challenging behaviors. *Education and Treatment of Children*,
6. Collins, J. C. & **Ryan, J. B.** (2016). Extension of positive behavioral interventions and supports from the school to the bus: A case study. *Journal of At-Risk Issues*, 19(1), 29-33.



7. **Ryan, J.B.**, Ellis, C. & Katsiyannis, A. (2015). Increasing role of medication therapy for managing student behavior. *Beyond Behavior*, 24(3), 31-37.
8. Scheuermann, B., Peterson, R., **Ryan, J.B.** & Billingsley, G. (2015). Professional and ethical issues related to physical restraint and seclusion in schools. *Journal of Disability Policy Studies*,
9. Smith, C., Katsiyannis, A., Losinski, M. & **Ryan, J. B.** (2015). Eligibility for Students with Emotional or Behavioral Disorders: The Social Maladjustment Dilemma Continues. *Journal of Disability Policy Studies*, 25(4). 252-259.
10. **Ryan, J.B.**, Hughes, E., Katsiyannis, A., McDaniel, M. & Sprinkle, C. (2014). Research-based educational practices for students with Autism Spectrum Disorder. *Teaching Exceptional Children*, (Reprint of original article published in *Teaching Exceptional Children*, 43(3), 56-64.
11. **Ryan, J.B.**, Katsiyannis, Losinski, M., A., Reid, R., & Ellis, C. (2014). Review of state medication policies/guidelines regarding psychotropic medications in public schools. *Journal of Child and Family Studies*, 23(4), 704-715.
12. Collins, J. C., **Ryan, J.B.**, Katsiyannis, A., Barrett, D. & Yell, M. (2014). Use of portable electronic assistive technology to improve independent job performance of young adults with an intellectual disability. *Journal of Special Education Technology*, 29(3), 15-30.
13. Hawkins, B., **Ryan, J.B.**, Corey, L., & Donaldson, M. (2014). Impact of equine assisted therapy on gross motor skills of children with Autism Spectrum disorder. *Therapeutic Recreation Journal*, 48(2), 135-149.
14. Losinski, M., Katsiyannis, A., **Ryan, J.B.**, & Baughan, C. (2014). Weapons in schools and zero tolerance: Implications for special educators. *NASSP Bulletin*, 98(1), 1-16.
15. **Ryan, J.B.**, Katsiyannis, A., Cadorette, D., Hodge, J. & Markham, M. (2014). Establishing adaptive sports programs for youth with disabilities. *Preventing School Failure*, 58, 32-41.
16. Losinski, M., Katsiyannis, A., & **Ryan, J.B.** (2014). Recent case law regarding functional behavioral assessments: Implications for practice. *Intervention in School and Clinic*. 49, 251-254.
17. Smith, C., Katsiyannis, A., & **Ryan, J.B.** (2014). Addressing the gap between case law and professional practice: A response to Zirkel. *Behavioral Disorders*, 39(2), 108-112.
18. Losinski, M., Katsiyannis, A. & **Ryan, J.B.** (2013). The McKinney-Vento Education for Homeless Children and Youth Program: Implications for Special Educators. *Intervention in School and Clinic*, 49, 92-98.

19. Peck, A., Albrecht, S., George, C., Mathur, S., Padget, M., **Ryan, J.B.**, White, R., & Baker, D. (2012). Reflections on the future of CCBD: A response to Colvin, Forness & Nelson. *Behavioral Disorders*, 37(2), 123-125.
20. Hawkins, B.L., Stegall, J.B., Weber, M. & **Ryan J.B.** (2012). The Influence of a Yoga Exercise Program for Young Adults with Intellectual Disabilities. *International Journal of Yoga*, 5, 151-156.
21. Peck, A., Albrecht, S., George, C., Mathur, S., Padget, M., **Ryan, J.B.**, White, R., & Baker, D. (2012). New Direction for CCBD? Three studies examining the future of the organization. *Behavioral Disorders*, 37(1), 30-41.
22. Hughes, E., Green, J. & **Ryan, J.B.** (2011). The use of assistive technology to improve time management skills of a young adult with an intellectual disability. *Journal of Special Education Technology*, 26(3), 13-20.
23. **Ryan, J.B.**, Katsiyannis, A. & Hughes, E. (2011). Medication treatment for Attention Deficit Hyperactivity Disorder. *Theory into Practice*. 50(1), 1-9.
24. Smith, C., Katsiyannis, A., & **Ryan, J.B.** (2011). Serving students with emotional and behavioral disorders: Miles to go, promises to keep. *Behavioral Disorders*, 36(3), 185-194.
25. **Ryan, J.B.**, Hughes, E., Katsiyannis, A., McDaniel, M. & Sprinkle, C. (2011). Research-based educational practices for students with Autism Spectrum Disorder. *Teaching Exceptional Children*, 43(3), 56-64.
26. Couvillon, M., Peterson, R.L., **Ryan J.B.**, Scheuermann, B.K., & Steggall, J. (2010). A review of crisis intervention training programs for schools. *Teaching Exceptional Children*, 42(5), 6-17.
27. Rozalski, M., Katsiyannis, A., **Ryan, J.B.**, Collins, T. & Stewart, A. (2010). Americans with Disabilities Act Amendments of 2008. *Journal of Disability Policy Studies*, 21(1), 22-28.
28. **Ryan, J.B.**, Robbins, K., Peterson, R.L. & Rozalski, M. (2009). Review of state policies concerning the use of physical restraint procedures in schools. *Education and Treatment of Children*, 32(3), 487-504.
29. **Ryan, J. B.** & Katsiyannis, A. (2009). Helping schools ensure medication therapy is conducted in a safe and efficacious manner. *Teaching Exceptional Children Plus*, 6(2), 1-12.
30. Yell, M., **Ryan, J.B.**, Rozalski, M. & Katsiyannis, A. (2009). The U.S. Supreme Court and special education: 2005 to 2007. *Teaching Exceptional Children*, 41(3), 68-75.
31. Yell, M.L, Conroy, T., Katsiyannis, A. & **Ryan, J.B.** (2009) *Schaffer v. Weast*: The Supreme Court on the burden of persuasion in due process hearings. *Preventing School Failure*, 44(4), 241-246



32. **Ryan, J. B.**, Reid, R. & Ellis, C. (2008). A survey of special educator knowledge regarding psychotropic interventions for students with emotional and behavioral disorders. *Remedial & Special Education*, 29(5), 269-279.
33. **Ryan, J. B.**, Reid, R., Gallagher, K. & Ellis, C. (2008). Prevalence rates of psychotropic medications for students placed in residential care. *Behavioral Disorders*, 33(2), 99-107.
34. **Ryan, J.B.**, Pierce, C.D. & Mooney, P. (2008). Evidence based teaching strategies for students with EBD. *Beyond Behavior*, 17(3), 22-29.
35. Yell, M.L., Katsiyannis, A., **Ryan, J.B.**, McDuffie, K. & Mattocks, L. (2008). Twenty ways to ensure compliance with the Individuals with Disabilities Education Improvement Act of 2004. *Intervention in School and Clinic*, 44(1), 45-51.
36. Katsiyannis, A., **Ryan, J.B.**, Zhang, D. & Spann, A. (2008). Juvenile delinquency and recidivism: The impact on academic achievement. *Reading & Writing Quarterly*, 24, 177-196.
37. Yell, M. L., Katsiyannis, A., **Ryan, J.B.** & McDuffie, K. (2008). Recovery of expert fees in special education administrative due process hearings. *Intervention in School and Clinic*, 44(2), 112-115.
38. **Ryan, J.B.**, Peterson, R.L. & Rozalski, M. (2007). Review of state policies concerning the use of timeout in schools. *Education and Treatment of Children*, 30(3), 215-239.
39. Katsiyannis, A., Zhang, D., **Ryan, J.B.** & Jones, J. (2007). High Stakes Testing and Students with Disabilities: Challenges and Promises. *Journal of Disability Policy Studies*, 18, 160-167.
40. **Ryan, J.B.**, Sanders, S., Katsiyannis, A. & Yell, M. L. (2007). Using timeout effectively in the classroom. *Teaching Exceptional Children*, 39(4), 60-67.
41. **Ryan, J.B.**, Katsiyannis, A. Peterson, R. & Chmelar, B. (2007). IDEA 2004 and disciplining students with disabilities. *National Association of Secondary School Principals Bulletin*, 91(2), 130-140.
42. **Ryan, J.B.**, Peterson, R.L., Tetreault, G. & Van der Hagen, E. (2007). Reducing Seclusion Timeout and Restraint Procedures with At-Risk Youth. *Journal of At-Risk Issues*. 13(1), 7-12.
43. Mooney, P., **Ryan, J.B.**, Reid, R., Uhing, B. M. & Epstein, M. H. (2005). A review of self-management learning interventions on academic outcomes for students with emotional and behavioral disorders. *Journal of Behavioral Education*, 14, 203-221.

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44. **Ryan, J.B.**, Reid, R., Epstein, M.H., Ellis, C. & Evans, J.H. (2005). Pharmacological Interventions research for academic outcomes for students with ADHD. *Behavioral Disorders*, 30(2), 135-154.
45. **Ryan, J. B.**, Reid, R. & Epstein, M. H. (2004). A review of peer mediated intervention studies on academic achievement for students with emotional and behavior disorders. *Remedial and Special Education*, 25(6), 330-341.
46. **Ryan, J. B.** & Peterson, R. L. (2004). Physical restraints in school. *Behavioral Disorders*, 29(2), 155-169.
47. Trout, A., **Ryan, J.B.**, La Vigne, S. & Epstein, M. (2003). Behavioral and Emotional Rating Scale: Two studies of convergent validity. *Journal of Child and Family Studies*, 14(3), 399-410.

#### **Editorials in Refereed Journals**

1. Mooney, P. & **Ryan J.B.** (2016). Understanding differences in evidence and research based practices. *Beyond Behavior*, 25(2), 2-3.
2. **Ryan, J.B.** & Mooney, P. (2016). Helping practitioners better serve students with emotional and behavioral disorders. *Beyond Behavior*, 25(1), 1-2.
3. Mooney, P. & **Ryan J.B.** (2015). Expanding research-based applications for those students with emotional and behavioral disorders. *Beyond Behavior*, 24(3), 2-3.
4. **Ryan, J.B.** & Mooney, P. (2015). Understanding the mental health needs of students with emotional and behavioral disorders. *Beyond Behavior*, 24(2), 2-3.
5. Mooney, P. & **Ryan J.B.** (2015). Help in organizing for and working with students with or at risk for emotional and behavioral disorders. *Beyond Behavior*, 24(1), 2.
6. **Ryan, J.B.** & Rozalski, M. (2014). Promoting professional development through reading. *Beyond Behavior*, 23(2), 2-3.
7. **Ryan, J.B.** & Rozalski, M. (2013). Promoting evidence based practices within the field of emotional and behavioral disorders. *Beyond Behavior*, 23(1), 2.

#### **Invited Articles and Chapters in Books**

1. **Ryan, J.B.**, Peterson, R. L. & Rozalski, M. (2013). The use of physical restraint and seclusion in schools: A growing concern about. In R.L. Peterson, J.B. Ryan & M. Rozalski (Eds.) *Physical Restraint and Seclusion in Schools*. (pp. 1-14). Arlington, VA.: Council for Exceptional Children.
2. Scheuermann, B., **Ryan, J.B.**, Peterson, R. & Billingsley, G. (2013). Ethical Issues in the Use of Restraint and Seclusion. In R.L. Peterson, J.B. Ryan & M. Rozalski (Eds.) *Physical Restraint and Seclusion in Schools*. (pp. 31-50). Arlington, VA.: Council for Exceptional Children.



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3. Peterson, R. L. **Ryan, J.B.** & Losinski, M. (2013). Proactive techniques to Prevent and Reduce Conflict. In R.L. Peterson, J.B. Ryan & M. Rozalski (Eds.) *Physical Restraint and Seclusion in Schools*. (pp. 51-68). Arlington, VA.: Council for Exceptional Children.
4. Rozalski, M., **Ryan, J.B.**, Peterson, R.L. & Sutton, M. (2013). De-escalating conflict and aggressive behavior. In R.L. Peterson, J.B. Ryan & M. Rozalski (Eds.) *Physical Restraint and Seclusion in Schools*. (pp. 69-86). Arlington, VA.: Council for Exceptional Children.
5. **Ryan, J.B.**, Peterson, R.L. & Rozalski, M. (2013). Training Educators for Crisis Intervention. In R.L. Peterson, J.B. Ryan & M. Rozalski (Eds.) *Physical Restraint and Seclusion in Schools*. (pp. 87-102). Arlington, VA.: Council for Exceptional Children.
6. Rozalski, M., Peterson, R. L. & **Ryan, J.B.** (2013). Conclusions and Recommendations. In R.L. Peterson, J.B. Ryan & M. Rozalski (Eds.) *Physical Restraint and Seclusion in Schools*. (pp. 129-136). Arlington, VA.: Council for Exceptional Children.
7. **Ryan, J.B.** & Peterson, R. L. (2012). Regulatory Concerns Governing Physical Restraint. In J.K. Luiselli, ed. *The Handbook of High-Risk Challenging Behaviors in People with Intellectual and Developmental Disabilities: Assessment and Intervention* (pp. 257-270). Baltimore, MD: Brooks Publishing.
8. Mooney, P., **Ryan, J.B.**, Denny, R.K., & Gunter, P.L. (2012). Behavior modification/traditional techniques for students with EBD. In J.P. Bakken, F.E. Obiakor, & A.F. Rotatori (Eds.), *Advances in special education: Behavioral disorders: Current perspectives and issues: Identification, assessment, and instruction of students with EBD* (pp. 173-202). Bingley, United Kingdom: Emerald Group Publishing Limited.
9. **Ryan, J. B.** (2011). Sailing into troubled waters: Predicting piracy off Africa. *Pentagon Reports*. <http://www.stormingmedia.us/45/4503/A450355.html>
10. **Ryan, J.B.** (2008). *Commander Third Fleet Joint Forces Maritime Component Commander Training Manual*.
11. **Ryan, J. B.**, Peterson, R. L. Tetreault, G. & van der Hagen, E. (2007). Reducing the use of seclusion and restraint in a day school program. In M. A. Nunno, L. Bullard, & D. M. Day eds. *For our own good: Examining the Safety of High-Risk Interventions for Children and Young People*. (pp. 201-216) Washington, DC: Child Welfare League of America.
12. **Ryan, J.B.** & Peterson, R.L. (2006). Is student restraint ever justifiable? In Harrington & Holub's *Taking Sides: Clashing Views on Controversial Issues in Classroom Management*. Dubuque, IA: McGraw-Hill.

13. Benner, G.J., Epstein, M.H., Moss, M.M. & **Ryan, J.B.** (2004) The service needs of youth in the juvenile justice system. In C. Newman, C. Liberton, K. Kutash, & R.M. Friedman (Eds.), *The 16<sup>th</sup> Annual Research Conference Proceedings, A System of Care for Children's Mental Health: Expanding the Research Base* (pp. 163-168). Tampa, FL: Louis de la Parte Florida Mental Health Institute.

**Unpublished Works (Technical Reports, ERIC documents)**

1. **Ryan, J.B.** (2013). Are there better alternatives to seclusion and restraint? *Action to Keep Students Safe*. Retrieved from <http://keepallstudentssafe.weebly.com/resources.html>
2. **Ryan, J.B.** (2013). CCBD 2013 Award Winners. *International Council for Children with Behavioral Disorders Newsletter, 27(1)*, Retrieved from <http://www.ccbd.net/?q=node/147>
3. **Ryan, J.B.** (2013). Dangers of physical restraint at school. *International Council for Children with Behavioral Disorders Newsletter, 26(4)*, Retrieved from <http://www.ccbd.net/?q=node/109>
4. **Ryan, J.B.** (2012). How to make classroom timeouts more effective. *International Council for Children with Behavioral Disorders Newsletter, 26(3)*, Retrieved from <http://www.ccbd.net/?q=node/49>
5. **Ryan, J.B.** (2012). What do you really know about the medications your students take? *International Council for Children with Behavioral Disorders Newsletter, 26(2)*, Retrieved from <http://www.ccbd.net/?q=node/119>
6. **Ryan, J.B.** (2012). Start a successful school year with evidence-based practices (EBPs). *International Council for Children with Behavioral Disorders Newsletter, 26(1)*, Retrieved from <http://www.ccbd.net/?q=node/128>
7. **Ryan, J.B.** (2009). Do you really know about the medications your students are taking? *South Carolina Council for Children with Behavioral Disorders Newsletter, 15(3)*, 3-5.
8. **Ryan, J.B.** (2008). Self-management strategies that really work for students with EBD. *South Carolina Council for Children with Behavioral Disorders Newsletter, 15(1)*, 3.
9. **Ryan, J.B.** (2008). Starting the school year out right by creating a positive classroom environment. *South Carolina Council for Children with Behavioral Disorders Newsletter, 14(4)*, 3.
10. **Ryan, J.B.** (2008). The importance of crisis intervention training for public schools. *South Carolina Council for Children with Behavioral Disorders Newsletter, 14(3)*, 4.



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11. **Ryan, J.B.** (2008). Increased concerns over the use of seclusion timeouts in schools. *South Carolina Council for Children with Behavioral Disorders Newsletter*, 14(2), 4-5.
12. **Ryan, J.B.** (2008). *Commander Third Fleet Joint Forces Maritime Component Commander Training Manual*.
13. **Ryan, J.B.** (2007). Determining the proper placement for students with EBD. *South Carolina Council for Children with Behavioral Disorders Newsletter*, 14(1), 6.

#### **Books in Submission**

1. **Ryan, J.B.** & Traylor, D. (in submission). *Promoting Healthy Lifestyles for Individuals with Intellectual Disabilities*.

#### **Manuscripts in Preparation / Submission**

1. Traylor, D., **Ryan, J.B.**, Bridges, W., & Jesch, E. (in submission). Relative contribution of leg strength and short distance shuttle run sprint ability to peak power in young adults with intellectual disabilities. *Journal of Human Kinetics*,
2. Collins, J. C., Wagner, J. Y. & **Ryan, J. B.** (in submission). Using assistive technology to reduce duration of eating for a student with intellectual disabilities.
3. Counts, J., Popham, M., Lawton, K., **Ryan, J.B.**, & Katsiyannis, A., (in submission). Self-Regulated Strategies to Improve Academic Outcomes of Students with Emotional and Behavioral Disorders: A Meta-Analysis. *Journal of Special Education*,
4. Dunn, M., Shelnut, J., **Ryan, J.B.**, & Katsiyannis, A. (in preparation). The Effectiveness of Peer-Mediated Interventions on the Academic Achievement of Students with Emotional/Behavioral Disorders: A Meta-Analysis.
5. Kane, E.J., Peterson, R.L., Scheurmann, B., Ryan, J.B., Couvillon, M. & Hogan, J. (in submission). An Examination of the Content of Crisis Intervention Training Programs that Address Physical Restraint. *Education and Treatment of Children*.
6. Couvillon, M., Ryan, J.B., Kane, E., Peterson, R., Scheurmann, B. & Hogan, J. (in submission). An Overview of Crisis Intervention Training Programs for Schools.

#### **Funded External Grants**

Mar, 2014

**U.S. Department of Education Doctoral Leadership Grant: (Funded).** Principal Investigator of 4 year **\$1,097,670** doctoral

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- leadership grant Exemplary Personnel for Education, Research, and Teaching in Special Education (ExPERTiSE).
- July, 2013 **College Transition Connection:** Principal Investigator of 1 year **\$20,000 (Funded)** post-secondary education grant Promoting Healthy Lifestyles for Individuals with Intellectual Disabilities.
- Aug, 2008 **National Down Syndrome Society & Charleston Transition Connection Partnership Project: (Funded)** Principal Investigator for 3 year **\$155,000** grant to create CLEMSON (Learning is for Everyone) LIFE postsecondary transition program for young adults with disabilities at Clemson University.
- Jun, 2008 **U.S. Department of Education Doctoral Leadership Grant: (Funded)** Team member/Co-PI of 4 year **\$800,000** doctoral leadership grant Roadmap to Excellence for School and University Leaders in Teaching and Scholarship (RESULTS).

#### Foundation & Private Donations

- 2016 **Helped raise \$2,500,000 in private donations** to fund a Distinguished Professorship to lead the Clemson LIFE (Learning is for Everyone) post-secondary education program for young adults with intellectual disabilities.
- 2015 **Helped raise \$135,000 in private donations** for Clemson LIFE (Learning is for Everyone) program to support program expansion and scholarship funding.
- 2014 **Helped raise \$380,000 in private donations** for Clemson LIFE (Learning is for Everyone) program to support program expansion and scholarship funding.

#### Funded Internal Grants and Contracts

- Mar, 2012 **Health Education & Human Development Interdisciplinary Research Innovation: (Funded)** Principal Investigator for Clemson Equine-Assisted Therapy (CLEAT) for Individuals with Autism Spectrum Disorder. Awarded **\$50,000** to develop equine therapy program.
- Sep, 2005 - 2013 **Clemson University Undergraduate Research, Discovery, and Creative Activity Initiative Proposal: (Funded)** Principal Investigator for three (3) Ongoing CI programs, including: *Challenger Baseball League, Top Soccer League, Clemson LIFE support.* **\$17,500** to date to organize undergraduate / graduate research teams for over 200 Clemson students to run therapeutic



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- recreation programs for children ages 6-18 with physical and mental disabilities.
- Sep, 2009 **Clemson University Service Learning Course Development Grant: (Funded)** Principal Investigator for developing a Service Learning Transition Course for special education. Awarded **\$500** to develop service learning course for spring 2009 semester.
- Dec, 2006 **Clemson University Undergraduate Research, Discovery, and Creative Activity Initiative Proposal: (Funded)** Principal Investigator for *Equine Therapy Program*. Awarded **\$2,500** to organize 16 member undergraduate research team to investigate the efficacy of equine therapy programs for children with Autistic Spectrum Disorder, Down Syndrome, Cerebral Palsy, and E/BD.
- Mar, 2006 **HEHD Summer Research Support Program: (Funded)** Principal Investigator for *Survey of Behavior Management Procedures Used by Special Educators for Students with Emotional and Behavioral Disorders*. Awarded **\$6,811** to conduct a behavior management survey of special education teachers.
- Feb, 2005 **James Madison University PEER Grant: (Funded)** Principal Investigator for *Highly Qualified Paraprofessional Training (HQPT) Program*: Awarded **\$9,183** to develop internet based training program that will be used to provide professional development for paraprofessionals and develop a larger grant proposal seeking external funding.
- Jan, 2005 **Faculty Mini-Grant: (Funded)** Principal Investigator for *Purchase of Assessment Instruments for Special Education Resource Center*. Awarded **\$620** for James Madison University College of Education Competition.
- Nov, 2004 **Faculty Mini-Grant: (Funded)** Principal Investigator for *The Use of Timeout Procedures in Schools*. Awarded **\$500** for travel to present at Midwest Symposium for Behavior Disorders in Kansas City from James Madison University College of Education Research Competition.
- Oct, 2004 **Faculty Research Grant: (Funded)** Principal Investigator for Investigating the Use of Seclusionary Timeout and Restraint Procedures for Students with Emotional and Behavioral Disorders in a Special Day School. Awarded **\$3,100** for James Madison University College of Education Research Competition.
- Sep, 2003 **Warren and Edith Day Fund: (Funded)** Principal Investigator for Prevalence study on psychotropic medications prescribed for students with EBD and Teacher knowledge and training levels regarding pharmacotherapy. Awarded **\$500** from University of Nebraska-Lincoln, Office of Graduate Studies.

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### Presentations

#### Webinars

1. **Ryan, J.B.** (2015, September). *Beyond Behavior: Creating a culture of data-driven behavioral interventions*. Presence Learning Webinar.
2. **Ryan, J.B.**, Peterson, R., Stewart, D. & Lichtenstein, B. (2015, September). *Policy Matters: A Call for Federal Policy on the Use of Seclusion and Restraint in Public Schools*. Clemson Television.
3. **Ryan, J.B.** (2015, June). Reducing the use of seclusion and restraint in schools. *National Dropout Prevention Center's Solutions to the Dropout Crisis*.
4. **Ryan, J. B.** (2014, August). *Reducing the Use of Seclusion and Restraint on Students with Autism*. AudioSolutionz Webinar.
5. **Ryan, J. B.** (2012, September). *Restraint & Seclusion: Avoiding Dangerous and Costly Practices and Policies*. LRP Education Audio Conferences and Webinar.
6. Peterson, R., **Ryan, J.B.**, Rozalski, M. (2012, March). *Physical Restraint and Seclusion in Schools: Issues, Policies and Practices*. A Council for Exceptional Children (CEC)/Council for Children with Behavioral Disorders (CCBD) Collaborative Webinar, *(CEC) Webinar Series*.
7. **Ryan, J.B.**, Collins, J., Hughes, E., Snyder, A. (2011, September). *Autism Spectrum Disorders: Implementing Evidence Based Procedures (Part I)*. Presentation session at the Council for Exceptional Children *(CEC) Webinar Series*.
8. **Ryan, J.B.**, Collins, J., Hughes, E., Snyder, A. (2011, October). *Autism Spectrum Disorders: Implementing Evidence Based Procedures (Part II)*. Presentation for Council for Exceptional Children (CEC) Webinar Series.

#### Invited Lectures and Papers

1. **Ryan, J.B.** (2016, June). *Growing Concerns Regarding School Resource Officers*. School to Prison Pipeline Seminar. Columbia, SC.
2. **Ryan, J.B.** (2016, April). *What Every Educator Needs to Know about the Psychotropic Medications their Students Are Taking*, Presentation session at LRP's National Institute on Legal Issues of Educating Individuals with Disabilities, New Orleans, LA.
3. **Ryan, J.B.** (2016, March). *Clemson LIFE: Leading the Way in Post-Secondary Education for Individuals with Intellectual disabilities*. Presentation as Outstanding Alumni Speaker University of Nebraska, Lincoln, NE.



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4. **Ryan, J.B.** (2016, February). *Keys to Developing a Sound Behavior Management Plan*. Focus on Inclusion Conference, Indianapolis, IN.
5. **Ryan, J.B.** (2016, February). *How to De-escalate Aggressive Behavior*. Focus on Inclusion Conference, Indianapolis, IN.
6. **Ryan, J.B.** (2016, February). *Making Data Collection Relevant and Easy to Address Challenging Student Behavior*. Focus on Inclusion Conference, Indianapolis, IN.
7. **Ryan, J.B.** (2015, September). *Making Data Collection Easy and Relevant to Address Challenging Behavior*. Fall Special Education Leadership Meeting, Columbia, SC.
8. **Ryan, J.B.** (2015, July). *Addressing Problem Behaviors in a Truly Positive Manner*. Presentation session at LRP's Special Education Director's Summit, Portland, OR.
9. **Ryan, J.B.** (2015, June). *Easy Ways to Track and Change Problem Behaviors*. Presentation session at LRP's Special Education Director's Summit, Savannah, GA.
10. **Ryan, J.B.** (2015, April). *Making Data Collection Easy and Relevant to Address Challenging Behavior*. Presentation session at LRP's National Institute on Legal Issues of Educating Individuals with Disabilities, Denver, CO.
11. **Ryan, J.B.** (2014, June). *Seclusion and Restraint: Hear Our Stories*. Invited presentation for **U.S. CONGRESSIONAL BRIEFING**, Washington, DC.
12. **Ryan, J.B.** (2014, May). *Effective Alternatives to Seclusion and Restraint*. Presentation session at LRP's National Institute on Legal Issues of Educating Individuals with Disabilities, Lake Buena Vista, FL.
13. **Ryan, J.B.** (2013, October). *Review of State Medication Policies/Guidelines Regarding Psychotropic Medications in Public Schools*. Presentation session at the Teacher Educators for Children with Behavior Disorders (TECBD) Conference, Tempe, AZ.
14. Gable, R., Evans, W., **Ryan, J.B.**, Zucker, S., Mathur, S., & Hosp, J. (2013, October). *Journal Editors' Forum*. Presentation session at the Teacher Educators for Children with Behavior Disorders (TECBD) Conference, Tempe, AZ.
15. Skiba, R., **Ryan, J.B.**, Paget, M., Forness, S., Mathur, S. & Albrecht, S. (2013, September). *CCBD Advocacy Working for You: A Panel Discussion of Current Policy Issues Affecting Classroom Effectiveness*. Presentation session at the International Council for Children with Behavioral Disorders (CCBD) Conference, Chicago, IL.



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16. Gable, R., Sutherland, K., **Ryan, J.B.**, Mathur, S. Yell. M., Farmer, T., Evans, W., & Lane, K. (2013, September). *Journal Editors' Forum: Getting Your Message Out*. Presentation session at the International Council for Children with Behavioral Disorders (CCBD) Conference, Chicago, IL.
17. **Ryan, J.B.** & Lichtenstein, B. (2013, April). *Restraint and Seclusion in the Educational Setting*. Presentation session at the Jacobus tenBroek Disability Law Symposium, Baltimore MD.
18. Peterson, R., **Ryan, J.B.**, Rozalski, M., Scheurman, B. (2013, April). *Council for Exceptional Children Institute on Physical Restraint & Seclusion*. All day training session at the Council for Exceptional Children Convention & Expo, San Antonio, TX.
19. **Ryan, J. B.** (2012, August). *Exercise and fitness for individuals with disabilities: Promoting healthy and active lifestyles for everyone*. Presentation session at the 2012 International Conference for Glycoprotein Storage Diseases, Charleston, SC.
20. **Ryan, J. B.** (2012, August). *Post-secondary education programs for individuals with disabilities*. Presentation session at the 2012 International Conference for Glycoprotein Storage Diseases. Charleston, SC.
21. **Ryan, J.B.** (2012, February). *The Importance of Teacher Knowledge of Psychotropic Medications*. Presentation in Behavior Strand for the South Carolina Council for Exceptional Children, Columbia, SC.
22. **Ryan, J.B.** & Couvillion, M. (2010, April). *Reducing Restraint and Seclusion in Schools: Advancing Policy and Advocacy*. Presentation for Drake University's Sproul-Hazlett **Distinguished Lecture Series**, Des Moines, IA.
23. **Ryan, J.B.** (2010, March). *Policy and Practice Regarding Seclusion and Restraint in School Settings*. **Keynote Speaker** for general plenary session at the Annual Council of Parent Attorneys and Advocates (COOPA) Conference, Saint Louis, MO.
24. **Ryan, J.B.**, Sullivan, K., & Marshall, D. (2010, March). *In-depth Discussion and Q&A on the Use of Aversives, Restraint and Seclusion in Schools*. Invited break out session at the Annual Council of Parent Attorneys and Advocates (COOPA) Conference, Saint Louis, MO.
25. **Ryan, J.B.** (2009, September). *What Every Parent and Educator Should Know about the Psychotropic Medications Being Prescribed to Children*. Invited presentation at International Conference on Children and Youth with Behavioral Disorders, Denver, CO.
26. **Ryan, J.B.** (2009, June). *Enhancing School Safety: Appropriate Use of Restraint & Seclusion*. Invited presentation for **U.S. CONGRESSIONAL BRIEFING**, Washington, DC.

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27. **Ryan, J.B.** (2009, February). *Developing Time Out/Restraint Policies for South Carolina Schools*. Invited presentation to South Carolina Advisory Council on the Education of Children with Disabilities, Columbia, SC.
28. **Ryan, J.B.** (2009, January). *The Importance of Establishing Time Out/Restraint Policies for Schools*. Invited presentation at the 28<sup>th</sup> Super Conference on Special Education, Lafayette, LA.
29. **Ryan, J.B.** (2009, January). *What Teachers Should Know About the Psychotropic Medications Their Students Are Taking*. Invited presentation at the 28<sup>th</sup> Super Conference on Special Education, Lafayette, LA.
30. **Ryan, J.B.** (2008, October). *What Every Educator Should Know About Psychotropic Medications*. Invited presentation at the 2008 International Child and Adolescent Conference, Minneapolis, MN.
31. **Ryan, J.B.** (2008, October). *Educators Guide to Psychotropic Medications*. Invited presentation at the Oconee County School District sponsored by South Carolina Council for Exceptional Children, Oconee County, SC.
32. Morrow, J.E. & **Ryan, J.B.** (2008, March). *Applied Behavior Analysis and Autistic Spectrum Disorder: What Does the Research Support*. Invited Presentation for Lecture/Seminar Series sponsored by Eugene T. Moore School of Education, Department of Psychology, Department of Philosophy and Religion, Clemson, SC.
33. Peterson, R., Kaff, M., **Ryan, J.B.**, Rozalski, M., Huff, B., Warder, R., & Otten, K. (2008, February) *Seclusion Timeout and Physical Restraint: Getting Beyond "Truthiness" and on a Path to Real Solutions*. **Member of Keynote Panel** for Midwest Symposium for Leadership in Behavioral Disorders, Kansas City, MO.
34. **Ryan, J.B.**, Mathes, S., George, M. & Ramos, K. (2008, February). **Panel Leader** for break out discussion session on use of Seclusion and Restraint in Schools. Invited Presentation for Midwest Symposium for Leadership in Behavioral Disorders, Kansas City, MO.
35. **Ryan, J.B.** (2008, February). *The Dangers Special Educators Need to Know When Their Students are Prescribed Psychotropic Medications*. Invited presentation in Behavior Strand for the South Carolina Council for Exceptional Children, Spartanburg, SC.
36. **Ryan, J. B.** (2007, October). *The Importance of Teachers for Students Prescribed Psychotropic Medications*. Invited workshop session at the Conference for the South Carolina Council for Children with Behavioral Disorders, Myrtle Beach, SC.
37. **Ryan, J.B.** (2007, October). **Strand Leader** on *Mental Health Issues in Schools*. International Conference on Children and Youth with Behavior Disorders, Dallas TX.



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38. **Ryan, J.B.** & Rozalski, M. (2007, October). Research and Practice on Physical Restraint. International Conference on Children and Youth with Behavior Disorders, Dallas TX.
39. **Ryan, J.B.** (2007, March). Questions and Concerns about Medicating Students. Invited presentation for the South Carolina Summit on the Shared Implementation of IDEA. Columbia, SC.
40. **Ryan, J. B.** (2006, November). *Using Timeout Effectively*. Invited presentation at the Conference for the South Carolina Council for Children with Behavioral Disorders, Myrtle Beach, SC.
41. **Ryan, J. B.** (2006, November). *Medicating Students with Emotional and Behavioral Disorders*. Invited workshop session at the Conference for the South Carolina Council for Children with Behavioral Disorders, Myrtle Beach, SC.
42. Yell, M., Shriner, J. Katsiyannis, A. & **Ryan, J.B.** (2006, November). The Individuals with Disabilities Education Improvement Act of 2004: Analysis and Implications for Teachers of Students with Emotional and Behavioral Disorders. Invited Presentation for Teacher Educators for Children with Behavior Disorders Conference Tempe, AZ.

#### **Refereed International and National Conference Papers**

1. **Ryan, J.B.**, Counts, J., Lawton, K., & Popham, M. (2016, February). *A Review of Self-management Interventions Targeting Academic Outcomes for Students with EBD*. Presentation session at the Midwest Symposium for Behavioral Disorders. Kansas City, MO.
2. **Ryan, J.B.** Dunn, M., Shelnut, J. (2016, February). *A Review of Peer Mediated Intervention Studies in Academic Achievement for Students with EBD*. Presentation session at the Midwest Symposium for Behavioral Disorders. Kansas City, MO.
3. Peterson, R., Kane, E., **Ryan, J.B.** & Couvillon, M. (2016, February). *A Consumer's Guide to Crisis Intervention – Physical Restraint & Seclusion Training*. Presentation session at the Midwest Symposium for Behavioral Disorders. Kansas City, MO.
4. Gable, R., **Ryan, J.B.**, Mooney, P., Evans, W.H. (2015, September). *Journal Editors Forum*. Presentation session at the International Conference for Children with Behavioral Disorders, Atlanta, GA.
5. Peterson, R., **Ryan, J.B.** & Couvillon, M. (2015, February). *An Update of Policy, Practice and Data on Physical Restraint and Seclusion*. Presentation session at the Midwest Symposium for Behavioral Disorders. Kansas City, MO.
6. Vannest, K., Landrum, T., & **Ryan, J.B.**, (2015, February). *Publish not Perish. How to prepare your work for CCBD journals "Beyond Behavior and "Journal of*



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- Behavioral Disorders.*" Presentation session at the Midwest Symposium for Behavioral Disorders. Kansas City, MO.
7. **Ryan, J.B.** & Traylor, D. (2014, November). *Promoting Healthy Lifestyles for Individuals with Disabilities.* State of the Art Conference on Post-Secondary Education and Individuals with Intellectual Disabilities, Fairfax, VA.
  8. May, C., Plotner, T., Leach, D. & **Ryan, J.B.** (2014, November). Transition from College to Independent Living: Support for an Active Social Life. Presentation session at the State of the Art Conference on Post-Secondary Education and Individuals with Intellectual Disabilities, Fairfax, VA.
  9. **Ryan, J.B.** & Hodge, J., Jashinsky, E., Jennett, A. & Johnson, M. (2014, April). *Establishing Adaptive Sports Programs for Youth with Moderate to Severe Disabilities.* Presentation session at the Council for Exceptional Children Convention & Expo, Philadelphia, PA.
  10. Rose, C., Katsiyannis, A. & **Ryan, J.B.** (2014, April). *Bullying and Students with Disabilities: Exploring State and Federal Anti-Bullying Policies.* Presentation session at the Council for Exceptional Children Convention & Expo, Philadelphia, PA.
  11. Hawkins, B. & **Ryan, J.B.** (2013, October). Benefits of equine-assisted therapy on the development of physical and psychosocial skills for children with ASD. Presentation session at the *2013 Autism/Asperger Conference and Expo*, Greensboro, NC.
  12. Rozalski, M., **Ryan, J.B.**, Peterson, R., & Scheuermann, B. (2013, April). Alternatives to Seclusion, Restraint and Other Aversive Practices: Creating Classroom Community. Presentation session at the Council for Exceptional Children Convention & Expo, San Antonio, TX.
  13. Peterson, R. & **Ryan, J.B.** (2013, February). *Analysis of federal and state policies and data regarding physical restraint and seclusion procedures in schools.* Presentation session at the Midwest Symposium for Leadership in Behavior Disorders, Kansas City, MO.
  14. **Ryan, J.B.** (2012, October). *Seclusion & Restraint in Schools: The Importance of Research, Policies & Training.* Presentation for Teacher Educators for Children with Behavior Disorders Conference Tempe, AZ.
  15. **Ryan, J.B.** (2011, November). *ASD: Understanding and Comparing Evidenced Based Research Practices.* Autism Spectrum Disorder Scientific Meeting, Charleston, SC.
  16. **Ryan, J.B.** & Collins, J. (2011, November). *Importance of Exercise for Individuals with Intellectual Disabilities.* State of the Art Conference on Post-Secondary Education and Individuals with Intellectual Disabilities, Fairfax, VA.

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17. Collins, J., McCarthy, C. & **Ryan, J.B.** (2011, November). *Post-Secondary Education for Individuals with Intellectual Disabilities: The Future Begins Now*. State of the Art Conference on Post-Secondary Education and Individuals with Intellectual Disabilities, Fairfax, VA.
18. **Ryan, J.B.** & Rozalski, M. (2011, September). *Preventing and De-escalating Conflict and Aggressive Behavior: Alternatives to Seclusion and Restraint*. Presentation session at the International Conference on Children and Youth with Behavior Disorders, New Orleans, LA.
19. Rozalski, M. & **Ryan, J.B.** (2011, September). *Law, Policy, and Litigation on Physical Restraint and Seclusion in Schools*. Presentation session at the International Conference on Children and Youth with Behavior Disorders, New Orleans, LA.
20. Peck, A., Albrecht, S., George, C. Paget, M., & **Ryan, J.B.** (2011, September). *CCBD: The Next 50 Years*. Presentation session at the International Conference on Children and Youth with Behavior Disorders, New Orleans, LA.
21. Losinski, M., Katsiyannis, A. & **Ryan, J.B.** (2011, September). McKinney-Vento Education for Homeless Children and Youth Program: Implications for Special Educators.
22. Rozalski, M., Peterson, R. & **Ryan, J.B.**, (2010, April). *Practical Alternatives to Seclusion Timeout and Physical Restraints in Schools*. Presentation session at the Council for Exceptional Children Convention & Expo, Nashville, TN.
23. Peterson, R., Rozalski, M. & **Ryan, J.B.**, (2010, April). *Law and Policy Regarding Physical Restraint and Seclusion in Schools*. Poster session at the Council for Exceptional Children Convention & Expo, Nashville, TN.
24. Casey, J. Huber, J., Miller, R. & **Ryan, J.B.** (2010, April). *The Effects of Reciprocal Teaching on Latino Students' Comprehension of Expository Text*. Poster session at the Council for Exceptional Children Convention & Expo, Nashville, TN.
25. Peterson, R., **Ryan, J.B.** & Couvillon, M. (2010, February). *A Consumer's Guide to Training Programs for De-Escalation and Physical Restraint*. Presentation session at the Midwest Symposium for Leadership in Behavior Disorders, Kansas City, MO.
26. Otten, K., Peterson, R, **Ryan, J.B.** & Couvillon, M. (2010, February). *Policy and Practice Regarding Seclusion and Restraint in School Settings*. Special presentation session at the Midwest Symposium for Leadership in Behavior Disorders, Kansas City, MO.
27. Casey, J.E., **Ryan, J.B.**, Huber, J.J. & Miller, R. (2009, November). *The Effects of Reciprocal Teaching on Latino Students' Awareness of Comprehension Strategies for Expository Text*. Poster session at the National Teacher Education Division Conference, Charlotte, NC.



28. Smith, G., Collins, T. & **Ryan, J.B.** (2009, September). *A Field of Dreams: Increasing Compliance in Students with ASD in an Extracurricular Activity*. Presentation session at the International Conference on Children and Youth with Behavioral Disorders, Denver, CO.
29. Peck, A., White, R., **Ryan, J.B.**, George, C., Paget, M., & Albrecht, S. (2009, September). *Strategies for Promoting Academic and Behavioral Competence of Students with Emotional/Behavioral Disorders*. Presentation session at the International Conference on Children and Youth with Behavioral Disorders, Denver, CO.
30. Scheuerman, B., Peterson, R.L., & **Ryan, J.B.** (2009, September). *Policy on Seclusion and Restraint*. Presentation session at the International Conference on Children and Youth with Behavioral Disorders, Denver, CO.
31. **Ryan, J.B.**, Peterson, R.L., Rozalski, M. & Scheuerman, B. (2009, April). *Research, Policies, and Risks Regarding Seclusion and Restraint in Schools*. Poster session presented at International Council for Exceptional Children, Seattle, WA.
32. **Ryan, J.B.** (2009, February). *What Do You Know About the Medications Your Students are Taking?* Presentation session at the Midwest Symposium for Leadership in Behavior Disorders, Kansas City, MO.
33. **Ryan, J.B.** Peterson, R.L. & Rozalski, M. (2009, February). *Review of Seclusion and Restraint Procedures and Policies*. Presentation session at the Midwest Symposium for Leadership in Behavior Disorders, Kansas City, MO.
34. **Ryan, J.B.** Peterson, R.L. & Rozalski, M. (2008, October). *The Importance of Establishing Timeout/Restraint Policies for Schools*. Presentation session at the 2008 International Child and Adolescent Conference, Minneapolis, MN.
35. **Ryan, J.B.**, Katsiyannis, A. & Cadorette, D. (2008, March). *Assessment of Explicit Instruction on Athletic Skill Development*. Poster session at the Council for Exceptional Children Convention & Expo, Boston, MA.
36. **Ryan, J. B.** & Reid, R. (2007, February). *Role of Educators Regarding Psychotropic Interventions for Students with Emotional and Behavioral Disorders*. Presentation session at the Midwest Symposium for Leadership in Behavior Disorders, Kansas City, MO.
37. **Ryan, J.B.** & Peterson, R.L. (2007, February). *Use of Timeout Procedures for Students with E/BD*. Presentation session at the Midwest Symposium for Leadership in Behavior Disorders, Kansas City, MO.
38. Yell, M., Shriener, J. Katsiyannis, A. & **Ryan, J.B.** (2006, November). *The Individuals with Disabilities Education Improvement Act of 2004: Analysis and Implications for Teachers of Students with Emotional and Behavioral Disorders*.



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- Presentation session for Teacher Educators for Children with Behavior Disorders Conference Tempe, AZ.
39. **Ryan, J.B.** & Peterson, R. (2006, November). *Using Timeout Effectively for Students with E/BD*. Presentation for Teacher Educators for Children with Behavior Disorders Conference Tempe, AZ.
  40. **Ryan, J.B.** (2006, March). *Role of Educators Regarding Psychotropic Interventions for Students with EBD*. Presentation session at the 17th Annual National Youth-At-Risk Conference, Savannah, GA.
  41. **Ryan, J.B.** (2006, March). *Reducing the Use of Seclusion and Restraints for Students with EBD*. Presentation session at the 17th Annual National Youth-At-Risk Conference, Savannah, GA.
  42. **Ryan, J.B.** & Reid, R. (2006, February). *Prevalence Study of Psychotropic Medications Prescribed for Students with EBD*. Presentation session at the Midwest Symposium for Leadership in Behavior Disorders, Kansas City, MO.
  43. Peterson, R.L. & **Ryan, J.B.** (2006, February). *An Exploratory Pilot Study on Reducing Seclusion Timeout and Restraint Procedures for Youth with EBD*. Presentation session at the Midwest Symposium for Leadership in Behavior Disorders, Kansas City, MO.
  44. **Ryan, J.B.** & Reid, R. (2006, February). *The Use of Physical Restraint in School*. Poster session at the Midwest Symposium for Leadership in Behavior Disorders, Kansas City, MO.
  45. **Ryan, J.B.** (2005, September). *Role of Special Educators Regarding Psychotropic Interventions for Students with E/BD*. Presentation session at the International Conference on Children and Youth with Behavior Disorders, Dallas TX.
  46. **Ryan, J.B.** & Peterson, R.L. (2005, September). *Current Use of Timeout Procedures in Educational Settings*. Presentation session at the International Conference on Children and Youth with Behavior Disorders, Dallas TX.
  47. **Ryan, J.B.** & Peterson, R.L. (2005, June). *Reducing Seclusion Timeout and Restraint Procedures for Students with EBD*. Presentation session at the International Symposium at Cornell University for Examining the Safety of High-Risk Interventions for Children and Young People, Ithaca, NY.
  48. **Ryan, J.B.** & Peterson, R.L. (2005, June). *The Use of Physical Restraint in School*. Poster session at the International Symposium at Cornell University for Examining the Safety of High-Risk Interventions for Children and Young People, Ithaca, NY.
  49. Peterson, R.L., & **Ryan, J. B.** (2005, February). *Use of Timeout Procedures in Schools*. Presentation session at the Midwest Symposium for Leadership in Behavior Disorders, Kansas City, MO.

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50. **Ryan, J.B.**, Peterson, R.L. & Kennedy, J. (2004, October). *The Use of Physical Restraint in Schools and Other Child Care Agencies*. Presentation session at the 2004 International Child and Adolescent Conference, Minneapolis, MN.
51. **Ryan, J. B.** & Peterson, R. L. (2004, February) *Review of Research and Case Law on the Use of Restraints in Schools*. Presentation session at the Midwest Symposium for Leadership in Behavior Disorders, Kansas City, MO.
52. **Ryan, J. B.** & Peterson, R. L. (2003, October) *Physical Restraints in School*. Presentation session at the Council for Children with Behavior Disorders International Conference, St. Louis, MO.
53. Reid, R., **Ryan, J. B.** & Pierce, C. (2003, February). *Cross cultural assessment of ADHD*. Presentation session at the Midwest Symposium for Leadership in Behavior Disorders, Kansas City, MO.
54. Nelson, J. R. & **Ryan, J. B.** (2003, February). *Investigation of the language skills of Students with Emotional and Behavioral Disorders*. Poster session presented at the Midwest Symposium for Leadership in Behavior Disorders, Kansas City, MO.
55. Nelson, J. R., & **Ryan, J. B.** & Benner, G. L. (2002, February). *An antecedent manipulation strategy for reducing severe challenging behavior*. Poster session presented at the Midwest Symposium for Leadership in Behavior Disorders, Kansas City, MO.

#### **Regional and State Conferences**

1. **Ryan, J.B.** (2016, July). *Managing Student Behavior from A to Z*. South Carolina Research to Practice. Lexington, SC.
2. **Ryan, J.B.**, Traylor, D., Dukes, C. & Burst, L. (2016, February). *Establishing a health/fitness-program and adaptive sports leagues for youth with moderate to severe intellectual disabilities*. Presentation session at South Carolina Council for Exceptional Children Conference, Myrtle Beach, SC.
3. **Ryan, J.B.**, Jennet, A., & Dukes, C. (2015, February). *How to Establish an Adaptive Sports Program in Your School or Community*. Presentation session at the South Carolina Council for Exceptional Children Conference, Myrtle Beach, SC.
4. **Ryan, J.B.**, Traylor, D. & Olson, C. (2015, February). *Promoting Healthy Lifestyles for Individuals with Disabilities*. Presentation session at the South Carolina Council for Exceptional Children Conference.
5. Mauro, T. & **Ryan, J.B.** (2015, February). *Barriers to Inclusion of Students with Emotional and Behavioral Disorders*. Presentation session at the South Carolina Council for Exceptional Children Conference.



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6. **Ryan, J.B.** (2010, June). *Importance of School Involvement in Student Medications*. Conducted two day professional development training for staff of National Guard Youth Challenge Program (NGYCP) residential treatment facilities, San Diego, CA.
7. **Ryan, J.B.** (2009, October). *Essentials for Staff Members Teaching Students with Emotional & Behavioral Disorders*. Conducted two day professional development training for staff of National Guard Youth Challenge Program (NGYCP) residential treatment facilities, Portsmouth, NH.
8. **Ryan, J.B.** (2009, September). *Enhancing School Safety by Establishing Timeout & Restraint Policies for Schools*. Conducted videotape satellite training for National Association of State Directors of Special Educators (NASDSE), Pittsburgh, PA.
9. **Ryan, J.B.** (2008, June). *Developing a Hierarchical Behavior Management Plan*. Conducted half day teacher professional development training at 2008 Summer Behavioral Institute, Madison, WI.
10. **Ryan, J.B.** (2008, June). *Maintaining Your Sanity with Challenging Students*. Conducted half day teacher professional development training at 2008 Summer Behavioral Institute, Madison, WI.
11. **Ryan, J. B.** (2006, November). *Using Timeout Effectively*. Workshop session at the Conference for the South Carolina Council for Children with Behavioral Disorders, Myrtle Beach, SC.
12. **Ryan, J. B.** (2006, November). *Medicating Students with Emotional and Behavioral Disorders*. Workshop session at the Conference for the South Carolina Council for Children with Behavioral Disorders, Myrtle Beach, SC.
13. **Ryan, J.B.** (2006, June). *Addressing Mental Health Issues in School*. Conducted half day teacher professional development training at Summer Behavioral Institute, Madison, WI.
14. Yell, M.L., Katsiyannis, A. & **Ryan, J.B.** (2005, November). *The Individuals with Disabilities Education Improvement Act of 2004 (IDEA 2004): Implications for Teachers*. Presentation session at the Conference for the South Carolina Council for Children with Behavioral Disorders, Myrtle Beach, SC.

#### Honors and Awards

2016 Robert & Kaye Stanzione Distinguished Professor in Clemson LIFE

2016 University of Nebraska Outstanding Alumnus in Special Education Award.

2015 Excellence in Research Award, Clemson University's Eugene T. Moore School of Education



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**2011 Military Officers Association of America Writing Award** for research on predicting piracy off Africa. United States Army War College. For Ryan, J. B. (2011). Sailing into troubled waters: Predicting piracy off Africa. *Pentagon Reports*. <http://www.dtic.mil/docs/citations/ADA553054>

**2010 Excellence in Service and Outreach Award**, Clemson University's College of Health Education & Human Development.

**2009 Excellence in Research Award**, Clemson University's College of Health Education & Human Development.

**1994 Service to Youth Award**, Norfolk YMCA.

### Military Service Awards

**Captain, United States Navy (Retired, 1984 – 2015)**

- **Meritorious Service Medal** (three awards)
- **Joint Service Commendation Medal**
- **Navy and Marine Corps Commendation Medal** (two awards)
- **Navy and Marine Corps Achievement Medal**
- **National Defense Service Medal** (two awards)
- **Armed Forces Expeditionary Medal** (two awards)
- **Global War on Terrorism Expeditionary Medal**
- **Global War on Terrorism Service Medal**
- **Armed Forces Service Medal**
- **Armed Forces Reserve Medal** (Mobilized).

### Teaching & Advising

#### Teaching

##### Clemson University

- EDSP 370 *Introduction to Special Education*
- EDSP 370 **On-Line** *Introduction to Special Education*
- EDSP 374 *Characteristics and Strategies for Individuals with Emotional / Behavioral Disorders*
- ED 397 *Creative Inquiry Course in Adaptive Sports (Challenger Baseball)*
- ED 397 *Creative Inquiry Course in Adaptive Sports (Top Soccer)*
- ED 397 *Creative Inquiry Course in Adaptive Sports (Equine Therapy)*
- ED 397 *Creative Inquiry Course in Post-Secondary Transition*
- EDSP 491 *Educational assessment of Individuals with Disabilities*
- EDSP 493 *Classroom and Behavior Management for Special Educators*
- ED H 499 *Honors Research Mentoring*
- EDSP 669 *Characteristics and Strategies for Individuals with Emotional / Behavioral Disorders*





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**Masters Students**

Chair for Eileen Pape	Graduated Dec, 2015
Chair for Heather Conn	Graduated Aug, 2013
Chair for Christy Beemer,	Graduated May, 2008
Chair for Betty Padget,	Graduated May, 2008
Chair for Janet Tyndall,	Graduated May, 2008
Chair for Mitzi Tannery,	Graduated May, 2008
Chair for Sloan Huckabee,	Graduated May, 2008
Chair for Marcia Moulleseau,	Graduated May, 2008
Chair for Lori Chappellear,	Graduated May, 2008
Chair for Amy Snyder,	Graduated May, 2008

Committee Member Lindsey Scott	Graduated Dec, 2015
Committee Member Lauren Brown	Graduated May, 2013
Committee Member Meredith Cole	Graduated May, 2013
Committee Member Madalyn Weber	Graduated May, 2010
Committee Member Rachel Jones	Graduated May, 2008
Committee Member Samantha Green	Graduated May, 2008
Committee Member Emily Short	Graduated May, 2008
Committee Member Kelly Prince	Graduated May, 2008

**Undergraduate Honor Students**

Honors Advisor for Caroline Olson	Graduated May, 2105
Honors Advisor for Theresa Wersinger	Graduated May, 2014
Honors Advisor for Morgan Johnson	Graduated May, 2014
Honors Advisor for Erin Jamieson	Graduated May, 2010
Honors Advisor for Melanie McDaniel	Graduated May, 2009
Honors Advisor for Alison Harlan	Graduated May, 2009

**SERVICE**

**Service to Field of Scholarship**

**Editor**, *Beyond Behavior*, 2013 - present

**Editorial Board Member**, *Behavioral Disorders*, 2011 – present.

**Editorial Board Member**, *Journal of Disability Policy Studies*, 2008 – 2014.

**Associate Editor**, *Journal of At-Risk Issues*, 2006 – 2008.

**Reviewer**, *Journal of Emotional and Behavioral Disorders*, 2005 – 2007.

**Reviewer**, *Journal of Child and Family Studies*, 2006 – present.

**Reviewer**, *Journal of Special Education*, 2009 – present.

**Reviewer**, *Remedial and Special Education*, 2006 – present.

**Reviewer**, *Education and Treatment of Children*, 2009 – present.

**Reviewer**, *Child and Youth Care Forum*, 2010 – present.



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### Service to Profession

**Executive Committee Member**, (Elected **Vice President**) International Council for Children with Behavioral Disorders (CCBD), 2012 – 2013.

**Executive Committee Member**, (Elected **Treasurer**) International Council for Children with Behavioral Disorders (CCBD), 2006 – 2010.

**Technology Committee Member**, International Council for Children with Behavioral Disorders (CCBD), 2007 – 2013.

**Committee Member**, International Council for Children with Behavioral Disorders (CCBD) Core Committee, 2008 – 2012.

**Contributor**, Assisted in the development of Wisconsin Department of Public Instruction (WDPI) *Guidelines for the Appropriate Use of Seclusion and Physical Restraint in Special Education Programs*, 2005.

**Founder and Director**, *ClemsonLIFE (Learning is for Everyone)* postsecondary transition program for young adults aged 18-23 with intellectual disabilities at Clemson University, 2008 – present.

**Founder and Director**, *Challenger Baseball League*. Adaptive sports league in Clemson tri-county area for children and adolescents ages 6 – 18 with emotional and/or physical disabilities, 2006 – present.

**Founder and Director**, *Challenger Soccer League*. Adaptive sports league in Clemson tri-county area for children and adolescents ages 6 – 18 with emotional and/or physical disabilities, 2007 – present.

**Co-Founder**, *Clemson Equine Assisted Therapy (CLEAT)* providing equine therapy to children and adults in with motional and/or physical disabilities, 2012 – present.

**Standard Setting Panel Member**, Served on Educational Testing Services (ETS) panel to establish passing score for the Praxis Special Education: Teaching Students with Behavior Disorders and Emotional Disturbances Test.

### University Service

**Chair**, Special Education Doctoral Advisory Committee 2015 - present

**Chair**, School of Education Doctoral Advisory Committee 2013 - 2015

**Chair**, School of Education Ad Hoc Research Committee 2013 – 2014

**Member**, Clemson University Institutional Review Board (IRB), 2012 – present

**Member**, EHD Tenure, Promotion, and Appointment Renewal (TPR) 2016 - present

Ryan, J.B. 27

- Member**, Clemson University 2020 Forward Research Committee, 2015
- Member**, School of Education Executive Committee 2011 – 2014
- Member**, Clemson University Athletic Council 2010 – 2013
- Member**, Clemson University Research Committee 2009 – 2012
- Member**, School of Education Curriculum Committee 2011 – 2013
- Member**, School of Education Doctoral Advisory Committee 2012 - 2015
- Member**, School of Education Director Review Panel 2009
- Member**, College of HEHD PTAR Procedures Committee, 2006 – 2008.
- Member**, Clemson University Grants Committee, 2006 – 2009.
- Member**, James Madison University's Institutional Review Board (IRB), 2004 – 2005.

**Certifications**

- South Carolina Council for the Accreditation of Educator Preparation (CAEP)  
Accreditation Team (2016)**
- Olweus Bullying Prevention Trainer (2016)**

THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION

KENNY, et al.

Plaintiffs,

v.

WILSON, et al.

Defendants.

Case No.: 2:16-cv-2794-CWH

**DECLARATION OF CRYSTAL KAYIZA IN SUPPORT OF PLAINTIFFS' MOTIONS  
FOR CLASS CERTIFICATION AND PRELIMINARY INJUNCTION**

I, Crystal Kayiza., submit this declaration in support of the Plaintiffs' motions for class certification and for a preliminary injunction:

1. I am currently employed as a legal assistant in the American Civil Liberties Union Foundation ("ACLU") Racial Justice Program. I have personal knowledge of the facts stated below and would be competent to testify to them in court.
2. In July 2016, I was tasked with analyzing all South Carolina Department of Juvenile Justice ("DJJ") Annual Statistical Reports issued from 2001-2015. Specifically, I was responsible for identifying the number of Disturbing School cases that had been referred to the DJJ and comparing this to the number of referrals for other offenses.
3. I first identified the data set "Ten Most Frequent Offenses Associated with Juvenile Cases to the Solicitor" within all of the DJJ Annual Reports linked on the South Carolina Department of Juvenile Justice website. I used Microsoft Excel to input the top ten offenses for all reports. By using the sum tool I was able to calculate the total number of cases for all of the listed offenses over the past five years.
4. I found that between FY 2010-11 and FY 2014-15, the most frequent offenses associated with referrals to the Solicitor included Assault and Battery 3<sup>rd</sup> Degree (12,747), Shoplifting (6,348) and Disturbing Schools (5,783). Data for Fiscal Year 2006-07 was not available. A copy of this table is attached as Exhibit A Table 1.




5. Thus, pursuant to the ACLU’s analysis, Disturbing School is one of the leading causes of referral to the DJJ.
6. I was also asked to determine how many Disturbing School cases were referred to DJJ during FY 2014-15.
7. I found this information by reviewing the “Ten Most Frequent Offenses Associated with Juvenile Cases to the Solicitor,” for FY2014-15. I found this information on the South Carolina Department of Juvenile Justice website.
8. I discovered that Disturbing School was the second most common reason for referral to DJJ, with 1,222 cases. Assault and Battery 3<sup>rd</sup> Degree was the first, with 2,382 cases and Shoplifting was third, with 1,129 cases. A copy of this table is attached as Exhibit A Table 2.
9. Thus, pursuant to the ACLU’s analysis, Disturbing School was the second most common reason for referral to the DJJ in FY 2014-2015.
10. I was also asked to identify all of the South Carolina counties for which Disturbing School was the number one cause of referral in 2014-15. I first located the Statistical County Datasheets on the South Carolina Department of Juvenile Justice website. I went through all of the counties and identified those for which Disturbing Schools was the number on reason for referral during the FY 2014-2015.
11. I found that Charleston County (265), Newberry County, (53) Pickens County (54) and Saluda County (8) all had Disturbing School as the number reason for referral in 2014-15. A copy of this table is attached as Exhibit A Table 3.
12. Thus, pursuant to the ACLU’s analysis, Disturbing School was the number one reason for referral in several counties, including Charleston County.
13. Attached hereto are true and correct copies of the following:

<b>Exhibit No.</b>	<b>Full Citation</b>
B.1	Richland County Sheriff’s Office Incident Report, Case No. 121108428
B.2	Richland County Sheriff’s Office Incident Report, Case No. 1504002222
B.3	Richland County Sheriff’s Office Incident Report, Case No.1310025007
B.4	Richland County Sheriff’s Office Incident Report, Case No. 15010092-07
B.5	North Charleston Police Department Incident Report, Case No. 2015030281
C.1	Charleston County School District Student Student Code of Conduct 2015-2016.

C.2	Richland County School District One, Discipline Code of Conduct (2015).
C.3	Greenville Student Behavior Code <a href="https://greenville.k12.sc.us/Parents/docs/StudentBehaviorCode.pdf">https://greenville.k12.sc.us/Parents/docs/StudentBehaviorCode.pdf</a> (last visited, Aug. 2, 2016).
C.4	Richland School District 2, Back-2-School Handbook 2015-2016 <a href="https://www.richland2.org/Departments/communications/Documents/2015_16_B2S_FINAL.pdf">https://www.richland2.org/Departments/communications/Documents/2015_16_B2S_FINAL.pdf</a> (last visited, Aug. 2, 2016).
C.5	Spring Valley High School Student Handbook 2015-2016 <a href="https://www.richland2.org/svh/Documents/Student%20Handbook.pdf">https://www.richland2.org/svh/Documents/Student%20Handbook.pdf</a> (last visited, Aug. 2, 2016).
D	South Carolina Department of Juvenile Justice, <i>Facilities</i> , <a href="http://www.state.sc.us/djj/facilities.php#detention">http://www.state.sc.us/djj/facilities.php#detention</a> (last visited, Aug. 2, 2016).
E	13 <sup>th</sup> Judicial Circuit Public Defender Office, <i>Frequently Asked Questions</i> , <a href="http://www.greenvilledefender.com/faq.asp">http://www.greenvilledefender.com/faq.asp</a> (last visited, Aug. 2, 2016).
F	South Carolina Judicial Department, <i>Frequently Asked Questions About Expungements and Pardons in South Carolina Courts</i> , <a href="http://www.judicial.state.sc.us/selfHelp/FAQExpungementPardon.pdf">http://www.judicial.state.sc.us/selfHelp/FAQExpungementPardon.pdf</a> (last visited, Aug. 2, 2016).
G.1	R.B. Stall High School, Twilight Alternative Program At a Glance <a href="http://twilightshs.wikispaces.com/file/view/TwilightAtAGlance.docx/245470237/TwilightAtAGlance.docx">http://twilightshs.wikispaces.com/file/view/TwilightAtAGlance.docx/245470237/TwilightAtAGlance.docx</a> (last visited, Aug. 2, 2016).
G.2	R.B. Stall High School, Twilight Program, <a href="https://stall.ccsdschools.com/school_counseling/academic_information/twilight_program/">https://stall.ccsdschools.com/school_counseling/academic_information/twilight_program/</a> (last visited, Aug. 2, 2016).
H	Letter from Donald V. Meyers, Solicitor, Eleventh Judicial Circuit, to Dr. Karen Woodward, Superintendent, Lexington County School District One (Jun. 3, 2010).
I	U.S. Department of Justice, Office of Community Oriented Policing Services, Memorandum of Understanding Fact Sheet (2016) <a href="http://www.cops.usdoj.gov/pdf/2016AwardDocs/chp/2016_CHP_MOU_FactSheet_v4.pdf">http://www.cops.usdoj.gov/pdf/2016AwardDocs/chp/2016_CHP_MOU_FactSheet_v4.pdf</a> (last visited, Aug. 2, 2016).
J.1	U.S. Department of Education, Four Year Regulatory Adjusted Cohort Graduation Rate, by State 2013-14 <a href="http://www2.ed.gov/documents/press-releases/10192015-graduation-rate-1.XLSX">http://www2.ed.gov/documents/press-releases/10192015-graduation-rate-1.XLSX</a> (last visited, Aug. 2, 2016).
J.2	National Center for Education Statistics, The Condition of Education: Annual Earnings of Young Adults 2016 <a href="http://nces.ed.gov/programs/coe/indicator_cba.asp">http://nces.ed.gov/programs/coe/indicator_cba.asp</a> (last visited, Aug. 2, 2016).
J.3	National Center for Education Statistics, The Condition of Education: Employment and Unemployment Rates by Educational Attainment 2016 <a href="http://nces.ed.gov/programs/coe/indicator_cbc.asp">http://nces.ed.gov/programs/coe/indicator_cbc.asp</a> (last visited, Aug. 2, 2016).

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed August 8, 2016

By:   
Crystal Kayiza



# EXHIBIT A

Ten Most Frequent Offenses Associated with Juvenile Cases to the Solicitor (FY 2010-15)  
 (TABLE 1)

Offense	FY 2014-15	FY 2013-14	FY 2012-13	FY 2011-12	FY 2010-11	TOTAL
Assault and Battery 3rd degree	2,382	2,426	2,522	2,816	2,601	12,747
Disturbing School	1,222	1,189	1,101	1,204	1,067	5,783
Shoplifting	1,129	1,328	1,354	1,279	1,258	6,348
Public Disorderly Conduct	890	1,124	1,082	1,154	1,220	5,470
Simple Possession of Marijuana	794	850	877	842	915	4,278
Truancy	675	774	614	549	552	3,164
Probation Violation (Cat. V) Misdemeanor	671	702	731	683	743	3,530
Contempt of Court (Status Offense)	625	740	653	748	661	3,427
Petit (Petty) Larceny	538	550	620	580	618	2,906
Incorrigibility	453	442	435	390	517	2,237

Ten Most Frequent Offenses Associated with Juvenile Cases to the Solicitor (FY 2014-15)  
(TABLE 2)

Offense	FY 2014-15
Assault and Battery 3rd degree	2,382
Disturbing School	1,222
Shoplifting	1,129
Public Disorderly Conduct	890
Simple Possession of Marijuana	794
Truancy	675
Probation Violation (Cat. V)	671
Misdemeanor	
Contempt of Court (Status Offense)	625
Petit (Petty) Larceny	538
Incorrigibility	453



South Carolina Statistical County Datasheets 2014-15  
Counties with Disturbing Schools at Number One Cause of Referral  
(TABLE 3)

County	Offense	Cases
Charleston	Disturbing School	265
Newberry	Disturbing School	53
Pickens	Disturbing School	54
Saluda	Disturbing School	8

# **EXHIBIT**

## **B.1**

RICHLAND COUNTY SHERIFFS  
 SC0400030

INCIDENT REPORT

INFORMATION ONLY

CASE NUMBER

1211016428

INC. No. ENTD. No.

INCIDENT TYPE	COMPLETED	FORCED ENTRY	PREMISE TYPE	UNITS ENTERED	TYPE VICTIM
1. 13B SIMPLE ASSAULT	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	SCHOOL (GRADE K-12)		<input type="checkbox"/> Individual <input type="checkbox"/> Business <input type="checkbox"/> Financial Inst <input type="checkbox"/> Government <input type="checkbox"/> Relig. Orgn. <input type="checkbox"/> Soc./Public <input type="checkbox"/> Other <input type="checkbox"/> Unknown <input type="checkbox"/> Police Off.
2. 90C 90C DISORDERLY CONDUCT	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	SCHOOL (GRADE K-12)		
3.	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO			

INCIDENT LOCATION (SUBDIVISION, APARTMENT AND NUMBER, STREET NAME AND NUMBER)  
 1400 OLD TAMAH RD, IRMO, SC

ZIP CODE: 29063 WEAPON TYPE:

INCIDENT DATE: 11/28/2012 08:15 TO DATE: 11/28/2012 08:20

DISPATCH DATE: 11/28/2012 DISPATCH TIME: 08:10 TIME ARRIVED: 08:30 DEPART. TIME: 09:00

LOCATION NO.: 10

COMPLAINANT'S NAME (LAST, FIRST, MIDDLE): GOLD, RANDY

RELATIONSHIP TO SUBJECT: #1 #2 #3

RESIDENT: J RACE: W SEX: M AGE: 50 ETH: N

DAYTIME PHONE: 803-476-3000 EVENING PHONE:

ADDRESS: 1400 OLD TAMAH RD CITY: IRMO STATE: SC ZIP CODE: 29063 LOCATION NO.:

VICTIM'S NAME (LAST, FIRST, MIDDLE): DUTCH FORK HIGH SCHOOL

RELATIONSHIP TO SUBJECT: #1 #2 #3

RESIDENT: RACE: SEX: AGE: ETH: DAYTIME PHONE: 803-476-3000 EVENING PHONE:

HEIGHT: WEIGHT: HAIR: EYES: FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.

ADDRESS: CITY: IRMO STATE: SC ZIP CODE: LOCATION NO.:

VISIBLE INJURY (MCT.1)  YES  NO  UNK.  EXPLAIN:

VICTIM (NO. 1) USING ALCOHOL  YES  NO  UNK.  DRUGS:  YES  NO  UNK.  TYPE:

COMPLAINANT OF ANY NON-VISIBLE INJURES  YES  NO

TWO MAN VEH: ONE MAN VEH: DETECTIVE PLASMET: OTHER: ALONE: ASSISTED:

\*J-This Jurisdiction. S-State. O-Out of State. U-Unknown.

SUSPECT NAME (LAST, FIRST, MIDDLE):

RACE: B SEX: F AGE: 12 ETH: N DATE OF BIRTH: HEIGHT: 506 WEIGHT: 160 HAIR: 1 EYES: 2

FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.

DAYTIME PHONE: EVENING PHONE:

ADDRESS: CITY: STATE: ZIP CODE: LOCATION NO.:

SUBJECT (NO. 1) USING ALCOHOL  YES  NO  UNK.  DRUGS:  YES  NO  UNK.  TYPE:

ARRESTED NEAR OFFENSE:  YES  NO  DATE/TIME OF OFFENSE: 11/28/2012 8:15:00 AM DATE/TIME OF ARREST:

DAY OF THE WEEK: HOW REPORTED: A= OFFICER DISPATCHED ON CALL D= COMPLAINT WRITTEN IN B= REPORT TAKEN BY PHONE E= OFFICER INITIATED C= COMPLAINANT WALKED IN F= OTHER

DIFF. FACTOR: A= RESISTANCE/HOSTILITY B= WEAPONS C= UNFOUNDED CALLS D= MENTAL SUBJECT E= COMPLAINANT FREQUENTLY INTOXICATED F= DOMESTIC N= NORMAL

Simple Assault / Disturbing School

On November 28, 2012 at 0820hrs at Dutch Fork High School students [redacted] and [redacted] got into a physical altercation in the cafeteria with about 2,000 students present. No injury noted it. Both students did disturb the normal operation of school. Both students were suspended out of school with a recommendation for expulsion. Both students were petitioned and will be recommended for Youth Arbitration.

JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY: JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY:

TYPE (GROUP)	STOLEN	DAMAGED	BURNED	RECOVERED	SEIZED	TOTAL VALUE

SUBJECT IDENTIFIED  YES  NO  SUBJECT LOCATED  YES  NO  S.F.:

REASON FOR EXCEPTIONAL CLEARANCE: 1.  OFFICER DEATH 2.  NO PROSECUTION 3.  EXTRADITION DENIED 4.  VICTIM DECLINES COOPERATION 5.  JUVENILE NO CUSTODY

REPORTING OFFICER(S): CANNON, CURTIS SEAN DATE: 11/28/2012 9:00:00 AM UNIT NUMBER: 872

APPROVING OFFICER: OFFICER CANNON, CURTIS DATE: 11/28/2012 8:00:00 AM UNIT NUMBER: 672

FOLLOW UP INVESTIGATION  YES  NO



# **EXHIBIT**

## **B.2**

RICHLAND COUNTY SHERIFFS  
 SC0400000

**INCIDENT REPORT**

INFORMATION ONLY

CASE NUMBER  
 1504002222

NCIC  
 INQ. No. ENT. No.

INCIDENT TYPE	COMPLETED	FORCED ENTRY	PREMISE TYPE	UNITS ENTERED	TYPE VICTIM
1. 90C DISORDERLY CONDUCT	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO	SCHOOL (GRADE K-12)		<input type="checkbox"/> Individual <input type="checkbox"/> Business <input type="checkbox"/> Financial Inst <input type="checkbox"/> Government <input type="checkbox"/> Relig. Orgn. <input checked="" type="checkbox"/> Sch./Public <input type="checkbox"/> Other <input type="checkbox"/> Unknown <input type="checkbox"/> Police Off.
2.	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO			
3.	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO			

INCIDENT LOCATION (SUBDIVISION, APARTMENT AND NUMBER, STREET NAME AND NUMBER) 621 BLUFF RD, COLA, SC ZIP CODE 29201- WEAPON TYPE

INCIDENT DATE	24 HR. CLOCK	TO	DATE	24 HR. CLOCK	DISPATCH DATE	DISPATCH TIME	DISPATCH TIME	ARRIVAL TIME	DEPART. TIME	LOCATION NO.
04/21/2015	15:00		04/21/2015	15:30	04/21/2015	15:00		15:00	16:30	

COMPLAINANT'S NAME (LAST, FIRST, MIDDLE) FABEL, RCSD RELATIONSHIP TO SUBJECT #1 #2 #3 RESIDENT RACE SEX AGE ETH DAYTIME PHONE 803-576-3000 EVENING PHONE

ADDRESS CITY COLUMBIA STATE SC ZIP CODE LOCATION NO.

VICTIM'S NAME (LAST, FIRST, MIDDLE) STATE OF SC RELATIONSHIP TO SUBJECT #1 #2 #3 RESIDENT RACE SEX AGE ETH DAYTIME PHONE 803-576-3000 EVENING PHONE

HEIGHT WEIGHT HAIR EYES FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.

ADDRESS CITY COLUMBIA STATE SC ZIP CODE LOCATION NO.

VS SELENIUR (MCT.1) YES NO EXPLAIN COMPLAINT OF ANY NON-VIOLENCE INJURY: YES NO

WCTM (NO.1) USING: ALCOHOL YES NO UNK. DRUGS: YES NO UNK. TYPE:

TWO MAN VEH. ONE MAN VEH. DETECTIVE PLASMT. OTHER ALONE ASSISTED \*J-This Jurisdiction. S-State. O-Out of State. U-Unknown.

SUSPECT	NAME (LAST, FIRST, MIDDLE)	RACE	SEX	AGE	ETH.	DATE OF BIRTH	HEIGHT	WEIGHT	HAIR	EYES
<input checked="" type="checkbox"/>		B	M		N		510	140	1	2
<input type="checkbox"/>	FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.									
<input type="checkbox"/>	DAYTIME PHONE EVENING PHONE									
<input type="checkbox"/>	ADDRESS CITY COLA STATE SC ZIP CODE 29209 LOCATION NO.									
<input type="checkbox"/>	SUBJECT (NO.1) USING: ALCOHOL YES NO UNK. DRUGS: YES NO UNK. TYPE									
<input type="checkbox"/>	ARRESTED NEAR OFFENSE SCENE YES NO DATE/TIME OF OFFENSE 4/21/2015 3:00:00 PM DATE/TIME OF ARREST									
DAY OF THE WEEK HOW REPORTED S M T W T F S UNK A= OFFICER DISPATCHED ON CALL D= COMPLAINT WRITTEN IN B= REPORT TAKEN BY PHONE E= OFFICER INITIATED C= COMPLAINANT WALKED IN F= OTHER A= RESISTANCE/HOSTILITY E= COMPLAINANT FREQUENTLY INTOXICATED B= WEAPONS F= DOMESTIC C= UNFOUNDED CALLS D= MENTAL SUBJECT N= NCRRMAL										

**PUBLIC DISORDERLY CONDUCT 90C**

As the school resource officer (SRO) was in the hallway during dismissal time the subject who is a student at Olympia School was standing in the hall way yelling at Mrs Martin who is a school teacher. As the SRO approached the subject he observed the subject pounding his fist into his hand several times as he was yelling at the teacher. The SRO instructed the teacher to close her door and for the subject to go back to his class. The subject stated in a loud and bolsterous manner toward the SRO 'fuck you'. Several students and staff members were in the hall way and heard the subject make that statement so the subject was escorted by the SRO to the SRO office. Two staff members walked up to the subject to calm him down and the subject decided to use obscene profane language toward them. The subject was then arrested for disturbing schools. He was released to his legal guardian and she signed a custody of minor child form.

JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY

TYPE (GROUP)	TOTAL VALUE
STOLEN	
DAMAGED	
BURNED	
RECOVERED	
SEIZED	

SUBJECT IDENTIFIED YES NO SUBJECT LOCATED YES NO S.F. ACTIVE ADM. CLOSED ARRESTED UNDER 18 EX-CLEAR UNDER 18 UNFOUNDED

REASON FOR EXCEPTIONAL CLEARANCE: 1. OFFENDER DEATH 2. NO PROSECUTION 3. EXTRADITION DENIED 4. VICTIM DECLINES COOPERATION 5. JUVENILE CUSTODY

REPORTING OFFICER(S)	DATE	UNIT NUMBER	APPROVING OFFICER	DATE	UNIT NUMBER
FABEL, JOSHUA DOUGLAS	4/21/2015 3:30:00 PM	1523			
			FOLLOWUP INVESTIGATION YES NO OFFICER FABEL JOSHUA	4/23/2015 8:00:00 AM	1523

# **EXHIBIT**

## **B.3**



RICHLAND COUNTY SHERIFFS  
 SC0400000

**INCIDENT REPORT**

INFORMATION ONLY

CASE NUMBER  
 1310025007

NCIC  
 INQ. No. ENT. No.

EVENT

INCIDENT TYPE	COMPLETED	FORCED ENTRY	PREMISE TYPE	UNITS ENTERED	TYPE VICTIM
1. 90C DISORDERLY CONDUCT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	SCHOOL (GRADE K-12)		<input type="checkbox"/> Individual <input type="checkbox"/> Business <input type="checkbox"/> Financial Inst <input type="checkbox"/> Government <input checked="" type="checkbox"/> Relig. Orgn. <input type="checkbox"/> Soc./Public <input type="checkbox"/> Other <input type="checkbox"/> Unknown <input type="checkbox"/> Police Off.
2. 90N 80N RESISTING ARREST	<input checked="" type="checkbox"/>	<input type="checkbox"/>	SCHOOL (GRADE K-12)		
3.	<input type="checkbox"/>	<input type="checkbox"/>			

INCIDENT LOCATION (SUBDIVISION, APARTMENT AND NUMBER, STREET NAME AND NUMBER)  
 2615 LOWER RICHLAND BLVD, HOPKINS, SC

INCIDENT DATE	24 HR. CLOCK	TO	DATE	24 HR. CLOCK	DISP. DATE	DISP. TIME	INSPATER DATE/TIME	TIME ARRIVED	DEPART. TIME	LOCATION NO.
10/07/2013	13:25		10/07/2013	13:25	10/07/2013	13:26		13:27	14:27	

COMPLAINANT'S NAME (LAST, FIRST, MIDDLE)  
 ACOX, RCSD, T

RELATIONSHIP TO SUBJECT  
 #1 #2 #3 RESIDENT RACE SEX AGE ETH DAYTIME PHONE EVENING PHONE

ADDRESS CITY COLUMBIA STATE SC ZIP CODE LOCATION NO.

VICTIM'S NAME (LAST, FIRST, MIDDLE)  
 STATE OF SC

RELATIONSHIP TO SUBJECT #1 #2 #3 RESIDENT RACE SEX AGE ETH DAYTIME PHONE EVENING PHONE

HEIGHT WEIGHT HAIR EYES FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.

ADDRESS CITY COLUMBIA STATE SC ZIP CODE LOCATION NO.

VIOLATION (MCT, I) YES NO EXPLAIN. DRUGS: YES NO UNK. TYPE: COMPLAINT OF ANY NON-VIOLENT INJURIES: YES NO

TWO MAN MEN DETECTIVE SFLASMT OTHER ALONE ASSISTED

SUSPECT NAME (LAST, FIRST, MIDDLE) RACE SEX AGE ETH DATE OF BIRTH HEIGHT WEIGHT HAIR EYES

RUNAWAY WANTED WARRANT ARREST JAIL SUMMONS

SUBJECT NO. 1 USING ALCOHOL YES NO UNK. DRUGS: YES NO UNK. TYPE: ARRESTED NEAR OFFENSE SCENE YES NO

DATE/TIME OF OFFENSE DATE/TIME OF ARREST

DAY OF THE WEEK HOW REPORTED A= OFFICER DISPATCHED ON CALL B= REPORT TAKEN BY PHONE C= COMPLAINANT WALKED IN D= COMPLAINT WRITTEN IN E= OFFICER INITIATED F= OTHER

DIFF. FACTOR F= RESISTANCE/HOSTILITY B= WEAPONS C= UNFOUNDED CALLS D= MENTAL SUBJECT E= COMPLAINANT FREQUENTLY INTOXICATED F= DOMESTIC N= NORMAL

Disturbing Schools/Resisting Arrest

While standing by the cafeteria SD Acox, SD Davis and Mrs. Hursey could clearly hear (Student) using obscene language while in the presences of adults and other students. SD Acox approached and advised him to refrain from the language or he would be charged. As bent over to pick his jacket off the ground he made the following statement, "I Don't Give a F#ok, Do What You Got To Do!" SD Acox at that time placed into the escort position and advised him that he was under arrest. While doing so it was at that time became disruptive and begin to snatch away from SD Acox. SD Acox then with that minimum amount of force necessary used a tactical take down and placed on the ground. After doing so was placed into temporary restraints and escorted back to SD Acox office.

TYPE (GROUP)	JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY	JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY	TOTAL VALUE
STOLEN			
DAMAGED			
BURNED			
RECOVERED			
SEIZED			

SUBJECT IDENTIFIED YES NO SUBJECT LOCATED YES NO S.F. ACTIVE ADM. CLOSED UNFOUNDED ARRESTED UNDER 18 ARRESTED 18 AND OVER EX-CLEAR UNDER 18 EX-CLEAR 18 AND OVER

REASON FOR EXCEPTIONAL CLEARANCE 1. OFFENDER DEATH 2. NO PROSECUTION 3. EXTRADITION DENIED 4. VICTIM DECLINES COOPERATION 5. JUVENILE IN CUSTODY

REPORTING OFFICER(S) DATE UNIT NUMBER APPROVING OFFICER DATE UNIT NUMBER

ACOX, TERRANCE LEMCNT 10/7/2013 1:26:00 PM 1458 OFFICER ACOX 10/8/2013 8:00:00 AM 1458

FOLLOWUP INVESTIGATION YES NO

# **EXHIBIT**

## **B.4**



RICHLAND COUNTY SHERIFF'S DEPARTMENT  
 INCIDENT REPORT

AGENCY I.D. SCOR: 40000

CASE NUMBER  
 15010092-07

NCIC  
 INO ENTD

EVENT	INCIDENT TYPE		COMPLETED	FORCED ENTRY	PREMISE TYPE	UNITS ENTERED	TYPE VICTIM		
	1. DISTURBING SCHOOL		<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	22		<input checked="" type="checkbox"/> INDIVIDUAL	<input type="checkbox"/> BUSINESS	
	2. ASSAULT AND BATTERY 3RD		<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	22		<input type="checkbox"/> FINANCIAL INST	<input type="checkbox"/> GOVERNMENT	
	3.		<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO			<input type="checkbox"/> RELIG. ORGN.	<input type="checkbox"/> SOCIOPLIC	
INCIDENT LOCATION (SUBDIVISION, APARTMENT AND NUMBER, STREET AND NAME AND NUMBER)				SUBDIVISION	ZIP CODE	WEAPON TYPE			
7725 CAUGHMAN ROAD				CAUGHMAN	29209				
INCIDENT DATE		24 HR. CLOCK	TO	DATE	24 HR. CLOCK	DISPATCH DATE / TIME 24 HR. CLOCK		AREA	GRID
12-18-14		1300		12-18-14	1400	12-19-14 1305 1305 1400		1	3
COMPLAINANT'S NAME (LAST, FIRST, MIDDLE)			RELATIONSHIP TO SUBJECT	REG	RACE	SEX	AGE	ETH.	DAYTIME PHONE
BALKEMA, RACHEL R.			1 2 3 RU	J	W	F	25	N	695-4065 B
ADDRESS				CITY		STATE	ZIP CODE		
7725 CAUGHMAN ROAD				COLUMBIA		SC	29209		

VICTIM NO. 1	VICTIM'S NAME (LAST, FIRST, MIDDLE)			RELATIONSHIP TO SUBJECT	REG	RACE	SEX	AGE	ETH.	DAYTIME PHONE	EVENING PHONE
	BALKEMA, RACHEL R.			1 2 3 RU	J	W	F	25	N	695-4065 B	
	HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.						
	508	110	BLN	HAZ							
ADDRESS				CITY		STATE	ZIP CODE	LOCATION			
7725 CAUGHMAN ROAD				COLUMBIA		SC	29209				
VISIBLE INJURY (MCT. 1)		<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	EXPLAIN:		COMPLAINT OF ANY NON-VISIBLE INJURIES: <input type="checkbox"/> YES <input type="checkbox"/> NO						
VICTIM (NO. 1) USING: ALCOHOL		<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> UNK.	DRUGS		<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> UNK. TYPE:						
TWO-MAN VEH.		<input type="checkbox"/> ONE-MAN VEH.	<input type="checkbox"/> DET./SPEC. ASGMT	<input type="checkbox"/> OTHER	<input type="checkbox"/> ALONE	<input type="checkbox"/> ASSISTED	J = THIS JURISDICTION S = STATE O = OUT OF STATE U = UNKNOWN				

SUBJECT NO. 1	<input checked="" type="checkbox"/> SUBJECT	NAME (LAST, FIRST, MIDDLE)	RACE	SEX	AGE	ETH.	DATE OF BIRTH	HEIGHT	WEIGHT	HAIR	EYES	
	<input type="checkbox"/> RUNAWAY		B	M	8	N		506	125	BLK	BRN	
	<input type="checkbox"/> WANTED	FACIAL HAIR, SCARS, TATOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.						NCIC NUMBER				
	<input type="checkbox"/> WARRANT											
<input type="checkbox"/> ARREST	ADDRESS		CITY		STATE	ZIP CODE	LOCATION NO.					
<input type="checkbox"/> JAIL			HOPKINS		SC							
<input type="checkbox"/> SUMMONS	SUBJECT (NO. 1) USING: ALCOHOL		ARRESTED NEAR OFFENSE SCENE:		DATE / TIME OF OFFENSE		DATE / TIME OF ARREST					
<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> UNK. TYPE:		<input type="checkbox"/> YES <input type="checkbox"/> NO		12-18-14 1300		12-18-14 1305						
DRUGS		<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> UNK. TYPE:		TOTAL # ARRESTED: 1								

NARRATIVE  
 THE VICTIM STATED THAT WHILE SHE WAS TEACHING HER CLASS THE SUBJECT STATED " THERE IS A PROBLEM !" AND THEN SCREAMED AT HER " YOU WANT LISTEN TO ME NOW" THE TEACHER REPLIED TO HIM TO CALM DOWN. HE THEN BEGAN TO GRUMPLE. HE THEN THREW HIS PENCIL ON THE FLOOR ALONG WITH HIS WORK AND PROCEEDED TO KICK HIS DESK. THE TEACHER REPEATED TO [REDACTED] THREE TIMES TO GET HIS THINGS BUT. HE REFUSED. HE BUGUN HIS LOUD GRUMPLING AGAIN. THE TEACHER HELD THE DOOR OPEN FOR HIM TO WALK OUT OF THE CLASSROOM AND [REDACTED] PROCEEDED TO PUSH THE TEACHER WITH HIS BODY SHOVING THE TEACHER INTO THE DOOR FRAME. HE THEN TRIED TO SLAM THE CLASSROOM DOOR CLOSED, CATCHING THE TEACHER RIGHT ARM. " OW! THAT HURT [REDACTED] " THE TEACHER REPLIED. " I DON'T CARE " STATED [REDACTED]

PROPERTY	EVIDENCE NUMBER:		JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY		JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY	
	HOLD ROOM		EVIDENCE ROOM			
	SEIZED	\$	BURNED	\$	DAMAGED	\$

AD. STRATIVE	SUBJECT IDENTIFIED		SUBJECT LOCATED		<input type="checkbox"/> ACTIVE <input type="checkbox"/> ADM. CLOSED <input type="checkbox"/> UNFOUNDED		<input type="checkbox"/> ARRESTED UNDER 18 <input type="checkbox"/> ARRESTED 18 AND OVER		<input type="checkbox"/> EX-CLEAR UNDER 18 <input type="checkbox"/> EX-CLEAR 18 AND OVER		
	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO								
	REASON FOR EXCEPTIONAL CLEARANCE: 1. <input type="checkbox"/> OFFENDER DEATH 2. <input type="checkbox"/> NO PROSECUTION 3. <input type="checkbox"/> EXTRADITION DENIED 4. <input type="checkbox"/> VICTIM DECLINES COOPERATION 5. <input type="checkbox"/> JUVENILE - NO CUSTODY										
	REPORTING OFFICER(S)			DATE	DEPT. NO.	APPROVING OFFICER			DATE	DEPT. NO.	
J. SCOTT			12-19-14	1333							
FOLLOWUP INVESTIGATION						OFFICER					
<input type="checkbox"/> YES <input type="checkbox"/> NO											



**RICHLAND COUNTY SHERIFF'S DEPARTMENT  
 SUPPLEMENTAL INCIDENT REPORT**

AGENCY I.D.: SCOR1 400000

CASE NUMBER  
**15010092-07**

NCIC  
 INQ ENTO

ORIGINAL REPORT     SUPPLEMENTAL REPORT     INVESTIGATIVE FOLLOW UP     ADDITIONAL STOLEN PROPERTY    PAGE 2 OF 2 PAGES  
 MODIFIES ORIGINAL     CASE STATUS CHANGE     ADDITIONAL RECOVERED PROPERTY     FIELD CONTACT INFO

**VICT / SUBJ I.D. OVERFLOW**

COMPLAINANT  
 VICTIM #  
 SUBJECT #  
 RUNAWAY  
 WANTED  
 WARRANT  
 ARREST  
 JAIL  
 SUMMONS

NAME (LAST, FIRST, MIDDLE) \_\_\_\_\_ VICTIM RELATIONSHIP TO SUBJECT RES RACE SEX AGE DATE OF BIRTH ETH  
 1 2 3 J

HEIGHT WEIGHT HAIR EYES FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.

ADDRESS \_\_\_\_\_ CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP CODE \_\_\_\_\_ LOCATION NO. \_\_\_\_\_ DAY PHONE \_\_\_\_\_ EVENING PHONE \_\_\_\_\_

VICTIM NO. VISIBLE INJURY:  NO  YES    COMPLAINT OF NON-VISIBLE INJURIES:  NO  YES    VICTIM USING ALCOHOL:  NO  YES  UNK     TWO-MAN VEHICLE  DET./PLASMIT  
 EXPLAIN: \_\_\_\_\_ DRUGS:  NO  YES TYPE:  UNK     ONE-MAN VEHICLE  ALONE  
 ASSISTED  OTHER

SUBJECT NO. USING ALCOHOL  NO  YES  
 USING DRUGS  NO  YES TYPE:  UNK

**VICT / SUBJ I.D. OVERFLOW**

COMPLAINANT  
 VICTIM #  
 SUBJECT #  
 RUNAWAY  
 WANTED  
 WARRANT  
 ARREST  
 JAIL  
 SUMMONS

NAME (LAST, FIRST, MIDDLE) \_\_\_\_\_ VICTIM RELATIONSHIP TO SUBJECT RES RACE SEX AGE DATE OF BIRTH ETH  
 1 2 3 J

HEIGHT WEIGHT HAIR EYES FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.

ADDRESS \_\_\_\_\_ CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP CODE \_\_\_\_\_ LOCATION NO. \_\_\_\_\_ DAY PHONE \_\_\_\_\_ EVENING PHONE \_\_\_\_\_

VICTIM NO. VISIBLE INJURY:  NO  YES    COMPLAINT OF NON-VISIBLE INJURIES:  NO  YES    VICTIM USING ALCOHOL:  NO  YES  UNK     TWO-MAN VEHICLE  DET./PLASMIT  
 EXPLAIN: \_\_\_\_\_ DRUGS:  NO  YES TYPE:  UNK     ONE-MAN VEHICLE  ALONE  
 ASSISTED  OTHER

SUBJECT NO. USING ALCOHOL  NO  YES  
 USING DRUGS  NO  YES TYPE:  UNK

**NARRATIVE**

INCIDENT TYPE: ASSAULT AND BATTERY 3<sup>RD</sup>/ DISTURBING SCHOOL  
INCIDENT LOCATION: 7725 CAUGHMAN ROAD (CAUGHMAN ROAD ELEMENTARY)  
THE STUDENT IS BEING SENT TO THE HEARING BOARD BY THE SCHOOL. THE VICTIM WISHES TO PROSECUTE.

**PROPERTY**

EVIDENCE NUMBER: \_\_\_\_\_ JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY \_\_\_\_\_ JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY \_\_\_\_\_

HOLD ROOM \_\_\_\_\_ EVIDENCE ROOM \_\_\_\_\_

STATUS TYPE VIN AND/OR LICENSE NO. BOAT HULL NO. AND/OR REG. NO.  
 STOLEN  VEHICLE  
 RECOVERED  GUN  
 FOUND  BOAT  
 TOWED  LICENSE PLATE  
 SUSPECT  SECURITIES, STOCKS  
 VICTIM  ARTICLE

SERIAL AND/OR OWNER APPLIED NO. \_\_\_\_\_ STATE \_\_\_\_\_  
 YEAR OF REGISTRATION \_\_\_\_\_ YEAR OF EXPIRATION \_\_\_\_\_ YEAR \_\_\_\_\_ MAKE \_\_\_\_\_ TYPE \_\_\_\_\_  
 MODEL \_\_\_\_\_ STYLE \_\_\_\_\_ COLOR \_\_\_\_\_ BRAND NAME \_\_\_\_\_ GAUGE \_\_\_\_\_  
 MFD. NO. \_\_\_\_\_ DENOMINATION \_\_\_\_\_ ISSUER \_\_\_\_\_ SECURITIES DATE \_\_\_\_\_  
 MISCELLANEOUS \_\_\_\_\_

SEIZED \$ \_\_\_\_\_ BURNED \$ \_\_\_\_\_ DAMAGED \$ \_\_\_\_\_

**ADMINISTRATIVE**

SUBJECT IDENTIFIED  YES  NO    SUBJECT LOCATED  YES  NO     ACTIVE  ADM. CLOSED  ARRESTED UNDER 18  EX-CLEAR UNDER 18  
 UNFOUNDED  ARRESTED 18 AND OVER  EX-CLEAR 18 AND OVER

REASON FOR EXCEPTIONAL CLEARANCE: 1.  OFFENDER DEATH    2.  NO PROSECUTION    3.  EXTRADITION DENIED    4.  VICTIM DECLINES COOPERATION    5.  JUVENILE - NO CUSTODY

REPORTING OFFICER(S) DATE DEPT. NO. APPROVING OFFICER DATE DEPT. NO.  
**J. SCOTT**    12-18-14    1333

FOLLOW UP INVESTIGATION OFFICER

# EXHIBIT

## B.5



NORTH CHARLESTON POLICE  
 SCD100000

**INCIDENT REPORT**

INFORMATION ONLY

CASE NUMBER  
 2015030281

NCIC  
 INQ. ENT.D.

INCIDENT TYPE	COMPLETED	FORCED ENTRY	PREMISE TYPE	UNITS ENTERED	TYPE VICTIM
1. DISORDERLY CONDUCT DISORDERLY CONDUCT	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	SCHOOL (GRADE K-12)		<input type="checkbox"/> Individual <input type="checkbox"/> Business <input type="checkbox"/> Financial Inst <input type="checkbox"/> Government <input type="checkbox"/> Relig. Orgn. <input checked="" type="checkbox"/> Soc./Public <input type="checkbox"/> Other <input type="checkbox"/> Unknown <input type="checkbox"/> Police Off.
2.	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO			
3.	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO			

INCIDENT LOCATION (SUBDIVISION, APARTMENT AND NUMBER, STREET NAME AND NUMBER)  
 3625 Ashley Phosphate ROAD, NORTH CHARLESTON, SC

INCIDENT DATE: 09/26/2015 08:00 TO 09/26/2015 09:01  
 DISPATCH DATE/TIME: 09/25/2015 09:00 TIME ARRIVED: 09:00 DEPART. TIME: 09:30  
 ZIP CODE: 29406 WEAPON TYPE: NONE

COMPLAINANT'S NAME (LAST, FIRST, MIDDLE): [REDACTED]  
 RELATIONSHIP TO SUBJECT: #1 #2 #3 RESIDENT RACE SEX AGE ETH DAYTIME PHONE EVENING PHONE

ADDRESS: [REDACTED] CITY: [REDACTED] STATE: [REDACTED] ZIP CODE: [REDACTED] LOCATION NO.: 07

VICTIM'S NAME (LAST, FIRST, MIDDLE): CITY OF NORTH CHARLESTON  
 RELATIONSHIP TO SUBJECT: #1 #2 #3 RESIDENT RACE SEX AGE ETH DAYTIME PHONE EVENING PHONE

HEIGHT: [REDACTED] WEIGHT: [REDACTED] HAIR: [REDACTED] EYES: [REDACTED]  
 FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.

ADDRESS: [REDACTED] CITY: [REDACTED] STATE: SC ZIP CODE: 29406 LOCATION NO.:

VS BLENNURY (MCT:1)  YES  NO  EXPLAIN:  
 VICTIM (NO. 1) USING ALCOHOL:  YES  NO  UNK  DRUGS:  YES  NO  UNK  TYPE:  
 COMPLAINT OF ANY NON-VISBLE INJURES:  YES  NO

TWO MAN VEH:  ONE MAN VEH:  DETECTIVE/PLASMT:  OTHER:  ALONE:  ASSISTED:   
 SUSPECT NAME (LAST, FIRST, MIDDLE): [REDACTED] RACE: [REDACTED] SEX: [REDACTED] AGE: 14 ETH: H DATE OF BIRTH: [REDACTED] HEIGHT: 603 WEIGHT: 120 HAIR: BLK EYES: BRO

RUNAWAY FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC. RELATED OFFENSE(S): 90C DAYTIME PHONE: 843-642-8998 EVENING PHONE: 843-974-5867

WARRANT ADDRESS: [REDACTED] CITY: [REDACTED] STATE: SC ZIP CODE: 29406 LOCATION NO.:

ARREST SUBJECT (NO. 1) USING ALCOHOL:  YES  NO  UNK  DRUGS:  YES  NO  UNK  TYPE:  
 ARRESTED NEAR OFFENSE SCENE:  YES  NO DATE/TIME OF OFFENSE: 9/25/2015 9:00:16 AM DATE/TIME OF ARREST: 9/25/2015 9:01:00 AM

JAIL SUBJECT (NO. 1) USING ALCOHOL:  YES  NO  UNK  DRUGS:  YES  NO  UNK  TYPE:  
 TOTAL # ARRESTED: 1

DAY OF THE WEEK: [REDACTED] HOW REPORTED: [REDACTED]  
 S M T W T F S U N K  
 A= OFFICER DISPATCHED ON CALL D= COMPLAINT WRITTEN IN  
 B= REPORT TAKEN BY PHONE E= OFFICER INITIATED  
 C= COMPLAINANT WALKED IN F= OTHER  
 DIFF. FACTOR: [REDACTED]  
 A= RESISTANCE/HOSTILITY B= WEAPONS C= UNFOUNDED CALLS D= MENTAL SUBJECT  
 E= COMPLAINANT FREQUENTLY INTOXICATED F= DOMESTIC N= NORMAL

On 09-25-2015 at approximately 9:00 AM while working as the School Resource Officer for Stall High School, 3625 Ashley Phosphate Rd, I heard [REDACTED] request ask for my assistance with a student in the front hallway. I activated my department issued Body Camera, and when I arrived in the area I observed the suspect pacing up and down the hallway. She was visibly upset and refusing to comply with requests from administrators. She was yelling "I'm not going" and "stop following me" to [REDACTED]. She refused officer commands to stop and began using profane language in the front hallway. The suspect was warned several times to stop this behavior because it was attracting undue attention. Students began coming out of their classrooms to see what was going on and visitors in the front lobby began showing concern.

JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY: [REDACTED]  
 JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY: [REDACTED]

TYPE (GROUP)	TOTAL VALUE
STOLEN	
DAMAGED	
BURNED	
RECOVERED	
SEIZED	

SUBJECT IDENTIFIED:  YES  NO  
 SUBJECT LOCATED:  YES  NO  
 S. F.: [REDACTED]  
 ACTIVE  ADM. CLOSED  
 UNFOUNDED  ARRESTED UNDER 18  
 EX-CLEAR UNDER 18 AND OVER

REASON FOR EXCEPTIONAL CLEARANCE: 1.  OFFENDER DEATH 2.  NO PROSECUTION PROSECUTION 3.  EXTRADITION DENIED 4.  VICTIM DECLINES COOPERATION 5.  JUVENILE NO CUSTODY

REPORTING OFFICER(S): SWAGEL, JAMES ALAN DATE: 9/26/2015 9:00:18 AM UNIT NUMBER: 182  
 APPROVING OFFICER: [REDACTED] DATE: [REDACTED] UNIT NUMBER: [REDACTED]

WHITFIELD, KEVIN ROSHAWN DATE: 9/26/2015 9:00:00 AM UNIT NUMBER: 316  
 FOLLOWUP INVESTIGATION:  YES  NO OFFICER: [REDACTED]

R5 SPB (2015-030281) 6



ADDITIONAL NARRATIVE

Agency Name: NORTH CHARLESTON POLICE DEPARTMENT	ORI #: SC0100800	Report Date/Time: 09/25/2015 09:00	OCA #: 2015030201
--	---------------------	---------------------------------------	----------------------

disorderly conduct

The suspect was taken into custody at that time. While attempting to gain control of the suspect she reacted violently by throwing herself on the ground, but once on the ground she became compliant and allowed herself to be handcuffed. The handcuffs were checked for tightness and double locked. She was then stood up and escorted to my office where she was searched and an advice of rights form was filled out

██████████ the suspect's principal, was advised of these events after she responded to my office. At that time the suspect's mother was called and asked to respond to the school.

When the suspect's mother arrived at the school she was advised of these events by ██████████ due to a language barrier. The suspect was released to her mother on a custodial promise for disorderly conduct.

R5 SPB (2015-030281) 7

# **EXHIBIT**

## **C.1**

# Charleston County School District



## STUDENT CODE OF CONDUCT 2015–2016

75 Calhoun Street | Charleston, SC 29401  
(843) 937-6300  
[www.ccsdschools.com](http://www.ccsdschools.com)



STUDENT CODE OF CONDUCT | 2015-2016

Charleston County School District  
75 Calhoun Street | Charleston, SC 29401

Dr. Gerrita Postlewait, Superintendent of Schools  
Dr. Lisa Herring, Deputy Superintendent for Academics

CCSD Board of Trustees

Mrs. Cindy Bohn Coats, *Chair* Mr. Todd Garrett  
Mr. Chris Staubes, *Vice Chair* Rev. Dr. Eric Mack  
Rev. Chris Collins Mr. Michael Miller  
Mrs. Kate Darby Mr. Tripp Wiles  
Mr. Tom Ducker

Associate Superintendents

Ms. Terri Nichols, *Associate* Elementary Learning Community  
Dr. James Winbush, *Associate* Middle Learning Community  
Dr. Lynda Davis, *Interim Associate* Secondary Learning Community

Important Numbers

(All numbers below use (843) area code)

Academic and Instructional Support .....	937-6425
Access and Opportunity .....	763-1500
Adult Education .....	746-6500
Community Education .....	937-7910
Community Outreach.....	937-6578
Department of Exceptional Children Services .....	937-6500
Districts 1 & 2 – McClellanville & East Cooper .....	849-2878
District 3 – James Island .....	937-6425
Districts 4 & 23 – North Charleston & Hollywood, Edisto, & Ravenel.....	745-7150
Districts 9 & 20 – John’s Island & Downtown Charleston .....	937-6513
District 10 – West Ashley .....	763-1500
Durham Bus Services .....	725-3160
Early Learning Community .....	937-6425
Elementary Learning Community.....	849-2878
ESOL (English Speakers of Other Languages).....	574-2199
Middle Learning Community .....	745-7150
Office of Strategy and Communications .....	937-6303
Office of General Counsel.....	937-6515
Office of Nursing Services.....	745-2184
Office of Student Placement.....	745-7150
Secondary Learning Community.....	937-6513
Student Intervention Services.....	402-7818
Title I Office .....	937-6570

STUDENT CODE OF CONDUCT | 2015-2016

# Charleston County School District Code of Conduct

Acknowledgement of Review 2015-2016

Each student has the right to learn in a safe and secure environment. It is essential that the school and home work together to assure that all students meet the high expectations for behavior established in the CCSD Student Code of Conduct.

The CCSD Student Code of Conduct is a vital part of daily student life, supporting a safe and secure learning environment. Inappropriate behavior which adversely affects the learning environment will not be tolerated. The Student Code of Conduct is in effect under the following circumstances:

- 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 on a school bus or other school vehicle

**Please review and discuss the CCSD Student Code of Conduct with your child.** Should you have any questions when reviewing the Code of Student Conduct, please contact your child's school. You may access an electronic copy of the CCSD Student Code of Conduct on the CCSD website: [www.ccsdschools.com](http://www.ccsdschools.com).

Providing your signature below does not indicate that you agree or disagree with the rules, but rather that you have received a copy. Please sign and return this sheet to your child's school.

\_\_\_\_\_  
Student's Name (Please Print)

STUDENT: To help keep my school safe, I pledge to show good character, work to the best of my ability, and adhere to the guidelines established within the *CCSD Code of Student Conduct*.

\_\_\_\_\_  
Student's Signature

\_\_\_\_\_  
Date

PARENT/GUARDIAN: I have reviewed and discussed the CCSD Student Code of Conduct with my child.

\_\_\_\_\_  
Parent's/Guardian's Signature

\_\_\_\_\_  
Date

Please detach and return this form to your child's teacher.

Failure to return acknowledgement of the *CCSD Student Code of Conduct* will not relieve a student or parent/guardian of responsibility for knowing or complying with the rules contained within the *CCSD Student Code of Conduct*.

Please see the Acknowledgement of Technology on next page →



STUDENT CODE OF CONDUCT | 2015-2016

## Acknowledgement of Technology Acceptable Use Policy (see pages 37-39)

### TEACHER/STAFF/STUDENT

#### STUDENT USER AGREEMENT:

I have reviewed and understand that compliance with policy GBEBD is required. I agree to comply with Policy GBEBD and further understand that any violation of it is unethical and may constitute a criminal offense. Should I commit any violation of Policy GBEBD, the consequence may result in my access privileges to technology being revoked for the remainder of the year and school disciplinary and/or appropriate legal action may be taken.

\_\_\_\_\_  
Student's Signature

\_\_\_\_\_  
Printed name

\_\_\_\_\_  
Date

#### SPONSORING TEACHER AGREEMENT:

I have read the District's Acceptable Use Policy GBEBD and understand that compliance with it is required of all CCSD employees and students. I have presented Policy GBEBD to the student named above. As the sponsoring teacher, I have instructed the student on acceptable use of technology and will enforce Policy GBEBD compliance.

\_\_\_\_\_  
Teacher's Signature

\_\_\_\_\_  
Printed name

\_\_\_\_\_  
Date

#### PARENT/GUARDIAN PERMISSION:

As the parent or guardian of the student, I understand that compliance with Policy GBEBD is required of my CCSD student. I recognize it is impossible for CCSD to restrict access to all controversial materials, and I will not hold CCSD responsible for materials acquired on the network.

I understand that Policy GBEBD is available at [www.ccsdschools.com](http://www.ccsdschools.com) for review. If I have questions regarding topics my child is researching or how my child is using technology and the Internet, I will contact his or her teacher. I understand the consequences if my child violates Policy GBEBD.

\_\_\_ Yes, my child has permission to access the CCSD Network and Internet.

\_\_\_ No, my child DOES NOT have permission to access the CCSD Network and Internet.

\_\_\_\_\_  
Parent's Signature

\_\_\_\_\_  
Printed name

\_\_\_\_\_  
Date



STUDENT CODE OF CONDUCT | 2015-2016

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STUDENT CODE OF CONDUCT | 2015–2016

## DISTRICT INFORMATION



### To Charleston County School District Students and Families, Welcome to the 2015–2016 Academic Year!

In May 2012, we released Charleston Achieving Excellence: Vision 2016. As we enter the final phase of this Strategic Plan, our work is based on the ability to continue to have even higher expectations of our students and our students' level of academic achievement. We firmly believe in order to maximize the educational experience for all of our children, the school environment within which they live, work, and learn is a critical gate keeper to the ultimate level of success each of our children can achieve. Therefore, this Code of Conduct sets the framework around which we hold ourselves and our students to high expectations and a standard of care on a daily basis in every school across our great county. In order to achieve the bold achievement goals that we have in our annual targets encompassed in Vision 2016, we must all commit to having the highest expectations of our students as we have for our staff in creating the best possible learning environments. We must remove obstacles for our students in their learning, as they engage and take responsibilities for the same. By doing so, this provides a truly positive, welcoming, and caring environment within which to learn.

The District has grown significantly in size. We continue to receive new students each year. In fact, we have grown by nearly 6,000 students in the last seven years. As we go forward in projecting the 2015 – 2016 school year student count, we're anticipating at least 1,500 new students to the Charleston County School District. This past year, the District became an excellent-rated school district for the first time in history. This was a result of continued improvements including end of course exams at the high school level and an improved graduation rate, which for the first time exceeded 80%. These results show we are making tremendous strides, but achievement gaps continue to exist. Far too many Charleston County students are still not graduating with the skills necessary to succeed in college, careers, and life. As we have said earlier, it's time to raise our expectations and aim even higher which is why as parents, grandparents, and all who care for and support our students, our support and guidance are more important than ever before.

We have a renewed focus and great amount of effort that will be vigorously deployed to continue to establish and help all of our students and staff honor and respect one another and truly know the meaning of cultural sensitivity. Diversity and inclusion truly means all. This Code of Conduct anticipates that we expect all children under the guidance of our staff, parents, and families to constantly be supportive and help understand that differences are what make us strong and differences are only a problem when we cannot resolve conflicts that may exist at any given time. Our opportunity and our goal is to expect our students to act in an appropriate way at all times, to treat and respect all others regardless of race, gender or any other differences. Mutual respect, the ability to get along and to support and care for one another is the kind of unity that will make our District and the greater Charleston area a far better place for those here now and for generations of the future.

With Excellence as our Standard, we ask that every student and parent/guardian read and understand this code. Your support is incredibly important to your child's success. This Code of Conduct is an important tool designed to help you become familiar with the District's policies and regulations aimed at promoting student safety, achievement, and a cultural understanding for all. After reviewing the Code of Conduct, please sign the form inside the front cover and return it to your school. I encourage you to discuss the code with your family and use it as a reference throughout the school year. Vision 2016 is rooted in the core beliefs that with the right supports, high expectations, and great teaching, every one of our children can graduate high school with the skills to succeed in college, the work force, and life. With this as our guide and our goal, I look forward to working with you in the 2015-2016 school year.

Superintendent of Schools

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CHARLESTON COUNTY SCHOOL DISTRICT

### Mission

The mission of the Charleston County School District, a dynamic system of challenging educational choices, is to increase student achievement overall and close achievement gaps in order to prepare all students to compete in a global economy and make a positive contribution to our community and nation.

### Vision

Every child will graduate from CCSD with the critical skills and knowledge necessary to succeed in college and the 21st Century global workforce.

### Belief

CCSD believes every student deserves a safe, supportive, and engaging learning environment that encourages appropriate behaviors by teaching, guiding, directing, and providing opportunities for new learning to occur. We believe a positive school climate encourages students to practice and succeed in making responsible and effective choices in order to reach their academic potential.

### Core Values

**Results** – We will prioritize student achievement outcomes in everything we do and align every strategy and action with a measurable goal.

**Access** – All students - held to the highest expectations imaginable - will be provided with excellent instruction, enrichment opportunities, and challenging courses. Parents will be empowered with a full portfolio of great school choices.

**Partnerships** – Student success relies on partnerships between schools, families, and communities. We will encourage transparency, collaboration and feedback, and strengthen partnerships with every person, agency, and organization invested in our students.

**Diversity** – We see diversity as a strength and an asset. Fostering an environment of dignity and respect, our students will be prepared for a competitive world and our employees will represent the community that we serve.

### Goals

Close the achievement gap  
Elevate achievement overall  
Raise the graduation rate



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## Guiding Principles for Positive School Climate

Charleston County School District firmly believes positive school climates and consistent discipline policies and practices are critical to raising academic achievement and establishing safe learning environments. It is the responsibility of all school personnel, students, parents, external stakeholders and the greater community to ensure the school environment encourages a climate conducive to learning. The CCSD Student Code of Conduct endorses the following guiding principles to assist school leaders and stakeholders:

1. Create positive climates and focus on prevention;
2. Develop clear, appropriate, and consistent expectations and consequences to address disruptive student behaviors; and
2. Ensure fairness, equity, and continuous improvement.

Source: U.S. Department of Education, Guiding Principles: A Resource Guide for Improving School Climate and Discipline, Washington, D.C., 2014.

These guiding principles lay the foundation for creating safe, supportive, and engaging learning environments which ensure the highest level of academic, social, and emotional outcomes for all students. Effective evidenced-based practices include providing multiple tiers of academic/behavior/social-emotional instruction, interventions, and supports with positive and restorative approaches to student behavior.

1. Tier One/Universal (School-wide): High quality academic and behavioral instruction designed to meet the needs of all students across all settings.
2. Tier Two/Secondary (Strategic): Targeted interventions and supports for groups of students who are not making adequate progress with Tier One/Universal supports alone.
3. Tier Three (Intensive): Intensive interventions and supports for individual students who are demonstrating considerable academic and/or behavioral needs.

Tiered instruction, intervention, and supports should take place school-wide, in classrooms, in small groups, and with individual students and families with collective ownership and continuous communication and collaboration. Strategic planning occurs at each individual school based on the needs of their students and should result in a positive school climate with a restorative philosophy.



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## School Achievement Begins With Regular Attendance

**Parents/guardians** have the responsibility to ensure that all school-age children in their care are in school and on time every day.

**Students** have the responsibility to be on time and attend all classes.

### Lawful Absences (Excused)

- Illness of the student
- Medical or dental appointment
- Court appearance or court ordered activity
- Death in the immediate family
- Observance of a religious holiday
- Activities approved by the administrative team
- Extenuating circumstances as determined by the principal

### Unlawful Absences (Unexcused)

- Absence from school for any portion of the day without the knowledge of their parents/guardians
- Absence from school for any portion of the day without acceptable cause with the knowledge of their parents/guardians
- Absence from planned home-bound or home-based sessions

Note Students are not considered absent when attending approved school field trips, arriving late due to bus problems, or assigned to an in-school suspension program.

### Documentation of Absences

All absences require a written explanation from the parent/guardian within three (3) school days of return from the absence. Written explanation of absences must include the student's name, parent/guardian's full name, address and telephone number(s), dates of absence(s), and documentation of the reason for absence.

Absences in excess of ten days per year will not be considered excused with a parent/guardian note unless they are accompanied by official medical or legal documentation.

### Tardiness

It is very important that students be on time at the beginning of the school day. Students are required to follow their school's tardy policy. Excessive tardiness will result in disciplinary action. Schools are required to admit students regardless of their arrival time. Students who arrive late are required to report to the appropriate administrative office before being admitted to any classroom or other school area to assure that the student is recorded as present.

### Early Sign-Outs

Parents/guardians are strongly encouraged to ensure that children in their care are in school for the full day every day. Signing out of school early on an ongoing basis establishes a pattern of non-attendance and negatively impacts academic performance. Students with excessive early sign-outs will be addressed on a case-by-case basis by school administration.

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## South Carolina Compulsory Attendance Law

**South Carolina Code of Laws Section 59-65-10** (as amended) reads:

All parents or guardians shall cause their children or wards to attend regularly a public or private school ~ of this State ~ from the school year in which the child or ward is five years of age before September 1st until the child or ward attains his seventeenth birthday or graduates from high school. All children are required to attend a public or private kindergarten beginning at age five. If parents choose not to send their children to kindergarten, they must sign a waiver, which may be obtained at the local school.

**South Carolina Code of Laws of Section 59-65-20**

Any parent or guardian who neglects to enroll his child or ward or refuses to make such child or ward attend school shall, upon conviction, be fined not more than fifty dollars or be imprisoned not more than thirty days; each day's absence shall constitute a separate offense; provided, the court may in its discretion suspend the sentence of anyone convicted of the provisions of this article.

**South Carolina Code of Laws of Section 59-65-70**

If the court determines that the reported absence occurred without the knowledge, consent, or connivance of the responsible parent or guardian or that a bona fide attempt has been made to control and keep the child in school, the court may declare such a child to be delinquent and subject the provisions of the law in such cases.

**South Carolina Code of Laws of Section 16-17-510**

It is unlawful for a person to encourage, entice, or conspire to encourage or entice a child enrolled in any public or private elementary or secondary school of this State from attendance in the school or school program or transport or provide transportation in aid to encourage or entice a child from attendance in any public or private elementary or secondary school or school program. A person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than two years, or both.

## Truancy: Three Levels

**Truant:** A child, at least 6 but not yet 17 years old, who has accumulated three consecutive unlawful absences or a total of five unlawful absences

**Habitual Truant:** A child, at least 12 but not yet 17 years old, who (1) fails to comply with the intervention plan developed by the school, the child, and the parents or guardians, and (2) accumulates two or more additional unlawful absences

**Chronic Truant:** A child, at least 12 but not yet 17 years old, who (1) has been through the school intervention process; (2) has reached the level of a habitual truant and has been referred to family court and placed under an order to attend school; and (3) continues to accumulate unlawful absences

### Truancy Intervention Procedures

1. School personnel must communicate any attendance problems or concerns to parents/guardians in a timely manner. When a student accumulates three (3) unlawful absences, the school notifies the parent or guardian by telephone or mail.
2. When a student accumulates three (3) consecutive or a total of five (5) unlawful absences the principal or designee will complete a truancy investigation.



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3. A conference is required with student and parent or guardian to develop a truancy intervention plan designed to improve student attendance and eliminate unlawful absences.
4. A written truancy intervention and attendance contract should be signed by all participants with a copy provided to the parent and student.
5. When a student accumulates seven (7) unlawful absences the school will update the truancy intervention plan, indicate why the plan was unsuccessful, and make amendments as needed.
6. The student's absences will be monitored. If a student continues to be unlawfully absent, a truancy referral is made to the CCSD Truancy Prevention Coordinator and a district level conference will be scheduled.
7. In the event that unlawful absences continue following the district level conference, the case will be reviewed for additional interventions and/or further action. The case may be referred to the Department of Social Services, the Ninth Judicial Circuit Solicitor's Office for participation in Family Court, or other interventions.

Note: Suspensions are not counted as unlawful for truancy purposes. A deadline will be imposed for the work to be made-up and the responsibility for getting and completing assignments will be on the student.

## Attendance Requirement for Promotion and/or Credit

All students previously enrolled in the District and those residing in the state who are entering for the first time shall be counted unlawfully absent for each day missed due to late enrollment.

All absences are defined as lawful or unlawful. Students having a lawful absence shall be permitted to make up work missed during the absence. Absences determined as unlawful will not entitle a student to make up work missed during the time of the absence. Principals may use discretion in permitting students to make up work.

Students in kindergarten through eighth grades missing more than 50% of the instructional day will be counted as absent for the day. Students in grades K-8 may not be eligible for promotion if they have more than ten absences in one school year.

High school students will be counted absent for a full period if they miss more than half of the period. The principal may determine the lawful or unlawful nature of the absences. Students in grades nine through twelve must attend eighty-five (85) days of each ninety (90) day semester to receive a half credit, OR Eighty-five (85) days of a four by four course to receive one credit, OR One hundred seventy days (170) of a yearly course to receive one credit.

### **Appeal Process for Denial of Credit**

Consistent with state regulations, parents/guardians have the right to appeal attendance violation decisions and/or to question the school records regarding attendance. The appeal should be made in writing to the school principal. The decision of the principal may be appealed to the Associate Superintendent. The decision of the Associate Superintendent may be appealed to the Constituent Board by written request for appeal within ten (10) days of receipt of the decision of the Associate Superintendent.

The decision of the Constituent Board may be appealed to the CCSD Board of Trustees in writing within ten (10) days following the date of notification.

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# STUDENT CODE OF CONDUCT

## Student Dress Code

Students are responsible for dressing in an appropriate manner at all times while on a school campus or while involved in a school or district sponsored event/activity. Wearing appropriate attire promotes a positive influence on the school climate. In addition to clothing, hats, and shoes, student attire includes any jewelry, emblem, badge, symbol, sign, comment, or other items worn or displayed by an individual.



### Guidelines for Attire

- Clothing is to be worn appropriately and in the manner for which it was designed.
- Pants shall be worn at waist level.
- Undergarments shall not be exposed at any time.
- Clothing shall not reveal bare skin between upper chest and mid thigh.
- Shorts, skirts, and dresses shall be of adequate length to assure modesty.
- Hats shall not be worn in school (unless approved for health or religious reasons).
- Shoes shall be worn at all times.

### Prohibited Attire

- Clothing or other attire with words or images depicting or relating to tobacco, drugs, or alcohol
- Clothing or other attire displaying inflammatory, suggestive, racial, or other inappropriate writing, advertisement, or artwork
- Clothing or other attire displaying profanity, obscenity, violence, weapons, symbols of hate, or offensive content
- Clothing, jewelry, accessories, and/or manner of grooming which indicates or implies gang membership or affiliation
- Clothing or attire that is body contouring such as, but not limited to, leggings, jeggings, tights, or yoga pants worn without shirt or top that reaches finger tip length.
- Loungewear, pajamas, and bedroom slippers
- Shirts, tops, or dresses that are backless, strapless, halter-style, cut-out, bare-shouldered, or spaghetti straps
- Extreme clothing or other attire that would interfere with the learning process, cause a disruption of the educational environment, or be a health or safety hazard

**Students found to be in violation of the dress code will be subject to corrective action.**

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## Board of Trustees Code of Conduct Policies

### Policy JIC Student Conduct

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 all school district employees, 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, as defined in the CCSD Student Code of Conduct and the schools they attend.

Violations of such policies, rules, and regulations shall result in disciplinary actions. The Board directs the administration to establish a student code of conduct and schoolwide progressive discipline plan to create and preserve conditions essential to orderly operation of the schools. The board authorizes its school authorities to employ probation and suspension and to recommend expulsion, if necessary, to enforce this policy.

### Policy JICDA Code of Conduct

The superintendent shall implement the board's code of conduct and discipline to achieve and maintain order in the schools. In the CCSD Student Code of Conduct, the board and the administration offer a list of offenses along with the required or recommended dispositions for the information of students, parents/legal guardians and school personnel.

Disciplinary actions shall include appropriate hearings and review. The removal of a student from the learning environment shall occur only for just cause and in accordance with due process of law. The administration shall consider extenuating circumstances when taking disciplinary action.

The Student Code of Conduct is effective under the following circumstances:

- On 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 on a school bus or other school vehicle





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## Level of Offense Descriptions, Interventions, and Consequences

### LEVEL 1 – DISORDERLY CONDUCT

**Disorderly Conduct** is any behavior which adversely affects a student’s educational progress. A Level 1 offense should be handled by the classroom teacher. Cases of multiple or chronic offenses may require administrative action.

Code	Offenses	Interventions
006 280 400 275 410 405 360 016 370 021 002 024 180 030	Dishonesty Dress Code Violation Excessive Noise Failure to Complete Work Hall Pass Violation Horseplay Identification Violation Inappropriate Language Littering No Returned Form Other Offenses – Minor Running Tardy Violation of Class Rules	<ul style="list-style-type: none"> <li>• Teach/Re-teach Behavior Expectations</li> <li>• Reinforcement of Appropriate Behaviors</li> <li>• Explicit Instruction</li> <li>• Clarification of expectations</li> <li>• Student Problem-Solving Worksheet</li> <li>• Peer Buddy/Peer Tutor</li> <li>• Modify or Supplement Assignment/Activity</li> <li>• Adjust Classroom Environment</li> <li>• Proximity Control</li> <li>• Referral to Guidance</li> <li>• Seat Change</li> <li>• Teacher/Student Conference</li> <li>• Parent/Guardian Contact</li> <li>• Teacher/Parent/Student Conference</li> </ul>
		Consequences
		<ul style="list-style-type: none"> <li>• Warning (verbal or written)</li> <li>• Parent/Guardian Contact (phone, letter, email, text)</li> <li>• Parent/Guardian Conference</li> <li>• Letter of Apology</li> <li>• Loss of Privileges</li> <li>• Confiscation of Unauthorized Item</li> <li>• Teacher Detention</li> <li>• Temporary Removal from Class</li> <li>• Referral to Administration (multiple offenses)</li> </ul>



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**LEVEL 2 – DISRUPTIVE CONDUCT**

**Disruptive Conduct** is any behavior which significantly disturbs the positive learning environment and/or endangers the health or safety of oneself or others. Level 2 offenses would in most cases be handled by the school administration; however, some instances of disruptive conduct may overlap with certain criminal offenses, justifying both district and legal sanctions.

Code	Offenses	Interventions
001	Aiding Others	<p><b>Level 1 Interventions may also be used.</b></p> <ul style="list-style-type: none"> <li>• Written Reflection about Incident</li> <li>• Administrator/Student Problem Solving Meeting</li> <li>• Peer Mediation</li> <li>• Staff Mentor</li> <li>• Schedule Change</li> <li>• Behavior Contract</li> <li>• Social Skills/Behavior Group</li> <li>• Referral to School-Based Mental Health/CIS</li> <li>• Referral to Outside Agency</li> <li>• OSP Consultation</li> <li>• Abbreviated Day (Approved by Associate Superintendent)</li> <li>• Referral to Individual Problem Solving (IPS) Team (Core/MTSS)</li> </ul> <p>Note: Evidence of IPS is required prior to referring a consistent offender to OSP.</p>
003	Bite/Pinch/Spit	
340	Bus Violation	
190	Cheating	
220	Computer Violation – Non-criminal	
407	Confrontation/Altercation	
004	Contraband	
430	Contract Violation	
170	Cutting Activity	
160	Cutting Class	
150	Cutting School	
005	Detention Violation	
420	Disrespect	
007	Disrupting Class	
305	Driving Violation	
400	Excessive Noise	
271	Failure to Comply with Disciplinary Action	
009	Fighting	
010	Fireworks	
011	Forgery/Counterfeit	
620	Fraud	<p><b>Consequences</b></p> <ul style="list-style-type: none"> <li>• Parent/Guardian Contact</li> <li>• Parent/Guardian Shadowing</li> <li>• Conditional Suspension</li> <li>• Administrative Detention</li> <li>• In-School Suspension</li> <li>• Out-of-School Suspension (up to 5 days)</li> <li>• School Probation</li> <li>• Community Service Assignment</li> <li>• School/Yard/Cafeteria Detail</li> <li>• Loss of Privileges (including bus, extracurricular activities, parking, and phone)</li> <li>• Saturday School</li> <li>• Restitution of Property and Damages</li> <li>• Assignment to Twilight</li> <li>• Referral to Law Enforcement</li> <li>• Referral to Office of Student Placement for Consistent Offenders</li> </ul>
012	Harassment	
014	Hit/Kick/Push	
015	Inappropriate Affection	
017	Inappropriate Behavior	
018	Inappropriate Materials	
022	Inappropriate Physical Contact	
320	Leaving Class	
310	Leaving School	
240	Loitering	
020	Major Disruption	
290	Obscene Gesture	
200	Off Limits	
300	Parking Violation	
330	Phone Violation	
380	Probation Violation	
210	Profanity	
023	Property Misuse	
270	Refusal to Obey/Defiant	
027	Threat	
028	Throwing Objects	
230	Tobacco	
750	Trespassing	
151	Truant	
390	Unauthorized Device	
029	Urination	

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**LEVEL 3 – CRIMINAL CONDUCT**

**Criminal Conduct** is any behavior which significantly disrupts the learning environment or poses a direct and serious threat to the safety of oneself or others. These behaviors require administrative action and a referral to the Office of Student Placement and the Associate Superintendent. Level 3 offenses may also require law enforcement involvement.

Code	Offenses	Interventions
680	Alcohol/Liquor Law Violation	<ul style="list-style-type: none"> <li>Continue interventions previously implemented pending disciplinary hearing</li> <li>Abbreviated Day (Approved by Associate Superintendent)</li> </ul>
500	Arson	
510	Assault, Aggravated	<p><b>Consequences</b></p> <ul style="list-style-type: none"> <li>Loss of Participation in School Events (i.e.athletics, prom, graduation, etc.)</li> <li>Restricted Activities</li> <li>In-School Suspension</li> <li>Out-of-School Suspension - up to 5 days (extended for 5 additional days - approved by Associate Superintendent)</li> <li>Referral to Law Enforcement</li> <li>Referral to Truancy Prevention Coordinator</li> <li>Referral to the Office of Student Placement (see pages 28-29)</li> </ul> <p>Note: Repeat Level 3 offenses will automatically be referred for expulsion.</p>
520	Assault, Simple	
260	Bomb Threat	
530	Bribery	
651	Bullying	
540	Burglary	
700	Computer Violation – Criminal	
652	Cyber Bullying	
560	Disturbing School	
570	Drug Distribution	
575	Drug Usage	
580	Drug Possession	
590	Embezzlement	
600	Extortion	
350	Fire Alarm	
620	Fraud	
630	Gambling	
250	Gang Activity	
640	Homicide	
019	Indecent Exposure	
650	Intimidation	
660	Kidnap/Abduction	
370	Larceny/Theft	
700	Other Offenses – Criminal	
710	Pornography	
720	Prostitution	
730	Robbery	
025	Sex Violation	
013	Sexual Harassment	
610	Sexual Offense - Forced	
690	Sexual Offense – Non-Forced	
740	Stolen Property	
750	Trespassing	
152	Truant - Habitual	
153	Truant – Chronic	
760	Vandalism	
770	Vehicle Theft	
780	Weapons – Other Weapons	
781	Weapons – Handguns	
782	Weapons – Rifles/Shotguns	
783	Weapons – Other Firearms	
784	Weapons – Knife Blade > 2 inches	
785	Weapons – Knife Blade >2.5 inches	
786	Weapons – Knife Blade < 2 inches	
789	Weapon – Miscellaneous Objects	





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## Bus Transportation

CCSD provides a countywide system of school bus transportation for many thousands of students each day. Appropriate behavior by students is essential to maintaining safe transportation. Students are expected to comply with the behavior expectations outlined in the CCSD Student Code of Conduct while on all CCSD buses, on the way to the bus stop, at the bus stop, and after exiting the school bus for regularly scheduled and school-sponsored events. All disciplinary actions listed in this document are applicable to misconduct on the bus or at the bus stop. Students who do not follow bus rules may face the loss of bus privileges.

The principal or designee has authority over all buses operating to or from school, or school sponsored events to include loading or unloading, and the conduct of the students being transported. Inappropriate behavior or activity jeopardizing the safe operation of the school bus or interfering with the welfare of other vehicle occupants is prohibited. Inappropriate behavior reported to administration will be investigated and addressed in accordance with school disciplinary procedures.

Each student is expected to ride his/her assigned bus every day unless permission to do otherwise has been approved by the appropriate administrator.

### **SC Code of Laws: Section 59-67-415. Parental responsibility for safe and timely arrival of children to and from bus stop.**

Parents or guardians are responsible for the safety, conduct, and the timely arrival of their children to and from school and or the designated school bus stop before the arrival of the school bus for pick up and transport to school and the timely departure of the children after the school bus leaves the designated school bus stop after transporting the children from school. For purposes of this section, the phrase "arrival of the school bus" includes the time that the school bus assigned to the school bus stop activates the required pedestrian safety devices, stops, and loads or unloads students until the school bus deactivates all pedestrian safety devices.

### **What can I do to make my child's trip to school safe?**

Accompany or arrange for an adult to accompany your child to the school bus stop and wait for the school bus to arrive. In the afternoon, wait at the school bus stop until the bus arrives and accompany your child home. State law places the responsibility for a child's safety on the parent until the school bus arrives at the bus stop in the morning, and after the bus leaves the site in the afternoon.

### **Student Conduct on Buses - Policy EEAEC**

Safety is of prime importance for our students as we transport them to and from school and school-sponsored activities. Safety requires the cooperation of students, parents/legal guardians and school personnel. CCSD charges students with the responsibility of conduct that shall result in safe transportation, respect for school personnel, and respect for other students. The school bus is an extension of school activity. Therefore, the board expects students to conduct themselves on the bus in a manner consistent with the established standards for safety and classroom behavior. All bus riders must cooperate fully with the bus driver and observe the bus rules.

The principal or his/her designee as authorized by state law and regulation may suspend or deny bus transportation to a student whose conduct is persistently and/or flagrantly detrimental to safety and order on the bus.

The board supports the use of video cameras on school buses used for transportation to and from school as well as for field trips, curricular and extracurricular events. CCSD may use video cameras to monitor student behavior. The District may use videotapes as evidence in a student disciplinary proceeding. The videotapes are student records subject to school district confidentiality, board policy, and administrative regulations.

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**BUS BEHAVIOR EXPECTATIONS FOR ALL STUDENTS**

Students are expected to follow the rules for safety and courtesy as outlined below. Students will be subject to disciplinary action and police involvement if a crime is committed on the way to the bus stop or after leaving the bus stop area that can be related to a safety and security risk at the school.

<p><b>1. At the Bus Stop</b></p> <ul style="list-style-type: none"> <li>• Exercise safety and use good judgment while on the way to the bus stop</li> <li>• Arrive at the assigned stop before bus pick up</li> <li>• Be respectful and aware of traffic</li> <li>• Wait in a quiet and orderly manner</li> <li>• Wait for the bus in a safe place, clear of traffic and away from where the bus stops</li> <li>• Stay off private property</li> </ul>	<p><b>2. When the Bus Arrives</b></p> <ul style="list-style-type: none"> <li>• Wait until the bus has stopped completely with warning lights flashing and all traffic has come to a stop before boarding</li> <li>• If crossing the street is necessary, cross in front of the bus only</li> <li>• Board the bus in single file</li> <li>• Board the bus in a quiet and orderly manner</li> <li>• Proceed directly to an available or assigned seat</li> </ul>
<p><b>3. On The Bus</b></p> <ul style="list-style-type: none"> <li>• Follow the instructions of the bus personnel</li> <li>• Be respectful of all people, including all bus personnel</li> <li>• Use appropriate language</li> <li>• Keep the bus neat and clean</li> <li>• Do not eat or drink</li> <li>• Talk quietly and politely</li> <li>• Sit in assigned seat if applicable</li> <li>• Stay in seat; keep aisles and exits clear</li> <li>• Do not extend head, arms, or objects out of bus windows</li> <li>• Do not throw objects out of the window</li> </ul>	<p><b>4. Exiting the Bus</b></p> <ul style="list-style-type: none"> <li>• Remain seated until the bus comes to a complete stop and the door is opened to indicate that it is safe to exit</li> <li>• Exit only at your assigned bus stop. Any changes must be requested in advance by the parent/guardian and must be approved by the school principal or designee</li> <li>• Exit in an orderly manner</li> <li>• Cross in front of the bus only</li> <li>• Do not play around a stopped or parked bus</li> <li>• Exercise safety and use good judgment while on the way from the bus stop to your home</li> </ul>

**Consequences for bus infractions will be addressed through the school’s Progressive Discipline Plan. Disciplinary action may result in, but are not limited to, parent contact, student conference, assigned seat, and/or bus suspension. Serious or continuous disruptive behavior may result in bus suspension for the remainder of the year.**

**Walker and Bike Rider Behavior Expectations**

Exercise safety and use good judgment while walking or riding a bike to and from school. Students will be subject to disciplinary action and police involvement if a crime is committed while walking or riding a bike to or from school that can be related to a safety and security risk at the school.

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## Electronic/Communication Devices

Students will be required to follow the individual school's electronic/communication device policy. During school hours electronic/communication devices must remain in silent mode or turned off unless approved for educational use or otherwise specified in the school's handbook.

Students using an electronic/communication device to illegally enhance their own or another student's academic performance is prohibited. Electronic/communication devices shall not be used to engage in any illegal activity or offenses that violate the Student Code of Conduct. These devices shall never be used in an area in which an individual has a reasonable expectation of privacy including, but not limited to, restroom, locker rooms, and showers. Violators will be subject to disciplinary action.

School personnel and/or administrators are not responsible for the loss, theft, or damage of personal electronic/communication device brought onto school property by a student.

Unauthorized electronic/communication devices may be confiscated and returned to the parent/guardian at the discretion of the school administration.

Students using District computer systems and/or electronic/mobile devices must adhere to the Usage Agreement that includes financial responsibility for lost or stolen devices. Usage of District electronic devices may be monitored, logged, disclosed, deleted or terminated by the district.

Students found to be in violation of guidelines for use of electronic/communication devices will be subject to disciplinary action in accordance with CCSD Student Code of Conduct. (See Cyberbullying on page 22.)



## Social Media



“Social media” means any form of online publication or presence that allows interactive communication, including, but not limited to, social networks, blogs, micro-blogs, Internet websites, Internet forums, and wikis. Schools use a variety of online web-based interactive communication technologies to enhance students' education and learning. Social media sites may be used only for educational and school related purposes in connection with lessons and assignments and to facilitate communication with teachers and other students. Users are expected to communicate with the same appropriate, safe, mindful, courteous conduct online as offline. Posts, chats, sharing, and messaging may be monitored. Users should be careful not to share personally-identifying information online. CCSD monitors social media activity and will utilize the information to ensure the safety and security of all students and staff.



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## Harassment, Intimidation, or Bullying – Policy JICFAA

The board prohibits acts of harassment, intimidation, or bullying of a student by students, staff, and 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.

Harassment, intimidation, or bullying is defined as a gesture, electronic communication, or a written, verbal, physical, emotional, or sexual act reasonably perceived to have the effect of any of the following:

- harming a student physically or emotionally, or damaging a student's property, or placing a student in reasonable fear of personal harm or property damage
- insulting or demeaning a student or group of students causing substantial disruption in, or substantial interference with, the orderly operation of the school
- demonstrates motivation by any actual or perceived characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, or a mental, physical, or sensory disability, or by any other distinguishing characteristic

The board expects students to conduct themselves in an orderly, courteous, dignified, and respectful manner. Students have a responsibility to know and respect the policies, rules, and regulations of the school and District. Any student who is found to have engaged in the prohibited actions as outlined in this policy shall be subject to disciplinary action, up to and including expulsion. Individuals may also be referred to law enforcement officials. The District shall take all other appropriate steps to correct or rectify the situation.

### **Filing a Formal Complaint:**

Any student who feels he/she has been subjected to harassment, intimidation, or bullying is encouraged to file a complaint. Complaints shall be investigated promptly, thoroughly, and confidentially.

At each school, the principal or his/her designee is responsible for receiving complaints alleging violations of this policy.

All school employees are required to report alleged violations of this policy to the principal or his/her designee.

All other members of the school community, including students, parents/legal guardians, volunteers, and visitors are encouraged to report any act that may be a violation of this policy.

Reports by students or employees may be made anonymously, but disciplinary action may not be based solely on the basis of an anonymous report and shall conform to the law and District policies regarding due process.

### **Retaliation or reprisal**

The District prohibits retaliation or reprisal in any form against an individual who has filed a complaint or report of harassment, intimidation, or bullying. The District also prohibits any person from falsely accusing another as a means of harassment, intimidation, or bullying.

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## How to Differentiate Between Bullying and Other Peer Conflicts and Teasing

**What is Bullying?** Bullying is defined as a deliberate, repeated act with intention to hurt, insult or threaten another person in school, on school grounds, in school vehicles, or at school events. Bullying consists of an imbalance of power.

Friendly Teasing	Hurtful Teasing	Peer Conflicts	Bullying
Equal power Neutral	Unequal power Sensitive topic	Equal power Occurs occasionally	Imbalance of power Occurs repeatedly
Purpose is to be playful	Purpose is to upset	Accidental	Intentional and serious
Joins relationships	Excludes	Negotiations and options	Seeks to gain power
Funny to both parties	Sarcastic	Withdrawing and options	Victim is vulnerable
		Relationship is valued	No remorse
		Effort to resolve	No effort to resolve
<p><b>Friendly Teasing:</b> One student comments to another student that he should turn his/her jersey inside out because his favorite team lost last night.</p>	<p><b>Hurtful Teasing:</b> One girl comments to another girl that she looks chubby in the outfit she is wearing.</p>	<p><b>Peer Conflicts:</b> Two students have a disagreement on the playground about which one will be the pitcher in kickball.</p>	<p><b>Bullying:</b> One student repeatedly threatens another student that if he walks down a specific hallway he will get “beat up”. Another example is one student repeatedly calling another student a name regarding his sexual orientation.</p>

**Three questions guide CCSD school officials to determine when a behavior constitutes bullying.**

1. Was the alleged bullying behaviors repeated and deliberate?
2. Did the alleged bullying behaviors inflict harm or suffering?
3. Is there an imbalance of real or perceived power between the alleged victim and alleged author of the behavior?



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## Assistance for Bullying

If you are being bullied, harassed, or intimidated:

- Tell someone you trust – a parent/guardian, a teacher, or a counselor.
- Try not to show anger or fear.
- Calmly tell the student to stop or say nothing and walk away.
- Try to avoid situations where bullying is likely to happen.

If you know someone who is being bullied, harassed, or intimidated:

- Tell someone you trust – a parent/guardian, a teacher, or a counselor.
- Don't encourage the bully by laughing or joining in.
- If you feel safe, tell the bully to stop!
- Encourage the bullied student to talk to someone he/she trust about what happened.

If you are being bullied, know someone who is being bullied, or know of a person or group who is bullying others, please call the CCSD Bullying Prevention tip-line at 1-877-250-2790, 24 hours a day, 7 days a week or contact the Bullying Compliance Manager at your school. Complaints can be made through the CCSD Anti-bullying Information and Resources link on the district's website.

CCSD BULLYING PREVENTION TIP-LINE: 1-877-250-2790

## Cyberbullying

CCSD prohibits acts of cyberbullying. Cyberbullying is willful harassment, threat and/or intimidation of a person through the use of digital technologies, including but not limited to, email, blogs, texting, social media, chat rooms, sexting, instant messaging, or video voyeurism. Students will be subject to disciplinary action for a cyberbullying offense committed off-campus that can be directly related to a safety and security risk at the school.

Cyberbullying may include:

- sending offensive, rude, and insulting messages including all forms of 'hate speech,' which includes language meant to demean, incite, threaten, bully or isolate an individual on the basis of their sex, race, color, religion, sexual orientation or gender identity
- distributing information about another that is derogatory
- breaking into an email or social networking account and using that person's online identity to send or post vicious or embarrassing material to/about others
- sharing someone's secrets or embarrassing information, and/or tricking someone into revealing secrets or embarrassing information and forwarding it to others
- engaging in online activities which threaten another or cause him or her to be afraid for his or her safety
- impersonating, excluding, tricking, outing, and cyberstalking are also examples of cyberbullying

Engaging in these behaviors or any online activities intended to harm (physically or emotionally) another person will result in disciplinary action. In some cases, cyberbullying may be considered a crime.





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## Sexual Harassment – Policy JIA

CCSD is committed to maintaining a learning environment for all students which provides for fair and equitable treatment, including freedom from sexual harassment.

It is prohibited for any student, male or female, to harass another student by making unwelcome sexual advances or requests for sexual favors or engaging in other verbal, written, electronic, or physical conduct of a sexual nature.

Sexual harassment includes any unwelcome sexual advances, requests for sexual favors, and other inappropriate verbal, written, electronic, or physical conduct of a sexual nature that creates an intimidating, hostile, or offensive environment. A student shall not sexually harass another student or any school employee, volunteer, teacher, or any other person present in school facilities or at school functions.

Examples of activities which could constitute sexual harassment include, but are not limited to:

- unwelcome leering, sexual flirtations, or propositions
- unwelcome sexual slurs, epithets, threats, verbal abuse, derogatory comments, or sexually degrading descriptions
- graphic comments about an individual's body or overly personal conversation
- sexual jokes, stories, drawings, or pictures
- spreading sexual rumors
- inappropriate or suggestive sexual gestures
- touching an individual's body or clothes in a sexual way
- cornering or blocking of normal movements with sexual intent
- displaying sexually suggestive objects

Any student who believes that he/she has been subjected to sexual harassment by another student, teacher, administrator, adult, or agent of the CCSD should file a complaint of the alleged act immediately with the school's designated complaint manager, the school principal, the assistant principal, or the associate superintendent. The complaint should be made in writing.

False charges of sexual harassment shall be treated as a serious offense, and those persons making false charges shall be subject to disciplinary action.

## Sexting

Sexting is the sending of sexually explicit photos, images, text messages, or emails by using a cell phone or other electronic communication device. Sexting can occur with or without one's permission. Sexting may result in criminal charges, including possession of child pornography, obscenity, and indecency with a child. Even a minor who is caught creating, distributing, or possessing a sexually explicit image of another minor could be charged under the State's felony child pornography statutes and, if convicted, be required to register as a sex offender. Engaging in sexting will result in disciplinary action.

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## Gang Related Activity

Gang activity is defined as any group of three or more persons associated with a group of individuals or organization, whether formal or informal, which engage in criminal behavior and/or behaviors which may disrupt the educational process or threaten the safety of others. The existence of such group of individuals associated may be established by evidence of a common name or common identifying signs, symbols, tattoos, graffiti, attire, or other distinguishing characteristics.

No student shall knowingly participate in gang and/or gang-like activity while on school property, on school buses or other school vehicles, or during any school-related or school sponsored activity.

Students found to be identified as participating or engaging in gang and/or gang-like activities that disturb the learning environment will be referred to the Office of Student Placement with a recommendation for expulsion. This includes off-campus gang and/or gang-like activities that can be related to a safety and security risk at the school.

### Examples of Gang Activity

- Presence of any apparel, jewelry, accessory, or manner of grooming which, by virtue of its color, arrangement, trademark, symbol, or any other attribute indicates or implies gang membership or affiliation with such a group
- Intimidating, harassing, or threatening by such group affiliations that are likely to cause physical and/or mental harm to students or staff
- Engaging in any act, either verbal or non-verbal, including gestures, handshakes, slogans, drawings, etc. showing membership or affiliation with any gang
- Engaging in physical confrontations where one or more persons confront another individual or group
- Defacing school or personal property with graffiti, tagging, or symbols or slogans that may, in any way, be linked to a gang or gang-related activity or behavior
- Communicating gang activities in writing or images using electronic devices, such as cell phones, computers, iPads or other tablets, or using social media (Twitter, Facebook, You-Tube, etc.) while on school property or at a school sponsored event, or while using a school-issued electronic device off-campus

### Gangs/Secret Societies – Policy JICF

Gangs that initiate, advocate, or promote activities threatening the safety or well being of persons or property on school grounds or gangs that disrupt the school environment are harmful to the educational process. Therefore, no gangs or secret societies shall be tolerated at any school. Students shall not use hand signals, write graffiti, or wear any apparel, jewelry, accessory, or manner of grooming that, by virtue of its color, arrangement, trademark, symbol or any other attribute indicates or implies membership or affiliation with a group that disrupts the school environment and educational objectives. There shall be no initiations, hazings, intimidations, or related activities for such groups at the schools or school-sponsored events.

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## Drug and Alcohol Use by Students – Policy JICH

No student, regardless of age, shall possess, use, manufacture, sell, dispense, purchase, barter, distribute or be under the influence of alcoholic beverages (beer, ale, liquor, wines or alcoholic beverages of any kind) or controlled substances, counterfeit controlled substances, imitation controlled substances (as defined by state law), an illegal drug or narcotic, a chemical inhalant, medication not prescribed for the student by a physician, or an unauthorized over-the-counter medication 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)
- 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: All medication must be registered with the school nurse.

The definition of “controlled substance,” “counterfeit controlled substance” and “imitation controlled substance” is contained in the South Carolina Code of Laws, as amended, Section 44-53-110.

Possession, distribution or being under the influence of licit or illicit, look alike/imitation drugs, chemicals, alcohol, anabolic steroids, inhalants and any drug not prescribed for the student by a physician or any substance represented as a drug on the school grounds or at school-sponsored events is in violation of this policy.

No student shall aid, abet, assist or conceal the possession, consumption, purchase or distribution of any alcoholic beverage by any other student or students in any of the circumstances listed above.

No student shall market or distribute any substance which is represented to be or is substantially similar in color, shape, size or markings of a controlled substance in any of the circumstances listed above.

Possession of paraphernalia is prohibited. Paraphernalia includes any equipment, product, or material used to produce, conceal, consume, manufacture, compound, convert, process, prepare, inject, ingest, inhale, or otherwise introduce into the human body drugs, alcohol, controlled substances, or any prohibited item listed above.

No student shall possess or use a prescription or non-prescription drug unless procedures established in policy JLCD and accompanying administrative regulations have been followed. (See page 36)

Any student who violates this policy shall be suspended and his/her conduct reviewed for a recommendation of expulsion.

In lieu of a recommendation for expulsion, the Office of Student Placement (OSP) may recommend the student's attendance in, and completion of, an approved drug intervention program. The parent/guardian shall be responsible for the cost, if any, of such program. If the parent/guardian chooses to have the student attend such a program, the student may, at the option of the principal, associate superintendent, and OSP, remain in school as long as he/she meets all requirements of the program.

Students who commit any drug offense of possession with intent to distribute and are charged with this offense by local law enforcement will be referred to the Office of Student Placement with a recommendation for expulsion.



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## Weapons in School – Policy JICI

No firearms, knives, dirks, razors, box cutters, metal knuckles, slingshots, bludgeons, tasers, pepper spray, blackjacks, or any other type of weapon, device, or object which may be used to inflict bodily harm or death shall be allowed on any school district property or at any school-sponsored event. Students found in possession of a weapon will be referred to the Office of Student Placement and the case may result in a recommendation for expulsion.

This prohibition shall apply on school grounds, in school buildings, on buses, or at school-related functions. No student may possess any item capable of inflicting injury or harm (hereinafter referred to as a weapon) to persons or property.

No vehicles parked on school property may contain firearms, knives, dirks, razors, box cutters, metal knuckles, slingshots, bludgeons, tasers, pepper spray, blackjacks, or other items which are generally considered to be weapons.

### Weapons (firearms)

The following is directed specifically by the Gun-Free Schools Act 20 U.S.C. Sec. 7151. Any student who brings a firearm onto school property, a school bus, a district-related or school related function, or any setting under the jurisdiction of the District shall be expelled for no less than one calendar year. A firearm is generally defined as a gun or destructive device and will be interpreted in accordance with the State and Federal law. Violators will incur not only school disciplinary action but also penalties under the law.

Weapons are coded by the South Carolina State Department of Education (SCDE) as follows: (★ Indicates Persistently Dangerous offense)

- ★780 - Other Weapons (i.e. BB gun, pellet gun, razor blade, ice pick, Chinese star, metal knuckles, billy club, stun gun, mace, pepper spray, etc.)
- ★781 - Handguns
- ★782 - Rifles/Shotguns
- ★783 - Other Firearms
- ★784 - Knife with Blade greater than 2 inches
- ★785 - Knife with Blade greater than 2.5 inches
- 786 - Knife with Blade less than 2 inches
- 789 - Weapons – Misc. Object (i.e. toy bullets, toy guns, bullets, etc.)

## Tobacco-Free Schools – Policy JICG

**ALL CCSD schools, programs, and offices are tobacco-free.**

**Use of tobacco products is PROHIBITED on ALL CCSD property.**

Students shall NOT be in possession of, use, manufacture, sell, dispense, or distribute any tobacco products or paraphernalia including, but not limited to, cigarettes, cigars, pipes, electronic cigarettes, vaporizers, smokeless tobacco, and snuff. This restriction applies to school grounds, in school buildings, in personal vehicles on school property, on buses or in any other CCSD vehicle, during any time under the administrative jurisdiction of the school, whether on or off school grounds.

# STUDENT DISCIPLINE PROCEDURES

## Suspension of Students – Policy JKD

Under state law, a principal or designated administrator may suspend a student for committing a crime, gross immorality, gross misbehavior, persistent disobedience, violating written rules and regulations or when the presence of the student is detrimental to the best interest of the school or disruptive to the educational process.

Suspension is the temporary exclusion of a student from school and school activities for a period of time not to exceed five (5) school days for any one offense as determined by the principal or assistant principal. The suspension may be extended up to an additional five (5) days by the Associate Superintendent. State law prohibits students from being suspended for more than thirty (30) days in any one school year.

A student may not be suspended without the approval of the Associate Superintendent during standardized testing periods or during the last ten (10) days of school if the suspension will make the student ineligible to receive credit for the school year unless the presence of the student constitutes an actual threat to a class or a school. Students are entitled to make up work missed during suspension in accordance with State Law and each school's policy. Students must take the initiative to make up work.

### **The parent/guardian shall expect that the school administration:**

1. Conducts an investigation and documents charges
2. Conferences with the student
3. Immediately verbally notifies parent/guardian, if possible
4. Provides written notification to student and parent/guardian to include:
  - Description of offense
  - Length of suspension including dates
  - Date for parent/guardian conference
5. At the discretion of the principal, a written behavior contract may be required upon the return of the student to school.

### **Parent/Guardian Conference**

If a conference cannot be arranged or a satisfactory way cannot be found to deal with the student's infractions of school rules within three days, either the student or parent or guardian may appeal or the principal may request that the case be referred to the Associate Superintendent.

### **Suspension Appeal Process**

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

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## Office of Student Placement

The Office of Student Placement (OSP) maintains a unified focus throughout our District by supporting a safe and orderly school climate for all students. Serving as an authorized agent of the CCSD County Board of Trustees, OSP processes disciplinary referrals for violations of the CCSD Student Code of Conduct.

**Students will be referred to the Office of Student Placement by the principal or assistant principal for:**

- Level 3 Offense(s) (For students with disabilities, refer to pages 33, 34)
- Multiple Level 2 Offenses (Consistent Offender)  
Note: Evidence of Individual Problem Solving (IPS) (Core/MTSS) is required prior to referring a consistent offender to OSP.
- Off-Campus Criminal Offense(s) deemed serious enough by the principal that the presence of the student is detrimental to the best interest of the school.
- Request for Admission from Other School Districts when:
  - transferring to CCSD from another alternative program
  - the terms of an alternative placement were not completed
  - recommended for expulsion but withdrew before process was completed
  - currently expelled from school outside of CCSD

**The Office of Student Placement also assists schools in maintaining a positive learning environment and promoting student success by:**

- Assigning case dispositions that allow students opportunities for continuing their education on a probationary status or in an alternative educational program when appropriate, in lieu of expulsion.
- Assigning and monitoring the successful completion of appropriate interventions and/or stipulations in case dispositions.
- Assisting schools with student behavioral interventions prior to a referral to the OSP.
- Providing continued support for students, parents, and school administrators subsequent to the due process disciplinary hearings.
- Making appropriate placement decisions for students with extensive disciplinary records who enter CCSD from other districts
- Serving as consultants for school administrators, parents, and students concerning student behavior.
- Connecting families with outside agencies to further support students' needs.
- Serving as District liaison for students participating in the Charleston County Solicitor's Office Drug Court.
- Providing training to District personnel in Crisis Intervention Prevention (CPI).



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## OSP District Disciplinary Referral Process

In the event the school administrator determines that a student will be referred to the Office of Student Placement (OSP), the administrator will notify the parent/guardian, contact the Associate Superintendent, and submit a District Disciplinary Referral (DDR) to OSP.

The Office of Student Placement will carefully review cases referred for Student Code of Conduct violations to determine further action, which may include an OSP disciplinary hearing or an expulsion hearing with the Constituent District Board.

In the event that a hearing cannot be scheduled during the time of the suspension, the student shall be readmitted to school on a probationary status pending the hearing unless there is probable cause to believe that the student's presence in school would constitute a threat to the safety or education of others.

All hearings shall be conducted in accordance with State Law and the CCSD Student Code of Conduct.

### OSP Due Process Disciplinary Hearing Procedures:

1. The parent/guardian will be contacted to schedule a hearing.
2. The following persons will be in attendance: school administrator, student, parent/guardian, OSP Hearing Officer, and other OSP staff.
3. Presenting evidence will rest with the school administrator.
4. The student will be given an opportunity to describe the offense(s) for which he/she is accused.
5. The OSP staff and school administrator may question the student regarding testimony presented.
6. The parent/guardian will be given a chance to speak on the student's behalf.
7. The OSP Hearing Officer will address any final comments or questions and will review possible dispositions prior to concluding the hearing.
8. Dispositions will be forwarded to the appropriate Learning Community Associate Superintendent to confirm final recommendations.
9. The final disposition will be communicated in writing to the parent or guardian and to the school administration. Information regarding the appeal process is included in the written disposition.

Note: A victim(s) will have the option to provide a written statement or appear in person to provide testimony.

### OSP Disposition Options:

Hearings may result in, but are not limited to, one or more of the following dispositions:

- Recommendation for Expulsion
- District Probation for a specified amount of time
- CCSD or other Alternative Program recommendation
- Enrollment in and successful completion of a CCSD approved Alcohol and Other Drug (AOD) community-based program (CCSD will not incur cost)
- Community service at approved location/site
- Restrictions from extra-curricular school activities as set forth by school administration
- Recommendation for counseling services (CCSD will not incur cost)
- Recommendation for other interventions and/or other community-based programs (CCSD will not incur cost)

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## Expulsion Hearing Process

The Office of Student Placement will forward expulsion referrals to the appropriate Constituent District Office. The Constituent Board's administrative assistant shall notify parent(s)/guardian(s) in writing of the date, time, and place of a hearing. If a hearing is scheduled on short notice (less than four days), the administrative assistant shall confirm the date and time of the hearing with the parent(s)/guardian(s) by phone.

In the event that a hearing cannot be granted by the Constituent Board within ten days of the notice, the student shall be readmitted to school on a probationary status pending the hearing unless there is probable cause to believe that the student's presence in school would constitute a threat to the safety or education of others.

The student has the right to be represented by lay or legal counsel with the right to cross-examine witnesses and present evidence. Notification must be provided to the Constituent Board three days in advance of the hearing if the family will be represented by legal counsel. CCSD will not incur the cost of legal counsel for the student.

Hearings will be conducted at the Constituent District Board's designated area and must be heard in the presence of all parties involved including, but not limited to, student and parent(s)/guardian(s), the school administrator and a representative from the Office of Student Placement.

### Constituent Board Hearing Procedures

1. The Board Chairperson (or designee) will facilitate all hearings.
2. Hearings will be conducted in a formal manner.
3. Hearings shall be heard in closed session, not open to the public, but must be voted on in open session.
4. All witnesses giving testimony shall be sworn in under oath.
5. Presenting evidence will rest with the principal or designee.
6. The school administration, where possible, will make available any witnesses or evidence within the control of the school system when requested to do so.
7. The student will be given an opportunity to describe the offense(s) for which he/she is accused.
8. The Board members may question the student regarding testimony presented.
9. The parent(s)/guardian(s) will be allowed to speak on the student's behalf.
10. The Board Chairperson (or designee) will address final comments/questions prior to going into executive session to deliberate the case. OSP staff may be asked to remain briefly in executive session to provide disposition options.
11. Once deliberation has concluded and the Board returns to open session, a motion will be read in the presence of all parties and Board members will vote. If the vote carries, the decision is final.
12. The Board Chairperson (or designee) will explain the decision and the appeal process to the parent(s)/guardian(s).
13. The Constituent Board's decision and appeal process will be communicated in writing to the student's parent(s)/guardian(s), school administration, and the Office of Student Placement.

Note: A victim(s) will have the option to provide a written statement or appear in person to provide testimony.

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## Expulsion of Students – Policy JKE (See pages 33-34 for Disciplinary Proceedings for Students with Disabilities)

**Purpose: To provide for the expulsion of students.**

All hearings shall be conducted in accordance with state law and the district's code of student conduct.

Expulsion is the removal of a student from a school for the remainder of the school year or until readmitted by the constituent or, on appeal, the county board for a specified period of time as designated by the Constituent or the County Board. The Constituent Boards, subject to appeal to the County Board, may authorize or order the expulsion, suspension or transfer of any student for the commission of any crime, gross immorality, gross misbehavior, persistent disobedience or for violation of written rules and promulgated regulations established by the County Board or the State Board of Education or when the presence of the student is detrimental to the best interest of the school.

A Constituent Board may delegate its authority to initially hear a student's appeal to a hearing panel or a hearing officer. If the hearing is held by any authority other than the constituent board, either party has the right to appeal the decision to the constituent board. After the constituent board has rendered its written decision concerning the recommendation of expulsion, either party may appeal that decision to the county board. The decision of the county board may be appealed to the circuit court.

Note: Expulsion does not exclude students from enrollment in a CCSD Adult Education program with approval of the Constituent Board.

### **Notification of Disciplinary Action**

The district administration shall provide written notice of the recommendation for expulsion to the student or parent/legal guardian and shall set forth the reasons for the recommendation. Once procedures for expulsion have been initiated, the administration shall notify the parents/legal guardians of the student in writing of the time and the place of a hearing either before the board or a person or committee designated by the board.

### **Summer Program Discipline Code Violations**

In the event which the administrator recommends a summer program student for expulsion, the same procedure as for the regular school year shall be followed. The school hosting the summer program shall make the recommendation to the Office of Student Placement. In the case of a Constituent Board hearing, the host district would conduct the expulsion hearing. The decision of the host board, the record of the alleged violation(s), and the ultimate decision on the student shall be forwarded to the student's home Constituent Board which shall decide whether or not to admit the student to his/her regular school for the regular term, and if admitted, under what conditions.



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## Additional Expulsion/Appeal Information

### Restrictions for Expelled Students

- Students expelled from any CCSD Constituent District shall be ineligible to attend school in any other CCSD Constituent District.
- Students expelled from school are prohibited from coming onto CCSD property (unless prearranged by school/district officials), attending school functions, or riding a school bus.
- Students who withdraw from CCSD once the expulsion process is initiated must appear before the Office of Student Placement for appropriate action before being re-admitted into CCSD.

### Re-Admission Prerequisites (following completion of the expulsion period)

Every expelled student is required to petition the Constituent Board for readmission to school upon completion of the expulsion period unless permanently expelled. Any student expelled for a second time may be permanently expelled.

### Appeals

The parent/guardian of the student, principal, or Associate Superintendent may submit a written request for appeal of the Constituent Board's decision to the Charleston County Board of Trustees within ten days upon receipt of the disposition.

Any student, parent or guardian aggrieved by the order of the CCSD Board of Trustees has the statutory right to appeal to the Circuit Court within ten days of receipt of the decision.

If the student is reinstated by the Superintendent, Constituent Board, or County Board, he/she will be restored all privileges and allowed to make up all work while absent as a result of the procedures.

Note: A victim(s) will have the option to provide a written statement or appear in person to provide testimony.

### Extraordinary Proceedings

When a majority of the Charleston County School Board shall agree that the action of a Constituent Board in readmitting a student to school or maintaining a student in school constitutes a reasonable chance of danger to persons or property, or that the student's admittance or maintenance so clearly undermines the goals of quality education that the integrity of the system is jeopardized, the CCSD Board of Trustees may then on its own motion require the matter to be brought before it for hearing de novo without regard to any decision formerly reached by a Constituent Board. To overturn an action of a Constituent Board under this Extraordinary Proceeding de novo hearing, a vote of six members of the County Board shall be required.

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## Disciplinary Procedures for a Student with Disabilities

### **Disciplinary Procedures for a Student with a 504 Plan** 34 CFR Sec.104

Section 504 disabled students are subject to the same disciplinary action as a non-disabled student, provided that the student's behavior is not a manifestation of his or her qualifying disability. A 504 Team must conduct a manifestation determination whenever a disabled student is subject to out-of-school suspension for 10 consecutive school days or more. A series of suspensions that total more than 10 days may also trigger the manifestation determination requirement of Section 504. If the 504 Team concludes that the violation is a manifestation of the student's qualifying disability, the discipline process must end and the 504 Team should review the 504 Plan to determine if changes are appropriate. If the violation is not a manifestation, the student is subject to the same disciplinary action that any non-disabled student would receive for the same violation.

**Students shall be referred to the Office of Student Placement (OSP) if the behavior was found not to be a manifestation of the disability.**

A student who is currently engaged in the illegal use of drugs/alcohol is not considered a student with a disability. Section 504 allows school districts to take disciplinary action pertaining to the use or possession of illegal drugs/alcohol against a 504 student who is currently engaging in the illegal use of drugs/alcohol to the same extent such discipline is taken against non-disabled students.

If you have questions or concerns regarding 504 plans, please contact 937-6500.

### **Disciplinary Procedures for a Student with an Individual Education Plan (IEP)** 34 CFR Sec.300.530

#### **Suspension and/or Removal from Placement in Excess of Ten Days**

In the event that a student with a disability is removed from his/her current placement in excess of ten school days during the course of the school year, the District shall ensure that services are provided to allow the student to participate in the general curriculum and progress toward meeting the goals of his/her Individual Education Plan (IEP). Removal of a student with disabilities outside of the school personnel's authority, for more than ten consecutive days, and/or for long-term removals which constitute a Change of Placement will be addressed by the IEP Team.

If the behavior is a manifestation of the disability, the student may not be suspended or expelled, but the IEP team may consider placement options.

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**45 Day Removal\***

School administration may remove a student to an Interim Alternative Educational Setting (IAES) for up to 45 school days without regard to whether the behavior is determined to be a manifestation of the child's disability, if the child:

- Carries a weapon to or possesses a weapon at school, on school premises, or at a school function
- Knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function
- Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function

Students shall be referred to the Office of Student Placement (OSP) in addition to the 45 day removal for the above mentioned behaviors if the behavior was found not to be a manifestation of the disability.

**Recommendation for Long-Term Removal**

When a student with disabilities is recommended for long-term removal, the IEP Team (including the Special Education Coordinator) must convene a Manifestation Determination Review meeting within ten days of the action, at which time the Local Education Authority (LEA) Representative:

- Will review each statement on the Manifestation Determination Review form
- Will develop or review the implementation of the Functional Behavior Assessment (FBA) and Behavior Intervention Plan (BIP) if appropriate

**If the IEP Team determines that the behavior IS related to the disability:**

- The IEP team must determine appropriate placement and services to be provided.
- Develop or review the implementation of the Functional Behavior Assessment (FBA) and Behavior Intervention Plan (BIP).
- Document any IEP amendments according to the Department of Exceptional Children Services Procedures Manual (DECS Manual).

**If the IEP Team determines that the behavior IS NOT a manifestation of the disability:**

- The student may be subjected to regular disciplinary procedures and regular removals, as in the case of a similarly-situated, non-disabled student.
- If the student is subjected to long-term removal, services must be provided to ensure progress on the IEP as determined by the IEP team.

If you have questions or concerns regarding IEPs, please contact 937-6500.



## RESOURCES

### Services Available for Students with Special Health Care Needs

Parent Notice Required By S.C. Code Ann. Section 59-63-90 (Supp. 2005)

Many health care services can be provided for students to keep them at school where they can learn and participate with other students. Our goal is to provide information to parents and legal guardians about some of the services and programs available for addressing the health care needs of students during the school day to help students succeed in school. It is important that the necessary health care information is shared with the appropriate people to ensure that the students' needs are met throughout the school day.

#### **Individual Health Care Plans or Individual Health Plans (IHPs)**

Individual health care plans are also called individual health plans or IHPs. School nurses who are registered nurses write IHPs to guide how a student's health care needs will be met while at school. The nurse works with the student, the student's parents or legal guardians, the student's health care provider, and other school staff to write the plan. IHPs are written for students who have special health care needs that must be met by school staff during the school day. IHPs are also written for students who have been approved by the school district to self-medicate or self-monitor. To learn more about IHPs, talk with your child's school nurse or CCSD Office of Nursing Services at 745-2184.

#### **Section 504 of the Rehabilitation Act of 1973 (Section 504)**

Section 504 is a federal law that requires public schools to make adjustments so that students with certain disabilities can learn and participate in settings like other students who do not have disabilities. To be eligible for services under Section 504, a student must have a condition that substantially limits one or more major life activities. A team decides if a student is eligible. The team should include the student's parent or legal guardian, the student (if able), and others who know the student or know about the student's disability, such as a teacher, a guidance counselor, a school nurse, and other school staff. If the student is eligible, the team develops an individual accommodation plan. The individual accommodation plan explains how the student's needs will be met while at school and may include health services for the student during the school day if needed. To learn more about Section 504, contact your child's school or the CCSD 504 Coordinator at 937-6500.

#### **Individuals with Disabilities Education Act (IDEA)**

Students, ages 3 through 21 years, may receive services under the IDEA if the student needs special education and related services to benefit from his or her educational program. A team decides if a student qualifies for services under the IDEA. The team includes the student's parent or legal guardian, teachers, and other school staff. The team develops an individualized education program (IEP) if the student meets federal and state requirements. The IEP outlines a plan for helping the student receive a free appropriate public education and meet goals set by the team. The IEP may include health services for the student during the school day if needed. Contact the Department of Exceptional Children Services at 937-6500 to learn more about IDEA.

#### **Medical Homebound Instruction**

Medical homebound instruction is a service that is available for students who cannot attend school for a medical reason even with the aid of transportation. A physician must certify that the student has such a medical condition but may benefit from instruction, and must fill out the medical homebound form that the school district provides. The school district then decides whether to approve the student for medical homebound services. The school district will consider the severity of the student's illness or injury, the length of time that the student will be out of school, the impact that a long period away from school will have on the student's academic success, and whether the student's health needs can be met at school. To learn more about medical homebound services, contact your child's school or Pupil Accounting at 937-6400.

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## Health Services: Medication and Medical Procedures

No student shall carry medicine in school except for students given permission to do so by the Individualized Healthcare Plan (IHP) to guard against a life threatening condition. All medications must be brought to the school by a responsible adult and delivered to the school nurse, or in the absence of the nurse, to the school employee designated by the principal. The responsible adult delivering the medication may be required to count the medication with the nurse or school employee. Medication may not be transported to or from school by students. CCSD has established a policy (JLCD) identifying procedures for the safe administration of medications and/or medical procedures performed during school hours.

### Medications

1. When possible, medications should be given by parents/guardians before or after school hours.
2. Any prescription medication to be given at school or school related activities must be accompanied by written orders from a health care practitioner who is recognized by SC's Dept of Labor, Licensing, and Regulation as authorized to prescribe medications and accompanied by a completed CCSD Medication/ Procedure Doctor's Order form.
3. CCSD and its employees reserve the right to refuse to honor medication requests that are not consistent with professional standards and/or deemed unsafe for the school setting. If this occurs, alternatives for meeting the students' needs will be discussed.
4. Requests from parent/guardians for administration of herbal/alternative medicinal products, "off-label", or investigational medications will be evaluated on a case-by-case basis.

### Procedures

1. Medical Procedures require receipt of the completed CCSD Medication/ Procedure Doctor's Orders form and necessary equipment for the procedure.
2. The school nurse, in consultation with the parents/guardians, physician and student, will develop an IHP for the medical procedure.

### Parent/Guardian Responsibility

1. Deliver the completed CCSD Medication/ Procedure Doctor's Orders form along with medication in the original labeled prescription container and/or proper equipment for medical procedure to the school
2. Inform the school of any changes in the student's health condition, medical procedure, or medication
3. Update CCSD forms annually or when there is any change in the medication or medical procedure
4. Pick up any unused medication or medical supplies within one week of discontinuation or last day for students, whichever comes first, after which medications will be disposed
5. Provide no more than a thirty (30) day supply of medication to the school
6. Be responsible for medication/equipment until it is received by principal or his/her designee

### Self-Medicating and/or Self Monitoring

Certain students with special health care needs may self-administer and/or self-monitor provided that certain conditions are met. (See IHP on page 35)

For additional information regarding medications and medical procedures, please contact your child's school nurse or Nursing Services at 745-2184.

## CCSD Alternative Educational Programs

### **Daniel Jenkins Creative Learning Center**

Daniel Jenkins Creative Learning Center provides individualized opportunities and alternatives for upper elementary and middle grade students in a non-traditional setting. Each student develops academic and social skills to reach his or her fullest potential with a comprehensive support system of committed and highly qualified educators. Daniel Jenkins also provides educational services to students in the Interim Alternative Education Setting (IAES) for middle school as well as the Juvenile Detention Center.

### **Summit Program**

Summit is a computer-based high school credit alternative program designed to expand educational opportunities and meet the individual academic needs of students in 9th through 12th grades who are referred for disciplinary reasons, are transitioning from another alternative setting, have significant socialization issues that interfere with learning, or have been unable to adapt to the high school environment. Summit is not a comprehensive high school program.

### **Twilight Program**

Twilight is an intervention program on the school campus of each CCSD high school with an exception of Academic Magnet and the Charleston County School of the Arts. Twilight allows students to continue their education in a computer-based setting. This program provides intervention for students who have poor academic performance, truancy issues, Code of Conduct violation(s), or personal or health-related issues. Contact your neighborhood high school for more information.

## Technology Acceptable Use Policy GBEBD

**Purpose:** To establish the board's vision and the basic structure for the acceptable use of technology resources in Charleston County School District.

**Acceptable Use:** It is the policy of Charleston County School District that use of district information technology shall be lawful and ethical, shall be for district educational or business purposes, shall conform to district technology and security standards, and shall comply with all applicable board policies and regulations. This policy constitutes an Internet safety policy within the meaning of the Children's Internet Protection Act (47 U.S.C. § 254).

**Applicability:** This policy applies to every person who uses a district information technology or electronic communications system or service in any manner.

**Scope:** The following district systems and services are within the scope of this policy:

- telephones, cell phones, PCS devices, radios, pagers, facsimile systems
- computer systems, hardware, printers, personal digital devices, wired and wireless networks
- email, web content and systems, intranet and Internet services
- video systems, including distance learning and ETV systems
- software including, but not limited to, the following
- instructional and office software
- district financial systems
- human resource systems
- student information systems
- all other district information technology or electronic communications, whether owned, leased, contracted or otherwise utilized by the district



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**Standards for Acceptable Use of Information Technology:** Use of district information technology systems and services is subject to the following standards. By accessing or using these systems or services, the user accepts without limitation or qualification the terms and conditions of these standards.

**Use shall be lawful and ethical:**

1. Unlawful, threatening, harassing, libelous, defamatory, obscene or offensive use is prohibited.
2. Access to visual depictions that may be obscene, pornographic or harmful to minors is prohibited.
3. Using false or deceptive identity is prohibited.
4. Unauthorized access to or alteration or disruption of a communications or computer system is prohibited.
5. Compliance with copyright, trademark, patent and other property rights is required.
  - Copyrighted material commonly includes text, software, music, graphics, photos and other creations that are available in print, on the web or in other electronic media.
  - Permission of the copyright owner generally is required for copying, downloading or distributing material protected by copyright. For example, this requirement applies to email distribution and web publication and to copying copyrighted software.
  - Be aware that the copyright symbol is not required for protection under the copyright act and that availability of an item on the web does not mean it is without copyright protection.
  - Permission to use copyrighted software is granted by license. Users shall comply with software licenses including 'shrink wrap' license and records of all licenses must be maintained.
  - Use must comply with all applicable Charleston County School District policies, regulations and directives.

**Use shall be for district educational or business purposes:**

- Commercial, personal, political and religious uses are not allowed. For example, "My car is for sale" is not permitted on the district web or email systems.
- Personal calls on desktop or 'wireline' phones are limited to incidental local calls.
- Personal long distance calls and personal cell phone calls are reimbursable to the district.
- Personal email is not permitted on district email systems.

**Technology products, services and use shall conform to district standards:**

- Hardware and software to be installed on district systems must be district approved.
- Websites and web pages created for the district must be district approved.
- Technology and communications systems must be used in a secure manner.
- Passwords are not to be shared, posted or disclosed.
- Anti-virus scans are to be made on any software, executable code, scripts, email or other data on devices to be connected to district networks.
- Personally identifiable information on students and other persons that is protected by law or considered confidential is not to be disclosed to unauthorized persons.
- Use of information technology shall comply with security standards established by the district through its information technology department.
- Only authorized software is to be loaded on district devices.
- Student guidance shall include instruction in appropriate online behavior, including interacting with other individuals on social networking websites, in chat rooms, and cyber bullying awareness and response.

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**Conditions of Use:** Safe and secure use by minors of direct electronic communications (including email, chat rooms and instant messaging) shall be assured. Use of district computers by minors to access the Internet shall be supervised at all times to comply with the standards of this policy.

Employee and student use of district electronic communications and computer systems shall be filtered for appropriate usage and content. Filtering shall be provided for all Internet enabled computers used by students, patrons and staff. Filtering shall be disabled only for bona fide research or other lawful purposes.

Persons using district technology and electronic communications shall have no expectation of privacy in such use. Usage of district technology and electronic communications may be monitored, logged, disclosed, deleted or terminated by the district. Online activities of minors shall be monitored for appropriate use.

Employees have a duty to protect district technology resources entrusted to their use and to ensure that users comply with this policy. Employees shall report violations of this policy to district authorities.

Violations of this policy and its standards may be cause for revocation of use privileges, disciplinary action, including termination, and law enforcement actions.

**Disclaimers:** No warranties for the accuracy, quality, functionality or availability of technology and communications are expressed or implied by this policy and these standards.

The district assumes no responsibility or liability for accuracy, integrity, quality or acceptability of information or content of non-district technology including, but not limited to, non-district websites which may have links with district websites. Users are cautioned to use due care when accessing non-district information technology resources.

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## Student Records (FERPA)

The Family Educational Rights and Privacy Act (FERPA) affords parents and students who are 18 years of age or older ("eligible students") certain rights with respect to the student's education records. These rights are:

1. The right to inspect and review the student's education records within 45 days after the day the District receives a request for access.  
Parents or eligible students should submit to the school principal or District designee a written request that identifies the records they wish to inspect. The school official will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.
2. The right to request the amendment of the student's education records that the parent or eligible student believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA.  
Parents or eligible students who wish to ask the District to amend a record should write the school principal or District designee and clearly identify the part of the record they want changed, and specify why it should be changed. If the school decides not to amend the record as requested by the parent or eligible student, the school will notify the parent or eligible student of the decision and of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.
3. The right to provide written consent before the District discloses personally identifiable information (PII) from the student's education records, except to the extent that FERPA authorizes disclosure without consent.

ONE EXCEPTION, which, under the law, permits disclosure without consent, is disclosure to school employees, to include school officials with legitimate educational interests. School officials are persons with a legitimate educational interest in the student such as: instructors; administrators; health staff; counselors; attorneys; clerical staff; trustees; members of committees and disciplinary boards; and contractors, or other parties to whom the school has outsourced institutional services or functions. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

Upon request, the school discloses education records without consent to officials of another school district in which a student seeks or intends to enroll, or is already enrolled if the disclosure is for purposes of the student's enrollment or transfer.

4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the District to comply with the requirements of FERPA. The name and address of the Office that administers FERPA are:  
Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202



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FERPA permits the disclosure of PII from students' education records, without consent of the parent or eligible student, if the disclosure meets certain conditions found in §99.31 of the FERPA regulations. Except for disclosures to school officials, disclosures related to some judicial orders or lawfully issued subpoenas, disclosures of directory information, and disclosures to the parent or eligible student, §99.32 of the FERPA regulations requires the school to record the disclosure. Parents and eligible students have a right to inspect and review the record of disclosures. A school may disclose PII from the education records of a student without obtaining prior written consent of the parents or the eligible student –

- To other school officials whom the school has determined to have legitimate educational interests.
- To officials of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll,
- Specified officials for audit or evaluation purposes,
- In connection with financial aid for which the student has applied or which the student has received, if the information is necessary to determine eligibility for the aid, determine the amount of the aid, determine the conditions of the aid, or enforce the terms and conditions of the aid.
- State and local authorities within a juvenile justice system, pursuant to other state law
- To organizations conducting studies for, or on behalf of, the school, in order to: (a) develop, validate, or administer predictive tests; (b) administer student aid programs; or (c) improve instruction.
- To accrediting organizations to carry out their accrediting functions.
- To parents of an eligible student if the student is a dependent for IRS tax purposes.
- To comply with a judicial order or lawfully issued subpoena.
- To appropriate officials in connection with a health or safety emergency,
- Information the school has designated as “directory information”

## Code of South Carolina

Notice of Regulations: Upon admission to school, each student shall be given a copy of these rules and a form of acknowledgment to be signed by the parents/guardians and returned to school.

### Legal Authority

The Board of Trustees of the Charleston County School District is required by the State Statute (see Sections 59-15-40, 59-19-90 et. seq. and 59-63-210 et. seq. Code of Laws of South Carolina, 1976, and Act No. 340 of the Acts of 1967) to make and adopt rules setting forth standards of scholastic achievement and standards of conduct and behavior that must be met by all students as a condition to the right of such students to attend schools in this District. The rules shall take into account the necessity of proper conduct on the part of all students and the necessity for scholastic progress in order that the welfare of the greatest number of students shall be promoted, even though such rules may result in the ineligibility of students who fail to observe the required standards and may require the suspension or permanent dismissal of such students.

### Application of Code Jurisdiction

The Code of Conduct and its provisions are in effect during regularly scheduled school hours as well as at such other times and places, including, but not necessarily limited to: school-sponsored events, field trips and athletic functions where appropriate public school administrators have authority over students or the behavior has a direct effect on the order and general welfare of the school.

Provisions of this Code of Conduct regarding Vandalism and/or Destruction of School Property and Theft of School Property are applicable whether or not school is open or in session at the time the offense is committed.

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## School Resource Officers (SRO)

School Resource Officers (SRO) are provided by the Charleston County Sheriff's Office, Charleston Police Department, Mount Pleasant Police Department, and North Charleston Police Department in many of our schools. SROs assist students, parents/guardians, teachers, and administrators as well as other staff with sustaining a safe school environment. SROs also serve as active law enforcement officials on campus and at school sponsored events to assist with emergencies or crises which require police action. School Resource Officers do not work for CCSD. School personnel do not have jurisdiction over law enforcement decisions or actions.

## SC Code of Law Section 59-24-60 Contact Law Enforcement When Criminal Conduct Occurs

In addition to other provisions required by law or by regulation of the State Board of Education, 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 school sanctioned or sponsored activity which may result or results in injury or serious threat of injury to the person or another person or his property as defined in local board policy.

## Student Interrogations, Searches and Arrests—Policy JIH

In accordance with South Carolina Code Section 59-63-1150, all administrators shall be trained in the “reasonableness standard” for searches and interrogations under the United States Supreme Court decision in *New Jersey v. T.L.O.*, 469 U.S. 328 (1985). Each principal shall post notice at each entrance to the school and all other access points in compliance with South Carolina Code Section 59-63-1160 advising that any person entering the premises of any school will be deemed to have consented to a reasonable search of his/her person and effects.

Only the principal or his/her designee may conduct such searches unless exigent circumstances exist which require another staff member to take immediate action for safety reasons. All searches shall comply with the reasonableness standard given the age and sex of the student and the nature of the circumstances giving rise to a reasonable concern. A school official must determine that the search is justified at its inception and that the scope and conduct of the search is reasonably related to the circumstances justifying the search. Students and their belongings are subject to reasonable searches and seizures, with or without probable cause.

No school administrator or official shall conduct a strip search.

Searches may involve metal detectors, but no search involving dogs will be conducted in the presence of students.

### **School lockers and desks**

All lockers and desks are the property of the school district. School officials may conduct searches of lockers and desks.

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**Motor vehicles**

The privilege of bringing a student-operated motor vehicle onto school premises is conditioned on consent by the driver to allow a search of that motor vehicle when there is reasonable suspicion for a search of that motor vehicle.

**Interrogations by school personnel and school resource officers**

Investigations shall be directed by the school administration. Teachers, principals and school resource officers may question students about any matter pertaining to the operation of a school and/or enforcement of its rules. The staff member shall conduct the questioning discreetly and under circumstances which shall avoid unnecessary embarrassment to the person being questioned. Any student who answers falsely or evasively or who refuses to answer a proper question may be disciplined.

**Contacting law enforcement**

As required by South Carolina Code Section 59-24-60, school administrators shall contact law enforcement authorities immediately upon notice that a person is engaging in, or has engaged in, any activity on school property or at a school sanctioned or sponsored activity which may result, or does in fact result, in injury or serious threat of injury to the person or to another person or his/her property.

**Interrogations by law enforcement**

When law enforcement officers find it necessary to question students during the school day regarding matters not connected to school, the school principal or his/her designee will cooperate with law enforcement and shall request to be present, so long as his/her presence does not impede the investigation. Normal visitor protocol must be followed by law enforcement officials at all times. The principal or his/her designee shall make a reasonable attempt to contact the student's parent/legal guardian and request his/her presence. Should contact not be made, reasonable efforts shall continue to notify the student's parent/legal guardian that law enforcement questioning took place on school grounds. The police shall conduct any questioning in a private area.

**Custody or arrest**

Law enforcement authorities have the right to enter the school to take a student into custody or to make a lawful arrest of a student, provided that they act pursuant to lawful procedure. If a student is arrested or taken into custody at school, school officials shall immediately make a reasonable effort to notify the parent/legal guardian.



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## Video Cameras in Classrooms, Hallways, School Buses and Other District Property – Policy ECAA

**Purpose:** To establish the basic structure for video cameras in district schools, school buses and other district properties.

Video cameras can serve a useful purpose when placed in common areas to include, but not be limited to, classrooms, hallways, meeting rooms, parking lots, school buses and other district property for instructional and security purposes. Accordingly, video cameras may be mounted in visible places in classrooms, hallways, meeting rooms, parking lots, school buses and other district property throughout the district and may be used by school staff in accordance with this policy.

### Use of Video cameras

The administration may place a video camera in any common area located in the district. Video cameras may be used to record and monitor student behavior or for educational purposes such as documenting student progress or recording student presentations and activities for later review. The principal or his/her designee may determine when it is appropriate to activate cameras in classrooms or commons areas and his/her determination will be final. Students may not activate video cameras at any time unless they are acting pursuant to the express instructions of a teacher or administrator.

### Custody of video

The principal or his/her designee shall have custody of and maintain video recorded in the common areas. All video must be maintained in a secure location to which students do not have access. If video cannot be securely stored in the classroom for any reason, the building principal shall assist the teacher in identifying a secure method of storage.

Videos recorded in common areas may be re-written or deleted, but not before 10 days have elapsed. However, if an incident is reported or a request is made to view or copy a video, a video copy is to be maintained as long as needed, including time for any appeals resulting from disciplinary or other actions.

### Confidentiality

The district shall treat all video recorded as student records entitled to confidentiality pursuant to the Family Educational Rights and Privacy Act and other applicable federal and state laws. Accordingly, the district shall release or allow viewing of video only in certain defined situations, consistent with federal and state law.

### Discipline proceedings

The district may use video as evidence in student disciplinary proceedings. The parents/legal guardians shall be notified that the district intends to introduce a video in advance of a disciplinary proceeding and shall provide the parent/legal guardian a reasonable opportunity to view the video prior to the proceeding.

### Reporting violations

Any person who has reason to believe that a video camera is being used in violation of this policy, or in an otherwise improper manner, should immediately notify the principal or supervisor of the school. They shall investigate the allegations and take appropriate remedial or disciplinary actions as necessary.

### Penalties for improper use

Students who violate the terms of this policy or otherwise misuse a video camera shall be subject to disciplinary action in accordance with the district's student behavior code. Violations of the laws of the United States or the state of South Carolina may also subject a person to criminal prosecution

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## Glossary

The following pages define the offenses listed on pages 14-16. Numbers indicate Level of Offense.

Aiding Others (2): A person who assists in or supports the commission of an offense and who usually has knowledge before or after the fact.

Alcohol/Liquor Law Violation (3): Violation of laws prohibiting sale, purchase, barter, transportation, possession, distribution, consumption, or being under the influence of alcoholic beverages (See page 25)

Arson (3): To unlawfully and intentionally damage or attempt to damage any real or personal property by fire

Assault, Aggravated (3): An unlawful attack by one person upon another wherein the offender uses a weapon or displays it in a threatening manner or the victim suffers broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness

Assault, Simple (3): An unlawful physical attack by one person upon another where the offender neither uses nor displays a weapon and the victim does not suffer obvious severe or aggravated bodily injury

Bite/Pinch/Spit (2): To cut, wound, or tear with the teeth; to constrict or squeeze painfully; to eject saliva from the mouth

Bomb Threat (3): Indicating the presence of a bomb or explosive device on school grounds, school bus, or at any school activity

Bribery (3): Offering, giving, receiving, or soliciting of money or other items of value to sway the judgment or action of a person (for lesser offense see Dishonesty)

Bullying (3): a deliberate, repeated act with intention to hurt, insult or threaten another person in school, on school grounds, in school vehicles, or at school events. Bullying consists of an imbalance of power. (See page 20-22; for lesser offense use Threat or Harassment)

Burglary (3): Unlawful entry or attempt to unlawfully enter a building or other structure with the intent to commit a felony or theft

Bus Violation (2): Conduct or behavior which interferes with or endangers the orderly, safe, and expeditious operation of a school bus

Cheating (2): Providing, receiving, or viewing answers to assignments, quizzes, or tests; accessing academic materials without permission

Computer Violation (2): Unauthorized or inappropriate use of computers or use of computer resources without permission; unauthorized modifications of school system computers that do not permanently damage the system resources

Computer Violation (3): (Code as Other Offense – 700; with or without an arrest) Using school computers to commit a criminal act such as hacking into servers, altering school data, etc.; purposely damaging school system computer resources

Confrontation/Altercation (2): An exchange of words between students resulting in conflict; a heated or angry dispute; a noisy argument or controversy

Contraband (2): A chemical compound or material which is categorically not permitted on school grounds or at school related activities

Contract Violation (2): Non-compliance with a written agreement

Cutting Activity (2): Failure to attend or complete an assigned school activity or event

Cutting Class (2): Failure to attend or complete scheduled class

Cutting School (2): Failure to attend or complete a school day

Cyberbullying (3): Willful harassment and intimidation of a person through the use of digital technologies, including, but not limited to, email, blogs, texting, social media, chat rooms, sexting, instant messaging, or video voyeurism (See page 22)

Detention Violation (2): Failure to serve a period of time during recess, lunch, before or after the school day as a consequence for a behavior infraction

Dishonesty (1): Failure to knowingly tell the truth; also includes petty stealing

Disrespect (2): Inappropriate comments or physical gestures toward students, staff, or others

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Disrupting Class (2): Behavior that interferes with instruction, learning, and a safe and orderly environment which includes, but not limited to, chronic talking, throwing objects, horseplay, teasing, refusal to remain in seat, rude noises, selling items on campus, etc

Disturbing School (3): To willfully or unnecessarily interfere with or disturb the students or teachers of any school, loiter about on school premises, or act in any obnoxious manner thereon; for any person to enter upon school premises or loiter around premises without permission of the principal; also Disorderly Conduct which includes behavior that tends to disturb the public peace, scandalize the community, or shock the public sense of morality (for lesser offense use Major Disruption)

Dress Code Violation (1): Noncompliance with the District and/or school dress code (See page 12)

Driving Violation (2): Failure to abide by SC driving laws or failure to comply with driving rules set forth by the school

Drug Distribution (3): It is unlawful for any person to possess with intent, aid, abet, or conspire to manufacture, distribute, dispense, deliver, or purchase an illegal substance, a substance represented as drugs, and/or a mood altering substance (See page 25)

Drug Possession (3): Use, possession, or being under the influence of an illegal substance, a substance represented as drugs, and/or a mood-altering substance (See page 25)

Drug Usage (3): The use, possession, or solicitation of any chemical compound or material which is categorically not permitted on school grounds or at school related activities such as prescription or non-prescription medication; being under the influence of unauthorized legal or any illegal substances (See page 25)

Embezzlement (3): The unlawful misappropriation by the offender of money, property, or some other thing of value for personal use while entrusted to his/her care, custody, or control

Excessive Noise (1): Any loud sound that is unnecessary or interferes with one's hearing; senseless shouting or outcry

Extortion (3): To unlawfully obtain money, property, or any other thing of value without that person's consent through the use or threat of force, misuse of authority, threat of destruction of reputation or social standing, or through other coercive means

Failure to Complete Work (1): The act of not completing assigned written, oral, or physical work

Failure to Comply with Disciplinary Action (2): The act of not completing a consequence or sanction assigned as a result of an offense committed

Fighting (2): An incident involving two or more students with physical contact, such as hitting, kicking, and/or punching where there is no major injury

Fire Alarm (3): In the absence of an emergency, to activate or set off a fire signal indicating the presence of a fire emergency

Fireworks (2): Possession and/or detonation of an explosive pyrotechnic device that makes a display of light or noise on school property but does not cause harm to others (If Level 3 offense, use code 700 Other Offense)

Forgery/Counterfeit (2): Purposely signing another person's name or altering, copying, or imitation of something, without authority or right, with the intent to deceive or defraud by passing the copy or thing altered or imitated as that which is original or genuine; or the selling, buying, or possession of an altered, copied, or imitated thing with the intent to deceive or defraud (If Level 3 offense, use code 700 Other Offense)

Fraud (3): Deceiving another in order to damage him/her; usually, to obtain property or services from him or her unjustly

Gambling (3): Betting or wagering money or something else of value; assist, promote, or operate a game of chance for money or some other stake

Gang Activity (3): Any group of three or more persons associated with a group of individuals or organization, whether formal or informal, which engage in criminal and/or school conduct violations. The existence of such group of individuals associated may be established by evidence of a common name or common identifying signs, symbols, tattoos, graffiti, or attire or other distinguishing characteristics. (See page 24)

Hall Pass Violation (1): To be in a hallway without written permission; to alter or change a hall pass from its original intent

Harassment (2): Any threatening, insulting, or dehumanizing action which negatively impacts another person's emotional or mental well-being (if Level 3 offense, use Bullying or Intimidation)



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Hit/Kick/Push (2): To deal a blow to, come in to contact with, or strike; to strike with foot or feet; to apply pressure against for the purpose of moving (if Level 3 offense, use Simple Assault)

Homicide (3): The killing of one human by another, not including manslaughter or attempted murder

Horseplay (1): Rough or boisterous play or pranks

Identification Violation (1): Failure to comply with school identification rules

Inappropriate Affection (2): Unsuitable or improper physical contact, extreme feeling, or emotion towards another person

Inappropriate Behavior (2): Actions or gestures of conducting oneself in a disruptive or disrespectful manner; provoking a fight –OR– non-criminal conduct that is not covered in the existing list or codes –OR– student who has committed multiple Level 2 offenses

Inappropriate Language (1): Unsuitable or improper communication of thoughts or feelings through voice, sounds, or written symbols having understood meanings

Inappropriate Materials (2): Related to the possession or viewing of items considered to be unsuitable for school or school related activities

Inappropriate Physical Contact (2): Touching or immediate proximity of another person exceeding personal boundaries unsuitable or improper for the location or setting

Indecent Exposure (3): The deliberate exposure in public of one's genitalia or private area(s) of one's body

Intimidation (3): To unlawfully place another person in reasonable fear of bodily harm through the use of menacing words or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack; Intimidating behaviors can be made in person, over the telephone, electronically, via social media networks, or in writing. (for lesser offense see Threat or Harassment)

Kidnap/Abduction (3): To unlawfully seize and carrying away a person by force, fraud, or against his or her will

Larceny/Theft (3): To steal or possess property without the permission of the owner

Leaving Class (2): Departing from class without permission before the class period is complete

Leaving School (2): Departing from campus without permission before the school day is complete

Littering (1): Placing trash improperly so as to be a nuisance or health concern

Loitering (2): Wandering on school premises in an area that is off limits to students or when there is no particular reason to be there.

Major Disruption (2): Behavior that significantly interrupts the learning environment (if Level 3 offense, use Disturbing School)

No Returned Form (1): Failure to return required form or document

Obscene Gesture (2): A movement or position of the hand, arm, body, head, or face that is expressive of an offensive idea, opinion, and emotion

Off Limits (Out of Area) (2): To be present in an unauthorized location

Other Offenses (3): Other acts of criminal conduct as set forth in State and Federal Law not covered in the existing list of codes; includes offense(s) committed off-campus that is deemed serious enough by the principal that the presence of the student is detrimental to the best interest of the school.

Other Offenses (Minor) (1): Other acts of minor misconduct not covered in the existing list of offense codes

Parent/Guardian Shadowing: As an additional intervention, the administration will request the parent/guardian to attend classes with the student for a pre-approved amount of time. The parent/guardian is required to sit quietly next to the student for the agreed upon time.

Parking Violation (2): Parking on campus or at a school sponsored event without authorization or in a manner that is not consistent with expectations of the property owner

Phone Violation (2): Failure to adhere to the school's phone policy

Pornography (3): Possession, manufacturing, or distribution of sexually explicit/obscene material

Probation Violation (2): Infraction(s) resulting in the student breaking a written probation contract

Profanity (2): Abusive, vulgar, or irreverent language, swearing, cursing, foul speech, or speech that shows disrespect or dishonor toward another

Property Misuse (2): Minor damage or defacement of property belonging to the school or others (if Level 3 offense, use Vandalism)

Prostitution (3): To engage in or promote sexual activities for profit

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Refusal to Obey/Defiant (2): Refusing to follow a request or a specific direction/instruction of an adult through disobedience, defiance, unruliness, or noncompliance which includes but is not limited to walking away when an adult is talking to you, talking back to an adult, refusal to work in class, refusal to report to the office, refusal to allow search, etc.

Robbery (3): Taking or attempting to take anything of value under confrontational circumstances from the control, care, or custody of another person by force, threat of force, or invoking fear of immediate harm

Running (1): Deliberately running in an effort to get away from school officials, someone, or something

Sex Violation (3): The act of touching, groping, slapping, or any other physical contact of a sexual nature made with another person, whether unwanted or wanted.

Sexual Harassment (3): Sexual harassment includes any unwelcome sexual advances, requests for sexual favors and other inappropriate verbal, written, electronic or physical conduct of a sexual nature that creates an intimidating, hostile or offensive environment. (See page 23)

Sexual Offenses:

Forced (3): Any sexual act directed against another person, forcibly or against the person's will, or not forcibly or against the person's will where the victim is incapable of giving consent

Non-forcible (3): Unlawful, unforced sexual acts or indecent exposure that is overtly sexual in nature, or other sexually inappropriate behaviors

Stolen Property (3): Goods obtained by larceny, by stealing, by robbing, by theft; something unlawfully taken from its rightful owner

Tardy (1): Arriving late to school or class (multiple tardies will result in disciplinary action)

Threat (2): Making general, non-specific, statements or gestures of intent to do physical harm to a staff member or student; also see harassment (if Level 3 offense, use Intimidation)

Throwing Objects (2): To propel or cast in any way anything that is visible or tangible

Tobacco (2): Possession and/or use of cigarettes, cigars, and/or other tobacco products; possession and/or use of smokeless products, electronic cigarettes, and vaporizers

Trespassing (3): Being on school property or at a school sponsored event without permission, including while on suspension or after expulsion; entry of a structure without intent to commit a serious crime or theft

Truant (2): A student, ages 6 to 17 years old, who has three consecutive days of unlawful absences or a total of five unlawful absences during the current school year (See page 10)

Habitual Truant (3): A student ages 12-17 years old, 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

Chronic Truant (3): A student, ages 12-17 years old, who has been through the school intervention process, has reached the level of habitual truant, has been to Family Court, AND continues to accumulate unlawful absences

Unauthorized Device (2): Contraband item including, but not limited to, a lighter, laser pointer, camera, toys, dice, cards, etc.

Urination (2): Willfully urinating on school property (floor, walls, bus, etc.)

Vandalism (3): Willfully or maliciously destroying, damaging, or defacing real or personal property; see also (for lesser offense, see Destruction of Property)

Violation of Class Rules (1): Behavior that interferes with instruction or learning, which includes, but not limited to, chronic talking, throwing objects, horseplay, teasing, refusal to remain in seat, rude noises, etc.

Vehicle Theft (3): To steal from or possess a vehicle without permission of the owner

Weapons (3): Firearms, handguns, rifles, shotguns or bombs (including look-a-like); pellet gun, paintball gun, stun gun, BB gun, flare gun, nail gun, or air soft gun or any other type of weapon, devices or object which may be used to inflict bodily harm or death shall not be allowed on any school district property (including vehicles) or at any school-sponsored event. This shall also include, but not limited to, knives, tasers, dirks, slingshots, bludgeons, blackjacks, Chinese star, razors (including straight or retractable razor), ice pick, metal knuckles, box cutters, nunchucks, spiked glove, spiked wristband, any mace derivative, tear gas device, or pepper spray. (See page 26)

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## CCSD Directory of Schools

School Name	Grades	District/Magnet*	Phone #	Street Address
Academic Magnet High	9-12	CWM	746-1300	5109A West Enterprise St
Allegro Charter School of Music	6-9	20	264-7288	120 Broad St
Angel Oak Elementary	K-5	9	559-6412	6134 Chisolm St
Ashley River Creative Arts	K-5	10 CDM	763-1555	1871 Wallace School Rd
Baptist Hill Middle/High	7-12	23	889-2277	5117 Baptist Hill Rd
Belle Hall Elementary	K-5	2	849-2841	385 Egypt Rd
Blaney Elementary	K-5	23	889-3992	7184 Highway 162
Buist Academy	K-8	CWM	724-7750	103 Calhoun St
Burke High	9-12	20	579-4815	244 President St
Burns Elementary	K-5	4	745-7113	3750 Dorchester Rd
C. E. Williams Middle	6-8	10 CDM	763-1529	640 Butte St
Cario Middle	6-8	2	856-4595	3500 Thomas Cario Blvd
Carolina Voyager Charter	K-2	CW Charter	TBD	30 Race St
Charleston Math & Science	6-12	CW Charter	720-3085	1002 King St
Charleston Development Acad.	K-8	CW Charter	722-2689	233 Line St
Charleston Progressive Academy	CD-6	CWM	720-2967	382 Meeting St
Chicora Elementary	K-5	4 PM	745-7099	1912 Success St
(Septima P. Middle) Clark Acad.	9-12	CW Program	762-2774	1929 Grimbball Rd
A. C. Corcoran Elementary	K-5	4	764-2218	8585 Vistavia Rd
Daniel Jenkins Creative LC	6-8	CW Program	747-6609	2670 Bonds Ave
Drayton Hall Elementary	CD-5	10	852-0678	3183 Ashley River Rd
Dunston Elementary	K-5	4	745-7109	1825 Remount Rd
East Cooper Montessori	1-8	CW Charter	216-2883	250 Ponsbury Rd
Ellington Elementary	K-5	23	889-9411	5540 Old Jacksonboro Rd
Frierson Elementary	CD-5	9	559-1182	6133 Maybank Highway
Ft. Johnson Middle	6-8	3	762-2740	1825 Camp Rd
Garrett Academy	9-12	CWM	745-7126	2731 Gordon St
Goodwin Elementary	K-5	4	767-5911	5501 Dorchester Rd
Greg Mathis Charter High	9-12	CW Charter	557-1611	2872 Azalea Dr
Harbor View Elementary	CD-5	3	762-2749	1576 Harbor View Rd
Haut Gap Middle- Adv. Studies	6-8	9 PM	559-6418	1861 Bohicket Rd
Hunley Park Elementary	K-5	4	767-5914	1000 Michigan Ave
Hursey Elementary	K-8	4 PM	745-7105	4542 Simms St
James B. Edwards Elementary	CD-5	2 PM	849-2805	855 Von Kolnitz Blvd
James Island Elementary	CD-5	3	762-8240	1872 Grimbball Rd
James Island Middle	6-8	3	762-2784	1484 Camp Rd
James Island Charter High	9-12	CW Charter	762-2754	1000 Ft. Johnson Rd
James Simons Elementary	K-5	20 PM	724-7763	741 King St
Jane Edwards Elementary	K-5	23	559-4171	1960 Jane Edwards Rd
Jennie Moore Elementary	CD-5	2 CDM	849-2815	942 Whipple Rd
Jerry Zucker Middle	6-8	4 CDM	767-8383	6401 Dorchester Rd
Ladson Elementary	K-5	4	764-2225	3321 Ladson Rd
Laing Middle	6-8	2 PM	849-2809	1560 Mathis Ferry Rd
Lambs Elementary	K-5	4	767-5900	6800 Dorchester Rd

\* Number=Constituent District; CWM=Countywide Magnet; PM=Partial Magnet; CDM=Constituent District Magnet

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## CCSD Directory of Schools

School Name	Grades	District/Magnet*	Phone #	Street Address
Laurel Hill Primary	CD-2	2	849-2200	3100 Thomas Cario Blvd
Liberty Hill Academy	CD-12	CW Program	566-8892	5025 West Enterprise St
Lincoln Middle/High	7-12	1	577-0970	714 Lincoln Rd
Lowcountry Tech Academy	7-12	CW Program	724-0131	1002 King St
Mary Ford Elementary	K-5	4	745-7131	3180 Thomasina McPherson Blvd
Meeting St. Elem. at Brentwood	3K-1	Public/Priv. Partnership	529-3130	2685 Leeds Ave
Memminger Elementary	CD-6	20 - PM	724-7778	20 Beaufain St
Midland Park Primary	CD-1	4	574-2183	2415 Midland Park Rd
Military Magnet Academy	6-12	CWM	745-7102	2950 Carner Ave
Minnie Hughes Elementary	K-5	23	889-2976	8548 Willtown Rd
Mitchell Elementary	CD-6	20 - PM	724-7261	2 Perry St
Montessori Community	3K-8	CWM	769-0346	2122 Wood Ave
Morningside ARMS	6-8	4	745-2030	1999 Singley Lane
Morningside EXCEL	6-8	4	745-2000	1999 Singley Lane
Moultrie Middle	6-8	2	849-2819	645 Coleman Blvd
Mt. Pleasant Academy	CD-5	2	849-2826	605 Center St
Mt. Zion Elementary	CD-5	9	559-3841	3464 River Rd
Murray-LaSaine Elementary	CD-5	3 - PM	762-2765	691 Riverland Dr
North Charleston Creative Arts	K-3	4 - PM	529-2831	1600 Saranac St
North Charleston Elem.	K-5	4	745-7107	4921 Durant Ave
North Charleston High	9-12	4	745-7140	1087 East Montague Ave
Northwoods Middle	6-8	4	764-2212	7763 Northside Dr
Oakland Elementary	CD-5	10	763-1510	505-A Arlington Dr
Orange Grove Charter	CD-5	CW Charter	763-1520	1225 Orange Branch Rd
Pattison's Academy	K-8	CW Charter	556-1070	2014 Bees Ferry Rd
Pepperhill Elementary	K-5	4	767-5905	3300 Creola Rd
Pinckney Elementary	3-5	2	856-4585	3300 Thomas Cario Blvd
Pinehurst Elementary	K-5	4	824-8728	7765 Northside Dr
Sanders-Clyde Elementary	CD-8	20 - PM	724-7783	805 Morrison Dr
School of the Arts	6-12	CWM	529-4990	5109B West Enterprise St
Simmons Pinckney Middle	6-8	20	579-4815	244 President St
Springfield Elementary	CD-5	10	763-1538	2741 Clover St
St. Andrew's Sch. Math & Sci.	CD-5	10 - PM	763-1503	505-B Arlington Dr
St. James-Santee Elementary	CD-5	1	723-0863	8900 N. Highway 17
St. John's High	9-12	9	559-6400	1518 Main Rd
Stall High	9-12	4	207-3700	3625 Ashley Phosphate Rd
Stiles Point Elementary	CD-5	3	762-2767	883-A Mikell Dr
Stono Park Elementary	CD-5	10	763-1507	1699 Garden St
Sullivan's Island Elementary	CD-5	2 - PM	883-3118	2015 P'on Ave
Summit Program	9-12	CW Program	745-5417	4360 Headquarters Rd
Wando High	9-12	2	849-2830	1000 Warrior Way
West Ashley High	9-12	10	573-1201	4060 West Wildcat Blvd
West Ashley Middle-Adv. Studies	6-8	10 - PM	763-1546	1776 Kennerty Dr
Whitesides Elementary	CD-5	2	849-2838	1565 Rifle Range Rd

\* Number=Constituent District; CWM=Countywide Magnet; PM=Partial Magnet; CDM=Constituent District Magnet



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## CCSD 2015-2016 Academic Calendar

Date/s	Day/s	Status
July 3	Friday	Fourth of July Observance (Schools and Offices Closed)
August 10	Monday	½ Workday / ½ School Based Professional Development
August 11	Tuesday	District Professional Development
August 12	Wednesday	SLO Training
August 13	Thursday	School Based Professional Development
August 14	Friday	Teacher Workday
August 17	Monday	<b>First Day of School for Students</b>
August 24	Monday	<b>First Day of School for Head Start and Child Development Programs</b>
September 7	Monday	Labor Day (Schools and Offices Closed)
September 17	Thursday	Progress Reports
September 23	Wednesday	Early Dismissal and Professional Development
October 19	Monday	End of Quarter (45 days)
October 23	Friday	Teacher Workday or Potential Make-Up day (no students, unless make-up)
October 26	Monday	Report Cards
October 28	Wednesday	Early Dismissal and Professional Development
November 3	Tuesday	Election Day (Schools and Offices Closed)
November 20	Friday	Progress Reports
November 23-25	Monday – Wednesday	Thanksgiving Break (Schools Closed, Offices Open)
November 26-27	Thursday – Friday	Thanksgiving Break (Schools and Offices Closed)
December 21-31	Monday – Friday	Winter Break (Schools and Offices Closed)
January 1	Friday	Winter Break (Schools and Offices Closed)
January 4	Monday	Students, teachers and staff return to schools and offices
January 13	Wednesday	Last Day of First Semester (90 days)
January 14	Thursday	Professional Development (no school for students)
January 15	Friday	Teacher Workday (no school for students)
January 18	Monday	Martin Luther King Jr. Day (Schools and Offices Closed)
January 19	Tuesday	Report Cards and Second Semester Begins
February 15	Monday	President's Day (Schools Closed, Offices Open)
February 19	Friday	Progress Reports
February 24	Wednesday	Early Dismissal and Professional Development
March 16	Wednesday	Early Dismissal and Professional Development
March 22	Tuesday	End of Third Quarter (135 days)
March 25	Friday	Teacher Workday or Potential Make-Up day (no students, unless make-up)
March 28-31	Monday – Thursday	Spring Break (Schools and Offices Closed)
April 1	Friday	Spring Break (Schools and Offices Closed)
April 4	Monday	Report Cards
April 27	Wednesday	Early Dismissal and Professional Development
May 2	Monday	Progress Reports
May 20	Friday	<b>Last Day of School for Head Start and Child Development Programs</b>
May 30	Monday	Memorial Day (Schools and Offices Closed)
June 1	Wednesday	Half Day for Students
June 2	Thursday	Half day for Students, <b>Last day of School for Students (180 days)</b>
June 3	Friday	Teacher Workday or Potential Make-Up Day (no students, unless make-up)
June 6	Monday	Report Cards

Note: Test Dates will be updated upon receipt from the SC Department of Education.

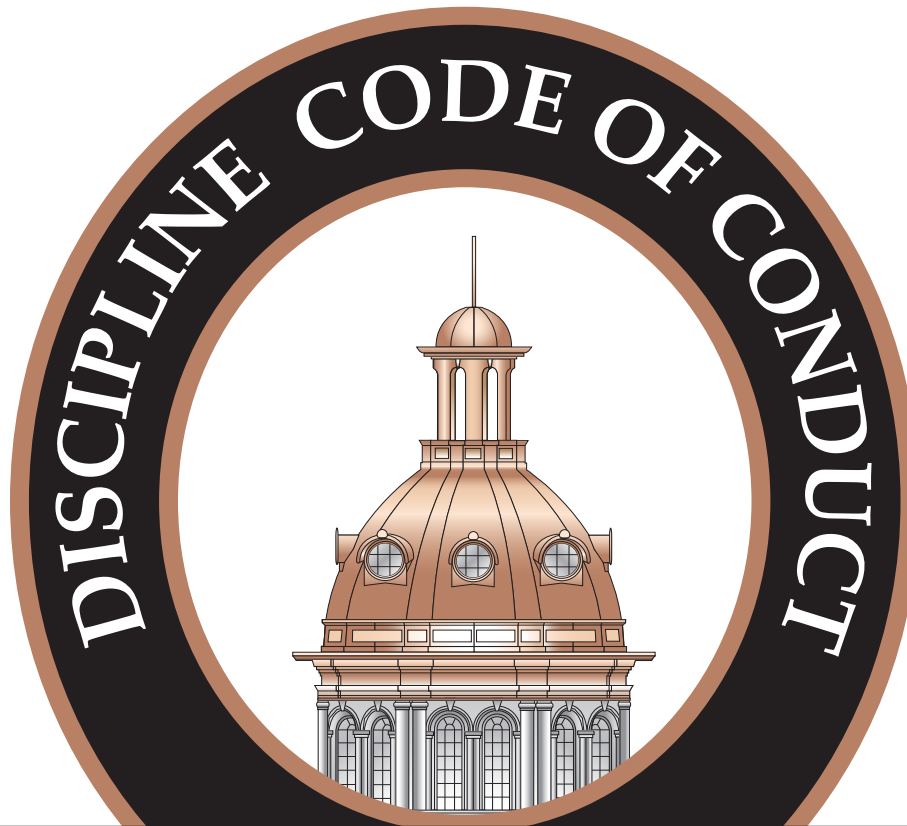
Updated Mar. 18, 2015, Office of Strategy and Communications, TLD

[www.ccsdschools.com](http://www.ccsdschools.com)

# **EXHIBIT**

## **C.2**

# Richland One



**South Carolina's Capital Schools**

**Richland County School District One**

Board of School Commissioners  
Adopted & Revised  
June 16, 2009

Revised Selections from  
S.C. Code of Laws & Regulations  
July 2015







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## **Richland County School District One**

### **Board of School Commissioners**

Mrs. Cheryl Harris — Chairwoman  
Mr. Vince Ford — Vice Chairman  
Mrs. Pamela Adams — Secretary-Treasurer  
Mr. Dwayne Smiling — Parliamentarian  
Mr. Aaron Bishop  
Mr. Jamie L. Devine  
Mrs. Beatrice King

### **Superintendent**

Dr. Craig Witherspoon  
1616 Richland Street  
Columbia, South Carolina 29201

### **MISSION STATEMENT**

We are Richland One, a leader in transforming lives through education, empowering all students to achieve their potential and dreams.



Dear Parent(s):

Please read and discuss with your child the rules and regulations set forth in the Discipline Code handbook. Please sign this form and return it to your school on or before August 31, 2015 or within 15 days if you enroll after the first day of school. Your signature and that of your child acknowledges receipt of this handbook and that you understand and consent to the responsibilities outlined in it. The signature of the teacher/administrator acknowledges that he/she has reviewed and discussed the contents with your child. This form will be kept on file at the school.



**(Complete the bottom portion of this form  
and return it to your child's school)**

I have received and read the Discipline Code handbook.

\_\_\_\_\_  
(Print) Name of Student

Grade \_\_\_\_\_

School \_\_\_\_\_

\_\_\_\_\_  
Signature of Parent/Guardian

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Student

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Teacher/Administrator

\_\_\_\_\_  
Date







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## *Discipline Creed*



The Board of Commissioners for Richland County School District One believes that it is the responsibility of students, parents, and staff to see that students attend school and conduct themselves in an appropriate manner. Discipline is a shared responsibility, and student behavior is important to the entire education process. Without it, teachers cannot teach, and students cannot learn. All students are expected to follow the rules established by the district and each school.

Everyone is entitled to a safe, secure, orderly environment in which to learn and work. The rules and regulations presented in this handbook are designed toward that end and are effective during the following times and places:

- On school property
- Waiting for the school bus at designated stops
- Going to and from school
- On a school bus or other school vehicle
- Participating in or attending school–sponsored or school–related activities, such as field trips, conferences or athletic events

When used in this handbook, the word “parents” will include either parent or the student’s legal guardian, and the word “principal” will include any administrator or principal’s designee. The word “he” will be used to refer to both the male and female gender.

Students, parents and staff are encouraged to become familiar with the rules and regulations in this handbook. If you have any questions, please contact your school’s principal or the Richland One Hearing Office.





## *Section I*

### *Students' Rights & Responsibilities*



#### **RIGHTS**

- To pursue a successful education in a safe environment without disruption.
- To receive fair and equitable treatment without discrimination in every aspect of the educational system.
- To be given the opportunity to be heard as well as have witnesses and/or an advocate speak on one's behalf.
- To discuss educational concerns with teachers and other school staff.
- To be informed of student responsibilities, rights and discipline policies.
- To be treated respectfully and as an individual.
- To expect learning to be relevant to life.
- To equitably participate in courses and co-curricular activities that promote individual skills and talents.
- To be transported in a safe manner.

#### **RESPONSIBILITIES**

- To resolve problems and issues while providing dignity for all.
- To become productive citizens.
- To respect the personal, civil and property rights of others.
- To dress appropriately and develop a sense of responsibility for personal choices.
- To attend school regularly, arrive on time, and bring materials.
- To follow discipline guidelines adopted by the District, which includes the bus, as well as one's school and class.
- To comply with any staff member's reasonable request to obey school and bus rules.



## *Section II*

### *Parents' Rights & Responsibilities*



#### **RIGHTS**

- To be treated respectfully.
- To expect school to be a safe place for learning.
- To view the records and visit school in accordance with board policy.
- To be informed and receive explanations of academic progress and behavior.
- To be consulted as soon as possible when decisions are made that affect one's child.
- To request and be granted conferences with school personnel.
- To be informed of the Discipline Code and appeal process.
- To be informed of their right to appeal discrimination to the Title IX coordinator.

#### **RESPONSIBILITIES**

- To abide by South Carolina Compulsory Attendance Laws.
- To teach the child self-discipline, respect for authority and the rights of others.
- To communicate an expectation to achieve in every class.
- To expose children to learning activities.
- To act in a courteous and responsible manner in all school-related activities.
- To support school staff in improving student learning and behavior.
- To maintain communication with the school and provide accurate home and emergency phone numbers.
- To praise children for effort, improvement, and achievement.
- To respond quickly upon notification from school.



## *Section III*

### *Staffs' Rights & Responsibilities*



#### **RIGHTS**

- To be treated with dignity, courtesy and respect.
- To work in a positive atmosphere conducive to learning and teaching.
- To be present at student/parent conferences.
- To be involved in the decision making process for the school district.
- To work in partnership with others.
- To have a safe working environment.
- To be provided with resources necessary to carry out responsibilities.
- To participate with parents, community, and staff in school decisions.
- To work in an atmosphere free from verbal or physical threats and abuse.

#### **RESPONSIBILITIES**

- To accept shared responsibility for control and discipline of students throughout the school building and property.
- To respect the rights, dignity, and confidentiality of students, parents, guardians, and other staff.
- To be proactive toward resolving issues.
- To establish an environment where all may learn.
- To inform and consult parents in assessing the needs and progress of students.
- To be responsive to student needs.
- To provide learning for students in an equitable manner.
- To act in a courteous and responsible manner in all school-related activities.
- To be fair, equitable, and consistent in all interactions.



## *Ten Essential Character Education Traits*



The following character traits are essential for students to prepare for greatness! These traits should be modeled and maintained by adults and students.

<b>Trait</b>	<b>Month trait is stressed</b>	<b>Definition</b>
Respect	August	To show high regard for authority, other people, self and country
Honesty	September	To always be fair and straightforward in conduct
Cooperation	October	To play together or work well with others to accomplish a common goal
Good	November	To be actively engaged in demonstrating Citizenship pride and responsibility in self, school, community and country
Responsibility	December	To be held accountable for your own actions
Self-Discipline	January	To demonstrate the ability to control yourself in all situations
Caring	February	To demonstrate concern through kindness and acceptance while meeting the needs of self and others
Kindness	March	To be considerate, courteous, helpful and understanding of other's feelings
Fairness	April	To play by the rules, to be open-minded to the viewpoints of others
Dependability	May	To be counted on and trusted





## Section IV Code of Conduct



### **LEVEL 3 OFFENSES**

ALL Level III Offenses are Zero Tolerance Behaviors that constitute safety violations and/or criminal misconduct. In all cases, the principal, designee or via collaboration with the Office of Transportation, **WILL** refer the student to the Hearing Office for expulsion procedures, **WILL** suspend the student until an expulsion hearing has been held, and **WILL** also refer the incident to the appropriate law enforcement agency to determine what other legal steps are appropriate. As outlined in Section VII, any student may be subject to permanent expulsion for violation of a Level III Offense. (Note: PK-Pre Kindergarten).

In all cases, safety is the first priority while transporting students to and from school. While on any school vehicle, the driver is the school official who has control of the students. School bus drivers must be able to concentrate on their driving at all times. The safety and well-being of each student depends on everyone following the standards of conduct outlined in this handbook.

Note: A student with a disability or handicap may not be suspended for more than (10) cumulative school days in a school year.

#### **\* Law enforcement**

**\*A. Disruption of School / School Bus.** A student may not disrupt or interfere with the orderly operation of school or the school bus. These acts may include, but are not limited to the following:

- Bomb Threats
- Arson or Attempted Arson of district property
- Unauthorized activation of a fire alarm
- Participation in an act of mob or gang violence/hazing
- Extortion
- Burglary
- Throwing objects at the driver
- Battery
- Bullying (e.g., threats using coercion against family/friends, verbal or physical threats of aggression)
- Terrorists Threat or Activity
- Other Acts of Violence (e.g. brandishing of weapons other than firearms; use of or concealment of such items that can be used while fighting, intimidating another student, volunteer or employee

Penalty (PK-5) = Expelled 11 to 180 school days

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Penalty (6-12) = Expelled for the remainder of the school year, not to exceed 180 school days

**\*B. Physical Assault on an Employee.** A student may not intentionally or recklessly cause or attempt to cause bodily injury to any employee of the district or any visitor while under the jurisdiction of school authority.

Penalty (PK-5) = Expelled 11 to 180 school days

Penalty (6-12) = Expelled for the remainder of the school year, not to exceed 180 school days

**\*C. Sexual Assault.** A student may not direct any sexual act against another person forcibly or against that person's will. (e.g. rape)

Penalty (PK-5) = Expelled 11 to 180 school days

Penalty (6-12) = Expelled at least 365 calendar days

**\*D. Sale or Distribution of Drugs/Alcohol.** No student may distribute, sell or attempt to sell any illegal or controlled substance.

Penalty (PK-5) = Expelled for the remainder of the school year, not to exceed 180 school days

Penalty (6-12 )= Expelled at least 365 calendar days

**\*E. Firearm or Bomb.** A student may not possess, handle, or transport any firearm or device that contains combustible material and a fuse.

Penalty (PK-12) = Expelled at least 365 calendar days

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## **LEVEL 2 OFFENSES**

In cases where a student's presence on campus or on the school bus would create a disruption to the educational process, OR violations of Other Weapons, Liquor Law, Drugs, or Sexual Misconduct have occurred, the principal **WILL** refer the student to the Hearing Office for expulsion procedures, suspend the student until an expulsion hearing has been held and refer to local law enforcement. In all other cases of Level II Offenses, the principal, designee or via collaboration with the Office of Transportation, **MAY** suspend a student for not more than (10) days out of school or off school vehicles, and **MAY ALSO** refer the student to the Hearing Office for expulsion procedures and the appropriate law enforcement agency to determine what other legal steps are appropriate.

At the hearing officer's discretion, one of the following District Level Sanctions (listed from least to most severe) may be imposed:

- Written warning and return to school and/or resume riding school vehicles
- Probation contract and return to school
- Short-term placement (11-45 school days) in an alternative program
- Long-term placement (45+ school days) in an alternative program
- Expulsion

It should be further noted that bus transportation or transportation alternatives may be provided for students grades 6-12. Also, any student who commits a Level 2 Offense while enrolled in an alternative setting or on a Probation Contract shall be subject to expulsion procedures through the Hearing Office.

- \***A. Other Weapons.** A student may not handle, possess, or give to someone else any object that is or is a reasonable replica of or can be thought of as a weapon (e.g., knife, razor blade, bullets, box cutter, firecrackers, multi-fingered rings, metal knuckles, etc.).
- \***B. Liquor Law Violation.** A student may not use, possess, handle or be under the influence of any amount of alcohol.

Penalty (PK-12; 1st Offense) = Must complete an appropriate counseling program while enrolled in an interim educational placement

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Penalty (PK-5; 2nd Offense) = Must complete an appropriate counseling program while enrolled in an interim educational placement

Penalty (6-12; 2nd Offense) = An educational placement will be considered after completion of a rehabilitation program

Penalty (PK-12; 3rd Offense) = Will be treated as a Level III Offense; expelled at least 365 calendar days.

**\*C. Drug Possession.** A student may not handle, possess, or be under the influence of any amount of marijuana, crack, cocaine, hallucinogenic drugs, or any other controlled or illegal substance.

Penalty (PK-12; 1st Offense) = Must complete an appropriate counseling program while enrolled in an interim educational placement

Penalty (PK-5; 2nd Offense) = Must complete an appropriate counseling program while enrolled in an interim educational placement

Penalty (6-12; 2nd Offense) = An educational placement will be considered after completion of a rehabilitation program

Penalty (PK-12; 3rd Offense) = Will be treated as a Level III Offense; expelled at least 365 calendar days.

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Note: The Hearing Office will determine the location of the interim education placements (on-site or off-site) for offenses B (Liquor Law) and C (Drug Possession) pursuant to state and federal laws.

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**D. Other Unlawful Activities.** A student may not disrupt, either intentionally or unintentionally, the orderly operation of the school by his involvement in any unlawful activities. Some examples of such behavior include but are not limited to, the following:

- Possessing or selling bogus or look-alike drugs
- Distributing unauthorized material
- Possession of obscene material or drug paraphernalia
- Bullying (e.g., ethnic slurs, humiliating publicly, taking possessions, cyberbullying)
- Violation of the Acceptable Use Policy (see Section X)



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- E. Physical Assault on a Student.** A student may not intentionally, recklessly, or maliciously cause or attempt to cause bodily injury to another student. This includes horseplay that results in bodily injury. This does not include incidental bodily contact.
- \*F. Threats.** A student may not make a serious threat (written, verbal or non-verbal) to do bodily harm to another person, members of his family or damage to his personal property.
- G. Vandalism/Theft.** A student may neither willfully nor maliciously damage, steal or destroy property belonging to another, including school or private property.
- H. Habitual Disregard for School / Bus Rules.** Repeated occurrences of not following school / bus rules regardless of efforts to correct such behavior.
- \*I. Sexual Misconduct.** A student may not engage in sexual behavior which includes consensual intercourse, sexual harassment, groping or indecent exposure.
- J. Assisting With or Encouraging Rule Violations.** Any student who by his presence or actions assists or encourages another student or group of students to violate or attempt to violate any district or school rule will also be held responsible for the violation. Some examples of behavior that would be considered a violation are: (1) encouraging others to fight or continue fighting by yelling or taunting, and (2) assisting with or purposely observing sexually improper actions.
- \*K. Fighting.** A student may not engage in the exchange of mutual, physical contact, with or without injury.
- \*L. Trespassing.** No student may come on the property of any school in the district, other than the one he attends, without the prior approval of the principal or for activities open to all students of the district. While under suspension or expulsion, a student may not come on the property of any school without prior approval of the principal.
- \*M. Material Disruption.** A student's behavior or presence may not materially or substantially disrupt the orderly operation of school day or any school activity, even if this behavior occurs outside of the normal school setting. When behavior occurs outside the school setting,

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the district will determine whether such conduct may adversely affect the educational process or endanger the health, safety or morals of the remaining students and/or employees in the school district. An example of such behavior would be a student's involvement in a felony that occurred after school hours.

- N. Possession of Gang-Related or Other Inappropriate Written Materials.** A student may not possess, distribute, or display any written material that may affect the orderly operation of school and / or school bus or endanger the safety of any student, employee, or any visitor of the district.

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The Hearing Office may choose to append (upgrade) any Level II offense to a Level III offense. In these cases, a parent/guardian will be notified in writing of the expulsion procedures and the students due process rights. The Hearing Office may choose to amend (downgrade) any offense to a lesser offense.

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**LEVEL I OFFENSES**

All Level I Offenses will be handled at the building level by the principal or his designee and include, but are not limited to, the following:

- A. Horseplay (This does not include bodily injury.)**
- B. Refusal to Obey (e.g. dress code, ID violation, etc.)**
- C. Disrespectful and/or Inappropriate Remarks or Gestures/Bullying (e.g., mocking, name calling, teasing, taunting)**
- D. Class Cutting or Excessive Tardies**
- E. Failure to Identify Self upon Request**
- F. Use/Possession of tobacco products/paraphernalia**
- G. Disruption of Class /Activity or Making Excessive Noises**
- H. Possession of Unauthorized Electronic Devices**
- I. Profanity**
- J. Missing Detention or In-School Suspension**

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## **K. Inappropriate Touching or Display of Affection between students**

### **BUS AND BUS STOP RULES**

Students are expected to observe the following rules and courtesy on the bus and at the bus stop.

#### At the Bus Stop

- ⇒ Arrive at the assigned stop ten (10) minutes before bus pickup
- ⇒ Stand on the sidewalk or the edge of the street by the curb
- ⇒ Stay off private property
- ⇒ Do not stand on the traveled part of the road
- ⇒ Be respectful and watchful of traffic
- ⇒ Wait in a quiet and orderly manner
- ⇒ No littering

#### When the Bus Arrives

- ⇒ Allow the bus to come to a complete stop
- ⇒ Board the bus in a quiet and orderly manner

#### On the Bus

- ⇒ Remain seated at all times
- ⇒ Cooperate with the driver and practice orderly conduct
- ⇒ No profanity or obscene behavior
- ⇒ No smoking
- ⇒ No eating or drinking
- ⇒ No vandalism (e.g. writing on seats, hole punctures, etc.)
- ⇒ No body parts outside bus
- ⇒ No radio, tapes, or electronic audio/video devices
- ⇒ No live animals
- ⇒ No unsafe objects or weapons
- ⇒ No throwing of items from the bus or on the bus
- ⇒ No littering
- ⇒ No tampering with emergency exits or other bus equipment

#### Leaving the Bus

- ⇒ Remain seated until the bus comes to a complete stop
- ⇒ Leave the bus in an orderly manner
- ⇒ Leave at your assigned bus stop
- ⇒ Cross in front of the bus
- ⇒ Leave the bus stop in an orderly manner

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**LEVEL I OFFENSES (Transportation)**

- A. Failure to Sit in Assigned Seat
- B. Eating / Drinking on Bus
- C. Deliberate Littering of paper, gum, etc.
- D. Excessive Noise and Outbursts
- E. Horseplay
- F. Failure to Remain Seated
- G. Riding Unauthorized Bus
- H. Spitting out of Window of Bus
- I. Aggressive Pushing and Shoving
- J. Use of Profanity
- K. Failure to Follow Directions or Orders

**GRADUATION CEREMONY**

Participation in graduation ceremonies is a privilege for graduating students at all levels.

Violations of school rules may result in the loss of privilege to participate in a school / district sponsored graduation ceremony.

The district reserves the right to deny graduation privileges to a student based upon the best interest of all students and school staff.





## *Guidelines for Progressive Discipline Plan*



- Progressive discipline of students is the increase of disciplinary consequences that range from least to most severe. All students should be issued consequences in this manner. Continued disregard for school rules is a key factor in the issuance of all consequences. Disciplinary action is also commensurate to the severity of the offense. (Refer to Sample Chart)
- Prior to a Required Parent Conference (RPC), the principal, or designee, may impose any of the following in school consequences/interventions: recess detention, lunch detention, after school detention, Saturday detention, referral to guidance, manifestation committee, school behavior contract, peer mediation, bus behavior contract, and student intervention team.
- Administrator Conference / RPC means either a student-administrator conference or a parent-administrator conference will take place.
- Every attempt will be made to contact a parent/guardian for each significant offense. Parents will receive written notification of all in school consequences, RPCs, suspensions, SIT and expulsion referrals.
- In School Suspension MAY be used in lieu of out of school suspension, where applicable.
- Suspensions may be assigned, at the discretion of the principal or designee, for a minimum of (1) day and a maximum of (10) school days, in accordance with the progressive discipline plan. Recommendations for behavior program placement or expulsion require formal due process procedures.
- If the administrator believes a crime may have been committed, law enforcement must be notified.
- For special education students, IEP behavior plans and modifications must follow state / federal laws.

IEP = Individual Education Plan

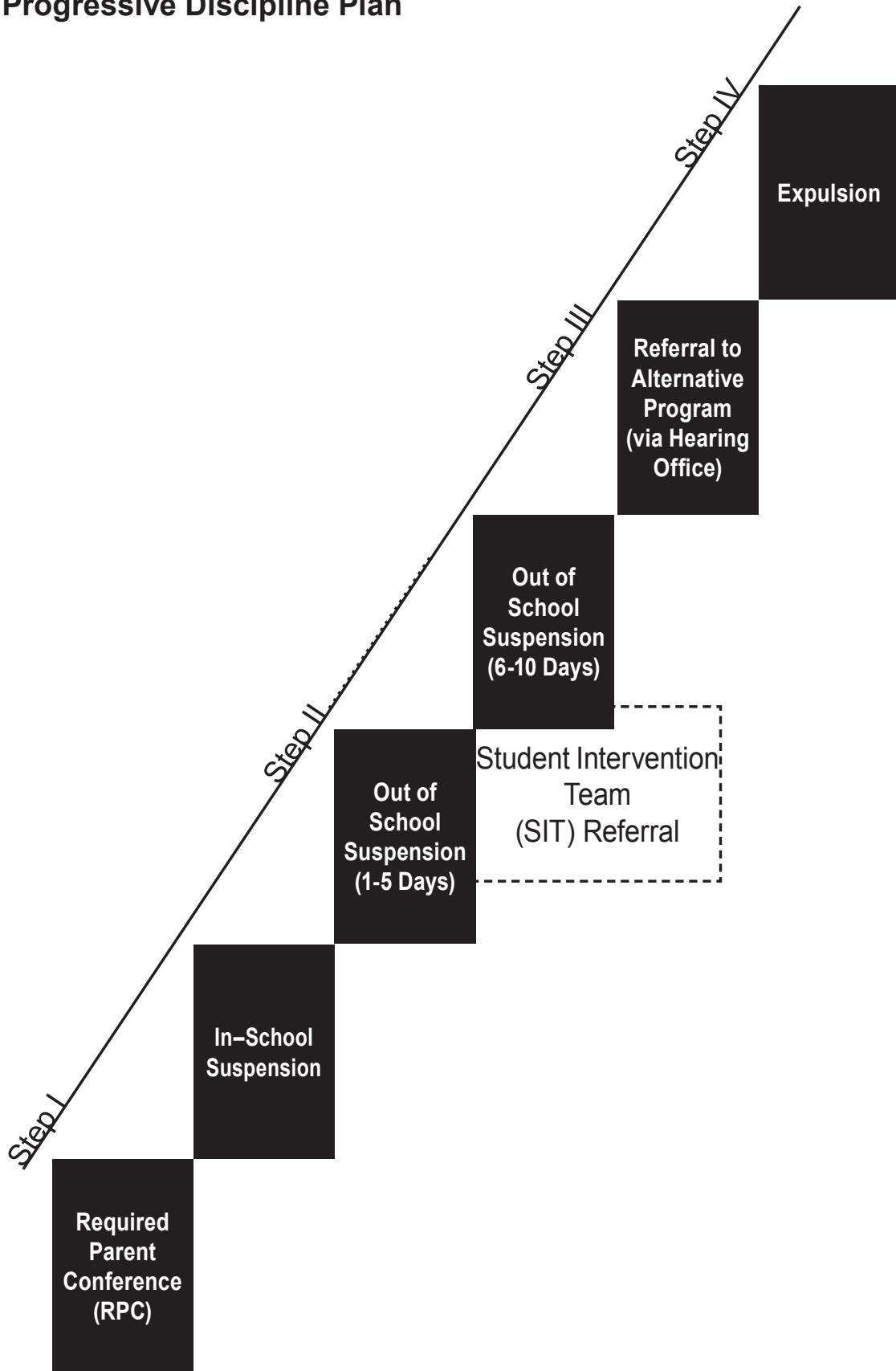
ISS = In School Suspension

RPC = Required Parent Conference

SIT = Student Intervention Team

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## Progressive Discipline Plan





All students, including special education students, are responsible for complying with the CODE OF CONDUCT. However, special education students who violate the CODE OF CONDUCT will be disciplined in accordance to the guidelines set forth under the Richland One Student Discipline Handbook and the Individuals with Disabilities Educational Act (I.D.E.A.)



Infraction	Step I Intervention/ Consequence	Step II Intervention/ Consequence	Step III Intervention/ Consequence	Step IV Intervention/ Consequence
<b>LEVEL III OFFENSES</b>				
A. Disruption of School/ School Bus <small>*Law Enforcement</small>	-----	-----	-----	RPC * Suspension Expulsion (i.e. school, bus)
B. Physical Assault on an Employee <small>*Law Enforcement</small>	-----	-----	-----	RPC * Suspension Expulsion (i.e. school, bus)
C. Sexual Assault <small>*Law Enforcement</small>	-----	-----	-----	RPC * Suspension Expulsion (i.e. school, bus)
D. Sale or Distribution <small>*Law Enforcement</small>	-----	-----	-----	RPC * Suspension Expulsion (i.e. school, bus)
E. Firearm or Bomb <small>*Law Enforcement</small>	-----	-----	-----	RPC * Suspension Expulsion (i.e. school, bus)









<b>Infraction</b>	<b>Step I</b> Intervention/Consequence	<b>Step II</b> Intervention/Consequence	<b>Step III</b> Intervention/Consequence	<b>Step IV</b> Intervention/Consequence
<b>LEVEL I OFFENSES (TRANSPORTATION)</b>				
A. Failure to Sit in Assigned Seat	Written Warning	RPC	RPC Loss of Bus Privileges	RPC Loss of Bus Privileges
B. Eating/Drinking on Bus	Written Warning	RPC	RPC Loss of Bus Privileges	RPC Loss of Bus Privileges
C. Littering	Written Warning	RPC	RPC Loss of Bus Privileges	RPC Loss of Bus Privileges
D. Excessive Noise and Outbursts	Written Warning	RPC	RPC Loss of Bus Privileges	RPC Loss of Bus Privileges
E. Horseplay	Written Warning	RPC	RPC Loss of Bus Privileges	RPC Loss of Bus Privileges
F. Failure to Remain Seated	Written Warning	RPC	RPC Loss of Bus Privileges	RPC Loss of Bus Privileges
G. Riding Unauthorized Bus	Written Warning	RPC	RPC Loss of Bus Privileges	RPC Loss of Bus Privileges
H. Spitting out of Window of Bus	Written Warning	RPC	RPC Loss of Bus Privileges	RPC Loss of Bus Privileges
I. Aggressive Pushing or Shoving	_____	_____	RPC Loss of Bus Privileges	RPC Loss of Bus Privileges
J. Use of Profanity	Written Warning	RPC	RPC Loss of Bus Privileges	RPC Loss of Bus Privileges
K. Failure to Follow Directions or Orders	Written Warning	RPC	RPC Loss of Bus Privileges	RPC Loss of Bus Privileges

\* Steps I and II will be handled by the Office of Transportation.  
 Steps III and IV will be handled by the school administration.



# Olympia Learning Center



Motto: Whatever my mind can conceive and believe, I will achieve.

Mission Statement: Olympia Learning Center will provide opportunities for students to reach their maximum potential through diverse and innovative academic, career, support, and life skills programs in an alternative setting using non-traditional and challenging approaches that foster collaboration among staff, parents, post secondary institutions, and community agencies.

The Olympia Learning Center is a full service learning facility that offers meaningful opportunities for students in grades six through twelve. Students who attend the Olympia Learning Center are students of “Choice” who prefer a non-traditional, innovative and personal school setting. Programs include:

## **Traditional Core Subjects**

- Computer Assisted Instruction
- Career and Personal Development
- Special Service Teaming
- Social/Character Education
- Service Learning Opportunities
- Evening Classes
- Work Study Programs
- Applied Academics (core subjects)

## **Daily Time Schedules**

Junior Success Program:

8:00 a.m.-3:30 p.m.

High School Program:

8:00 a.m.-3:30 p.m.

High Support Program:

8:00 a.m.-3:15 p.m.

Evening School:

4:30 p.m.-8:00 p.m.



## Section V Suspension Procedures



A student who is determined to have engaged in a major misbehavior, as presented in Section IV of this handbook, may be suspended. A student who is suspended out-of-school cannot attend school during daytime or at night, cannot ride a school bus, cannot be present at any school district facility or activity, and cannot participate in extracurricular activities.

### **SUMMARY SUSPENSION**

If the principal sees or is advised of any major student misbehavior and concludes the student should be removed from school immediately to restore order or to protect others at school, he may summarily suspend the student up to two (2) school days. In these cases, the principal does not have to investigate the matter first. By the end of the second school day following the summary suspension, however, the principal should investigate the matter and determine what, if any, additional suspension days, not to exceed a total of 10, are appropriate. Parents will be notified of the principal's decision.

If the principal determines that the student should not have been suspended, arrangements will be made for the student to make up any work missed while on suspension. The principal also will remove the reference to suspension from the student's record.

### **DUE PROCESS PROCEDURES FOR SUSPENSION**

#### **A. Informal Hearing Procedures**

The principal must attempt to inform the student personally of the charge(s). The student is given an explanation of the evidence. The principal has authority to decide whether the explanation should identify witnesses. The student is given a reasonable opportunity to state his/her position.

#### **B. Administrator's Decision of Facts**

After weighing the evidence, the principal determines if the charge is supported by the evidence and the appropriate disciplinary action is taken in accordance with Richland District One policies and guidelines and professional judgment.

### **GENERAL PROCEDURES FOR SUSPENSION**

#### **A. Effective Time of Suspension**

Suspension becomes effective after the informal suspension hearing and notification of the parent or at the end of the school day.

#### **B. Notification of Suspension**

When a student is suspended, the principal will attempt to contact the parents to request that they pick up the student from school. If a parent



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cannot come for the student, the school may take the student home as long as a parent is at the residence to take charge of him. If the principal cannot reach the parent, the student must stay at school until the end of the school day. It is the responsibility of the parent to update the school regarding telephone numbers and any change in pertinent information.

A letter of suspension is presented to the student and mailed to the parents advising them of (1) the date and specific reasons for the suspension; (2) the appeal procedures; (3) the length of the suspension; and (4) the time and place he will be available to meet with them for a conference. The conference should be held not more than two school days after the day of the suspension and, if possible, before the student is to return to school.

During a period of suspension, a student may neither participate in any school-related activity nor be present on any school-owned property without prior authorization of the principal.

In any disciplinary incident in which bus safety is a concern, a student may be temporarily removed from the bus pending the result of a full investigation. Investigations will normally be completed within three school days. No student will be suspended from riding a school bus or other school vehicle until direct contact is made with the student's parent/legal guardian.

**C. Homework During Suspension**

To ensure continuation of learning, suspended students are expected to complete schoolwork. All suspended students will be given assignments during the period of suspension.

**D. Loss of Bus Riding Privilege**

During the time of a school bus suspension, parents are responsible for transporting the student. Students are expected to attend school.

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## **APPEAL PROCEDURE**

### **A. Request for Suspension Appeal**

If, after a conference with the principal, the parents believe the student's suspension was unjustified, an appeal of the suspension may be made to the Hearing Office. To request an appeal, the parents must write a letter to the hearing officer within three (3) calendar days after the principal's conference advising the hearing officer why it is believed the suspension was unfair. All out-of-school suspensions under 5 days may not be appealed beyond the school level unless the suspension was initially given by the principal. There is NO appeal beyond the school level for detentions, in-school suspensions or lesser consequences.

### **B. Request for Transfer Revocation Appeal**

A student's transfer may be recommended for revocation by the principal for repeated consequential violations of the Student Discipline Code, the submission of incorrect information and employee separation from the district. The principal will notify the parents of the recommendation and the right to appeal to the Hearing Office. Students may not be returned to their zoned schools before the ten (10) day appeal ends. The appeal must be made within ten (10) days. During the appeal, the student is to remain at the school to which he/she was transferred. The decision of the Hearing Office is final.

### **C. Hearing Process**

1. The student shall have an opportunity for a hearing which is conducted by the hearing officer.
2. The Hearing Office shall provide written notice to the parent of the time, date, location and purpose of the hearing by registered or certified mail.
3. The appeal will be conducted as an informal hearing. The principal, parents, and student may be present, and neither side may be represented by an attorney at this proceeding.
4. The hearing officer will allow the parties to clearly explain their respective points of view and to submit whatever evidence they have available that is relevant to the suspension.
5. The hearing officer's decision shall be final and rendered in writing to the parents, principal, and executive director of elementary or secondary education within 5 school days.



## Section VI Expulsion Procedures



### **LIMITS TO SUSPENSION**

A student may not be suspended for more than a total of 30 school days in one school year, and special needs students with an I.E.P. may not be suspended for more than 10 school days in one year. A principal may not suspend a student from school during the last 10 days of the school year if the suspension would result in the loss of course credit, unless the appropriate executive director approves, or if the student is an actual threat to the class or school, or a hearing (conducted by the chief academic officer, executive director of elementary or secondary education, and ombudsman) is granted by the end of the next school day following the suspension.

**Expulsion** is the most severe punishment a school system may use. In certain cases, the Board may permanently expel a student. For example, a student who is determined to have brought a firearm to school, as defined in Section §59-63-235 of South Carolina's Code of Laws, shall be expelled for a period of not less than one calendar year (365 days). Expelled students may not enroll in or attend any educational program operated by the school district.

**Expelled with an alternative** is the second most serious form of punishment used in Richland One. In these cases, due to major misconduct, students are "expelled" from attending their assigned schools; however, they may be offered the opportunity to attend an alternative school or program.

### **DUE PROCESS**

If a principal investigates a report of student misbehavior as outlined in Section IV and decides to recommend expulsion, he should:

1. Suspend the student for not more than 10 days and in accordance to Progressive Discipline Plan.
2. Notify parents of the recommendation for (expulsion).
3. Schedule an expulsion hearing with the Hearing Office.
4. Inform the student facing expulsion that he may not ride a school vehicle or attend classes (or school, if deemed necessary) during the period of time the Hearing Office is considering the principal's recommendation.

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NOTE: The Hearing Office may grant a parent's request to have a hearing rescheduled; however, if granted, the student may remain on out-of-school suspension until the case is heard. Schools, on the contrary, will not be allowed to reschedule cases.

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### **HEARING PROCESS**

Upon receipt of the recommendation from the school, the Hearing Office will schedule a hearing to be held within 10 school days.

### **CONDITIONS FOR EXPULSION**

1. A student may not receive course credit for the semester and/or year in which the expulsion occurs.
2. Expelled students may be readmitted to a Richland One school after submitting a request to the hearing officer at least 30 calendar days before the beginning of the school year or the semester, as the case may be.
3. A student with a disabling condition may be expelled for engaging in conduct that would warrant such action for a non-disabled student if the misconduct is not related to the disabling condition. The student, however, shall continue to receive an appropriate part of his special education program in an alternative setting.

### **CONDITIONS FOR EXPULSION WITH ALTERNATIVE PLACEMENT**

1. A student may receive course credit while enrolled in an alternative school or program.
2. Students expelled with an alternative may be readmitted to a Richland One school after the period of expulsion.
3. A student with a disabling condition may be expelled with an alternative for engaging in conduct that would warrant such action for a non-disabled student if the misconduct is not related to the disabling condition. The student, however, shall continue to receive an appropriate part of his special education program in an alternative setting.



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## **REINSTATEMENT PROCEDURES**

### **A. Students Returning from the Department of Juvenile Justice**

All students returning or entering the district from the Department of Juvenile Justice (or any comparable correctional facility) must report to the Hearing Office for appropriate placement. After reviewing the student's records and conferring with appropriate staff, the hearing officer will make a decision from among the following options:

1. Allow the student to return to the school in his attendance zone.
2. Place the student in an alternative program.
3. Deny the student admission into the district.

Reinstatements are "conditional" pending receipt of all official student records.

### **B. Expelled Student's Return to School**

All students who have been expelled must submit a written request to the Hearing Office in order to return to school. This request must be made at least 30 calendar days before the beginning of the school year or the second semester, as the case may be. The request must state, in detail, why the student should be allowed to return to school.

All students returning from expulsion shall be placed on probation for a one-year period, the terms of which will be drawn up in a probation contract.

### **C. Alternative Placement Student's Return to School**

All students who have been placed on expelled with alternative status will be eligible to return to their zone school at the successful conclusion of the academic year in which the sanction was imposed by the Hearing Office.



## *Section VII*

### *Permanent Expulsion*



#### **APPEAL PROCESS**

The decision of the hearing officer may be appealed to the school board, if a written notice of appeal is made to the superintendent within 15 days of notification of the hearing officer's decision. An appeal will be limited to the established record, and no new testimony will be allowed.

If the board denies a request to return to school, the student may submit another request for the following year.

#### **PERMANENT EXPULSION**

The school board may permanently expel any incorrigible student. The word "incorrigible" is given the broadest possible meaning and is not limited to violent behavior. The incorrigible misbehavior need not be a continual pattern of activity, because one serious offense which threatens the safety and general order of the school, its students, and personnel will suffice.

Examples of incorrigible misbehavior include, but are not limited to, the following:

- Carrying a loaded or an unloaded gun
- Dealing drugs
- Committing a sexual assault on the school premises
- Assault on an employee of the district
- Severely or mortally wounding another student, employee or visitor

Due process proceedings will be provided for the student in determining if the misconduct has occurred (in accordance with procedures for expulsion), and the ultimate administrative decision regarding permanent expulsion will lie with the school board. (S.C. Codes Ann. §59-63-240; §59-63-210)



## *Section VIII*

### *Discipline of Students with Disabilities*



When a child with a disability violates an LEA's code of conduct, that behavior could result in suspension or expulsion. Such removals from school are subject to the disciplinary provisions of special education law. Therefore, LEA officials must consider suspension and expulsion for children with disabilities very carefully.

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Note: Students protected under the Individuals with Disabilities Education Act (IDEA) are referred to as "disabled," and students protected under Section 504 of the Vocational Rehabilitation Act of 1973 are referred to as "handicapped."

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The IDEA allows the parents of a child who has not been determined eligible for special education and related services to assert IDEA protections, including the use of due process, in circumstances when the LEA had knowledge that the child was a child with a disability before the occurrence of the behavior that caused the disciplinary action. (34 CFR § 300.534(a))

#### **A. Suspension**

A student with a disability or handicap may not be suspended for more than 10 cumulative school days in a school year. .

#### **B. Expulsion**

A student with a disability under IDEA or handicap under Section 504 shall not be expelled unless an IEP or a 504 school-based team of professionals, who have knowledge of the student and the handicapping condition, meets to first determine that the behavior is not a manifestation of the student's disability/handicap. In such cases, if an expulsion sanction is imposed, the district is obligated to provide an educational program for students with disabilities as defined in the Special Education Process Guide for South Carolina. A student with a disability may be removed by school/district administrators to an interim alternative education setting for 45 school days for drugs, weapons, and serious bodily injury offenses. The district is not obligated to provide services in an alternative program for Section 504 students.

When the issue is suspension or expulsion, the law has special provisions which sometimes require LEAs to treat children with disabilities differently than other children. The South Carolina special education laws and regulations contain provisions that parallel federal suspension and expulsion requirements.

Richland School District One follows the provisions as outlined in the South Carolina State Department of Education, Office of Exceptional Children's guide entitled Special Education Process Guide for South Carolina (Revised March 20, 2013). This guide is posted on Richland School District One's website under the Special Education department page.



## Section IX Attendance & Truancy



### A. Attendance

Each student is expected to attend all scheduled classes and activities every day he is present at school, except when excused. A student who reports to his assigned school but fails to attend all scheduled classes and activities, except when excused by a teacher or administrator, is subject to discipline under Section IV, Level I-(D), "Class Cutting."

### B. Absences

A student between the ages of 5 and 17 who is absent from school without the permission of his parents or, when required, without the approval of the principal, is considered unexcused and truant. Such a student is in violation of South Carolina Compulsory School Attendance Laws.

### C. Filing Truancy Petitions

When a student has three unexcused absences in a row or a total of 5 unexcused absences at any point in the school year, the student is truant by law and the following steps shall be taken by the principal or his/her designee:

1. Notify the parents in writing, to report to the school to complete an Attendance Intervention Plan as mandated by law. Failure to follow the Attendance Intervention Plan will result in the parent being notified via certified mail that a petition is being filed in Richland County Family Court.
2. The petition must be completely filled out, signed by the principal and properly notarized.
3. Attach a copy of the student's Attendance Intervention Plan, discipline records, grades, attendance and staff affidavits.
4. The Office of the Solicitor of the Fifth Judicial Circuit Court should be sent the original petition, three copies of the petition and all attachments.

### D. Filing Contempt of Court Affidavits

If it is determined that a student or his parent has violated a court order to attend school, the following steps shall be taken by the principal:

1. File with the Solicitor's Office an affidavit charging the parents with contempt of court, signed by the principal and properly notarized.
2. Attach an up-to-date certified copy of the student's discipline records, grades and attendance card signed by the principal.



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**E. Granting High School Credits**

A high school student (grades 9-12) who attends a class less than 85 days in a semester course or 170 days in a yearly course cannot receive credit in the class unless the principal approves each additional absence.

The principal's decision can be appealed to the Hearing Officer. This appeal must be in writing and filed with the Hearing Office within four working days after the last day of the semester or year. After reviewing the appeals information, the Hearing Officer may conduct an appeal review in consultation with the Executive Director of Curriculum and Instruction, Executive Director of Elementary or Secondary Education.

The Hearing Officer's decision shall be final and mailed to the student's parents.



## Section X

### *Acceptable Use of Information Systems*



#### **STATEMENT OF INTENT**

The purpose of this section is to educate students of Richland One to the uses, regulations and limits of access to the digital learning environment and ensure proper understanding and compliance. Richland School District One provides a digital learning environment to enhance educational experiences. Access to electronic and web-based resources is available through classrooms, media centers, computer labs, personal and district issued devices. Through active learning experiences, students are expected to develop appropriate information literacy skills to ensure effective use of the wide variety of tools available through the network. As a network user, students are required to participate in Acceptable Use Policy training and always follow these important practices.

E-mail accounts are available to students in grades 3-12 unless denied by parents/guardians. All information created or stored using district resources are property of the district. Policy IJNDB and this Administrative Rule outlines the district's intent, expectations, users' responsibilities and penalties regarding the network and its associated components.

Compliance with this policy is mandatory and includes access and use of all peripheral devices for printing, storing, archiving and duplicating information regardless of location.

Use of the digital environment carries a limited privacy expectation for all activities and files by all users. Parents have the right at any time to request in writing to see the contents of their student's e-mail and stored files.

Be aware that personal files are discoverable under the State of South Carolina Freedom of Information Act. Richland One has the right to place restrictions on the material accessed or posted through the system.

Access to and use of the district system is provided as a privilege, not a right. All violations of the Acceptable Use Policy and Administrative Rule and related policies including BYOD will be investigated and will result in one or more of the following consequences:

- Limiting, suspending or canceling use and access to the system
- Applying penalties in accordance with the Discipline Code
- Levying fines and payments for damages, repairs and hardware replacement
- Application of civil or criminal liability under other applicable laws
- Expulsion

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### **ACCEPTABLE USES**

Student use of the digital environment is limited to educational purposes, which includes classroom activities, career development, completing applications to colleges and universities, and other high-quality discovery activities as determined by the school district. Non-classroom activities, such as using e-mail to communicate with prospective colleges or universities, will at no time take precedence over class work. Following the “Discipline Code” regarding free speech and other forms of digital communication, student should be mindful that their speech may be restricted by the district. Acceptable uses include the following:

- Using district resources and district and/or personal devices appropriately and responsibly;
- Checking e-mail frequently, deleting messages promptly, and staying within your e-mail quota, being aware that e-mail may be deleted by system administrators at any time;
- Subscribing only to focused forums authorized by the teacher that are relevant to your education or career development; and
- Notifying a teacher or the system administrator immediately if you have identified a possible security problem.

### **PROHIBITED USES**

Students who violate the terms of the Acceptable Use Policy or otherwise misuse the technology resources provided, will be subjected to disciplinary action for a Level 2 Offense, as outlined in Section IV-I (Other Unlawful Activities) of the Richland One Discipline Code. Specific prohibitions include:

- Contacting and interacting in inappropriate ways including cyber bullying in communications and online contacts. This includes all forms of internet communication including social networking and messaging;
- Using e-mail account for commercial, political and/or personal use other than contacting a parent/guardian for school-related or emergency purposes;
- Posting chain letters or engaging in spamming;
- Posting personal contact information about yourself or other people (name, address, telephone, address);
- Agreeing to meet with someone you have met online without parent’s/guardian’s approval;
- Attempting to gain unauthorized access to the system or performing unauthorized functions;
- Accessing another person’s files;
- Deliberately attempting to disrupt the information system, destroying data, or spreading viruses;

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- Engaging in other illegal acts such as digitally arranging for a drug sale or the purchase of alcohol, engaging in criminal activity, threatening the safety of a person in an intention or joking manner;
  - Sharing account information, IDs, and passwords with others;
  - Downloading or running executable files attached to e-mail or using portable data storage devices which contain viruses or in any other way knowingly spread computer viruses;
  - Using, storing, receiving, distributing, or posting obscene, profane, lewd, pornographic, vulgar, rude, defamatory, false, inflammatory, threatening, disrespectful, prejudicial, discriminatory, harassing or gang-related language or symbols in public, private or third party messages, stored files or material posted on web pages, emails, or other communications; and
  - Reposting content that was sent to you privately without the author's permission or other activity of the digital environment that causes a disruption.

#### **DISCLAIMER OF LIABILITY**

The district makes no warranties of any kind, either expressed or implied, that the functions of the services provided by or through the district system will be error-free or without defect. The district will not be liable for the users' inappropriate use of the district's electronic communication resources or violations of copyright restrictions, users' mistakes or negligence, or costs incurred by users. The district will not be responsible for ensuring the accuracy or usability of any information found on the Internet.

#### **Parental Notification and Responsibility**

- The district will notify parents/guardians about the district digital environment, related safety issues and issues governing its internet through a general letter to all parents. Parental permission is not required for use of the internet, but parents will be notified that they have the right to file a Parent/Guardian Denial Form available from the school principal if they do not want their children to have access to internet resources. A parent/guardian may request in writing alternative activities for their child(ren) that do not require internet access with the understanding that such a request limits student opportunity and academic involvement.
- If a child has been denied access to the internet by a parent/guardian, then the parent/guardian must communicate to the child that he/she is to be restricted and is to discuss alternative activities with the teacher when instruction requires use of the internet. It is incumbent upon the student to respect his/her par-



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- ent's/guardian's decision regarding denial to internet resources.
- A parent/guardian must sign an agreement to allow their child to have an individual e-mail.
  - A parent/guardian may request in writing at any time the right to see the contents of the child(ren)'s individual e-mail and stored files. Parents/guardians have the right to request in writing the termination of their child(ren)'s individual account at any time.
  - The district Acceptable Use Policy contains restrictions on accessing inappropriate material. There is a wide range of material available on the internet, some of which may not be fitting with the particular values of the families of the students. It is not possible for the district to monitor and enforce a wide range of social values in student use of the internet. Further, the district recognizes that parents/guardians bear primary responsibility for transmitting their particular set of family values to their children. The district will encourage parents/guardians to specify to their child(ren) what material is and is not acceptable for their child(ren) to access through the district system.

This policy, administrative rule and its supporting forms may be accessed via the internet from the district's website.



## *Section XI*

### *Distributing Written Material*



Students may not distribute written materials to other students at school unless the material was produced at school with the guidance and permission of school officials, or the principal has given prior written permission for the handout.

#### **APPEAL PROCESS**

- If the principal denies the student's request for distribution, it may be appealed through the student complaint policy (see Policy JII in Section XII).
- If a student fails to follow rules for distributing material, he may be subject to disciplinary action under Section IV, Level II-(D) (Other Unlawful Activities).



## *Section XII*

### *Selected Board Policy Information*



1. **IJNDB (Acceptable Use of Information Systems)**
2. **JFABC (Student Assignments and Transfers)**
3. **JIAA (Student Sexual Discrimination and Harassment)**
4. **JICA (Student Dress Code)**
5. **JICFAA (HARASSMENT, INTIMIDATION OR BULLYING)**
6. **JICI (Weapons in Schools)**
7. **JICK (Student Behavior During Testing)**
8. **JII (Student Concerns, Complaints and Grievances)**
9. **JKA (Corporal Punishment)**
10. **JKD (Suspension of Students)**
11. **JKE (Expulsion of Students)**

All policies and administrative rules may be accessed via the Internet from the district's website: [www.richlandone.org](http://www.richlandone.org)



## Section XIII



*Selections from S.C. Code of Laws and Regulations*

1. **Section 16-3-1040.** Threatening life, person or family of official or public employee; punishment.
2. **Section 16-7-170.** Entering public building for purpose of destroying records or other property.
3. **Section 16-17-420.** Disturbing Schools; summary court jurisdiction.
4. **Section 16-23-420.** Possession of firearm on school property, concealed weapons.
5. **Section 16-23-430,** Carrying weapon on school property; concealed weapons.
6. **Section 44-53-445.** Distribution of controlled substance proximity of school.
7. **Section 59-63-210.** Grounds for which trustees may expel, suspend or transfer pupils; petition for readmission; expulsion, suspension, or transfer.
8. **Section 59-63-217.** Barring enrollment of student; grounds; notice and hearing; duration of bar.
9. **Section 59-63-220.** Suspension of pupils by administrator.
10. **Section 59-63-230.** Notices of suspensions; conferences with parents or guardian.
11. **Section 56-63-235.** Expulsion of students determined to have brought firearm to school.
12. **Section 59-63-240.** Expulsion for remainder of year; hearings.
13. **Section 59-63-250.** Transfer of pupils.
14. **Section 59-63-260.** Corporal punishment.
15. **Section 59-63-280.** Paging device: defined; adoption of policies addressing student possession.
16. **Section 59-63-1110.** Consent to search person or his effects.
17. **Section 59-63-1120.** Searches by school administrators or officials with or without probable cause.
18. **Section 59-63-1130.** Searches by principals or their designees.



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- 19. Section 59-63-1140.** Strip searched prohibited.
- 20. Section 59-63-1300.** Alternative school programs established.
- 21. Section 59-63-1320.** Referral or placement of students in alternative school programs.
- 22. Section 59-65-50.** Non attendance reported to court having jurisdiction of juveniles.
- 23. Section 59-65-60.** Procedures upon receipt by court of report of non attendance.
- 24. Section 59-65-80.** Enrollment or attendance of expelled or suspended child not authorized.
- 25. Section 59-67-240.** Other duties of driver; discipline of pupils for misconduct.
- 26. Section 59-67-245.** Interference with operation of school bus; penalties.
- 27. Section 63-19-2440.** Beer and wine purchase, consumption or possession.

**R43-273** Transfers and withdrawals

**R43-274** Student attendance

**R43-274.1** At-risk students

**R43-279** Minimum Standards of Student Conduct and Disciplinary Enforcement Procedures to be Implemented by Local School Districts.

## **R-Regulations**

**S.C. Code of Laws and Regulations may be accessed via the Internet from [www.scstatehouse.gov/code/statmast.php](http://www.scstatehouse.gov/code/statmast.php)**



## Section XIV

### Glossary



**ALTERNATIVE PROGRAM.** An educational and rehabilitative program to provide an alternative for students having difficulty in a traditional school setting or facing expulsion.

**ARSON.** By means of fire, cause harm to property or any person or participate in or enable the burning of property of any person.

**BATTERY.** Use of excessive force causing bodily harm to another person. (Level 3)

**BOGUS DRUG.** Any substance represented to be a drug or alcohol. (Level 2)

**BOMB THREAT.** Reporting to school, police, or fire officials the presence of a bomb on or near school property without reasonable belief that a bomb is present on school property.

**BULLYING.** Bullying is defined as a gesture, electronic communication, or a written, verbal, physical or sexual act that is reasonably perceived to have the effect of: 1) harming a student physically or emotionally or damaging a student's property, or placing a student in reasonable fear or personal harm or property damage: or 2) insulting or demeaning a student or group of students causing substantial disruption in, or substantial interference with the orderly operation of school. Bullying may also be referred to as harassment or intimidation.

**BURGLARY.** Unauthorized entry into a building that involves a theft.

**CONFERENCE.** A meeting which may involve the student, parent, counselor, and support, transportation or administrative personnel.

**CYBERBULLYING.** The use of electronic information and communication devices such as e-mail, instant messages, mobile phones, pagers, message boards, chat rooms, and defamatory websites to bully or otherwise harass an individual or group through personal attaches or other means.

**DETENTION.** Keeping a student before or after regular school hours for a reasonable time or detaining a student during school hours, such as lunch time.

**DISTRICT-LEVEL SANCTION.** One of five forms of punishment along a continuum that the hearing officer may impose for violations of Level 2 Offenses.

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**DRESS CODE.** A student will maintain personal attire and grooming standards that promote safety, health, and acceptable standards of social conduct, and are not disruptive to the educational environment. Examples include but are not limited to gang colors, bandanas or gang clothing, to include student clothing that materially and substantially disrupts classes or other school activities.

**DRUG PARAPHERNALIA.** Any instrument, device, article or contrivance used, designed for use, or intended for use in ingesting, smoking, administering, or preparing marijuana, hashish, crack or cocaine.

**ELECTRONIC DEVICES.** A student who uses a paging device will have the device confiscated. The student's parent/legal guardian may pick up the confiscated device from the school following the first offense. The parent/legal guardian may pick up the paging device for a second and/or all other offenses at the end of the school year. All confiscated paging devices will be maintained at the school site until they are returned. Schools will not be responsible for lost, stolen or damaged paging devices.

**EXPEL WITH ALTERNATIVE.** Long-term suspension from a traditional school setting for a major rule violation that could result in an alternative placement for a period of 11 to 180 school days.

**EXPLOSIVES.** Substances that burst forth, usually with a great deal of noise, such as fireworks, firecrackers, cherry bombs, etc. No one will possess, handle, transmit, conceal, nor use any explosive device or substance that can be used as an explosive.

**EXPULSION.** The temporary (eleven to 180 school days) or permanent revocation of a student's right to attend public schools.

**EXTORTION.** Forcing another to act against his will; taking property from a person by force or threat of force.

**FELONY.** A crime, such as rape, murder, or burglary, considered more serious than a misdemeanor and punishable by a stronger sentence.

**FIGHTING.** The exchange of mutual, physical contact, with or without injury. Without clear and convincing evidence that a participant attempted to avoid the confrontation, all parties will be disciplined.

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**GANG-RELATED BEHAVIOR.** Participation in any activity that serves to advertise or promote gang activity, including (but not limited to) wearing and displaying jewelry, clothing, signs, or other indications of a gang.

**INDIVIDUAL ACCOMMODATION PLAN.** Refers to a federally- mandated plan of strategies or accommodations that is written by a school-based team of educators to address adjustments that are needed in the regular classroom setting to meet the instructional needs of a student with an identified Section 504 handicapping condition.

**IN-SCHOOL SUSPENSION.** To remove a student from his regular class schedule for a designated time; student is under adult supervision in a specific room within the building.

**INTERIM EDUCATIONAL PLACEMENT.** A temporary school, alternative program, site or classroom assignment made by the hearing officer while a student is completing a rehabilitative or counseling program for drug/ alcohol use or possession.

**LITTERING.** Throwing or scattering debris in improper locations.

**MANIFESTATION REVIEW.** A meeting to determine whether a child's misconduct is a manifestation of his handicap or disability.

**MULTI-DISCIPLINARY COMMITTEE.** A school-based team that determines whether a student's misbehavior is related to his handicap or disability.

**OUT-OF-SCHOOL SUSPENSION.** A student may not attend school or school-sponsored activities for a period of up to ten days and is not permitted to ride a school bus or participate in extracurricular activities during this time.

**PROBATION CONTRACT.** A behavioral contract developed by and monitored through the Hearing Office that outlines the terms under which a student facing, or reinstated from, expulsion is allowed to return to school.

**REPLICA GUN.** A device which appears to be an operable firearm and is presented as being a real gun, but lacks the ability to expel a projectile. Replica guns do not include obvious toy weapons.



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**RESTITUTION.** Repair or replacement of property, or to pay a reasonable cost of repair or replacement.

**SECTION 504.** Refers to any individual under this 1973 federal law who has a physical or mental impairment which substantially limits one or more of such person's major life activities, has a record of such impairment, or is regarded as having such an impairment. (An example would be a medical diagnosis of Attention Deficit Disorder).

**SEXUAL HARASSMENT.** Unwelcome sexual advances, requests for sexual favors, sexually motivated contact or other verbal or physical conduct or communication of a sexual nature. May include, but is not limited to: subtle pressure for sexual activity, inappropriate patting or pinching, intentional brushing against another's body.

**STUDENT INTERVENTION TEAM.** A school-based team consisting of at least two teachers, a counselor, an administrator, a social worker and/or school psychologist that convenes to discuss issues (and make recommendations) related to a student.

**THEFT.** Taking property belonging to an individual or the school without permission, such as removing items from another's book bag or locker.

**TRESPASSING.** Entering any school facility or onto school property/bus without proper authority, including any school entry during a period of suspension or expulsion. (Level 2) (Level I Transportation)

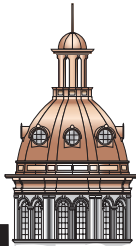
**UNRULY.** A student whose behavior is hard to manage and control.

**VANDALISM.** Intentionally or recklessly causing damage to or defacing school or property of others, or such action causing disruption to the educational process and/or school activities.

**WEAPON.** Any device intended to cause injury or bodily harm; any device used in a threatening manner that could cause bodily harm or injury, or any device that is primarily used for self-protection because of its potential to cause bodily harm or injury. Weapons include, but are not limited to, any type of knife, any type of firearm, any type of replica or look-alike firearm, BB guns, chains, razors, clubs, mace or other chemicals or gas, etc.

**ZERO TOLERANCE.** Behaviors that constitute safety violations and/or criminal conduct and punishable by a referral to the Hearing Office with a recommendation for expulsion.





# **Richland One**

**South Carolina's Capital Schools**

[www.richlandone.org](http://www.richlandone.org)

**Hearing Office**

**1310 Lyon Street**

**Columbia, SC 29204**

**Office: (803) 231-6926**

**Fax: (803) 733-6218**

# **EXHIBIT**

## **C.3**



# Student Behavior Code

## 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



In addition to discipline at school, a student is subject to disciplinary action, including suspension and/or expulsion, for misconduct away from school if the school administration determines the student's presence to be detrimental to the best interest of the school.

- 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 Student 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.

**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 circumstance, and totality of the incident.

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.

A person who finds a student in possession or use of a paging device in violation of this policy must report the student to the school principal. The principal or his/her designee must confiscate the device. The device will be returned to the student’s parent/legal guardian according to the terms set forth below. Confiscated cell phones must be returned to a parent/legal guardian prior to the end of the school year. A student who violates this policy regarding use and possession of paging devices is subject to discipline as follows:

**First offense** – confiscation of the paging device or mobile telephone and after a conference held the next school day with the parent/legal guardian, the paging device or mobile telephone will be returned to the parent/legal guardian. The parent/legal guardian must sign an agreement acknowledging their understanding of Board Policy JDCA and the penalties for subsequent violations.

**Second offense** - confiscation of the paging device or mobile telephone and after a conference with the parent/legal guardian, the paging device or mobile telephone will be returned to the parent/legal guardian 30 calendar days after the confiscation.

**Third and subsequent offenses** - confiscation of the paging device or mobile telephone and after a conference with the parent/legal guardian, the paging device or mobile telephone will be returned to the parent/legal guardian 60 calendar days after the confiscation.

**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.

**Missed Work**

Students who are suspended must make up missed work.



Parents can direct questions to INFOLine at 355-3100. Service representatives can answer questions about school assignment, attendance requirements, school calendar, student enrollment procedures, bus transportation, and other matters.

For further information call 355-3100 or log onto our website at [www.greenville.k12.sc.us](http://www.greenville.k12.sc.us).



## 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 and Administrative Rule JCDAG)

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:

- 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
- 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 report it to a school administrator. A report may also be filed by a student's parent. If an employee receives a report of harassment, intimidation, or bullying or observes any behavior which could amount to harassment, intimidation, or bullying, the employee must transmit the report 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 JCDAG)

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, should report the incident in accordance with JCDAG. A parent may also report suspected sexual harassment on behalf of his/her child. Students will not be subject to retaliation or reprisal for having reported sexual harassment.

## 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.



Parents are encouraged to be active members of their school Parent-Teacher Association. PTAs meet specified months per their school PTA by-laws:

- Elementary – 2nd Monday night
- Middle – 3rd Monday night
- High – 4th Monday night

*\*Call School for Schedule*



It is important that your child's emergency contact information is current. Please update information throughout the year.

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

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 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 C)

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 B)

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 or connects to the school district network with their personal device must review the Acceptable Use Rule (Board Rule EFE). This rule is available on the GCS website at [www.greenville.k12.sc.us/Departments/main.asp?titleid=etsaup](http://www.greenville.k12.sc.us/Departments/main.asp?titleid=etsaup).

## 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 JCDA F)

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.



## Transportation Rules

The School District of Greenville County must ensure that the bus ride to and from school is safe. All bus riders are required to follow bus safety rules at all times. Failure to do so will result in disciplinary sanctions, possibly including exclusion from the bus. Usual school disciplinary sanctions, such as suspension and expulsion, may also be imposed.

### Each bus rider is expected to:

- follow the driver's directions,
- sit in the assigned seat,
- keep hands, arms, legs, and objects to himself and inside the bus,
- refrain from cursing, name calling, gestures, or loud talking,
- refrain from pushing, shoving, or annoying other students,
- refrain from eating, drinking, chewing gum, or littering,
- obey all points of the Student Behavior Code.

Appropriate disciplinary action will be taken for incidents which involve severe offenses, such as: fighting, possession of weapons, drugs or alcohol, use of tobacco products, any action which endangers the safety of the driver and other students, or damage to the bus. Such action could involve a longer suspension from the bus or other sanction.

The bus supervisor and transportation officials have the authority to remove a student from the bus if the student becomes uncontrollable while on the bus. The student may not board the bus again until granted permission by the principal.

Buses are equipped with video surveillance equipment that is used to view student and employee conduct by transportation management staff, principals or their designee, and other appropriate district staff.

If a student damages a school bus, the student will be charged the assessed repair rate set by the State Department of Education. The student responsible for the damage will be suspended from riding the bus until restitution is made. Total restitution must be made or the bus privilege will be lost. Appropriate action for special needs students who violate bus rules will be taken by the principal and may involve other intervention as indicated by the student's Individual Education Plan (IEP) Committee or as required by law.

Students and parents should not attempt to discuss bus rule violations or suspension matters with the bus driver at a bus stop. Students who attempt to board the bus while suspended or adults who attempt to board or interfere with the operation of the bus, may be prosecuted under applicable South Carolina law.

The School District of Greenville County must safely transport all bus riders to and from school. Bus riders will be denied the privilege of riding the bus if their behavior is unacceptable or infringes on the rights of other bus riders. It will be the responsibility of the parent or guardian to see that the student is transported to school during this time.

School administrators review and respond to school bus discipline referrals. This brief summary provides an overview of school bus discipline guidelines. A complete copy of these guidelines can be found on the district's website under the Transportation Department at <http://www.greenville.k12.sc.us/gcsd/depts/trans/index.asp>.



Each year, bus transportation is provided for approximately 26,000 youngsters. School buses travel approximately six million miles each year, making the school system the state's largest transporter of school children.



# EXHIBIT

## C.4



## Richland School District Two • Back-2-School Handbook



*“Four Squares to Success”  
Learning, Character, Community, Joy*

**2015 - 2016**

JA 320

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## Welcome to the 2015-2016 school year!



As a 36-year veteran of the Richland School District Two family, it is my privilege to be your superintendent.

Richland Two has a strong history in providing excellent programs in academics, athletics and the arts. Students are at the heart of our work. By providing the opportunity to

learn in a variety of ways, offering a large array of academic and extra-curricular programs, and giving special support to students as they may need it, we provide the educational experiences students need to prepare for success in life.

Many of Richland Two's instructional and extracurricular programs have served as models for those developed in other districts. We offer an array of magnet programs from science and technology to leadership and entrepreneurial pursuits and more. We utilize the latest technology to support student learning, including a 1TWO1 student computing initiative for all students in grades 3-12.

We've added online fee payment options. Our student registration system has been centralized and made available online. Checking our district and school websites often for the latest information and news will help you stay informed and up-to-date. Reading and reviewing this handbook will help you learn more about our school district, its policies and procedures. ***Parents and students must acknowledge receipt of this handbook by signing the confirmation form and returning it to the student's advisory or homeroom teacher.*** It communicates to us that the parent/guardian and student have access to the handbook. If you need a hardcopy of the student handbook, please contact your child's school or the District Office at 803.738.3232.

More great things are ahead for Richland Two!

Sincerely yours,

Debra Hamm, Ph.D., Superintendent

**JA 321**



## Richland District Two 2015-2016 Calendar

### August 2015

- 18 Step-Up to Sixth (sixth-graders)  
Fresh Start (ninth-graders)
- 19 First day of school for students

### September 2015

- 7 Labor Day (District holiday)
- 24 Early release day for elementary (11:30 a.m.)  
and middle (10:45 a.m.) for parent/teacher  
conferences

### October 2015

- 21 Early release day elementary and middle  
End of first nine weeks
- 22 Student holiday/teacher workday  
(District inservice)
- 23 District holiday (245+ employee work day)
- 26-30 Report cards issued

### November 2015

- 25-27 Thanksgiving Break (District holidays)

### December 2015

- 21 Winter Break begins (District holidays)

### January 2016

- 1 Winter Break ends
- 4 Student holiday/teacher workday
- 14 Half-day for all students  
End of second nine weeks
- 15 Student holiday/teacher workday
- 18 Martin Luther King Jr. Day (District holiday)
- 19-22 Report cards issued

### February 2016

- 12 Early release day elementary and middle
- 15 Presidents Day (District holiday) or  
inclement weather make-up day

### March 2016

- 22 End of third nine weeks
- 24 Early release day elementary and middle
- 25 Student holiday/teacher workday or  
inclement weather make-up day
- 28 Spring Break begins (holidays)

### April 2016

- 1 Spring Break ends
- 4-8 Report cards issued
- 28 Early Release day elementary and middle
- 29 District holiday or inclement weather  
make-up day (245+ day employee work day)

### May 2016

- 30 Memorial Day (District holiday)

### June 2016

- 2-3 Half-days for all students
- 3 Last day of school for students/end of  
fourth nine weeks/report cards distributed  
or mailed
- 4 All teachers workday

\*Five Early Release Days are included in this year's calendar. Teachers use these days for professional learning to collaborate with colleagues on various educational topics. Middle schools and centers will dismiss at 10:45 a.m. Elementary schools and centers will dismiss at 11:30 a.m.

**All Dates Are Subject To Change**



## Board of Trustees Meeting Schedule

August 11, 2015	Polo Road Elementary
<b>August 25, 2015</b>	<b>Blythewood High</b>
September 8, 2015	Polo Road Elementary
<b>September 29, 2015</b>	<b>Spring Valley High</b>
October 13, 2015	Polo Road Elementary
<b>October 27, 2015</b>	<b>Muller Road Middle</b>
November 10, 2015	Polo Road Elementary
<b>December 8, 2015</b>	<b>District Auditorium</b>
<b>(Hosting Schools Anna Boyd and Blythewood Academy)</b>	
January 12, 2016	Polo Road Elementary
<b>January 26, 2016</b>	<b>Dent Middle</b>
February 9, 2016	Polo Road Elementary
<b>February 23, 2016</b>	<b>Catawba Trail Elementary</b>
March 8, 2016	Polo Road Elementary
<b>March 22, 2016</b>	<b>Bridge Creek Elementary</b>
April 12, 2016	Polo Road Elementary
<b>April 26, 2016</b>	<b>North Springs Elementary</b>
May 10, 2016	Polo Road Elementary
<b>May 24, 2016</b>	<b>Polo Road Elementary</b>
June 14, 2016	Polo Road Elementary
<b>June 28, 2016</b>	<b>Polo Road Elementary</b>

**ALL DATES, LOCATIONS AND TIMES ARE SUBJECT TO CHANGE. CONTACT THE DEPARTMENT OF COMMUNICATIONS AND STRATEGIC PARTNERSHIPS FOR BOARD MEETING LOGISTICS, 738.3210.**

The School Board generally meets twice monthly on the second and fourth Tuesdays at 7 p.m. Meetings are held at various district schools. Occasionally holidays or other schedule conflicts require a change in Board meeting dates. Special meetings are called as needed to take action to meet a deadline, to deal with an emergency or to discuss a particularly complex or urgent matter. Meetings convene at 5:30 p.m. and immediately move into executive session. The public session begins at 7 p.m. An agenda is posted on the district's website, as well as the entrances to the hosting school and district office at least 24 hours prior to each meeting.

School Board meetings are videotaped and aired on Richland Two Television (R2TV) on Monday, Wednesday, Friday and Saturday at 9 a.m. and 7 p.m. The meetings can also be viewed on the district's YouTube page.

School Board members encourage you to stay informed about education issues and to attend Board meetings regularly. Please check the School Board page on the district's website for the Board's newsletter and a list of frequently asked questions that will aid you in participating in School Board meetings.



*The Honorable Amelia B. McKie, Secretary; Cheryl Caution-Parker, Ed.D., James Manning, Chair; Calvin "Chip" Jackson, Susan Brill, Vice-Chair; Monica Elkins-Johnson, Ed.D., Craig Plank*

## Family Educational Rights and Privacy Act Notification of Rights

The Family Educational Rights and Privacy Act (FERPA) affords parents and students who are 18 years of age or older (“eligible students”) certain rights with respect to the student’s education records. These rights are:

- (1) The right to inspect and review the student’s education records within 45 days after the day the school receives a request for access. Parents or eligible students should submit to the principal [or appropriate school official] a written request that identifies the record(s) they wish to inspect. The school official will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.
- (2) The right to request the amendment of the student’s education records that the parent or eligible student believes is inaccurate, misleading, or otherwise in violation of the student’s privacy rights under FERPA. Parents or eligible students who wish to ask the school to amend a record should write the principal [or appropriate school official], clearly identify the part of the record they want changed, and specify why it should be changed. If the school decides not to amend the record as requested by the parent or eligible student, the school will notify the parent or eligible student of the decision and advise them of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.
- (3) The right to provide written consent before the school discloses personally identifiable information from the student’s education records, except to the extent that FERPA authorizes disclosure without consent.

One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. A school official is a person employed by the school as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the School Board; a person or company with whom the school has outsourced services or functions it

would otherwise use its own employees to perform (such as an attorney, auditor, medical consultant or therapist); a parent or student serving on an official committee, such as a disciplinary or grievance committee; or a parent, student or other volunteer assisting another school official in performing his or her tasks.

A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

Upon request, the school discloses education records without consent to officials of another school district in which a student seeks or intends to enroll, or is already enrolled if the disclosure is for purposes of the student’s enrollment or transfer.

Examples of other exceptions can be found on the U.S. Department of Education website at: <http://www2.ed.gov/policy/gen/guid/fpco/ferpa/parents.html>

(4) The right to file a complaint with the U.S. Department of Education concerning alleged failures by the school to comply with the requirements of FERPA. The Family Policy Compliance Office administers FERPA. Send written complaints to:

**Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202-8520**

Richland Two’s Student Records Policy JRA is available on the district’s website: [www.richland2.org](http://www.richland2.org).

## Release of Student Information

Individual student records (grades, test scores, evaluations, etc.) are not available for public inspection. This information is available to the student’s parents, legal guardians, or to the individual student of legal age.

FERPA, however, allows for the release of information that is not generally considered harmful or an invasion of privacy if disclosed. The law refers to this as “directory information,” but that does not mean the district is publishing a directory of this information. Also, please know that the use of any information by Richland Two is for the promotion of our students’ and district’s best interest.



If you do not want Richland School District Two to release this directory information about your student, you must send written notification to the district's Chief Communications Officer by Monday, September 14, 2015 or within 15 days of your child's first day of school in the district. A sample opt-out letter is on the district's website: <https://www.richland2.org/Departments/communications/Pages/ReleaseofStudentInformation.aspx>.

Send the notification to:  
**Chief Communications Officer Libby Roof**  
**Richland School District Two**  
**6831 Brookfield Road**  
**Columbia, SC 29206**

If you do not submit a written objection to the superintendent, the district will be authorized to release this information as

appropriate.

The primary purpose of directory information is to allow Richland Two to include this type of information in various school publications. Examples include a playbill showing your student's role in a drama production; the annual yearbook; honor roll or other recognition lists; school or district websites; school or district social media pages; the district's cable television channel; and programs for graduations or other ceremonies/events. Students may also be featured in television, newspaper, magazine and/or website media stories about the district produced by media outlets such as television stations, newspapers, online newspapers, etc.

Student directory information is also used for informing young people of scholarship opportunities. Two other federal laws require school districts to provide military recruiters, upon request, with student names, addresses and telephone listings unless parents have advised the school district that they do not want their student's information disclosed.

Directory information includes the student's name; address; telephone number; photograph; date and place of birth; major field of study; dates of attendance; grade level; participation in officially recognized activities and sports; weight and height of members of athletic teams; degrees and awards received; and the most recent school attended.

## Protection of Pupil Rights Amendment (PPRA)

PPRA affords parents of elementary and secondary students certain rights regarding the conduct of surveys, collection and use of information for marketing purposes, and certain physical exams. These include, but are not limited to, the right to:

***Consent before students are required to submit to a survey that concerns one or more of the following protected areas ("protected information survey") if the survey is funded in whole or in part by a program of the U.S. Department of Education (ED) -***

Political affiliations or beliefs of the student or student's parent;

1. Mental or psychological problems of the student or student's family;
2. Sex behavior or attitudes;
3. Illegal, anti-social, self-incriminating, or demeaning behavior;
4. Critical appraisals of others with whom respondents have close family relationships;
5. Legally recognized privileged relationships, such as with lawyers, doctors, or ministers;



- 6. Religious practices, affiliations, or beliefs of the student or student’s parent; or
- 7. Income, other than as required by law to determine program eligibility.

**Receive notice and an opportunity to opt a student out of –**

- 1. Any other protected information survey, regardless of funding;
- 2. Any non-emergency, invasive physical exam or screening required as a condition of attendance, administered by the school or its agent, and not necessary to protect the immediate health and safety of a student, except for hearing, vision, or scoliosis screenings, or any physical exam or screening permitted or required under State law; and
- 3. Activities involving collection, disclosure, or use of personal information collected from students for marketing or to sell or otherwise distribute the information to others. (This does not apply to the collection, disclosure, or use of personal information collected from students for the exclusive purpose of developing, evaluating, or providing educational products or services for, or to, students or educational institutions.)

**Inspect, upon request and before administration or use –**

- 1. Protected information surveys of students and surveys created by a third party;
- 2. Instruments used to collect personal information from students for any of the above marketing, sales, or other distribution purposes; and
- 3. Instructional material used as part of the educational curriculum.

These rights transfer from the parents to a student who is 18 years old or an emancipated minor under State law.

Richland Two has developed policies, in consultation with parents, regarding these rights, as well as arrangements to protect student privacy in the administration of protected information surveys and the collection, disclosure, or use of personal information for marketing, sales, or other distribution purposes. Richland Two will directly notify parents of these policies at least annually at the start of each school year and after any substantive changes. Richland

Two will also directly notify, such as through U.S. Mail or email, parents of students who are scheduled to participate in the specific activities or surveys noted below and will provide an opportunity for the parent to opt his or her child out of participation of the specific activity or survey. Richland Two will make this notification to parents at the beginning of the school year if the District has identified the specific or approximate dates of the activities or surveys at that time. For surveys and activities scheduled after the school year starts, parents will be provided reasonable notification of the planned activities and surveys listed below and be provided an opportunity to opt their child out of such activities and surveys. Parents will also be provided an opportunity to review any pertinent surveys. Following is a list of the specific activities and surveys covered under this direct notification requirement:

- Collection, disclosure, or use of personal information collected from students for marketing, sales, or other distribution.
- Administration of any protected information survey not funded in whole or in part by ED.
- Any non-emergency, invasive physical examination or screening as described above.

**Parents who believe their rights have been violated may file a complaint with:**

**Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, D.C. 20202**

### **No Child Left Behind/Elementary and Secondary Education Act**

Federal law, “No Child Left Behind Act,” requires school districts to notify parents that they have the right to request and receive information about the qualifications of their child’s teachers. This information includes:

- Whether the teacher has met state certification requirements for the grade levels and subject areas in which he/she provides instruction.
- Whether the teacher is teaching under provisional or emergency status through which some of the



state's requirements have been temporarily waived.

- The college major, graduate certification or degree and the subject areas of the certification or degree.
- Whether the parent's children receive services from a teaching assistant and the qualifications of that assistant.

If you would like information about the credentials of any teacher to whom your child is assigned, please contact the school's principal.

## Parent Accountability

The Board of Richland School District Two encourages parental involvement in all areas of student life. Parental involvement is essential to a student's success. Richland Two deems mutual respect, trust and effective communication between school and home to be fundamental to that success. The district will observe the following guidelines.

- Parents of students who have not yet reached the age of 18 are required to accompany students each year to pick up registration materials and sign a contract stating their awareness of and support for school policies.
- Parents of students experiencing academic difficulty will be notified by the school. When applicable, information will be provided regarding workshops and seminars relating to parental assistance and guidance at home.
- Parents of disruptive students will be notified as soon as possible by an administrator. In cases of severe classroom disruptions, parents may be asked to come to the school to remove the student, or upon notification of parent, the student will be transported home or to the parent's work site.
- Parents may be given the choice to shadow students for a day in lieu of certain suspensions from school. This option can be offered by the school administrator for first suspensions only, and will not be an option for certain infractions.
- Parents will attend an administrator/parent/student conference with teacher(s) before the student is allowed to return to school on probationary status following an expulsion hearing.

- Parents of students assigned to Anna Boyd School and Blythewood Academy will be required to provide transportation.

## Communicating with the District

Richland Two has several ways to keep parents informed of important updates and school accolades. On the district level, information can be accessed by reading this Back 2 School Handbook and various brochures and flyers. The district produces content for R2TV, our award-winning cable access channel. We work behind the scenes writing content for the district's website, **www.richland2.org**. Additionally, the district utilizes the Blackboard Connect mass notification system to disseminate general and emergency information to parents and students.

### Richland Two website - **www.richland2.org**

Each school and center has a website. Links to each are on the district's website.

### R2TV

Richland Two Television (R2TV) - Time Warner Cable Channel 12

R2TV is the district's cable-access channel that airs in the northeast Columbia area. R2TV programs are also available on demand on the district's YouTube page.

### Social networking

Richland Two is on Blogger, Twitter, Facebook, Flickr, Instagram, Pinterest and YouTube! Click on the logos at the top of the district's website home page to check out our pages. Sign up to follow the district on Twitter and get tweets about news and upcoming events. "Like" our page on Facebook and get the latest news and information. See all the places our students, faculty and staff have been and see who's getting awards at our photostream on Flickr and Pinterest.

### Richland Two App - **COMING SOON!**

A new free Richland School District Two mobile app is being developed and will be available soon for download from the Apple App Store and Google Play Store. Once available, download the ParentLink app and search Richland School District Two. Connect with each school in the district using the Richland



Two app. App functions will include: a school listing, access to district news, calendar, important telephone numbers, and social networking presence on Blogger, Facebook, Flickr, Instagram, Pinterest, Twitter, YouTube and more.

### Mass Notification System

Richland Two uses a mass notification system known as Blackboard Connect. Automated phone calls, emails and text messages keep parents informed of school activities and emergencies. It is imperative to keep your contact information current with your school.

### Newsletters/Blog

Each school has its own newsletter or blog to keep parents up on the latest news. These are generally emailed to parents, but are also sent home in the child's backpack when email is not available or preferred. Many school blogs require you to subscribe to receive the information. This often just requires you to submit your email address and reply to a verification message that will be sent to the email address used for the subscription. Your child's school can provide more detailed information about subscribing to its news blog.

### Parent Portal

Pearson PowerSchool Parent Portal is a system that is tightly integrated with teachers' gradebook software. Parents are able to log on to see new grades and grade point averages almost as soon as they are entered. Sign up at [www.richland2.org](http://www.richland2.org).

## Schedule Changes

The decision to close or postpone school is taken very seriously and is made with collaborative input from state and local safety officials. In some instances, this decision will be made early in the morning, and notifications will be made by 5 a.m. In other instances, this decision will be made the day before. Additionally, some emergencies will occur during the school day causing schools to dismiss early and send students home. In the case of early dismissals, school buses will transport students who are bus riders home via established routes. Parents of car-riders and walkers must make arrangements for pick-up upon notification.

Parents will receive notification via our Blackboard Connect mass notification system. It is imperative that your emergency contact information is kept

current to receive emergency phone messages. The district will also use Facebook and Twitter to communicate to parents/students. Please visit the district's site, click the Twitter logo and sign up to follow Richland Two. Check the district's website or R2TV for announcements about school closings, delays and early dismissals. Information will also be relayed to local media. Please do not call the school or the District Office.

When schools are opened two hours late, the following will apply:

- Students who ride the bus should report to their bus stops two hours later than usual; Car-riders should report to their schools two hours later than usual.
- Employees who have not been notified otherwise, should report to work two hours later than normal. For example, employees who usually start at 8 a.m. will start at 10 a.m. instead.

If the decision is made to cancel school, the day must be made up later in the school year. By state law, the district is required to schedule three inclement weather make-up days in the school calendar. Make-up days are **February 15, March 25** and **April 29**.

## Student Safety

Your child's safety is our highest concern. The district has established itself as a national leader in safety and security. We were one of the first districts to employ School Resource Officers (SROs), and we are the only district in the state to have a full-time staff of more than 20 district security officers that work 24/7 shifts, 365 days a year. Each school has an emergency plan which is practiced and reviewed annually. These emergency plans have comprehensive safety measures that include:

- Drills that require everyone to exit the building (fire, bomb threat, etc.), go to designated exits, move away from the building, and report to designated areas;
- Severe weather (high winds, tornado, etc.) drills, that require everyone to report to the hallways and assume the safety position kneeling against the wall with head down and arms over the head or follow directions given;
- Earthquake drills that require everyone to

protect their face and head and follow directions given.

- Bus evacuations that require all students, whether they ride a school bus to school or not to participate in two bus evacuation drills each year. These evacuation drills are conducted at the schools by the Transportation Department using state school buses.

### Lockdown and Lockout

Schools may be placed on Lockdown or Lockout in response to threats to the campus or general area.

**Lockdown:** This is a response to an immediate threat to the campus such as an intruder in the building. Classrooms are locked and all entrances are locked. Students remain in their classrooms with their teacher and no one is permitted to enter or leave the building until the situation is resolved. Staff and law enforcement (SRO) will be in the halls.

**Lockout:** This is in response to a general threat to the area or campus. All entrances are locked and no one is permitted to leave the building. Normal instructional activities continue. Staff and law enforcement (SRO) will be in the halls. Anyone entering the building will be required to state the reason they need to come in (pick up a student for a doctor's appointment) and show a photo ID.

A lockout may continue for an extended period of time. The lockout will be cancelled when the threat no longer exists.

*With both procedures, parents should know that students are in a secure environment with increased staff and law enforcement presence. We ask that you not come to the school unless it is an absolute emergency.*



Parents wishing to discuss specific concerns or have any

questions regarding our safety plans should call the school principal or the Manager of Emergency Services, Chuck Earles at 736.3774.

### Student Fees/Expenses/Debts

In the district's ongoing effort to improve customer service to families, a review of school supply lists and fees was conducted to determine where the financial burden on parents could be reduced while still maintaining and even enhancing the high-level of classroom support that you have come to expect in Richland Two. As a result, the fee schedule and supply lists have been standardized across the district to ensure equity and consistency. The School Board has committed more district funds to offset certain costs related to fees and supplies to help our families. In addition, middle and high school course fees are also being standardized across the district.

The district does still charge a general school fee, in addition to the course fees, as authorized by the South Carolina General Assembly. The fee is \$15 per student and is required of every child. Adjustments are made for students receiving free or reduced lunch. The money collected through school fees is used to buy instructional materials and supplies.

The school district staff will be glad to work with parents in the collection of fees. If your family has several children enrolled in school or is having economic difficulties, please contact your child's principal.

### Debts

Students are expected to clear all debts, including payment of school fees, in a timely manner or when withdrawing from school. All educational materials including textbooks, library books, locks, etc. are the responsibility of the student and must be paid for if lost. Students will be required to pay for any damage they cause to school property, including school buses. Students owing fees will not be allowed to participate in graduation and elective activities, such as

pageants and school dances.



### Online Fee Payments

The district is excited to announce a new online payment system. In an effort to reduce time, money and paper waste, parents of returning students can avoid the long lines of school start-up and pay their children's school fees through a secure online website that is accessed through the PowerSchool Parent Portal.

With a few simple mouse clicks, parents can view assessed fees, any outstanding balances, and pay for all of their children in a single transaction. Payments can be made by Visa, MasterCard, and American Express. For general information about fees, please contact your child's school. Our fee management and online payment system is an easy and secure way to pay school fees from the comfort of your home or office.



### Paying With Checks

Our school district will also gladly accept your checks. Please include your full name, street address, and phone number on your check. Richland School District Two recognizes that occasionally you may inadvertently overdraw your checking account and a check may be returned by your bank. In order to recover these funds in a private and professional manner, the district has contracted with CHECKredi for collection of returned checks. Each person writing a check to a school should write the check on a commercially printed check with your name, address and one phone number. Counter or starter checks will not be accepted. When a person writes a check to a school, the person writing the check agrees that, if the check is returned, that it may be represented electronically on the same account until collected, and that the fees established by law, may be debited from the same account (fees are currently \$30 each time presented for collection). If the check and fee are not collected electronically,

then CHECKredi will contact you by mail and by telephone in order for you to make arrangements to pay. Payments may be made to CHECKredi by mailing to 4925 Sparkman Drive or to P. O. Box 3829 Huntsville, AL 35810. Payments of the check and fee may be made electronically at [www.checkredi.com](http://www.checkredi.com) by using a credit card, debit card, or electronic check without additional fee. For a convenience fee, payments may be made over the telephone by credit or debit card or electronic check by calling toll free 877.524.7334.

### Breakfast and Lunch Program

Richland Two schools have well-equipped, modern, and well-maintained kitchens and cafeterias. The kitchens are rated by the state Health Department. The breakfast and lunch programs meet strict federal and state standards. In order to reduce food waste and food cost in the National School Breakfast and Lunch Programs, we have implemented the "offer versus serve" platform in our cafeteria. This allows students to have a variety of foods from which to choose. Students are encouraged to eat full lunches and make wise food choices in order to get a nutritional meal. The daily charge for breakfast is \$1 for students and \$2 for adults. The daily charge for lunch is \$2.50 for elementary students, and \$2.65 for middle and high school students. Adult lunch is \$3.45.

A yearly free and reduced meal application must be submitted. Parents will be responsible for any debt incurred during application processing. An application for free/reduced price meals is available at your child's school, on the district website ([www.richland2.org/Departments/foodservices/Pages/mealapplications.aspx](http://www.richland2.org/Departments/foodservices/Pages/mealapplications.aspx)), and online ([www.richland2.schoollunchapp.com](http://www.richland2.schoollunchapp.com)). Parents desiring to participate in the free or reduced breakfast and lunch programs must complete the application and return it to the school promptly. The price of a reduced breakfast is .30 daily. The price of a reduced lunch is .40 daily. Please check with your child's school for serving times for meals.

### Meal Payment Procedures

Students who are not eligible for free meal benefits may select one of the following meal payment options:



**OPTION 1:** MySchoolBucks: Parents can pay for meals online at [www.myschoolbucks.com](http://www.myschoolbucks.com). Payments can be made using an existing PayPal account or with a major credit or debit card. To register for the first time, you will need your students' ID number(s). This can be provided by the front office staff at each school site.

**OPTION 2:** Payment at school by cash.

**OPTION 3:** Payment at school by check.

### Charge Procedures

Charging is discouraged. If a student has not pre-paid for a meal, the following limited charge procedure may be utilized:

Students in elementary and middle schools will be allowed to charge up to \$10. When the student's balance reaches the threshold of \$10, the student will be served an alternate meal. The alternative meal is a peanut butter and jelly or cheese sandwich with a side item and milk.) Students will be charged for the meal at the prevailing price (full-pay or reduced based on student's eligibility status).

The cafeteria manager will send written notices home on Friday for collection of that week's charges. If payment is not received the following Monday, the parent will be contacted by the manager. If parents have been contacted and payment has not been received by Wednesday, the cafeteria manager will request that the principal contact the parents. (After Wednesday, an alternative meal will be provided.)

The principal will send a letter to the parent giving them five working days to make arrangements to settle the debt. If no response is received by the following Wednesday, the principal will refer the matter to the District's Office of Financial Services to begin collection efforts.

High school students and adults will not be allowed to charge, however they may pre-pay for their meals. High school students with some money in their account but that is not sufficient to cover the cost of the meal will be provided a meal for that day only. The cashier will inform the student that they have a

negative balance and provide the student a charge slip as a reminder. The charge slip requests payment by the following day and no additional charging is allowed.

## Instructional Support Services

Richland Two provides various services for students who are experiencing physical, emotional, behavioral and/or learning difficulties. If your child has a disability that

substantially limits his or her ability to learn or participate in school activities, the district offers educational services that can help.

Each school has an Intervention Assistance Team (IAT) that accepts referrals from parents and teachers concerning students with significant educational and/or behavioral issues. All referrals will remain confidential. Please contact your child's teacher, school

counselor or administrator for more information or the district's Instructional Support Services Department at 738.3256.

### Section 504 of the Rehabilitation Act of 1973 (Section 504)

Section 504 is a federal law that requires public schools to make adjustments so that students with certain disabilities can learn and participate in settings like other students who do not have disabilities. To be eligible for services under Section 504, a student must have a condition that substantially limits one or more major life activities. Whether an impairment substantially limits a major life activity must be determined without reference to the ameliorative effects of mitigating measures or lessening of the impact of the condition by the use of medication, medical supplies, equipment, or appliances, low-vision devices (not including ordinary eyeglasses or contact lenses), prosthetics, including limbs and devices, hearing aids and cochlear implants, or other implantable hearing devices, mobility devices, or oxygen therapy equipment and supplies. A team decides if a student is eligible. The team should include the student's parent or legal guardian, the student (if able), and others who know the student or know about the student's disability, such as a teacher, a school counselor, a school nurse, and other school staff. If the student is eligible, the team develops an individual accommodation plan. The individual accommodation plan explains how the school will meet the student's needs while at school and may include health services for the student during the school



day if needed. To learn more about Section 504, contact your child's principal or administrator.

### **Individuals with Disabilities Education Act (IDEA)**

Students, ages 3 to 21 years, may receive services under the IDEA if the student needs special education and related services to benefit from his or her educational program. A team decides if a student qualifies for services under the IDEA. The team includes the student's parent or legal guardian, teachers, and other school staff. The team develops an individualized education program (IEP) if the student meets federal and state requirements. The IEP outlines a plan for helping the student receive a free appropriate public education and meet goals set by the team. The IEP may include health services for the student during the school day if needed. To learn more about IDEA, contact your child's principal or administrator.

### **Students with Special Health Care Needs**

Many health care services can be provided for students to keep them at school where they can learn and participate with other students. Our goal is to provide information to parents and legal guardians about some of the services and programs available for addressing the health care needs of students during the school day to help students succeed in school. It is important that the necessary health care information is shared with the appropriate people—such as teachers on duty during recess, bus drivers, and cafeteria employees—to make sure that the students' needs are met throughout the school day.

### **Individual Health Care Plan or Individual Health Plan (IHP)**

Individual health care plans are also called individual health plans or IHPs. School nurses who are registered nurses write IHPs to guide how a student's health care needs will be met while at school. The nurse works with the student, the student's parents or legal guardians, the student's health care provider, and other school staff to write the plan. IHPs are written for students who have special health care needs that must be met by school staff during the school day. IHPs are also written for students who have been approved by the school district to self-medicate or self-monitor. To learn more about IHPs, talk with your child's school nurse or the District Lead Nurse Dawn MacAdams.

### **Medical Homebound Instruction**

Medical homebound instruction is a service that is available for students who cannot attend school for a medical reason even with the aid of transportation.

A physician must certify that the student has such a medical condition but may benefit from instruction, and must fill out the medical homebound form that the school district provides. The school district then decides whether to approve the student for medical homebound services. The school district will consider the severity of the student's illness or injury, the length of time that the student will be out of school, the impact that a long period away from school will have on the student's academic success, and whether the student's health needs can be met at school. To learn more about medical homebound services, contact your child's school attendance secretary or your child's administrator.

## **Health Rooms**

Richland Two schools have a health room with a registered nurse assigned to each school. Some schools also have a health room assistant who works with the registered nurse. Magnet and child development centers are served by the school nurse on the adjoining campus. The health room is located in the administrative area of the school. Students who become ill during the school day should obtain a pass from a teacher and report to the health room. In an emergency, before and after school, students may go directly to an administrator for assistance. The school does not furnish any medication during the school day, including Tylenol.

In accordance with the Joint Advisory Opinion issued by the South Carolina Boards of Medical Examiners, Nursing, and Pharmacy on Sept. 26, 2013, a parent or guardian's signature is all that will be required for over-the-counter medication administration in the school setting, as long as the dosage falls within the recommended dosage on the instruction label. If the parent requests an over-the-counter medication be given at a dose greater than the label recommends, a physician's signature and written instructions will be required to administer the medication at school.

Prescription and herbal medications will continue to require a physician's signature with specific instructions on how to administer the medication. Please speak with your child's healthcare provider regarding medications that must be taken at school.

A student that needs to self-monitor and self-medicate for medications such as an inhaler, insulin, or epinephrine auto-injectors will need the development of an Individualized Healthcare Plan and an Emergency Action

Plan by the registered nurse. A medication permission form signed by the healthcare provider, as well as signatures from the healthcare provider, parent, and student stating they are capable of self-medicating and self-monitoring are also required. Please speak with your child's school nurse regarding the necessary paperwork.

Please remember that all medications must be brought to school by the parent in the original factory packaging, the original prescription bottle, or the original box (in the case of epinephrine auto-injectors and inhalers). This is for your child's safety, that the right medication is administered to the right child, at the right time.

Parents must provide all medications for their child to take at school, on field studies, or for after-school activities. The registered nurse will send emergency medications provided by the parent on field studies, e.g. inhalers, epinephrine auto-injectors, glucagon, Diastat, etc. in a properly labeled box.

### **Insurance**

Beginning July 28, 2015, Richland School District Two will provide insurance coverage through AIG for:

1. Athletes injured while participating in interscholastic sports.
2. Students injured on a Richland Two school campus or off campus while participating in a school-sanctioned and school-supervised activity.

The insurance, which helps cover the cost of medical care by a physician or healthcare facility, is in excess of the student's primary coverage. The coverage provided is at 70 percent coinsurance with limits on physical therapy, ambulance and dental. The district's supplemental coverage becomes the primary coverage if a student or athlete is uninsured. The district does not select medical doctors or medical facilities and has no control over the amount of money they charge for services.

For students injured at school or in a school activity, claim forms can be obtained from the school nurse. For student athletes injured while practicing or participating in interscholastic sports, claim forms can be obtained from the athletic trainer or the middle school athletic director.

## **Student Dress Code**

### **Policy JICA Student Dress**

Richland School District Two students

are expected to dress, be groomed, and otherwise conduct themselves in such a way as to not distract or cause disruption in the educational program or orderly operation of the school. Personal appearance and conduct 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. School administrators will be responsible for determining violations of this policy. The principal reserves the right to amend any provisions that he/she deems to be in the best interest of the student or the educational process. The Board will review the policy for any changes needed on a periodic basis.

The administration will make the final judgment on the appropriateness of a student's clothing, appearance and/or display of symbols, messages or statements on school grounds and reserves the right to prohibit students from wearing any articles of clothing or other items or displaying any symbols, messages or statements which lead to or may foreseeably result in the disruption of or interference with the school environment.

### **AR JICA-R Student Dress High school/middle school**

Clothing articles, hair, and/or other displays should not be so extreme or inappropriate to the school setting as to disrupt the educational process. Therefore, any items deemed distracting, revealing, overly suggestive or otherwise disruptive will not be permitted. Wearing items that could pose a safety threat to one's self or others is not allowed.

This includes heavy chains not made as jewelry, fish-hooks, multiple-finger rings (rings welded together resembling brass knuckles or rings that can be used as a weapon), studded bracelets or collars, nose/lip to ear chains, etc. Unusual body piercing that is disruptive to the order of the school, or is a distraction to the learning environment, will not be allowed.

Attire, articles, and other items must not display or evidence membership or affiliation with a "gang" in any negative sense of the term. In determining whether or not a student is in violation of the prohibition on the wearing/display of a gang-related item, the District will maintain, in all of its school offices, an example of potential gang indicators including symbols, hand signals, graffiti and clothing/ accessories (as stated in policy JICF - Secret Societies/Gang Activity). Bandannas and do rags are not allowed on campus and will



be confiscated and discarded. Picks and combs are not allowed in hair. Hair items such as plastic headbands, barrettes and ribbons are permitted. Students are not allowed to wear hats or other head gear in school buildings (including portables). These items may be confiscated. Religious head gear is allowed. School administrators will not be held liable for confiscated items.

- Clothing, articles or other items which display advertisements for, or messages or pictures depicting or suggesting, alcohol, tobacco, drugs, weapons, or sex are prohibited.

- Clothing, articles, or other items which display symbols, messages or statements which would distract others, interfere with the instructional programs, or otherwise cause disruption, are prohibited.

- Attire must not be immodest, obscene, profane, lewd, vulgar, or indecent. Lower garments should be of fingertip length to assure modesty when the student is seated or engaged in school activities.

- Pants must be worn at the natural waistline and undergarments are not to be visible. If they do not fit properly, a belt must be worn to keep them in place.

- Sleeveless attire cannot reveal undergarments. Shirts cannot be tight, low cut or show cleavage. Shirts should be loose fitting and fully cover the upper body. Halter-tops and shirts with spaghetti straps will not be allowed.

- Clothing must cover waist and back with no skin showing between the top garment and bottom garment.

- No transparent or mesh clothing without an appropriate shirt underneath.

- No clothing that is excessively form fitting (i.e., spandex). Leggings, yoga pants or bottoms that are form fitting must have a top garment of fingertip length.

Students may not continue to attend class wearing inappropriate clothing, articles, or display of items as defined in this policy. Neither parents/legal guardians nor students will place the burden of enforcing this policy solely on the school. Parents/Legal guardians and students are expected to comply to ensure that a comfortable, safe and non-confrontational environment is provided for all students. Administrators and faculty members are expected to strictly enforce this policy the dress code at all times.

Violations of this policy will result in the following.

- In the event the administration determines a student's dress, articles, or display of items is inappropriate for school in accordance with this policy, the administration will require the student to remove the articles or items, turn inappropriate clothing inside out, or change inappropriate clothing and make alternate clothing available for the student to wear.



- If, upon request, the student refuses to follow the directive of the administration in accordance with this policy, the student will be sent to ISD and the parent/legal guardian will be contacted.

- Repeated violations of this policy will be treated as disruptive behavior in violation of the student code of conduct. However, violations of this policy will not carry over on the student's discipline record to subsequent years.

- The school administration will determine the amount of lost instructional time a student must make up due to being out of class for violations of this policy.

The instructional time will be made up after school and at the financial expense of the student's parent/legal guardian for a certified teacher to remain and instruct the student.

Failure to do so may result in a student repeating the course(s).

### **Elementary school**

The school authorities, the parents/legal guardians and the students should work together to provide guidelines for a student dress standard and display of items which is conducive to the school environment. Students should dress for the educational setting, not a recreational one. When a student's attire disrupts the educational program, or is a threat to safety or health, appropriate actions will be taken. If, in the opinion of the teachers and administration, a student's attire is disruptive, the student's parent/legal guardian will be notified and the student will be dismissed from class(es) until properly attired.



## Uniforms

In order to improve discipline, reduce violence, encourage attendance and enhance the learning environment, the Board will allow District schools to have a student uniform program. Schools will poll their faculty and parents to determine if the school wants to adopt and/or continue a student uniform program. The schools will continue this poll at three-year intervals.

Schools that decide to participate in the student uniform program will follow these guidelines.

- Each school, with input from parents, will determine the designated uniform. The District urges schools to select practical, generic-type uniforms that will be readily available at a modest cost from local retailers.
- The school will give parents at least three months' notice prior to implementation of the student uniform program.
- The school will not consider a student non-compliant when the student wears the uniform of a nationally recognized youth organization such as the Boy Scouts, Girl Scouts, Junior ROTC, etc., on a regular school day.

## Financial assistance plan

The school will not deny a student attendance at school or penalize a student for failure to wear a uniform for reason of financial hardship. Each school will have a plan for any parent/legal guardian who cannot afford uniforms.

Any parent who cannot afford uniforms may request financial assistance from the school. The individual must establish financial need to the satisfaction of the principal as the District does not expect the school to incur the parental responsibility of providing school clothing for students.

Each school will work with staff, the local school community and business partners to identify resources for assisting families in the purchase of uniforms.

The school will maintain a list of community agencies, uniform retailers, organizations and individuals willing to assist families in need of help to purchase uniforms.

The school may ask PTAs or school volunteers to coordinate the effort to provide

needed assistance.

The school may ask PTAs or school volunteers to coordinate a program for the buying and selling of previously used or second hand uniforms.

## Exemption procedures

Any parent may exempt his/her child from the student uniform program by following these procedures.

- Request by mail or in person an application for exemption from the student uniform program.
- Complete the application and submit the form to the principal.
- Meet with a designated school administrator to discuss the uniform program to ensure that the party understands the goals of the program and to determine the nature of the parent/legal guardian's objections.

## Disciplinary action

Prior to initiating any District action against a student who does not comply with the student uniform program, the principal or his/her designee will confer with the parent/legal guardian to solicit parental cooperation and support. The school will not consider a student non-compliant if the parent/legal guardian has opted out of the program according to the procedures as outlined in the policy and administrative rule.

The school will initiate disciplinary action only after pursuing all other avenues of support and cooperation. The school will only take action consistent with the District code of conduct Policy

JICDA and administrative rule JICDA-R.

**\*\*Guidelines for alternative schools are in Alternative Schools section of this handbook**

## Student Conduct

The Board of Trustees and district staff believe that a safe, positive learning environment is one of the most important components of a successful school.

The District's commitment in this area is reflected in several very positive programs: Teaching and Learning Department; Student Services Department, which manages students' discipline, alternative placement and extracurricular activities; and Anna Boyd School and Blythewood Academy that offer alternative

programs for nonviolent, chronically disruptive elementary, middle and high school students.

All District employees who work with students are aware of their responsibilities to provide them with proper guidance and supervision and to serve as role models for young people. We make every effort to treat each student fairly and consistently at all times.

The District is also committed to preparing students to enter the adult world as productive, responsible citizens. Because the school setting closely reflects society as a whole, it is important for students to understand and respect the need for rules and regulations governing their conduct while they are at school or when they are participating in school-related activities.

The Richland Two School Board recognizes that the Fourth Amendment protects citizens, including students, from unreasonable searches. However, any person entering the premises of any school in the district, including visitors, shall be deemed to have consented to a reasonable search of his/her person and personal property (Act 373 of 1994). Additional information is available at each principal's office.

Richland Two is proud of the fine caliber of our student body. Less than 3 percent of our students are involved in disciplinary actions each year.

Please review these guidelines carefully. Exact regulations are contained in the Board's policies. Please contact your school principal if you have questions or concerns.

### **SCHOOL BUS SAFETY**

South Carolina state law mandates that school districts provide transportation for students living more than 1.5 miles away from the school attended. In keeping with this law, Richland Two provides bus transportation for its public school students in grades K through 12 and certain programs for four-year old students.

Any carry-on items such as band instruments and bookbags must be able to fit on the student's lap.

### **Behavior**

School buses are considered an extension of the classroom and student behavior on buses is required to mirror behavior in the classroom. Because student safety is the foremost goal of the district, students riding school buses are required to refrain

from boisterous activity, inappropriate language or distracting the bus driver. This requirement became a state law in 1979 when legislation was passed prohibiting misbehavior on school buses.

Quiet conversation is normally allowed on school buses however students may not shout or talk loudly. Bus drivers may forbid talking when the volume of conversation creates an unsafe condition where students cannot hear safety instructions.

Students may ride only the bus they are assigned to ride based on the location of their residence. Students may ride another bus only when space is available and a written request signed by the parent/guardian and signed by a school administrator is provided to the bus driver. This note must have a daytime phone number listed and then brought to the main office during homeroom. This allows us to verify the transportation change for that day. This service is based on bus space available. A plan needs to be in place if the bus can not accommodate an additional student.

Students may use only the bus stop assigned to



them. Students may not get on or off the bus at any location other than their assigned stop unless a written request signed by the parent/guardian and a school administrator is provided to the bus driver. Students must be AT THE BUS STOP prior to the scheduled arrival of the bus. Buses cannot wait for students to walk to the bus. Buses may be delayed for a very short time during inclement weather. Buses will only stop at a bus stop the first time the bus passes a stop during each route, even if the bus passes the stop again during the route.

When boarding the bus at a bus stop or school, students must board the bus in an orderly manner and move immediately to their assigned seat. When departing the bus, students must move in an orderly manner. Students must sit facing forward and feet and legs must be out of the bus aisle. Students are strictly forbidden from extending any part of their body outside the bus windows at any time.

Students must not signal or communicate with people outside the bus and must not be disrespectful to motorists or pedestrians around the bus.

**The use of cell phones and other electronic devices is forbidden on school buses.**

Students may not bring open food or beverage containers on school buses except when approved by school administrators.

Students may not bring animals on school buses. Any item forbidden at school is also forbidden on school buses. Students are not allowed to stand while the bus is in motion. Limited numbers of students may be allowed to stand for the first 20 days of each school year until routes can be adjusted to eliminate overcrowding. The maximum number of students in a seat is three.

Students must not damage or deface any part of the bus and must assist the driver in keeping the bus clean. Students may be required to close windows at the end of the day and during inclement weather.

Students may not operate or tamper with emergency exits or roof hatches and may not operate the service door. Students should be quiet when the bus stops at railroad crossings. Pens, pencils and other sharp objects must be stored inside book bags or carrying cases to prevent injuries on the bus.

**Responsibilities and disciplinary actions**

1. The school bus driver is responsible at all times for the bus and its occupants. However, in cases involving discipline, the principal of each school assumes responsibility for dealing with all students.
2. Although school bus drivers may not remove a student from a bus for disciplinary reasons without principal approval, drivers are instructed to stop their buses and call their supervisor

when a student's behavior is a threat to the safety of other students. School bus drivers must report all violations of safety regulations and any behavioral problems to the school principal. Cameras are installed in school buses to assist drivers and administrators in solving discipline problems.

3. When a problem requiring disciplinary action occurs on a bus, the principal will notify parents of the inappropriate behavior, as well as actions taken. The principal has the obligation and authority to suspend or expel students from the bus for violation of student conduct codes.

Students guilty of major offenses as explained in other sections of this handbook may also be expelled from riding the bus for the remainder of the school year.

Additional information about school bus rules of conduct is available from the school administration. For answers to any questions about bus transportation, please visit the Transportation page on the district website, [www.richland2.org](http://www.richland2.org), or call the Transportation office servicing your area. Killian Hub (buses KL50-KL94 and CP1-CP3): 699.2892; Richland Northeast Hub (buses RN01-RN33): 736.8718; and Special Needs (buses SN01-SN40): 736.3774.

Most buses in Richland School District Two are equipped with video cameras. School administrators may authorize parents to review tapes only in limited circumstances. All requests to review a tape must be made through school administrators; the transportation department cannot authorize any review.

Bus transportation is provided only to residences and day care facilities. Bus stops will not be located at places of business. Students may be picked up and or dropped off at day care facilities located within the attendance zones for their school. School closings and delays will be announced through the local news media.

Certain forms must be completed in order for a student to ride a school bus. These forms are located on the District's website or can be obtained from any school. These forms include: Bus Registration Form, Day Care Form (if the student needs to be picked up or dropped off at a day care) and Kindergarten Registration Form. These forms should be given to the bus driver the first day of school.



Kindergarten and pre-kindergarten students who have not reached 6 years of age must be met at the bus stop by an authorized adult listed on the kindergarten registration form. If no adult is at the bus stop to take charge of the student, the student will be returned to the school.

Parents desiring to discuss any issue with the bus driver must contact the school administrators or the transportation office to arrange a meeting after the bus completes the bus routes. School buses cannot be delayed during the route for parents to talk to the driver.

**Parents are responsible for student conduct and safety at bus stops until the bus arrives in the morning and after the bus departs in the afternoon.**

**Bus Stop Safety**

Students should stand away from the roadway and clear of traffic at bus stops. Students must not stand or play in the roadway. Students should stand no closer than five feet from the bus and wait until the driver opens the door before moving toward the bus. Students must remain seated until the bus has come to a complete stop and the driver opens the bus door before exiting the bus. Students who must cross the roadway to enter the bus or must cross the roadway after exiting the bus should cross the road ONLY after being signaled to cross by the bus driver. Students should also look both ways before crossing the roadway.

Horseplay at bus stops is forbidden and students must respect the property of others. Students should report any suspicious persons to the bus driver immediately upon entering the bus. Students riding a bus home after school must move quickly to the bus after school is dismissed. When a school administrator signals the buses to depart and the bus doors close, no additional student loading is permitted. Students who miss the bus must report to the school administrator or teacher in the bus loading area to contact someone to take them home. Buses will not return to schools to pick up students who miss the bus.

**SCHOOL SAFETY**

When a problem arises:

1. Most discipline problems can be resolved by

the teacher, student and parent in a calm and reasonable manner. However, in cases where the student's behavior affects the safety or learning opportunities of other students, additional disciplinary action must be taken.

2. In such cases, the administration is authorized to take necessary disciplinary action in compliance with the policies of Richland School District Two and local law enforcement agencies.
3. Open channels of communication have been established within the district that permit students and parents to express complaints and offer suggestions for revision of rules.
4. Since most disciplinary problems are of a nonrecurring nature, teachers and administrators have several options for solving behavioral problems within the school.

**ACTIONS LEADING TO SUSPENSION AND EXPULSION**

Chronic recurrences of offenses may lead to suspension or expulsion when previous disciplinary actions have not proven effective in improving the student's behavior. The administration emphasizes that the circumstances, number of offenses, prior warnings and prior suspensions affect these recommendations.

**Proper conduct**

Students are required to conduct themselves in a manner that is in the best interest of the school. Students may not disrupt class or become involved in substantial disruptions or invade the rights of others.

**Three strikes**

Students who are suspended three times, as well as each time thereafter, in any one school year must be recommended by the school administration to the district hearing officers for review and possible expulsion.

**Readmittance following expulsion**

After being expelled, students wishing to return to school the next year or for summer school must petition the Board in writing for permission to be readmitted into the district. Gross misbehavior may result in permanent expulsion.

**Suspension/expulsion offenses**

Students may be suspended or expelled for any of these offenses:



- Theft;
- Use of obscene or profane language or gestures to students, teachers, staff members or administrators;
- An unauthorized walkout from a classroom or school building;
- Assaulting, blackmailing, threatening or intimidating other students, teachers, administrators or staff members;
- Fighting;
- Possession in school of a weapon or any object brandished as a weapon (**administrator must recommend expulsion; see Section IV**);
- Distribution of unauthorized materials;
- Knowingly consuming or being under the influence of drugs or alcohol (**administrator must recommend expulsion; see Section IV**);
- Unlawful possession or use of a personal electronic communications device (including a cellular telephone) in violation of policy JICJ (Use of Electronic Communication Devices in School) and/or IJND/IJND-R(2) (Electronic Communication and Data Management);
- Use of a personal or district issued electronic communications device (including a cellular telephone) in violation of policy JICJ (Use of Electronic Communication Devices in School) and/or IJND/IJND-R(2) (Electronic Communication and Data Management);
- Vandalism;
- Trespassing;
- Being in an unauthorized area;
- Sexual offenses (inappropriate verbal or physical conduct of a sexual nature);
- Smoking or other tobacco use;
- Forgery and lying;
- Failure to attend class or school (truancy);
- Gross misconduct, disobedience, disrespectful or disruptive behavior;
- Failure to attend detention assignment;
  - Excessive class tardiness.

## SERIOUS OFFENSES

**The use, possession or distribution of weapons, alcohol and drugs will not be tolerated. The Board of Trustees has a zero tolerance policy for weapons, alcohol and controlled substances, and may permanently expel students involved in weapons, drug or alcohol offenses.**

**Students who are expelled for a drug or alcohol violation must successfully complete a rehabilitation program approved by the district before readmission to school.**

In all cases of serious offenses, parents are required to pick up their child at the law enforcement agency, rather than at the school. Local law enforcement policies require school officials to report students who engage in serious offenses. School officials who do not comply with this reporting requirement may be subject to criminal penalties.

### Weapons

1. A student who brings a gun or destructive device to school or a school activity will be transported to the local law enforcement agency and will be confined. The student will be expelled for at least one calendar year (365 days).
2. A student who brings a knife or other weapon or who causes visible injury to another student will be transported to the local law enforcement agency and may be confined. The student will be recommended for expulsion.

Items approved for use and/or used in relation to normal school activities, i.e., food preparation utensils and project implementation items, should be investigated carefully by school administration for intent to harm before moving to a recommendation for expulsion.

If a student realizes that he/she has an unauthorized item in his/her possession, then that item must be reported to school officials or the school resource officer immediately. If a student is found in possession of a prohibited item before the student reports the unauthorized item, then the student possessing it will go through district disciplinary procedures to resolve the issue.

### Alcohol and other controlled substances

Principals will cooperate fully with police, reporting to them all information that assists with their efforts to stop the sale, possession or use of any controlled substance.

1. A student who brings a drug or alcohol to school or a school activity or who is under the influence of a drug or alcohol will be transported to the local law enforcement agency and will be confined. The Board of Trustees will expel the student and may choose permanent expulsion. Students who unknowingly use alcohol or other controlled substances will not be considered for expulsion dependent on case findings, previous infractions and grade point average.
2. A student who has anything that looks like or is represented to be drugs or alcohol faces the same penalties as if the substance were actually a drug or alcohol.
3. A student who helps another student break these rules faces the same penalties.
4. A student who is expelled because of a violation of these rules must successfully complete a drug/alcohol rehabilitation program approved by the district before readmission to school.

#### **Gangs and gang-related activity**

Richland School District Two administration will maintain conditions on school property and at school-sponsored events in order to ensure as safe an environment as possible for students and staff in accordance with the law and the standards set by the Richland School District Two Board of Trustees. In establishing such standards, the Board prohibits the presence and activities of gangs on or near school property and at school-sponsored events.

The Board defines a gang as any non-school sponsored group, possibly of secret and/or exclusive membership, whose purpose or practices include the commission of illegal acts, the violation of school rules, the establishment of territory or "turf," or any other action which threatens the safety or welfare of others. In prohibiting the presence and activities of gangs, the Board makes the following findings:

1. Gangs that initiate or advocate activities that threaten the safety and well-being of persons or their possessions anywhere on or near school property or at school-sponsored events are harmful to the educational purposes of the district.
2. Gang incidents involving recruitment, initiation, hazing, wearing of colors or other gang indicators, threats and intimidation, fighting, or establishment of "turf or territory" on school property or at any

school-sponsored event are likely to cause intimidation or fear, bodily danger, physical harm, or personal degradation or disgrace resulting in physical and mental harm to students.

3. The use of hand signals and the presence of any apparel, jewelry, accessory, book or manner of grooming that is by virtue of its color, arrangement, trademark, symbol or any other attribute, denotes membership in a gang creates a clear and present danger of the commission of unlawful acts on school premises, the violation of school regulations, or the substantial disruption of the orderly operation of the school is prohibited. In determining whether or not a student is in violation of the prohibition on the wearing/display of a gang-related item, the district will maintain, in all of its school offices, an example of potential gang indicators including symbols, hand signals, graffiti and clothing/accessories. In providing these examples for students and parents, the Board acknowledges that not all potential gang indicators actually denote actual membership in a gang.
4. If the district determines that a student has initiated or participated in a gang or a secret society as stipulated previously, that student will be disciplined in a manner that may include, but will not be limited to, detention, removal from extracurricular activities, suspension and/or expulsion, and referral to law enforcement, dependent upon the circumstances of the particular offense. The district also reserves the right to prohibit any student from wearing/displaying any article of clothing or accessory that the district has determined to be a gang indicator.

These regulations cover students during the school day as well as on school buses and during all school-sponsored functions on or off campus.

#### **SUSPENSION AND EXPULSION**

In all cases of disciplinary actions taken by the administration of Richland Two, a fair, common-sense approach is maintained. This approach uses specific procedures that ensure that administrators, students and parents are involved at every step to reduce unnecessary conflict.

#### **Maximum suspension**

An administrator may suspend a student from the classroom or from school for

a maximum of 10 days for each offense, but not for more than 30 days of the academic year.

### Suspension during the last 10 days of school

An administrator may not suspend a student from school during the last 10 school days of the school year if the suspension would result in the loss of the course credit unless the School Board approves, or if the student is an actual threat to the class or the school, or a hearing is granted by the end of the next school day following the suspension.

### Parental notification

An administrator who suspends a student will notify the student's parents or guardians in writing, giving the reason for the suspension. The parents or guardians are requested to attend a conference with appropriate school personnel. Following the conference, the parents may appeal the suspension to the school principal and to the district office. This ends the appeals process for suspensions.

## PROCEDURE FOR EXPULSION

### Authority to Expel

Under Board Policy JKE, expulsion is the removal of a student from a school for the remainder of the school year or until readmitted by the Board. The Board delegates to the Board-approved district hearing officers the authority to conduct administrative hearings and take disciplinary action, including expelling students from the district. An expulsion hearing will take place within 10 days of the written notification at a time and place designated by the hearing officer, and a decision will be rendered within 10 days of the hearing. The student may be suspended from school and all activities during the time of expulsion procedures. Pending the expulsion hearing outcome, students are allowed to complete and submit homework through a parent or designated guardian. The decision of the hearing officer may be appealed to the Board. Every expelled student will have the right to petition for readmission for the succeeding school year. Students recommended for permanent expulsion by the district hearing officers shall be referred to the Board.

The authority to permanently expel a student from the school district does rest solely with the Board.

### Expulsion hearings

1. When a student is recommended for expulsion, the parents or legal guardians of the student

are notified in writing of the time and place of a hearing before the Board of Trustees or its designee.

2. At this hearing, parents have the right to legal counsel as well as the right to question all witnesses. If the hearing is held before the Board's designee, both the parents and school administrators have the right to appeal the decision to the Board. The Board will generally review appeals in writing, with neither party appearing before them.
3. The hearing will take place within 10 days of issuance of a written notification of a time and place designated by the Board or its designee. A decision will be rendered within 10 days after the hearing.

### Absences during expulsion procedures

During the time of expulsion procedures, the student is suspended from school and all school activities. If an administrator's recommendation for a student's suspension or expulsion is rejected by the Board, all student absences resulting from proceedings may be excused.



### Legal Appeals

Actions of the School Board may be appealed to the proper court.

## ZERO TOLERANCE - REAL OFFENSES. REAL CONSEQUENCES.

Students may not possess and/or distribute alcohol or drugs. All medicine must be dispensed by a school nurse. All kinds and all sorts of knives, brass knuckles, bullying, guns and tasers are prohibited. If a student realizes that he/she has an unauthorized item in his/her possession, then that item must be reported to school officials or the school resource officer immediately. If a student is found in possession of a prohibited item before the student reports the unauthorized item, then the student possessing it will go through district disciplinary procedures to resolve the issue. Additionally, the



following are never allowed on any Richland Two campus, school bus or during school activities/field trips.

### **Felonies**

Felonies including but not limited to robbery, arson or physical assault are prohibited.

### **Gang Activities**

Gang activities or gang related activities including but not limited to the use of signs, drawings, dress, keeping records, paraphernalia, beat-ins, beat-outs and threats are prohibited.

### **Sexual Activities**

Consensual and non-consensual sexual activities are prohibited.

### **Threats**

Threats including but not limited to the use of profanity directed to students, faculty or staff are prohibited.

### **Expulsion**

The Board of Trustees intends to expel all students involved in illegal activities. School district policies and rules govern the disciplinary procedures that will be used to resolve any and all Zero Tolerance offenses. The Board intends to expel all students involved in these illegal activities. The expulsion may be for one year or expulsion may be permanent.

The J Policies address student issues. If you have questions about any of this information, please contact your child's school or the District Office, 803.787.1910.

**All Board policies are on the district's website:  
[www.richland2.org](http://www.richland2.org).**

## **Complaints of Sexual Harassment, Intimidation and Bullying**

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.

Sexual harassment may be generally defined as unwelcomed (as determined based on the age of the student) sexual advances, requests for sexual favors, and written, spoken or physical conduct of a sexual nature. Inappropriate conduct of a sexual nature directed towards students will also not be tolerated. For further information regarding the district's policy related to the prohibition of sexual harassment of students or inappropriate conduct of a sexual nature directed towards students, refer to Board Policy JI, Student Rights and Responsibilities, and its accompanying Administrative Rule.

Any student who believes he or 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 Board Administrative Rule JI-R. For details and further information, see Board Policy JI.

All complaints will be investigated promptly. Students who file such complaints or any individuals who provide information relevant to such a complaint will not be subject to retaliation or reprisal in any form. Students who have knowledge that sexual harassment or inappropriate conduct of a sexual nature directed at students is or may be occurring, should notify the school's principal, a school counselor or a school administrator immediately.

Similarly, harassment, intimidation or bullying of students is prohibited. Harassment, intimidation or bullying is defined as a gesture, electronic communication or a written, verbal, physical or sexual act reasonably perceived to have the effect of either of the following: harming a student physically or emotionally or damaging a student's property, or placing a student in reasonable fear of personal harm or property damage; or insulting or demeaning a student or group of students causing substantial disruption in, or substantial interference with, the orderly operation of the school.

Any student who believes he or she has been subjected to harassment, intimidation or bullying, as defined in State law and Board Policy JICFAA (Harassment, Intimidation or Bullying), is encouraged to file a complaint in accordance with Policy JICFAA/JICFAA-R.

Reports may be made anonymously. Complaints will be investigated promptly and thoroughly. Students who file such complaints or any individuals who provide information relevant



to such a complaint will not be subject to retaliation or reprisal in any form. Appropriate disciplinary action will be taken against any individual determined to have engaged in such conduct towards a student.

*A researched-based anti-bullying program is taught in all schools.*

Bullying is unfair and one sided. It happens when someone keeps hurting, frightening, threatening, or leaving someone out on purpose. Language that is intended to harass, humiliate and intimidate another student is considered serious behavior. This includes racial slurs, sexual harassment and threats of physical harm.

Students shall avoid any conduct, behavior or action that could be characterized as bullying. Bullying may include, but is not limited to the following:

- Hurting someone physically by hitting, kicking, tripping, pushing, and so on
- Stealing or damaging a student's property
- Ganging up on someone
- Teasing someone in a hurtful way
- Using put-downs, such as insulting someone's race or making fun of someone for being a boy or a girl
- Spreading rumors about someone
- Leaving someone out on purpose or trying to get other students not to play with someone
- Demeaning or systematically excluding any student or group

Bullying is prohibited against members of the same sex as well as against members of the opposite sex.

Administration will do the following things to help prevent bullying so that students feel safe at school:

- Closely supervise students in all areas of the school
- Watch for signs of bullying behavior and stop it when it happens
- Respond quickly and sensitively to bullying reports
- Take parents' concerns seriously about bullying
- Look into all reported bullying incidents

Assign consequences for bullying based on school discipline code.

Provide immediate consequences for anyone who retaliates against students who report bullying. The school will work to do the following to prevent bullying:

- Provide a copy of the bullying policy to all students and parents.
- Inform all students and parents about the definition of bullying, the procedures for registering a complaint, and the consequences for bullying.
- Designate administrators and bullying coaches (guidance counselors, school resource officers, teachers, etc.) who are informed of the procedures and understand how to implement them. For example, they should be made aware of the kinds of acts that constitute bullying, the district's commitment to eliminating and avoiding bullying in the schools, the penalties for engaging in bullying behaviors, the procedures for reporting incidents of bullying, and the procedures for coaching the student who was bullied and coaching the student who engaged in bullying.

Students will be encouraged to do the following things to prevent bullying:

- Treat each other respectfully.
- Refuse to bully others.
- Refuse to let others be bullied.
- Refuse to watch, laugh or join in when someone is being bullied.
- Try to include everyone in activities, especially those who are often left out.
- Report bullying to an adult.

### **Reporting and Response Procedures**

Students who believe they have been bullied are encouraged to immediately inform a teacher, counselor, administrator or other school staff.

Staff, students or volunteers who witness or have reliable information that a student has been harassed or bullied are to report the matter to an administrator, counselor, teacher or other school staff member immediately.

All administrators and/or designated coaches will follow up periodically on any incident of bullying they

were involved in investigating to determine whether the student has been subject to any further bullying since the corrective action was taken.

Retaliation against students who report bullying is prohibited. Retaliation against those who participate in an investigation of bullying is prohibited. All incidents of retaliation shall be immediately reported to an administrator and are subject to disciplinary action.

Students making false accusations of bullying as a means of reprisal, retaliation or harassment are subject to disciplinary action.

Engaging in bullying behavior on school property or when under the jurisdiction of the school, including while on a school bus, is considered a violation, is disorderly, disruptive, and/or is an act of criminal nature. Such conduct may result in disciplinary action, including suspension, and/or expulsion in certain instances.

### **Searches and Interrogations**

In order to enhance security in the schools and prevent students from violating Board policies, school rules and state laws, District administrators and other designated school employees are authorized to conduct reasonable searches according to the procedures outlined herein. In conducting such searches, school employees will make every effort to protect the privacy of individuals. Notice will be conspicuously posted on school property at all regular entrances and any other access point on school grounds, advising individuals that searches may be conducted as outlined below. If a properly conducted search yields evidence that a Board policy, school rule, or federal or state law has been violated, appropriate disciplinary action will be taken, and in cases where the evidence suggests a violation of law, law enforcement will be notified.



#### **Searches of a person or a person's personal belongings**

Procedures for searching a person or a person's personal belongings must comply fully with the

"reasonableness standard," as adopted by the U.S. Supreme Court in *New Jersey v. T.L.O.* This standard requires that a search must be "justified at its inception" and "reasonably related in scope." "Justified at its inception" means that a school official must have reasonable grounds for suspecting that a search will turn up evidence that the student has violated or is violating Board policies, school rules, or federal or state law. "Reasonably related in scope" means that the actual search conducted must be likely to turn up evidence of the specific violation. In addition, the search must take into consideration the age and sex of the individual being searched and the nature of the infraction.

No school personnel will conduct a search, that may be considered a strip search. All searches of students must be conducted or authorized by the principal or his/her designee in the presence of a staff/professional witness.

#### **Searches of lockers, desks and other school property**

The district provides lockers, desks, and other such school property to students for their use during the academic year. Because the district retains ownership of the aforementioned property, school officials may conduct random, unannounced searches of such property. Students will be notified at the beginning of each school year that such property may be searched at any time.

School authorities will also inform students of the following locker regulations:

- Students are responsible for the contents of the locker assigned to them.
- Students are to keep their lockers locked.
- Students are not to give other students access to their locker.
- Students are to report damaged, unsecured lockers immediately.

#### **Searches of automobiles on school property**

Students are permitted to park on school premises as a matter of privilege, not of

right. Accordingly, all students desiring to park their automobiles on school premises must first obtain a parking permit from the designated school administrator. In order to obtain a parking permit, the student must sign a form acknowledging that he/she understands and agrees to the terms regarding the use of parking lots as set forth below. Vehicles that do not have a permit in plain view are subject to being towed at the student's expense.

Because parking on school premises is a privilege, the school retains authority to conduct routine searches of automobiles parked on school property. The school may conduct routine searches of the exterior of student automobiles parked on school property at any time. In conducting a search of the exterior of an automobile, school officials may observe those things inside automobiles that are in plain view.

The interiors of student automobiles, including such things as trunks, glove compartments and personal belongings within an automobile, may be searched whenever a school official has reason to believe a student is violating Board policies, school



rules or federal or state law, as described in the "reasonableness standard" set forth above. When a school official needs to gain access to the interior of an automobile parked on school premises for purposes of conducting a search in compliance with the "reasonableness standard," he/she will first ask the student to provide such access. If a student refuses to provide the school official with access to the interior of his/her automobile, he/she may be subject to disciplinary action, including

loss of all parking privileges.

### **Searches by canines**

The use of trained canines to search for controlled substances, weapons and bombs in schools will be on a random, unannounced basis. At the request of the school principal, a trained canine with its handler may go into schools to sniff lockers, desks, backpacks and the exterior of automobiles. Trained canines will not be used to search students themselves. The canine must be accompanied by a qualified and authorized handler who will be responsible for the dog's actions. Should the dog alert its handler to the presence of any controlled substance, weapon or a bomb, school officials would then have a reasonable basis to conduct a search in accordance with the procedures set forth above.

### **Interrogations by school personnel**

Teachers and administrators may question students about any matter pertaining to the operation of the school and/or enforcement of its rules. The staff member will conduct the questioning discreetly and under circumstances, which will avoid unnecessary embarrassment to the student being questioned. 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 students during the school day, the principal or his/her designee will cooperate with law enforcement and will request to be present in order to protect the best interests of the student. The principal or his/her designee should make a reasonable attempt to contact the student's parent/legal guardian and request his/her presence. Should this attempt fail, the principal or his/her designee will continue to make a reasonable attempt to notify the student's parent/guardian that law enforcement questioning took place on school grounds.

### **Contacting Law Enforcement**

The principal or his/her designee will contact law enforcement immediately upon notice that a person is engaging in, or has engaged in, activities on school property or school-sanctioned or sponsored activity, which may result, or results in, injury or serious threat of injury to the person or another person or his/her property.



### **Metal Detector**

When the school administration has reasonable cause to believe that identified or unidentified students possess weapons, when there has been a pattern of finding weapons at school, when violence involving weapons has occurred at school, or when the administration determines that the safety of the school requires it, a hand-held metal detector will be used in accordance with established procedures. Any search of a student's person as a result of the activation of the detector will be conducted in private.

The purpose of using a metal detector is to enhance security by preventing students from bringing weapons or other dangerous objects to school or school-sponsored events. School district regulations state that a student may not possess, use or transfer dangerous weapons. Any student who violates district regulations will be disciplined in accordance with district policy.

### **Surveillance Equipment**

It is the policy of Richland Two to utilize video surveillance equipment to promote and enhance the physical safety of students, faculty and staff.

### **Trespassing**

According to state law, a student is subject to arrest for going onto school property other than his/her own without permission. A visitor without a pass granted by an administrator will be asked to leave the campus.

## **Student Attendance**

The Board believes that attendance is a key factor in student achievement. Any absence represents an educational loss to the student. The Board expects each student to attend his/her designated school every day, for the entire year, except in cases of illness or other reasons specifically stated in this policy.

**Please note:** A student who fails to attend school when he/she is physically and circumstantially able to do so and has accrued three consecutive unlawful absences or a total of five unlawful absences is truant. Such a student is in violation of the South Carolina Compulsory Attendance Law that requires school attendance for children who are 5 years of age by September 1 until they become 17 years of age.

In accordance with state regulations, students can be absent for no more than 10 days per school year.

A note from a parent/legal guardian or certified medical practitioner must be submitted to the school immediately upon the return of the student. Absences that exceed the 10 must be approved by the school principal. A student with excessive absences may be subject to retention. High school students who exceed five absences in a semester course or 10 absences in a yearlong course may not receive credit for that course.

If a student fails to bring a valid excuse to school, he/she will automatically be marked as unlawfully absent. If a student brings a false (or forged) excuse, he/she must be referred to the school administration for appropriate action and the absence(s) considered lawful.

### **The district will consider students lawfully absent under the following circumstances:**

- They are ill and their attendance in school would endanger their health and the health of others (If you anticipate that your child may be absent more than five (5) consecutive days due to an extended health problem, an application for Homebound Instruction should be completed immediately. This application form may be obtained from the Richland Two Department of Special Services, or from the guidance office at your child's school.)
- There is a death or serious illness in their immediate family
- There is a recognized religious holiday of their faith
- Appearances in court or an appointment with a legal officer
- Appointments with a physician, dentist or other recognized licensed/certified medical practitioner (Parents are urged to schedule health appointments after school hours. When this is not possible, the days or times of appointments should be alternated so that the student does not always miss the same class or subject.)
- Participation in school-related activities that have received prior approval by the principal or his/her designee
- Suspension from class or school
- Prearranged absences for other reasons and/or extreme hardships, determined at the discretion of the principal



**The district will consider students unlawfully absent under the following circumstances:**

- They are absent from school without the knowledge of their parent/legal guardian
- They are absent without acceptable cause with the knowledge of the parent/legal guardian

The parent/legal guardian will be notified that written excuses will be required for each student absence and the parent/legal guardian will be expected to provide the school with a written excuse for each absence.

After **three consecutive unlawful absences** or a total of **five unlawful absences**, the student is considered truant. School officials, along with the parent/legal guardian and student (when appropriate) will identify the reasons for the absences and develop an attendance improvement plan (AIP) to improve future attendance.

The AIP will include, but not limited to, the following:

- Reasons for unlawful absences
- Methods to resolve the cause of unlawful absences
- Actions to be taken in the event unlawful absences continue
- Signature of the parent/legal guardian or evidence that a reasonable attempt has been made to involve the parent/legal guardian

Reasonable attempts should be made to contact the parent/legal guardian to identify the reasons for a student's absences. Reasonable efforts include telephone calls, letters and home visits, both during and after normal business hours. Written messages sent via the United States Postal Service, emails and messages sent home with students are acceptable.

Should the parent/legal guardian refuse to cooperate with the AIP process and the student accumulate two additional unlawful absences, a petition may be filed with family court. A petition may also be filed should the parent/legal guardian develop an AIP and fail to comply with the plan and the child continue to accrue unlawful absences. In either situation the child is deemed a "habitual truant," according to the state's compulsory school attendance law.

**Reporting violations of court orders**

When the school has determined that the student has violated the court order to attend school and/or the child continues to accumulate unlawful absences, the student is deemed a "chronic truant" under the state compulsory school attendance law. School officials may, should other community alternatives and referrals fail to remedy the attendance problem, refer the student to family court for a violation of a previous court order.

**High school credit**

In order to receive credit for a high school course, a student must attend **85 days (for a 90-day semester course) or 170 days (for a 180-day year long course)**. At the discretion of the school principal, students may be eligible to pay to make up missed days not to exceed four make up days per class. All make-up time and work must be completed within 30 days from the last day of the course(s). The Board or its designee may extend the time for student's completion of the requirements due to extenuating circumstances as prescribed by state board of education guidelines.

Although absences may be lawful and not relative to truancy charges, all absences out of school are counted when considering the awarding of credit. Out of school suspension days, while lawful, count toward the denial of credit.

**Re-enrollment of students**

Students residing in the school district who have been dropped from the roll in accordance with the Education Finance Act or for any other reason and subsequently return must be re-enrolled. The only exception will be those who have been placed on long-term suspension or expelled by the Board or the District hearing officer.

**School Counseling Department Policies**

Richland Two annually verifies the addresses of all students in the district. All students currently enrolled from Child Development through the 12th grade need to provide their current school with one proof of residence (current electric bill, cable bill, water bill). For specific details, go to [www.richland2.org](http://www.richland2.org), and visit the Planning and Initiatives Department's page.

**Home School**

Students entering the district from home school

are required to meet with a school guidance counselor or the principal for the purpose of determining which course tests the student will need to take and pass to validate course credit.

**Transfer Students**

Students who transfer from schools accredited by a regional accrediting association (i.e., SACS/CASI) may automatically transfer credit that has been awarded by the previous school attended. Students who transfer from non-accredited schools must have their credit or courses validated for credit.

**Transfer of Credits**

Transfer of weighted credits is not automatic and must be reviewed by the Director of Guidance.

**Withdrawal from School**

Parents should begin the process in the Guidance Office. Information must clear the fees clerk, the student’s teachers, the media center and the textbook clerk before the withdrawal can be confirmed. It may take more than one day to complete the process.

**Withdrawal from a Course**

The state uniform grading system and district policy define the conditions for withdrawing from courses. Those conditions are as follows:

- With the first day of enrollment as the baseline, students who withdraw from a course within three days in a 45-day course, five days in a 90-day course or 10 days in a 180-day course will do so without penalty.
- Students who officially withdraw from a course after the specified time of three days in a 45-day course, five days in a 90-day course or 10 days in a 180- day course shall be assigned a “WF” (withdraw failing) and the “F” will be calculated in the student’s overall grade point ratio.
- The three, five and 10-day limitations for withdrawing from a course without penalty do not apply to course or course level changes initiated by the administration of a school.
- Level changes may be honored if class space is available for the course level requested and if the change is requested within the first 30 days of the course. Students withdrawing from

<b>South Carolina Uniform Grading Scale Conversions</b>				
<b>Numerical Average</b>	<b>Letter Grade</b>	<b>College Prep</b>	<b>Honors</b>	<b>AP/IB/ Dual Credit</b>
100	A	4.875	5.375	5.875
99	A	4.750	5.250	5.750
98	A	4.625	5.125	5.625
97	A	4.500	5.000	5.500
96	A	4.375	4.875	5.375
95	A	4.250	4.750	5.250
94	A	4.125	4.625	5.125
93	A	4.000	4.500	5.000
92	B	3.875	4.375	4.875
91	B	3.750	4.250	4.750
90	B	3.625	4.125	4.625
89	B	3.500	4.000	4.500
88	B	3.375	3.875	4.375
87	B	3.250	3.750	4.250
86	B	3.125	3.625	4.125
85	B	3.000	3.500	4.000
84	C	2.875	3.375	3.875
83	C	2.750	3.250	3.750
82	C	2.625	3.125	3.625
81	C	2.500	3.000	3.500
80	C	2.375	2.875	3.375
79	C	2.250	2.750	3.250
78	C	2.125	2.625	3.125
77	C	2.000	2.500	3.000
76	D	1.875	2.375	2.875
75	D	1.750	2.250	2.750
74	D	1.625	2.125	2.625
73	D	1.500	2.000	2.500
72	D	1.375	1.875	2.375
71	D	1.250	1.750	2.250
70	D	1.125	1.625	2.125
69	F	1.000	1.500	2.000
68	F	0.875	1.375	1.875
67	F	0.750	1.250	1.750
66	F	0.625	1.125	1.625
65	F	0.500	1.000	1.500
64	F	0.375	0.875	1.375
63	F	0.250	0.750	1.250
62	F	0.125	0.625	1.125
0-61	F	0.000	0.000	0.000
61	FA	0.000	0.000	0.000
61	WF	0.000	0.000	0.000
-	WP	0.000	0.000	0.000

an AP course will be charged the cost of the exam.

- If a student moves from a weighted to a non-weighted course, he/she loses the benefits of the weighted grade.
- When a student is permitted to change from one course level to another, the exact numerical grade earned in the first course transfers to the other and is computed in the grade reports. In accordance with High School Initiatives 2000+, nine-week grading intervals will be used.

### **Grading Scale, Conversions and Class Rank**

In compliance with state law, Richland School District Two will ensure grades for courses that grant a Carnegie unit are calculated to the statewide grading system.

When transcripts are received from out-of-state (or in-state from other than public high schools) and letter grades are recorded, grades are transferred into the student's record as follows:

#### **Transfer Grade Classification**

If no numeric grades are provided, all letter grades will be changed according to the conversion scale. A grade lower than 70 received from another school, but which is indicated as a passing grade from the sending institution, will be converted to a 73 numerical grade on the new scale. If there is no numerical average from the sending institution, a grade of P (passing) received from the other school will be replaced by the corresponding number equivalent to the student's cumulative transfer GPA.

#### **Grade Point Ratios**

Grade Point Ratios (GPR) will be figured uniformly in all schools using the same formula. The formula will yield each student's GPR that can then be ranked from the highest to the lowest rank in class. Computations will not be rounded to a higher number. For specific information on how an individual student's GPR is calculated, please contact your child's guidance counselor.

#### **Address Change/Student Withdrawal**

If a student moves from one Richland Two school to another school in the district before the 45th day, the student must change schools. It will then be necessary to withdraw the student and enroll the student in

the school in the appropriate attendance area. Parents must complete a Withdrawal Form. This form has extremely important information for the new school to facilitate proper grade, reading and math placements. Upon withdrawing from school, the student should return all textbooks and library books and pay any outstanding fees.

If a student moves from one Richland Two school to another school in the district after the 45th day, the parent may request the student remain at original school through the end of the school year. The request form may be obtained from the Attendance Secretary in the front office. If a student moves outside of the Richland Two area, the student must transfer to the appropriate school district immediately.

### **Promotion and Retention**

**Purpose:** To establish the basic structure for the promotion and retention of students in grades K-8.

Richland School District Two parents, teachers, administrators and community members have high expectations for student achievement. The South Carolina Curriculum Standards establish challenging standards for curriculum and school performance.

The district affirms academic excellence for all students. This promotion/retention policy describes the standards our students must meet in order to maintain academic excellence and to be considered for promotion from one grade to the next.

This policy will be applicable to all students who are in the regular school program. Students functioning in special education programs will be governed by their Individual Educational Plan (IEP). The district will administer this policy fairly, equitably and consistently in the schools.

#### **Promotion and Retention**

The principal will be responsible for the decision to promote or retain a student in grades K-8. The principal will take into consideration the academic as well as other relevant educational aspects (social, emotional and physical maturity) of the student's development and will be responsible for ensuring that parents are adequately apprised of their child's progress and options.

The district will promote or retain students in grades K-8 based on the following criteria:

Grades K-5	Grades 6-8
	During the three years of middle school, students are required to satisfactorily complete the following core classes.
Assessment results	Three classes of math
Schoolwork	Three classes of language arts/reading
Teacher judgment	Three classes of science
	Three classes of social studies

The purpose for promotion or retention is to ensure the success of the student. It is recommended that a child not be retained more than once prior to entering the third grade. The decision to retain a student will be accompanied by a written plan for academic progress.

**Parent conferences**

At the beginning of the school year, the school will notify each parent of the need for a conference for any student performing below grade level. Standardized test results and/or school level assessments will be used to determine which students are performing below grade level. At the conference, the student, parent and appropriate school personnel will discuss and develop an academic plan to ensure student success.

At the beginning of the second semester, the school will notify each parent of those students who continue to perform below grade level. Academic plans will be reviewed/ revised at this conference.

At the end of the third nine weeks grading period, the parent will be notified of the student’s progress toward performing at grade level and/or meeting the objectives established in the academic plan.

Before the end of the school year, the parent will be notified if the student is still performing below grade level standards and not meeting the objectives established in the academic plan. The parents will be

informed that the student will be retained and given an opportunity for a conference. Summer school may be recommended to the parent for continued academic support.

At the end of summer school, the school will notify parents in writing of the progress and promotion and retention status of the student for the following year. The parents will be given an opportunity for a conference as needed.

**Academic plan**

Completion of academic plans should follow the guidelines indicated in the Academic Plans for Students (APS) requirements of the Educational Accountability Act.

**School panel review**

The school will establish a panel of school professionals to review all retention decisions. The panel will use Richland School District Two’s Promotion and Retention policy and the State Department of Education’s Academic Plans for Students (APS) requirements to determine a student’s readiness to proceed to the next grade level.

**Appeals process**

The district will have an appeals process in place for the parent or student to appeal summer school, probation or retention.

The district will also make every effort to educate and inform parents and students about the promotion/ retention policy through parent/student handbooks, newsletters, School Improvement Council, and Parent Teacher Organization/Parent Teacher Association meetings.

**Elimination of High School**

**Exit Exam**

Through the passage of Act 155, the South Carolina General Assembly approved the removal of the High School Assessment Program (HSAP) exam requirement for graduation.

The law also requires that all students entering the 11th grade for the first time must be administered a college and career readiness assessment as required by the federal Individuals with Disabilities Education Improvement Act and by Title 1 of the Elementary and Secondary Education Act and must be administered a WorkKeys assessment. A student’s performance



on these assessments, however, are not part of the state’s graduation requirements.

## Honor Code

Honor Code: All students are to adhere to the Richland School District Two Code of Conduct.

### HONOR CODE

On my honor, I have neither given nor received unauthorized assistance on this assignment. I understand that any violation of the Richland Two honor code will result in academic and disciplinary action.

**Purpose:** To ensure that Richland Two schools embody high expectations for academic integrity and maintain an academic environment for all of their constituents that is free from any form of academic dishonesty. This regulation is intended to promote noble character and admirable academic integrity for the district schools and individuals.

**Code:** To Promote Academic Integrity

#### STUDENTS:

1. Will tell the truth when dealing with faculty, administrators, staff and student hearing boards where they exist.
2. Will not represent as theirs any work, that they have not done alone. This is plagiarism and includes any misuse of computers or other technology.
3. Will not cheat. Types of cheating include, but are not limited to, divulging responses to others or allowing others to view responses during any type of examination, looking at others’ responses in an attempt to gain an unfair advantage, bringing, or attempting to bring, unauthorized materials to a test that include, but are not limited to written answers on any medium, unauthorized programs on calculators, other unauthorized resources or devices. Other forms of cheating include receiving, stealing, or looking at a test beforehand, using others’ words, works or ideas without proper attribution, working in collaboration on work that was to be completed individually, and portraying as their own work which was completed by another.

#### **Consequences: Cheating or Plagiarism**

Students who violate the Honor Code will receive academic and disciplinary consequences that may include but are not limited to

receiving a zero on an assignment, parent notification, detention, suspension, reduced points on an assignment, removal from co-curricular or extracurricular activities, honor societies or student offices.

#### **Statewide uniform grading scale**

The school will follow the statewide uniform grading scale as approved by the State Board of Education. This uniform grading scale and the system for calculating GPAs and class rank will apply to all courses carrying Carnegie units, including units earned at the middle/junior high school level.

The uniform grading scale is as follows.

100 – 93	A
92 – 85	B
84 – 77	C
76 – 70	D
69 and below	F

## Student Activities

**Purpose:** To establish the Board’s vision regarding student activities and the basic structure for the conduct of those activities.

The Board regards student activities at the elementary and secondary school level as a vital part of the total educational program as long as the schools safeguard the development and well-being of the students. Schools should use these activities as a means of developing wholesome attitudes and good human relations as well as knowledge and skills.

The Board sanctions student activities that traditionally have been a part of the overall school program provided school personnel properly supervise and operate the activities in accordance with school policies and regulations.

The Board considers student activities to be learning experiences. The administration must develop, manage and evaluate these activities with this purpose in mind. The Board considers student activities part of the total school curriculum. The administration should be included in regular curriculum planning, review and evaluation processes regarding these activities.

The principal will be responsible for the organization

of all student activities. He/She will provide adequate supervision, administer student finances and approve all student activities with the assistance of delegated members of the faculty.

### **Interscholastic activities (high school)**

Interscholastic activities include school-sponsored activities for which preparation occurs outside of the regular school day. Individuals or members of groups involved in activities that include out-of-school practice on more than two hours per week must meet eligibility requirements.

The Board is responsible for the monitoring of all interscholastic activities other than those under the jurisdiction of the South Carolina High School League (SCHSL). Rules of the SCHSL govern interscholastic athletics.

Schools will determine academic eligibility at the beginning of each semester. Eligibility will be based on the previous semester's record of courses taken and grades achieved.

To be eligible to participate in interscholastic activities, the student must achieve an overall 1.5 GPR as a freshman, a 1.75 GPR as a sophomore and a 2.0 GPR ("C" average) as a junior and senior in addition to the following.

- To be eligible in the first semester, a student must pass a minimum of five Carnegie units applicable toward a high school diploma during the previous year. At least two units must have been passed during the second semester or summer school.
- To be eligible during the second semester, the student must meet the following conditions.
  - If the student met first semester eligibility requirements, then he/she must pass the equivalent of four, ½ units during the first semester.
  - If the student did not meet first semester eligibility requirements, then he/she must pass the equivalent of five, ½ units during the first semester.

Academic courses are those courses of instruction for which credit toward high school graduation is given. These may be required or approved electives.

If the interscholastic activity occurs completely within one semester, a student must satisfy these

conditions in the semester preceding participation in the interscholastic activity. If the interscholastic activity occurs over two consecutive semesters and is under the jurisdiction of the SCHSL, the student must satisfy these conditions in the semester preceding the first semester of participation.

### **Interscholastic activities (middle school)**

Participation in athletics requires all students to maintain an overall 2.0 GPA (grade point average) or above. Academic requirements for students enrolled in the seventh and eighth grades, including first semester ninth graders are:

- Students passing the sixth, seventh, and eighth grades by academic promotion pursuant to district policy are considered as having met the requirements for academic eligibility for first semester.
- Students in grades seven and eight must be meeting the school district promotion policy at the end of the first semester in order to be eligible second semester. (Second semester ninth grade students must meet SCHSL academic regulations.)
- A seventh or eighth grade repeater shall not be eligible during a school year if academic requirements for promotion were met during the previous year.
- A student who previously failed the seventh or eighth grade is eligible during the second semester if he/she has satisfactorily passed first semester work. Second semester eligibility begins when first semester ends and the student is added to the certificate of eligibility form signed by the principal.

\*Summer School grades replace yearly average for promotion only (does not replace fourth nine weeks grades.)

Additional rules and regulations concerning athletics are governed by Richland Two Policies and the SCHSL. All students must have an annual physical and proof of insurance.

### **Charter school student participation in extracurricular activities**

A charter school student is eligible to compete for, and if chosen, participate in any extracurricular activities not

offered by the student's charter school that are offered at the resident public school he/she would otherwise attend, as well as any activities governed by the SCHSL not offered at the charter school. Eligibility requirements and fees for these activities will be the same as those applied to full-time students of the resident school, and the district may not impose any additional requirements for participation on charter school students that are not imposed on full-time students.

### Home school student participation in interscholastic activities

A student residing in the district and eligible to attend schools of the district who has been taught in accordance with state law governing home schooling requirements for a full academic year prior to participating in an interscholastic activity may be eligible to participate in the interscholastic activities of the school where he/she is zoned to attend.

For purposes of this section, interscholastic activities are those extracurricular activities of the district involving participation or competition among or between schools, including interscholastic extracurricular music, speech, athletic and other such extracurricular activities.

### Additional Information

The district will not allow an ineligible student to participate in any interscholastic activity.

Students diagnosed as disabled under the criteria established by the state Board of Education and satisfying the requirements of their Individualized Education Plan (IEP) as required may be eligible to participate in interscholastic and/or extracurricular activities.

Any challenge to a charter school or home school student's approval, denial or revocation of the privilege to participate in an interscholastic or extracurricular activity will be subject to the review and appeal procedures, if any, pertaining to the activity involved. Additional information about School Board Policy JJ and Administrative Rule is on the district's website: [www.richland2.org](http://www.richland2.org).

## Electronic Communication Devices in School

### Code JICJ

Purpose: To establish the basic structure for student possession/use of cell phones/electronic devices in the schools of the district.



Possession of an electronic communication device (ECD) by a student is a privilege that may be forfeited by any student who fails to abide by the terms and provisions of this policy, or otherwise engages in misuse of this privilege.

An "electronic communication device" is a device that emits an audible signal, vibrates, displays a message, image or otherwise summons or delivers a communication to the possessor. The following devices are examples of ECDs: cellular and wireless telephones, pagers/beepers, personal digital assistants (PDAs), BlackBerries/Smartphones, Nooks, Kindles, laptops and other e-readers, WiFi-enabled or broadband access devices, two-way radios or video broadcasting devices, and other devices that allow a person to record and/or transmit, on either a real time or delayed basis, sound, video or still images, text or other information.

Students may not use ECDs to access and/or view Internet websites that are inappropriate or otherwise blocked to students at school while on school property or at a school-sponsored activity.

Students are prohibited from using ECDs to capture, record or transmit the words (i.e. audio) and/or images (i.e. pictures, video) of any student, staff member or



other person in the school or while attending a school-related activity without express prior notice and explicit consent for the capture, recording or transmission of such words or images. Using an ECD to take or transmit audio and/or pictures/video of an individual without his/her consent is considered an invasion of privacy and is not permitted, unless authorized by the building principal.

Students are prohibited from using ECDs to take pictures or record video/audio in locker rooms, bathrooms, or on school buses or other district vehicles. The use of ECDs to take pictures or record video/audio is also prohibited in classrooms, unless deemed appropriate by the teacher and used for educational/instructional purposes only.

Students are prohibited from using ECDs in any way that might reasonably create in the mind of another person an impression of being threatened, humiliated, harassed, embarrassed or intimidated (see Policy JICFAA, Harassment, Intimidation or Bullying).

Students are also prohibited from using an ECD to capture and/or transmit test information or any other information in a manner constituting fraud, theft, cheating or academic dishonesty. Likewise, students are prohibited from using ECDs to receive such information.

Students must use all ECDs in compliance with this policy as well as with Policy IJND/IJND-R(2) (Electronic Communications and Data Management).

Violations of this policy may result in disciplinary action and/or confiscation of the ECD. The building principal may also refer the matter to law enforcement if the violation involves an illegal activity (e.g. child pornography). Discipline will be imposed in a progressive manner based on the number of previous violations and/or the nature of or circumstances surrounding a particular violation. If the ECD is confiscated, it will be released/returned to the student's parent/legal guardian only after the student complies with any other disciplinary consequences that are imposed. Any ECD confiscated by district staff will be marked in a removable manner with the student's name and held in a secure location in the school building until it is retrieved by the parent/legal guardian. ECDs in district custody will not be searched or otherwise tampered with unless school officials reasonably suspect that the search is

required to discover evidence of a violation of the law or other school rules. Any search will be conducted in accordance with policy JIH (Student Interrogations and Searches). If multiple offenses occur, a student may lose his/her privilege to bring an ECD to school for the remainder of the school year.

Students are personally and solely responsible for the care and security of their ECDs. The district and board recommend students not share ECDs unless it is for a specific academic purpose. The district and board assume no responsibility for theft, loss, damages or vandalism to ECDs brought onto its property, or the unauthorized use of such devices.

Parents/legal guardians are advised that the best way to get in touch with their child during the school day is by calling the school office.

Students may use school phones to contact parents/legal guardians during the school day with permission of the administration.

Students, parents/legal guardians, teachers and staff members should be aware that the district may take disciplinary action against students consistent with Policy JICDA/JICDA-R regarding student conduct away from school grounds.

#### **Elementary and middle school**

Elementary and middle school students may not use or display cellular phones, beepers and pagers while on school property during school hours. (The start and end of school will be denoted by the start and end bell.)

#### **High school**

High school students may use ECDs such as cellular phones, electronic pagers or any other communications devices before and after school, during their lunch break, within "free zones" (as determined by the principal) and as deemed appropriate by the teacher and approved by the principal for educational and/or instructional purposes only. Any other use of wireless communications is considered misuse and violations may result in disciplinary action.

#### **Consequences**

- First offense - warning/confiscate device and return to student at the end of the school day
- Second offense - confiscate device/return to parent/legal guardian
- Third offense - confiscate device/return device to



parent/legal guardian and privilege to have device is revoked for the remainder of the school year

- Fourth offense - confiscate device/return at the end of the school year

Violation of this policy shall result in discipline as outlined in the district's code of conduct (Policy JICDA/JICDA-R).

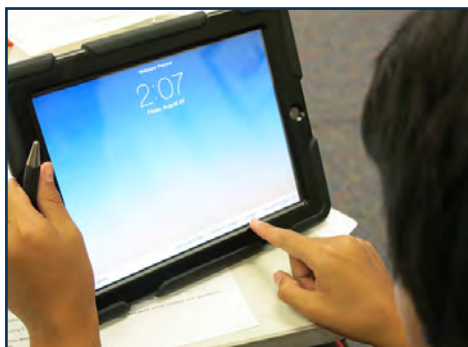
## Electronic Communications and Data Management (Acceptable Use of Technology)

Purpose: To establish the Board's vision and the basic structure for the electronic communications and data management in the district.

The district provides computer, Internet and other electronic research and communication resources for certain specified uses by district employees, students and other authorized users. The administration will develop an administrative rule governing the acceptable uses of these resources.

### AR IJND-R(2) Electronic Communications and Data Management (Acceptable Use of Technology for Students)

This administrative rule governs the use of the district's computers, network, Internet and electronic



research and communication resources and is intended to protect the integrity of district operations and instructional programs, as well as to outline the rights and responsibilities of district students. These rules will be in effect at all times and places whether on or off of district property and apply to all district owned or operated technology resources or systems which are subscribed to and/or paid for by the district and to all personally owned devices when used on school property or that affect school operations.

### Confidential information

The district's research, information and

communication resource systems have security measures in place; however, such measures do not guarantee total security. As a result, information generally considered to be personal or confidential should not be sent via the district's communication resources except through means deployed for that purpose or approved for that purpose by the information services division. The district cannot assume responsibility for lost or stolen information sent or received via the district's communication resources.

### Unauthorized technology usage and online access

The following actions are prohibited.

- Knowingly loading or creating viruses
- Loading or attempting to load software or files onto a school computer without the permission of the school's instructional technology specialist
- Loading or attempting to load software or files onto the district network without the permission of the information technology department
- Accessing or modifying data without authorization
- Modifying passwords without authorization
- Unauthorized access, including so-called "hacking" or other unlawful activities by minors online
- Unauthorized disclosure, use or dissemination of personal information regarding minors

The district prohibits the use of its network and the Internet to intentionally access, view, download, store, transmit or receive any information that contains material that is in violation of any district policy or administrative rule, or any local, state and/or federal laws or regulations.

Prohibited material includes, but is not limited to, the following.

- Obscenity or pornography
- Threats
- Material that is intended, or could reasonably be perceived, to be harassing or discriminatory
- Inappropriate use of material that is copyrighted or protected by trade secret
- Material used to further any commercial business, product advertising, virus transmission or political activity

- Material that is potentially disruptive of the learning environment

The district reserves the right to monitor and/or review all uses of the district network and the Internet, and users should not have any expectation of privacy in any information accessed, viewed, downloaded, stored, transmitted or received.

#### **Network and Internet usage**

Access to the district network and Internet is made available to students for educational and district operational purposes. Students will receive instruction on proper use of the district's network and Internet system.

The district will not be liable for students' inappropriate use of the district's electronic communication resources or violations of copyright restrictions, students' mistakes or negligence, or costs incurred by students. The district will not be responsible for ensuring the accuracy or usability of any information found on the Internet.

#### **Internet and online safety**

The Internet can provide a vast collection of educational resources for students. It is a global network that makes it impossible to control all available information. Because information appears, disappears and changes constantly, it is not possible to predict or control what students may locate. The school district makes no guarantees as to the accuracy of information received on the Internet. Although students will be under teacher supervision while on the network, it is not possible to constantly monitor individual students and what they are accessing on the network. Some students might encounter information that is not of educational value.

#### **Accessing inappropriate sites**

Student Internet activities will be monitored by the district to prevent students from accessing inappropriate sites that have visual depictions that include obscenity, child pornography or are harmful to minors. The district will use technology protection measures to protect students from inappropriate access.

The district will provide reasonable notice of and at least one public hearing or meeting to address and communicate its Internet safety measures.

#### **Reporting**

District and school computer technicians as well as other district employees who are working with a computer and come across sexually explicit images of children must report this to local law enforcement. The report must include the name and address of the owner or person in possession of the computer.

#### **Online behavior education program**

The district will educate minors about appropriate online behavior, including interacting with other individuals on social networking websites, in chat rooms, cyberbullying awareness and response, and the safety and security of users when using electronic mail and other forms of direct electronic communications. The superintendent or his/her designee will develop a program to educate students on these issues.

#### **Off-campus conduct**

Students, parents/legal guardians, teachers and staff members should be aware that the district may take disciplinary actions for conduct initiated and/or created off-campus involving the inappropriate use of the Internet or web-based resources if such conduct poses a threat or substantially interferes with or disrupts the work and discipline of the schools, including discipline for student harassment and bullying, regardless of whether the action involved district or personal equipment or the source of access.

#### **Electronic mail (email) usage**

The district's email system is made available to district students for educational and district operational purposes. All authorized users will receive instruction on proper use of the district email system.

The district prohibits the use of its email system for unprofessional and/or inappropriate purposes to include, but not be limited to, the following.

- Creating, transmitting or receiving emails containing any language or depictions that could reasonably be perceived by others as being offensive, threatening, obscene, sexual, racist or discriminatory
- Any use that violates local, state and/or federal laws or regulations
- Setting up or operating a commercial business

All electronic messages created,

transmitted or received via the district's email system, including those created, transmitted or received for personal use, are the property of the district. The district reserves the right to archive, monitor and/or review all use of its email system and users should not have any expectation of privacy in any electronic message created, transmitted or received on the district's email system.

### **Personal device usage by students**

With the approval of the school's administration, students may bring their personal electronic communication devices (ECDs) from home including, but not limited to, Nooks, Kindles, laptops or other eReaders. Cell phones are permitted only in high schools as specified by the school administration and in accordance with Policy JICJ.

The use of a student's personal ECD is always optional. If a student chooses to bring an ECD to school, he/she is responsible for its safekeeping. The district is not responsible for damage, loss, theft or any cost incurred in using the device.

### **Personal use of district research, information and communication resources**

Limited personal use of district computers, the district network and the Internet and electronic research and communication resources is permitted to the extent that such use does not disrupt or interfere with the operation of the district and its instructional programs. Excessive personal use that may or does disrupt or interfere is prohibited.

### **Appropriate care and handling of electronic communication devices**

Students are expected to handle ECDs with care and to follow school procedures for their use, storage and transport. The school may assess charges for intentional damage to devices or for loss or negligent damage to devices. The district will offer insurance options to cover damages and may require the purchase of insurance if parents/legal guardians opt for their child to take a computer home. Information about discipline procedures related to device use and about insurance and damage charges will be available for parents/legal guardians and students to view on the district website and will be available in hard copy at schools.

### **Violations**

All authorized users of district research and

communication resources are expected to report any use that is believed to be unauthorized, excessive or otherwise in violation of this administrative rule. District employees who witness, experience or otherwise learn about a suspected violation should report the matter to their immediate supervisor. Students who witness, experience or otherwise learn about a suspected violation should report the matter to a teacher or school administrator. Other authorized users who witness, experience or otherwise learn about a suspected violation should report the matter to a district administrator.

All suspected violations will be investigated thoroughly. If it is determined that a violation of this administrative rule has occurred, the following disciplinary and/or corrective actions may be taken:

- Review of and possible changes to the level of supervision and the circumstances under which use is allowed
- Limitation, suspension and/or termination of the violator's use privileges
- Disciplinary measures consistent with the district's student discipline code, up to and including expulsion
- Report to law enforcement when the violation is believed to constitute a violation of a state or federal law or regulation

## **Device Protection Plan**

### **ONE-TO-ONE STUDENT COMPUTING DEVICE PROTECTION PLAN**

All middle school and high school students are required to obtain the one-to-one Student Computing Device Protection Plan. The cost for the plan is \$20 per school year and is non-refundable. The plan provides 100 percent repair cost coverage for the first instance of accidental damage to the student's school-assigned computing device. The plan also covers the cost of replacement in the event of theft. The cost of repeat instances of device damage will be assessed to the student according to the device repair rate schedule that is published in the full device protection plan documentation.







## GRADE LEVELS

*THIS SECTION CONTAINS GRADE LEVEL SPECIFIC INFORMATION. PLEASE READ AND REVIEW INDIVIDUAL SCHOOL HANDBOOKS/ AGENDA BOOKS FOR SCHOOL SPECIFIC INFORMATION.*

### Elementary School

#### EARLY DISMISSAL OF STUDENTS

If a parent wishes to remove his/her child from school during the day because of a doctor/dentist appointment or other valid reason, the parent is requested to come into the main office to properly sign the child out of school. Should a parent send another person to pick up his/her child, written authorization from the parent is required and the person authorized by the parent must follow the above mentioned sign-out procedure. Since the safety and well-being of our students are always our most important concerns, this sign-out procedure is a policy we strictly observe. Proper ID will be requested.

Please note that children will not be called from the classroom until the parent arrives in the front office. Schools restrict when students can be signed out before regular dismissal. Check with your child's school for specific early dismissal guidelines.

#### BIRTHDAYS AND NON-SCHOOL PARTIES

These guidelines on non-school parties help to ensure that birthday and other celebrations remain fun and do not inadvertently result in hurt feelings. With this in mind, parents are required to send party invitations directly to individual children's homes, rather than distributing them in school. An exception can be made to this policy when the entire class is invited. In order to maintain an academically focused environment, we respectfully request no balloons, toys or other gifts to be presented/given at school.

Parties are not allowed at school. Students are allowed to celebrate their birthdays with fellow class members during certain times. Parents may bring in treats at lunch for the student to distribute to classmates. Students may distribute goodie bags at lunch or for the students to take home. Please check with your child's teacher to find out their procedures and expectations for snacks, treats and goodie bags.

#### UNIVERSAL SCHOOL SUPPLY LISTS

As part of the district's ongoing effort of improving customer service to families and easing the financial burden on parents when possible, streamlined and

standardized supply lists have been created for elementary and middle schools. Along with supplies provided by the district, these lists provide the necessary supplies to support instruction in the classroom.

#### School Supply Lists for All Elementary Schools Kindergarten

- 1 Book bag
- 1 24-Pack No. 2 pencils (Ticonderoga)
- 2 Erasers (Pink Pearl)
- 8 Glue sticks (Elmer's)
- 1 24-pack crayons (Crayola)
- 1 Pack dry erase markers (EXPO 4 color pack)
- 2 8-oz hand sanitizer
- Change of clothes

#### 1st Grade

- 1 Book bag
- 1 24-Pack No. 2 pencils (Ticonderoga)
- 2 Erasers (Pink Pearl)
- 8 Glue sticks (Elmer's)
- 1 24-pack crayons (Crayola)
- 1 Pack dry erase markers (EXPO 4 color pack)
- 2 Marble composition books
- 2 8-oz hand sanitizer
- 1 Set of earbuds or headphones

#### 2nd Grade

- 1 Book bag
- 1 24-Pack No. 2 pencils (Ticonderoga)
- 2 Erasers (Pink Pearl)
- 8 Glue sticks (Elmer's)
- 1 24-pack crayons (Crayola)
- 1 Pack dry erase markers (EXPO 4 color pack)
- 2 Marble Composition books
- 2 8-oz hand sanitizer
- 1 Pack (200) wide-ruled notebook paper
- 1 Pack colored pencils - 12 color pack
- 1 Set of earbuds or headphones

#### 3rd Grade

- 1 Book bag
- 1 24-Pack No. 2 pencils (Ticonderoga)
- 2 Erasers (Pink Pearl)
- 4 Glue sticks (Elmer's)
- 1 Pack dry erase markers (EXPO 4 color pack)
- 2 Marble composition books

- 2 8-oz hand sanitizer
- 2 Packs (200) wide-ruled notebook paper
- 1 Pack colored pencils -12 color pack
- 1 Set of earbuds or headphones

**4th Grade**

- 1 Book bag
- 2 24-Pack No. 2 pencils (Ticonderoga)
- 2 Erasers (Pink Pearl)
- 4 Glue sticks (Elmer's)
- 1 Pack dry erase markers (EXPO 4 color pack)
- 2 Marble composition books
- 2 8-oz hand sanitizer
- 2 Packs (200) wide-ruled notebook paper
- 1 Pack colored pencils -12 color pack
- 1 Set of ear buds or headphones

**5th Grade**

- 1 Book bag
- 2 24-Pack No. 2 pencils (Ticonderoga)
- 2 Erasers (Pink Pearl)
- 4 Glue sticks (Elmer's)
- 1 Pack dry erase markers (EXPO 4 color pack)
- 2 Marble composition books
- 2 8-oz hand sanitizer
- 2 Packs (200) wide-ruled notebook paper
- 1 Pack colored pencils -12 color pack
- 1 Set of ear buds or headphones

Please note: Product brands indicated in parenthesis are preferred brands based on experience of which brands perform best. Many students complete the school year with the quantities indicated. However, if your child uses all of these items during the year, please provide additional quantities.

**Middle School**

**EARLY DISMISSAL OF STUDENTS**

If a parent wishes to remove his/her child from school during the day because of a doctor/dentist appointment or other valid reason, the parent is requested to come into the main office in order to properly sign the child out of school. Should a parent send another person to pick up his/her child, written authorization from the parent is required and the person authorized by the parent must follow the above mentioned sign-out procedure. Since the safety and well being of our students are always our most important concerns, this sign-out procedure is a policy we

strictly observe. Proper ID will be requested.

Please note that children will not be called from the classroom until the parent arrives in the front office. Schools restrict when students can be signed out before regular dismissal. Check with your child's school for specific early dismissal guidelines.

**Policy IKEA - High School Credit for Middle School**

Purpose: To establish the basic structure for the awarding of high school credit to middle school students.

Students are permitted to earn Carnegie units of credit to be counted toward high school graduation prior to enrollment at the ninth grade level. The following will govern the granting of units of credit at the middle school level.

A student will be awarded one credit for each high school mathematics course successfully completed during middle school. Such courses will be unweighted unless they follow a course of study that has been approved by the Weighted Credit Committee.

A student in the seventh or eighth grade may be awarded credit for high school courses completed at the middle school level. Credits may be awarded in 1/4, 1/2, and 1 unit increments.

A student will be awarded one unit of foreign language credit for the successful completion of the high school level foreign language sequence.

A student in the seventh or eighth grade may be awarded 1/2 high school credit for successfully completing keyboarding at the middle school level.

Courses for which a student received credit toward his/her school graduation will become part of the student's high school transcript and will be included in calculations of the high school grade point ratio and class rank.

A middle school student who completes high school courses at a Richland Two high school will be awarded credit in the same manner as a high school student enrolled in the course.

A student who transfers to Richland Two from an accredited school will be allowed to transfer credits that the student has been awarded. The courses will become part of the student's high school transcript and will be included

in calculations of high school grade point ratio and class rank.

Middle schools may offer credit-bearing courses that are approved by the superintendent or his/her designee.

### **ID POLICY**

ID Cards: ID badges are required for all students, faculty, visitors, etc. ID badges are to be visible at all times on campus. To assist with this safety issue, students and staff will be issued wearable ID cards. A student must:

- 1) wear his/her ID card properly while on school grounds;
- 2) wear his/her ID card so that it hangs near the middle of the chest;
- 3) not wear an ID card that belongs to someone else;
- 4) not alter his/her ID card in any way;
- 5) not place unapproved decals or stickers on his/her ID card.

Upon entering the school for the first time, a student will be issued an ID card and a lanyard at no charge to the student. The card will identify the student by name and grade level. The card should be kept in good condition. Each student will be issued a new ID card annually. Students may not check out books from the Media Center without their ID.

### **School Supply List for All Middle Schools**

#### **Grade 6**

- 1 Book bag
- 1 3-inch binder
- 1 6-pack of tab dividers
- 2 Packs of No. 2 pencils
- 3 \*Packs loose-leaf notebook paper
- 1 Pencil pouch
- 2 Packs of pens
- 1 Project board for Science Fair (as needed 2nd semester)
- 6 Spiral notebooks
- 6 Meade composition notebooks
- 1 \*Pack of highlighters
- 1 Set of ear buds
- 1 USB flash drive
- 12-inch/Centimeter ruler (for home use)
- 1 \*Pack of Post-it notes student's choice - as needed

#### **Grade 7**

- 1 Book bag
- 1 3-inch binder
- 2 Packs of No. 2 pencils
- 3 \*Packs loose-leaf notebook paper
- 1 Pencil pouch
- 2 Packs of pens
- 1 Project board for Science Fair (as needed 2nd semester)
- 6 Spiral notebooks
- 6 Meade composition notebooks
- 1 \*Pack of highlighters
- 1 Set of ear buds
- 1 USB flash drive
- 12-inch/Centimeter ruler (for home use)
- 1 \*Pack of Post-it notes student's choice - as needed

#### **Grade 8**

- 1 Book bag
- 1 3-inch binder
- 2 Packs of No. 2 pencils
- 3 \*Packs loose-leaf notebook paper
- 1 Pencil pouch
- 2 Packs of pens
- 1 Project board for Science Fair (as needed 2nd semester)
- 6 Spiral notebooks
- 6 Meade composition notebooks

**\*These supplies may need to be replenished throughout the year.**

**Please note:** Performing Arts may have additional requirements, PE requirements include appropriate length shorts, t-shirts and comfortable shoes.

### **High School**

#### **ID POLICY**

ID Cards: ID badges are required for all students, faculty, visitors, etc. ID badges are to be visible at all times on campus. To assist with this safety issue, students and staff will be issued wearable ID cards. A student must:

- 1) wear his/her ID card properly while on school grounds
- 2) wear his/her ID card so that it hangs near the middle of the chest
- 3) not wear an ID card that belongs to someone else
- 4) not alter his/her ID card in any way
- 5) not place unapproved decals or stickers on his/her ID card

Upon entering the school for the first time, a student will be issued an ID card and a lanyard at no charge

to the student. The card will identify the student by name and grade level. The card should be kept in good condition. Each student will be issued a new ID card annually. Students may not check out books from the Media Center without their ID card.

**PARKING**

Parking at all Richland School District Two high schools is a privilege. All school fees/debts must be paid before a parking permit may be purchased. Violations of the parking regulations during the previous school year may result in denial of a parking permit.

All student vehicles parking on campus must display a valid driving/parking decal/tag issued by the high school. Decals/tags must be in place by the first day of class.

Students must provide certification of their successful completion of the ALIVE AT 25, a driver’s training program, before they can qualify to purchase on-campus parking. The dates and times of training and costs of the program may be obtained from the school’s main office or website: <http://www.scaliveat25.org>.

Students may purchase parking decals/tags at orientation prior to the opening of school at a cost of \$25.

**Parking Probation**

The presence of unregistered and uninsured vehicles on campus poses a potential safety hazard to our students, our employees, and our guests. The schedule of parking fines is as follows:

- No school decal/tag \$40
- Parked in wrong space \$25
- Parked on yellow line or curb \$25
- Parked on red curb \$100
- Illegal use of blue handicap space \$200

\*\*\*Speeding and reckless driving on school property will result in the loss of the parking decal/tag and parking privileges.

Visitor’s parking is for visitors. Students are not to park in these spaces. Guests may not park on the curb. The school will NOT be responsible for the theft of contents, theft of vehicle, damage of vehicle or contents while vehicle is on campus.

A student may not drive a vehicle on campus that is not properly registered to him/her or his/her parent

or legal guardian. Students may not drive/park on campus during the school day without registering with the administrator in charge of parking. Vehicles without decals/tags may be booted, ticketed or towed without notice. The towing cost is set by the towing company.

**PROMOTION REQUIREMENTS**

**CLASS NUMBER OF CREDITS REQUIRED**

Freshman	Promotion from eighth grade
Sophomore	5 (including English I and 1 Math unit)
Junior	12 (including 2 units of English and 2 units of Math)
Senior	18 (including 3 units of English, 3 units of Math, and projecting graduation)

**GRADUATION REQUIREMENTS**

To receive a high school diploma students must complete 24 Carnegie Units (see chart below) and demonstrate proficiency in computer literacy.

Subject	SC Diploma Requirements 24 units
English/Language Arts	4.0
Mathematics	4.0
Natural Science *	3.0
U.S. History and Constitution	1.0
Economics	0.5
U.S. Government	0.5
Other Social Studies	1.0
Physical Education or JROTC	1.0
Foreign Language or Career & Technology Ed **	1.0
Electives	6.5
Health (district)	0.5
Computer Science	1.0

\*One science course must include an end-of-course test given by the state which counts as 20 percent of the final grade.

\*\*For students in a college preparatory program, one unit must be earned in a foreign language. (Most



four-year colleges and universities require at least two units of the same foreign language).

For students in a Tech Prep program, one unit must be earned in Career and Technology Education.

End of Course state exams will be administered as prescribed by the State Department of Education and will count 20 percent of the final grade for English 1, Algebra 1/Algebra Part 2, US History and Biology 1.

## GRADUATION POLICIES

All seniors will receive graduation information throughout the school year. There are multiple required meetings that all seniors must attend. In addition, graduation supply ordering procedures will be publicized in school and on the website.

The policies and requirements for graduation include the following:

### Participation

In order to participate in the graduation ceremony, a senior must have earned a total of 24 credits by the day of graduation and have earned all courses required for a diploma by the State Department of Education. The senior must be clear of all debt, must have cleared all attendance issues that impact the receipt of credits, and must have served all discipline hours accrued. There is a summer school graduation ceremony for students who complete these requirements in summer school.

### Regalia

Graduates may wear only official regalia during the graduation ceremony. Regalia obtained through any source other than the high school is not approved for wear during the school ceremony.

### Junior Marshals

The top 10 percent of the junior class will be invited to serve as junior marshals for graduation. The marshals organize the senior class members for graduation practice(s) and the graduation ceremonies. The top two juniors at the time marshals are identified serve as stage marshals. Other marshals are assigned duties randomly. Students are given the opportunity to decline this honor. Those accepting the honor are expected to fulfill all of the responsibilities. School Board Policy IKC states that

marshals “will be selected based on rank at the end of the sophomore year, adjusted as needed for enrollment changes.” Potential marshals are subject to additional review.

### Graduation Speakers

Auditions will be held in the spring for class speakers. One, two or three speakers may be selected. The selection committee reserves the right to deny any or all applicants.

### Graduation Soloist

Auditions will be held in the spring for a senior soloist. The selection committee reserves the right to deny any or all applicants.

### Senior Scholars

The top 10 percent of the senior class will be designated as Senior Scholars. School Board Policy IKC calls for these students to be named after the class has been ranked at the end of the fourth quarter.

### Honor Scholars

The top five percent of the senior class will be designated as Honor Scholars. School Board Policy IKC calls for these students to be named after the class has been ranked at the end of the fourth quarter.

### Principal’s Scholars

The seniors with the highest 10 grade point averages at the end of the fourth quarter of the senior year may be designated as Principal’s Scholars. School Board Policy IKC calls for these students to be named after the class has been ranked at the end of the fourth quarter.

### Salutatorian

The graduating senior with the second highest GPR shall be named the Salutatorian. To qualify for this honor, a student must have been enrolled in the school for a minimum of 130 consecutive days prior to the end of the fourth quarter of the senior year and meet the criteria established by the Honors Awards Committee in line with School Board policy.

### Valedictorian

The graduating senior with the highest GPR will be named the Valedictorian. To qualify for this honor, a student must have been enrolled in the school for a minimum of 130 consecutive days prior to the end of the fourth quarter of the senior year.



## Alternative School

### Program Requirements for Anna Boyd School and Blythewood Academy

- Satisfactory academic effort (passing grades in all subjects)
- Satisfactory attendance (no more than two unlawful absences)
- Acceptable/appropriate behavior (no more than one suspension)
- Satisfactory participation in Building Bridges Program (completion of a minimum of six sessions and continuing to completion)
- Satisfactory participation in Service Learning activities
- Satisfactory participation in Career Exploration/Development

### UNIFORM POLICY Anna Boyd School

Students are required to wear the school uniform each day.

#### Bottoms

Khaki (tan only) pants, shorts and or skirts (knee length); solid black belts must be worn daily. Belts should not have designs or glitter. Pants must be the correct waist size. Sagging is prohibited. Any student that violates this requirement will be sent home.

#### Shirts

Boys are required to wear plain light blue shirts (ox-fords) with collars to accommodate (solid navy blue) neckties. White or black t-shirts without logos must be worn underneath shirts. Girls are required to wear navy blue polo shirts or light blue oxfords. Girls must wear a solid white t-shirt without logos under blue shirts.

#### Outerwear

Coats and jackets must be plain. Logos (names of teams, designers, etc.) are not permitted. Hooded jackets, sweatshirts, bandannas, and hats are not to be worn to school. They will be confiscated.

#### Footwear

Black rubber soled shoes with black shoe laces must be worn and must be laced and tied. Plain black or white socks are required for boys and girls. Students may not wear any open toe shoes.

#### Book bags

Book bags must be clear or mesh. Jewelry is not permitted for girls or boys. Watches are permitted but must not have a beeping function. Girls may wear a pair of stud earrings.

### UNIFORM POLICY Blythewood Academy

#### Young Men

- White oxford dress shirt (short or long sleeve);
- White undershirt (no writing, logos, etc.);
- Tan khaki pants or knee-length shorts (no sagging);
- Black dress shoes or black boots (no athletic footwear, boat or skate shoes);
- Black belt;
- Tie (any color, worn properly, cannot display any offensive messages).

#### The following items ARE NOT permitted:

- Earrings;
- Knit polo style shirts;
- Open toe, athletic footwear, boat or skate shoes;
- Studded belts.

#### Young Ladies

- White collared blouse;
- White or black undershirt (no writing, logos, etc.);
- Tan khaki bottoms (pants, knee length skirt/shorts, capri's);
- Black dress shoes or boots (if boots are worn pants must be outside the boots);
- One pair of stud earrings;
- Small purse (purse cannot be large enough to carry books);
- Belts are not required but must be black if worn;
- Book bags are not required BUT must be clear or mesh if used.

#### The following items ARE NOT permitted:

- Open toe shoes, athletic footwear, boat or skate shoes;
- No hoops or dangling earrings;
- Hooded jackets and crew neck sweaters or sweatshirts (sweaters that zip/button are okay);
- Jackets with logos - no large logos over the front, back or arms (small logos such as Nike, Polo are okay);
- Bracelets, necklaces, rings, etc.;
- Body piercings, i.e., nose rings, lip rings, etc.,
- Watches with beeping devices.

## School Directory

### CHILD DEVELOPMENT

#### Richland Two Center for Child Development

(4-5 years olds)

*Debbie Brady, Lead Teacher*

*Quinne Evans, Lead Teacher*

2621-A Clemson Rd., Columbia 29229

Tel: 699.2536

### ELEMENTARY (Grades K-5)

#### Bethel-Hanberry Elementary

*Tracy Footman, Principal*

125 Boney Rd., Blythewood 29016

Tel: 691.6880

#### Bookman Rd. Elementary

*Dr. Kendra Hill, Principal*

1245 Bookman Rd., Elgin 29045

Tel: 699.1724

#### Bridge Creek Elementary

*Kristen Eubanks, Principal*

121 Bombing Range Rd., Elgin 29045

Tel: 462.3900

#### Catawba Trail Elementary

*Denise Barth, Principal*

1080 Old National Highway, Elgin 29045

Tel: 699.3501

#### Center for Achievement

*Dr. Sabina Mosso-Taylor, Lead Teacher*

1000 Lake Carolina Dr., Columbia 29229

Tel: 691.7216

#### Center for Inquiry

*Dr. Lyn Mueller, Lead Teacher*

200 1/2 Summit Pkwy., Columbia 29229

Tel: 699.2969

#### Center for Knowledge, North

*Dr. Jo Lane Hall, Principal*

*Jessica Agee, Lead Teacher*

3006 Appleby Ln., Columbia 29223

Tel: 699.2966

1041 Muller Rd., Blythewood 29016

Tel: 691.4895

#### Conder Elementary Arts Integrated Magnet

*Paula China, Principal*

8040 Hunt Club Rd., Columbia 29223

Tel: 736.8720

#### Forest Lake Elementary Technology Magnet

*Dr. Kappy Steck, Principal*

6801 Brookfield Rd., Columbia 29206

Tel: 782.0470

#### Keels Elementary

*Alvera Butler, Principal*

7500 Springcrest Dr., Columbia 29223

Tel: 736.8754

#### Killian Elementary

*Dr. Robert Scotland, Principal*

2621 Clemson Rd., Columbia 29229

Tel: 699.2981

#### Lake Carolina Elementary Lower Campus

*Dr. Andrea Berry, Principal*

1151 Kelly Mill Rd., Blythewood 29016

Tel: 714.1300

#### Lake Carolina Elementary Upper Campus

*Jeff Williams, Principal*

1261 Kelly Mill Rd., Blythewood 29016

Tel: 691.3360

#### Langford Elementary

*Kaseena Jackson, Principal*

480 Langford Rd., Blythewood 29016

Tel: 691.4091

#### Nelson Elementary

*Karen Beaman, Principal*

225 N. Brickyard Rd., Columbia 29229

Tel: 736.8730

#### North Springs Elementary

*Dr. David Holzendorf, Principal*

1300 Clemson Rd., Columbia 29229

Tel: 736.3183

#### Polo Road Elementary

*Dr. Marshalynn Franklin, Principal*

1250 Polo Rd., Columbia 29223

Tel: 419.2226

#### Pontiac Elementary

*Dr. Katie Barber, Principal*

500 Spears Creek Church Rd., Elgin 29045

Tel: 699.2700

#### Rice Creek Elementary

*Stacey Gadson, Principal*

4751 Hard Scrabble Rd., Columbia 29229

Tel: 699.2900

#### Round Top Elementary

*Jeaneen Tucker, Principal*

449 Rimer Pond Rd., Blythewood 29016

Tel: 691.8676

**Sandlapper Elementary**

*Linda Hall, Principal*  
1001 Longtown Rd., Columbia 29229  
Tel: 691.4045

**Windsor Elementary**

*Beth Elliott, Principal*  
9800 Dunbarton Dr., Columbia 29223  
Tel: 736.8723

**MIDDLE (Grades 6-8)**

**Blythewood Middle**

*Karis Mazyck, Principal*  
2351 Longtown Rd. East, Blythewood 29016  
Tel: 691.6850

**Dent Middle**

*Dr. David Basile, Principal*  
2721 Decker Boulevard, Columbia 29206  
Tel: 699.2750

**Kelly Mill Middle**

*Mark Sims, Principal*  
1141 Kelly Mill Rd., Blythewood 29016  
Tel: 691.7210

**Longleaf Middle**

*Angela Thom, Principal*  
1160 Longreen Pkwy., Columbia 29229  
Tel: 691.4870

**Muller Road Middle**

*Sean Bishton, Principal*  
1041 Muller Rd., Blythewood 29016  
Tel: 691.6851

**Summit Parkway Middle**

*Andrew Barbone, Principal*  
200 Summit Pkwy., Columbia 29229  
Tel: 699.3580

**E.L. Wright Middle**

*Mary Paige Wylie, Principal*  
2740 Alpine Rd., Columbia 29223  
Tel: 736.8740

**HIGH (Grades 9-12)**

**Blythewood High**

*Dr. Brenda Hafner, Principal*  
10901 Wilson Blvd., Blythewood 29016  
Tel: 691.4090

**Richland Northeast High**

*Dr. Sabrina Suber, Principal*  
7500 Brookfield Rd., Columbia 29223  
Tel: 699.2800

**Ridge View High**

*Dr. Brenda Mack-Foxworth, Principal*  
4801 Hard Scrabble Rd., Columbia 29229  
Tel: 699.2999

**Spring Valley High**

*Jeff Temoney, Principal*  
120 Sparkleberry Lane, Columbia 29229  
Tel: 699.3500

**Westwood High**

*Dr. Cheryl Guy, Principal*  
180 Turkey Farm Rd., Blythewood 29016  
Tel: 691.4049

**Richland Two Institute of Innovation (R2i2)**

*Kevin Alberse, Director*  
Village at Sandhill  
763 Fashion Drive,  
Columbia SC 29229



**ALTERNATIVE SCHOOLS**

**Anna Boyd School**

*Kelli Johnson, Principal*  
7900 Brookmont Ln., Columbia 29203  
Tel: 935.0124

**Blythewood Academy**

*Dr. Perry Mills, Principal*  
501 Main Street, Blythewood 29016  
Tel: 691.6890

**ADULT EDUCATION**

**W. R. Rogers Adult, Continuing & Technology Education Center**

*Bobby Cunningham, Principal*  
750 Old Clemson Rd., Columbia 29229  
Tel: 736.8787



## District Administrative Phone Directory

Athletic Eligibility .....	738.3228
Board Policies .....	738.3206
Bus Transportation	
Richland Northeast Hub	
(buses RN01-RN33/CP1-CP3).....	736.8718
Killian Hub (buses KL50-KL94) .....	699.2892
Special Needs (buses SN01-SN40) ...	736.3774
Communications .....	738.3210
District Office Reception Desk .....	787.1910
Expanded Choice.....	738.3314
Expulsion Hearings.....	738.3228
Food Services .....	419.2316
Gifted & Talented .....	738-3238
Homeschool .....	738-3248
Magnet Programs .....	738.3248
Partnerships .....	738.3261
Planning/Enrollment .....	738.3215
Project CARE Coalition .....	738.3339
R2TV .....	699.2800, x 79717
Safe School Line .....	736.8756
Special Education/Sec. 504	
Homebound/Homeless .....	738.3256
Student Services/Discipline.....	738.3275
Teaching and Learning .....	738.3280
Testing .....	738.3263
Virtual High School.....	738.3277

These departments can be reached Monday through Thursday from 7:30 a.m. to 5 p.m. and 7:30 a.m. to 4:30 p.m. on Friday.

**The Richland Two Safe School Line can be reached 24 hours a day at 736.8756.**

### The Project CARE Coalition

The Project CARE Coalition works to prevent and reduce substance use among youth. Project CARE is a part of the school district's Department of Learning Support Services.



Contact: Javana Lovett  
 (803) 738-3339  
 jlovett@richland2.org  
 www.theprojectcarecoalition.org

### School Social Work Services

Each school has an assigned School Social Worker who offers a variety of student and family services, including assessment of student and family needs for community resources, assistance accessing services, attendance interventions, individual and group sessions, advocacy and awareness, crisis management, and services for students identified as homeless under the McKinney Vento provisions. Social workers also provide direct services, such as back pack programs, food pantries, clothing closets and school supplies. Parents should contact their school for information on specific services available at each site.



### AHERA ASBESTOS MANAGEMENT PLAN

In compliance with the U.S. Environmental Protection Agency and the Asbestos Hazard Emergency Response Act (AHERA), in 1989 Richland School District Two performed inspections of each of its schools for asbestos-containing materials. The inspection findings and asbestos Management Plan are on file in the school's administrative office. Per the requirements, qualified personnel have also conducted additional re-inspections and periodic surveillance.

All of the above-referenced reports are a matter of public record. As such, any interested party may review the documents by simply contacting or visiting the school office during normal business hours.

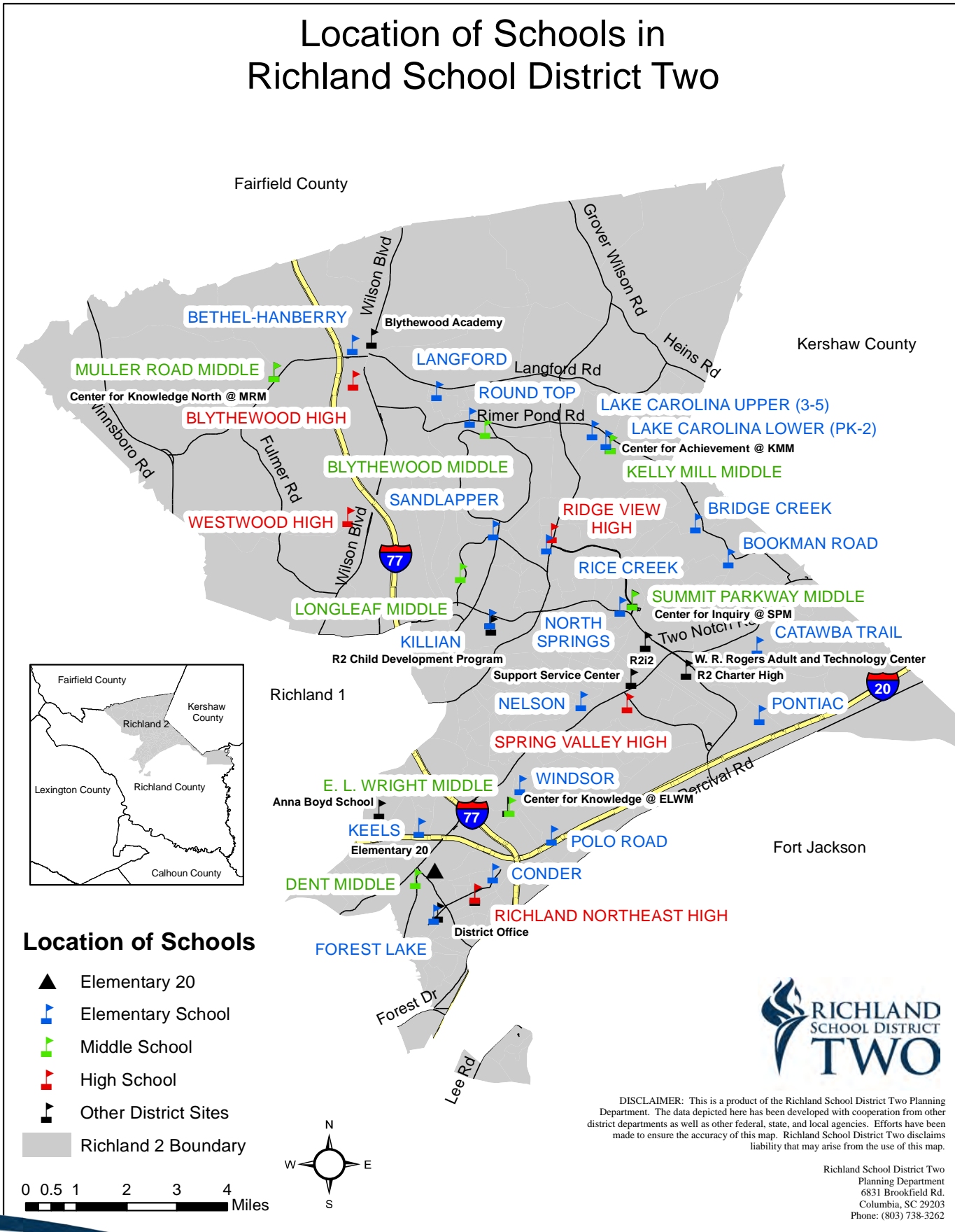
## MISSION STATEMENT

*In partnership with our community,  
Richland School District Two prepares all students  
for success by providing meaningful, challenging, and  
engaging learning experiences.*



Richland School District Two is an equal opportunity employer and does not discriminate on the basis of race, color, religion, national origin, sex, age, handicap or disability in admission to, access to, treatment in or employment in its programs and activities. Inquiries regarding the nondiscrimination policies should be made to: Chief Administrative Officer, 6831 Brookfield Road, Columbia, South Carolina 29206, 803.787.1910.

# Location of Schools in Richland School District Two



**DISCLAIMER:** This is a product of the Richland School District Two Planning Department. The data depicted here has been developed with cooperation from other district departments as well as other federal, state, and local agencies. Efforts have been made to ensure the accuracy of this map. Richland School District Two disclaims liability that may arise from the use of this map.

Richland School District Two  
 Planning Department  
 6831 Brookfield Rd.  
 Columbia, SC 29203  
 Phone: (803) 738-3262



**Safe School Line**

**736-8756**



**CALL TO REPORT DANGERS  
TO DISTRICT STUDENTS AND STAFF**

**24-Hours a Day**

***Reports may be anonymous***

Safe School Line is operated by Richland School District Two



## **Board of Trustees**

The Honorable James A. Manning, Chair  
The Honorable Susan Brill, Vice Chair  
The Honorable Amelia B. McKie, Secretary  
The Honorable Cheryl Caution-Parker, Ed.D.  
The Honorable Monica Elkins-Johnson, Ed.D.  
The Honorable Calvin “Chip” Jackson  
The Honorable Craig Plank

## **Superintendent of Schools**

Debra Hamm, Ph.D.

## **Superintendent’s Executive Staff**

Baron R. Davis, Ph.D.  
Assistant Superintendent

G. Keith Price  
Assistant Superintendent

Jack W. Carter, Chief Operations Officer  
Thomas W. Cranmer, Chief Technology Officer  
Katinia B. Davis, Chief Instructional Support Services Officer  
Roosevelt Garrick, Jr., Chief Administrative Officer  
Nancy J. Gregory, Chief Instructional Officer  
Harry W. Miley, Ph.D., Chief Financial Officer  
Elizabeth “Libby” Roof, Chief Communications Officer  
James Ann Lynch Sheley, Ed.D., Chief Planning and Initiatives Officer



**RICHLAND**  
SCHOOL DISTRICT  
**TWO**

# **EXHIBIT**

## **C.5**

# Student Handbook

## 2015-2016



120 Sparkleberry Lane  
Columbia, SC 29229  
Telephone: (803) 699-3500  
Fax: (803) 699-3541

On the Web: <http://www.svh.richland2.org>

*While every effort has been made to ensure the accuracy of this handbook, changes in policy may require adjustments in content. Students remain responsible for updates and changes in policy throughout the year.*

Name: \_\_\_\_\_

ID#: \_\_\_\_\_

### Mission Statement

Spring Valley High School, working together with its students, families, and the community, will provide a secure environment and innovative educational experiences that will empower our students to achieve excellence and to take responsibility for their lives, their learning, and the world in which they live.

Click [here](#) for the Richland District Two  
Website  
**JA 373**

Spring Valley High School  
120 Sparkleberry Lane  
Columbia, SC 29229

“A Tradition of Excellence”

August 19, 2015

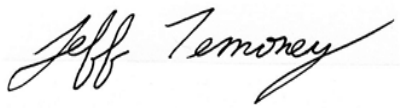
Dear Students:

Welcome to Spring Valley High School. We are glad to have you here and hope that the 2015-2016 school year will be filled with exciting changes and new opportunities for you.

If you are an upperclassman, I imagine you are interested in any changes we may have made, i.e., discipline rules, parking policies, leaving campus early, etc.

And if you are a freshman or a new student, you must have even more questions! This handbook/agenda answers many of those questions about the rules and activities here at Spring Valley.

We hope that this information will be helpful to you throughout the year. We are looking forward to helping you have a good school year, and we're always open to any suggestions you might have.



Jeff Temoney, Ed. S.  
Principal  
Spring Valley High School



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Click [here](#) to view the Richland District Two Community Calendar.

# BELL SCHEDULES

## REGULAR SCHEDULE

Early Bird	7:30 - 8:25
1st Period	8:40 - 9:29
2nd Period	9:34 - 10:23
3rd Period	10:28 - 11:22
4th Period	11:27 - 12:16
Lunch	12:16 - 12:51
5th Period	12:56 - 1:45
6th Period	1:50 - 2:39
7th Period	2:44 - 3:33

## LATE BIRD SCHEDULE

*(No Early Bird Classes)*

1st Period	9:30 - 10:12
2nd Period	10:17 - 10:59
3rd Period	11:04 - 11:51
4th Period	11:56 - 12:38
Lunch	12:38 - 1:12
5th Period	1:17 - 1:59
6th Period	2:04 - 2:46
7th Period	2:51 - 3:33

## PEP RALLY SCHEDULE

Early Bird	7:30 - 8:25
1st Period	8:40 - 9:22
2nd Period	9:27 - 10:09
3rd Period	10:14 - 11:01
4th Period	11:06 - 11:48
Lunch	11:48 - 12:23
5th Period	12:28 - 1:10
6th Period	1:15 - 1:57
7th Period	2:02 - 2:44
Pep Rally	2:44 - 3:33

# ADMINISTRATION

Principal – Mr. Jeff Temoney

Assistant Principals

- Jim Childers**  
School Operations
- Dr. Linda Silvernail**  
Curriculum & Instruction
- Rob Herron**  
Technology & Communications
- April Shell**  
Student Services

Assistant Administrators

- Joseph Paschal, A-D**
- KaRon Webb, E-Ki**
- Stacey Baker, Kn-Ri**
- Tony Farr, Ro-Z**

Teacher Support

- Rosanne Pyle**  
IAT, AIP, & 504 Plans

## Program and Instructional Leaders

- AFJROTC.....Maj. Franklin Ward
- Athletics.....Tim Hunter
- Career and Technology.....Lori Summers
- English.....Kim Bouchey
- Fine Arts.....Kara Luke
- School Counselor/Guidance .....Teasha Gibson
- IT Specialist.....Kathryn Robinson
- Library Media Center.....Susan Adams
- Magnet Programs.....Dr. Michelle Wyatt
- Math.....Denise Stiffler
- AV Media/Technology.....Debbie Easler
- Physical Education.....John Jones
- School Resource Officers.....Dep. Ben Fields/Dep. Jamel Bradley
- Science.....Chet Frye
- Social Studies.....Regina Dille
- Special Services.....Stephen Cross
- Student Activities.....Olisa Ashford
- Work Based Coordinator.....Mary Morgan
- World Languages.....Wendy Stephens
- Spring Valley Main Office.....803-699-3500**
- Athletics.....ext. 69919
- Attendance.....ext. 69088
- Detention Room.....ext. 69916
- Education Foundation.....ext. 69061
- Counseling.....ext. 69002

# ADMINISTRATION RESPONSIBILITIES

**MR. JEFF TEMONEY, PRINCIPAL, Ext. 69065**

- |                                   |           |
|-----------------------------------|-----------|
| Public Relations                  | Finance   |
| Professional Development          | Athletics |
| Education Foundation              | Personnel |
| Classroom Observations            | PEP & SIC |
| Business & Community Partnerships |           |

**JIM CHILDERS, ASSISTANT PRINCIPAL, Ext. 69080**

- |                          |                        |
|--------------------------|------------------------|
| School Operations        | School Calendar        |
| School Safety & Security | Substitutes            |
| Classroom Observations   | CATE Coordinator       |
| Custodial & Maintenance  | Contract Services      |
| Classified Evaluations   | Internship Coordinator |
| Impact Aide              |                        |

**DR. LINDA SILVERNAIL, ASSISTANT PRINCIPAL , Ext. 69265**

- |                          |                    |
|--------------------------|--------------------|
| Curriculum & Instruction | Academic Calendar  |
| Classroom Observations   | Master Schedule    |
| Magnet Program           | Advanced Placement |
| Parent Orientation       | Open House         |
| Instructional Leaders    | Field Studies      |
| Certified Evaluations    |                    |

**ROB HERRON, ASSISTANT PRINCIPAL , Ext. 69130**

- |                            |                         |
|----------------------------|-------------------------|
| Technology/Data Management | Communication           |
| Textbook Coordinator       | Master Schedule Support |
| Viking Way Coordinator     | Power School Data       |
| Power Teacher Data         | Report Cards            |
| Parent Portal              | Connect ED              |
| Classroom Observations     | Fresh Start             |

**APRIL SHELL, ASSISTANT PRINCIPAL, Ext. 69074**

- |                             |                        |
|-----------------------------|------------------------|
| Student Services            | Student Activities     |
| Spring & Fall Orientation   | Attendance             |
| Policies & Procedures       | Registration           |
| Special Services Supervisor | 504/IAT Supervisor     |
| Classroom Observations      | Student Handbook       |
| Testing Coordinator         | Faculty/Staff Handbook |



## **ASSISTANT ADMINISTRATORS RESPONSIBILITIES**

### **JOSEPH PASCAL-#69132**

Classroom Observations, Excessive Absences  
SAT Testing, Textbooks, & TAG Initiative

*Quarterly Data Review with Principal, Manifestations, Hearings,  
Student Discipline A-D*

### **KARON WEBB-#69364**

Classroom Observations, Assistant Testing Coordinator,  
& ACT Testing & Summer School

*Quarterly Data Review with Principal, Manifestations, Hearings,  
Student Discipline E-Ki*

### **STACEY BAKER-#69239**

Classroom Observations & Credit Recovery, SAFE-T  
Observations Supervisor

*Quarterly Data Review with Principal, Manifestations, Hearings,  
Student Discipline Kn-Ri*

### **TONY FARR-#69365**

Classroom Observations, Bus Lot Supervision, Bus  
Discipline, Excessive Absences Senior Exams & Junior  
Privileges, & Viking Way

*Quarterly Data Review with Principal, Manifestations, Hearings,  
Student Discipline Ro-Z*

## **STUDENT SUPPORT**

### **ROSANNE PYLE-#69148**

Intervention Assistance Team  
Attendance Intervention Plans & 504 Plans

# STUDENT LEADERSHIP

## EXECUTIVE COUNCIL MEMBERS

- Student Body President – Zane Presnal
- Student Body Vice President – Claire Walters
- Student Body 2nd Vice President - Stephen Johnson
- Student Body Secretary – Mckenzie Isreal
- Student Body Treasurer – Breanna Seawell
- Student Body Historian – London Harrell
- Student Body Parliamentarian – Houston Bennett
- Senate President – Taylor Shipman
- Senate Vice President – Abigail Harrison
- Senate Secretary – Chelsea Sheth
- Student Body Director of Spirit – Madalyn Morris
- Winter Days Chair – Maggie Tolar
- Winter Days Junior Chair - Tanvi Mehta

## SENIOR CLASS OFFICERS

- President – Cassidy Green
- Vice President – Breland Green
- Recording Secretary – Khaila Burchell
- Corresponding Secretary – Gabi Coward
- Treasurer – Prishae Wilson
- Historian – Taylor Motlong
- Parliamentarian – Justin Green
- Public Relations Director - Joi Roberson

## JUNIOR CLASS OFFICERS

- President – Aziza Coleman
- Vice President – Mariah Bennett
- Recording Secretary – Morgan Molosso
- Corresponding Secretary – Arlesha Hughes
- Treasurer – Chelsea Navarro
- Historian – Symphany Davis
- Parliamentarian – Hannah Fletcher
- Public Relations Director - Brandon Jackson

## SOPHOMORE CLASS OFFICERS

- President – Danielle Simpson
- Vice President – Max Miller
- Recording Secretary – Caroline Crisler
- Corresponding Secretary – Amy Miller
- Treasurer – Shaena Peart
- Historian – Chloe Walters
- Parliamentarian – Cameron Robertson
- Public Relations Director - Carmon Seawell

# GENERAL SCHOOL POLICIES

**Athletics:** Spring Valley High School is noted as much for its athletic programs as it is for its academic programs. Spring Valley is well prepared to offer students numerous athletic opportunities. There are 44 teams participating in 22 different sports. Listed below are those competitive sports available to students as well as other information about our athletic program. Other questions should be directed to **Tim Hunter, Athletic Director (699-3500, ext. 69919).**

## Head Coaches

### Fall

- Boys Cross Country,** John Jones (ext. 69907)
- Cheerleading,** Ellen Jennings (ext. 69209)
- Football,** Robin Bacon (ext. 69206)
- Girls Cross Country,** Samantha Eastwood
- Girls Golf,** Natalie Huff
- Girls Tennis,** Weslynn Hutto (ext. 69339)
- Swimming,** Mike Loser (736-8754)
- Volleyball.,** Deanna Rudnick (699-2981)

### Winter

- Boys Basketball,** Perry Dozier (ext. 69903)
- Girls Basketball,** Anne Long (ext. 69910)
- Wrestling,** TBA

### Spring

- Baseball.,** Collin Liggett (ext. 69812)
- Boys Golf,** Adams Horne (920-6532)
- Boys Tennis,** Weslynn Hutto (69339)
- Boys Track,** John Jones (ext. 69907)
- Boys Soccer,** David Clark (736-8730)
- Girls Track,** Kanisa Williams
- Girls Soccer,** Steve Lea (ext. 69261)
- Softball,** Maureen McCrevey (ext. 69131)

**Athletic Eligibility:** Students participating in competitive sports must meet all requirements specified by the South Carolina High School League. Following is a summary of these eligibility rules.

1. A contestant must furnish the athletic director with a certified copy of his/her birth certificate and the original of the physical packet dated after April 1st.
2. A contestant must be under 19 years of age as of August 1 of the current year.
3. A contestant must not participate under an assumed name.
4. A contestant must be a bona fide student carrying the equivalent of at least 5 units of credit for which no previous credit has been received and must achieve a 1.0 GPA for the previous semester. To be eligible in the first semester, a student must pass a minimum of five Carnegie units, applicable toward a high school diploma during the previous year. At least two units must have been passed during the second semester or summer school.
5. A contestant must not have received a high school diploma.
6. A contestant must be academically eligible as mandated by state law.
7. A contestant will be ineligible at the end of the fourth school year from the time that he or she first entered the ninth grade.
8. A contestant must have attended school at least 45 days in the semester immediately preceding the semester of participation.
9. A contestant must not violate his or her amateur status.
10. Transfer students must have made a bona fide change of address.

**To be eligible during the second semester, the student must meet one of the following conditions:**

1. If the student met first semester eligibility requirements, then he/she must pass the equivalent of four,  $\frac{1}{2}$  units during the first semester.
2. If the student did not meet first semester eligibility requirements, then he/she must pass the equivalent of five,  $\frac{1}{2}$  units during the first semester.
3. If eligible first semester, must earn 2 units (full unit granting classes).
4. If not eligible first semester, must earn 2  $\frac{1}{2}$  units.

These rules apply to boys and girls as well as Varsity, JV, B, middle school and junior high teams. If there is any question concerning your eligibility for interscholastic activities, please consult Tim Hunter, Athletic Director (699-3500, ext. 69919).



*Note: Students in Richland School District 2 must also conform to the academic policy. Adopted by the District 2 School Board, this policy requires freshmen in the second semester to have attained a minimum 1.5 GPA in their first semester. Sophomores must have a 1.75 GPA in the semester preceding competition. Juniors and seniors must have a 2.0 GPA in the preceding semester. A student can have no more than one "F" in a course during the semester preceding the sports season.*

**Athletic Discipline:** Athletes should not take actions that may cause embarrassment to themselves, their teammates, coaches, parents, or Spring Valley High School. Inappropriate behavior that occurs in or out of school will be dealt with according to district, school, team, and athletic department guidelines. Athletic department guidelines will be distributed to students and parents at the beginning of the season and are available on the school's web site.

**Attendance:** Please see [Richland District Two's Back-to-School Handbook.](#)

**Books:** Books will be issued at the beginning of each semester. Students who lose books should see the Administrator(s) in charge of textbooks.

All seniors must have their textbooks in by the last day of Senior Exams. Students may place books in the book slot in the door of the book room or turn them in. Seniors not turning books in or turning in damaged books will be charged the replacement cost of the book and will not be able to participate in the graduation ceremony unless the fees are paid before graduation.

All underclassmen books must be turned in by the last day of school. Books not turned in by the last weekday in June will be assessed a \$20.00 per book late/restocking fee. Students who have damaged or not returned books by the second week of the next school year will be turned over to a collection agency and will be assessed the cost of the book(s) plus the \$20.00 per book late fee.

If a student pays for a book and later finds it, he/she will not receive any type of credit or refund. The money will be used to purchase replacement books.

**Bus Transportation:** The State of South Carolina has established guidelines identifying who may be transported on school buses. The Richland District Two Office of Transportation provides this information in writing at the beginning of the school year.

Parents are responsible for student conduct and safety at bus stops until the bus arrives in the morning and after the bus departs in the afternoon. An excerpt from the SC Code of laws: “Section 59-67-415. Parents or guardians are responsible for the safety, conduct, and the timely arrival of their children to, from, and at the designated school bus stop before the arrival of the school bus for pick up and transport to school and the timely departure of the child after the school bus leaves the designated school bus stop after transporting the children from school. For purposes of this section, the phrase ‘arrival of the school bus’ includes the time that the school bus assigned to the school bus stop activates the required pedestrian safety devices, stops, and loads or unloads students until the school bus deactivates all pedestrian safety devices.’”

**A student may only ride the bus to which he is regularly assigned.** Permission must be given by the Bus Administrator for students to ride on buses other than the ones they are assigned to. All requests must be submitted to the Bus Administrator no later than 1<sup>st</sup> period of the day requested. A student must conduct himself in an acceptable manner at all times. The driver is in full charge of the bus. Vulgarity and boisterous behavior or other improper conduct is not permitted. Outside of ordinary conversation, classroom conduct must be observed. A student will occupy the seat assigned to him by the driver.

A student may not leave the bus in the afternoon except at his designated bus stop. A student must get off the bus as soon as it arrives at school. A student may not loiter or play on or around stopped or parked buses.

Discipline involving school buses is handled by the Spring Valley High School administration. The bus and bus stop are extensions of the school, and school rules and regulations apply.

Students must obey the bus driver at all times while under his supervision. The administration has the authority to deny the privilege of riding the school bus to any student who fails to meet minimum standards of conduct and behavior, as well as apply other disciplinary actions. Depending on the nature of the offense, the following action may be taken in addition to school discipline.

- First offense is up to one week suspension from riding the bus
- Second offense is up to 2 weeks suspension from riding the bus but not less than 1 week
- Third offense is up to 3 weeks suspension from riding the bus but not less than 2 weeks.

If a student's misconduct persists after the third offense, he maybe suspended from riding the bus for the remainder of the school session. (Public Law 59-67-2451) No person shall willfully and wrong-fully interfere

with the operation of a school bus, either public or private, by boarding, restricting movement or using threats, either physical or verbal, to the driver or any passenger while the bus is engaged in the transportation of pupils to and from school or any lawful school activity or while passengers are entering or leaving the bus, nor shall any persons willfully fail or refuse to obey a lawful order of a school bus driver relating to the occupancy of a school bus. The use of threatening, obscene, or profane language addressed to the driver or passengers entering, leaving, or waiting for a school bus is disorderly conduct and any person convicted for use of such language will be punished as provided in Sections 16-17-530. Nothing contained herein will be interpreted to infringe upon the power and duties of duly constituted authorities.

**Cafeteria Program:** Please see [Richland District Two's Back-to-School Handbook](#).

**Cell Phones:** Please see [Richland District Two's Back-to-School Handbook](#).

**Cheating:** Students at Spring Valley are to adhere to the **Honor Code Policy** which consists of two parts:

1. Students are to tell the truth when dealing with faculty, administrators or staff.
2. Students are not to represent any work as theirs which they have not done alone. This includes, but is not limited to, plagiarism, misuse of on-line information, copying homework, cheating on tests, etc. Violations of either of these rules will result in a zero on an assignment or test and may result in a suspension. Students who help others cheat will be subject to disciplinary action.

**Classroom Procedures:** Students are expected to follow the classroom procedures and guidelines provided by each teacher. No food, drinks (except water), or gum are allowed in any classrooms.

**Club Meetings:** A club sponsor must be present at all meetings of school-sponsored clubs.

**College Visits:** Students should schedule college visitations during school holidays whenever possible. **All absences will count in the total number of absences allowed per course.** See Attendance Regulations.

**Computer/Internet Access and Usage:** All students have access to networked programs and the Internet. Students should use their student number as their user name. Their password is initially set to their birth

date. To log into the local area network, students type in their ID and password. **(example-username: 12345678.students;password: school)** Students should change their initial password to assure that they are secure. Students are responsible for remembering their ID and password. Students must not allow another person to use their computer ID. Students may not log in as “workstation.”

When using school computers, all students are expected to abide by the school and district’s Acceptable Use Policy that is posted at the district’s Website under Information Technology (See policy). General school and district rules for behavior and communications apply.

Each student has a folder or directory on the school’s network. Students are responsible for properly backing up their files each year. This area is to be used to store school related materials only. Network storage areas are treated like school lockers. The coordinator of the local and wide area networks may review files and communications to maintain system integrity and insure that users are using the system responsibly. Users should have no expectations of privacy in their electronic files stored on Richland County School District Two computers.

Access to the Internet is provided for students to conduct educational research. The district has purchased software for Internet content filtering. This allows students to explore the Internet in relative safety. During school, teachers will guide students toward appropriate materials. Outside of school, families bear the same responsibility for such guidance as they exercise with other information sources such as television, telephones, radio and movies.

**Computers- Acceptable Use Policy:** *Please see [Richland District Two’s Back-to-School Handbook](#).*

**Cutting Class:** Leaving campus or missing class without permission or being in an unauthorized area during class will be dealt with as a discipline matter. Students cutting class (on or off campus) will be assigned an ISS or OSS according to policy. Cutting will be noted on attendance. Any student who has an ISS due to cutting a class and fails due to excessive absences, will not be able to pay or make-up the seat time for that class.

**Debts:** All students must have their past debts paid before being able to purchase a parking sticker, participate in sports, extra-curricular activities, co-curricular activities, clubs, or special events. All past debts must be paid



before the Sports Participation Fee will be accepted. To participate in co-curricular activities, current fees must be paid before the first scheduled event or competition. To participate in single events, current fees must be paid prior to the event.

**Deliveries:** Items such as food, money, flowers, balloons, athletic equipment, or any other item not related to academics will not be accepted at the front desk for delivery to students. We lack the resources to deliver such items to students, and we cannot ensure their safe keeping at the front desk. Further, we try to limit class interruptions to only those that are absolutely necessary or are of academic consequence—for example, to give student books, calculators or Chromebooks. Should you need to bring an item to your student during the school day, if your schedule permits, please arrange to have your student meet you in the atrium during lunch. Lunch is typically from 12:16 until 12:56 except on Wednesdays. On Wednesdays lunch is from 12:38 until 1:17. We appreciate your cooperation in helping maintain an atmosphere of teacher and learning.

**Dress Code:** *Please see [Richland District Two's Back-to-School Handbook](#).*

**Early Dismissal Schedules:** Students who are scheduled for early dismissal must exit the building before the tardy bell for the next class period or must have a pass from an administrator to remain on campus. **Students on campus without permission will lose their early dismissal privilege and will be placed in a study hall.** Any student who receives early dismissal on his/her schedule must have a parent sign the form indicating the student has (1) parental permission and (2) transportation to leave campus. Without this permission, the student will be assigned study hall.

**Electronic Communication Devices:** *Please see [Richland District Two's Back-to-School Handbook](#).* Items confiscated can be picked up by students (first offense only) on Monday - Friday after school until 3:45 and on Tuesday, Wednesday or Thursday by parents (2<sup>nd</sup> offense and beyond) from 4:00 - 6:45 pm in ISS (C-148).

**Elevator:** Students are not allowed to ride the elevator without a pass from the health room or in a supervised activity. Students using the elevator without permission will be assigned 6 hours detention.

**Exams:** Exams are given during the final week of each semester. All students are expected to take exams as scheduled -- **exams cannot be taken early** (in advance of the student's assigned class). Make-up exams

may be given only under special circumstances which cause hardships such as surgery or death in the family (vacation plans, trips, etc. will not be considered as hardship situations.). Make-up exams must be taken within three weeks after the original exam date. Written permission must be obtained from Dr. Silvernail to schedule a makeup exam. Approval to reschedule the exam does not excuse the absence. Students may not sign out of school during an exam period.

All students will be required to participate in the exam schedule. Seniors may exempt exams if they have 90% or above in a class (except End of Course Exams). Seniors should receive notification of exemption status by the Friday before exams.

**Excessive Absences:** High school students who exceed 10 absences in a semester course or 20 absences in a year-long course may not receive any credit for that course. All students who have exceeded the total number of allowed absences will fail due to absences and be assigned an “FA” on their report card and transcript, unless the absence(s) have been made up during the scheduled excessive absence make-up program period. Absences are documented by the following: medical, bereavement, religious holiday, court appearances, or suspensions. You must have a passing grade in the course and must not have any class cuts in the course in which you have exceeded the allowed number of absences. Students who have between 11-14 absences in a semester course or 21-24 absences in a year-long course may register in the attendance office. However, students who have 15 or more absences in a semester course or 25 or more absences in a year-long course **must** have ***Principal’s Approval*** before they register. Principal Approval Forms are located in the Attendance Office.

The Attendance office is very busy during excessive absences registration. **Registration time and dates will be announced each semester.** Please follow the schedule the registration schedule. Students must pay \$30 per day for each 90-minute course or \$15 per day for each 45-minute course in order to participate in the program. **Registration fees must be paid in full prior to attending the make-up class.** Excessive absence make-up time must be completed within **30 days** of the last day of the course in which the *FA* was assigned. Students will not be allowed to pay for and complete make-up time for *FAs* assigned in previous school years or semesters.

### **Extra-Curricular and Co-Curricular Activities**

The purpose of the student activities program at Spring Valley is to provide the students the following opportunities:

- enhance leadership and citizenship qualities
- get involved with their school

- make a difference in their school and life in general
- pursue personal interests
- work with others
- make new friends
- develop hope, trust and sharing skills
- have fun

As of the 2015-2016 school year, there are over forty extra and co-curricular organizations at Spring Valley. They fall into the following categories:

- competition teams
- service organizations
- honor societies
- special interest clubs
- curricular oriented groups

The largest extracurricular organization is student council or student government. It serves three major purposes for the student body:

1. It is designed to give students a voice in what happens at Spring Valley.
2. It provides entertainment for the student body through activities such as pep rallies, bus rides to away athletic events, homecoming, etc.
3. It promotes spirit and school pride.

Students interested in participating in extracurricular activities should contact the Student Activities Director, in C-127 or leave a note in her mailbox in the Main Office. A partial list of clubs and organizations is listed below.

***Competition***

**Math Team:** Members participate in math related competitions across the state.

**Mock Trial:** For hard-working and self-motivated students. Members research and prepare "mock" legal cases.

**Technology Student Association (TSA):** Fosters personal growth, leadership, and opportunities in technology, innovation, design, and engineering. Members apply and integrate science, technology, engineering, and mathematics concepts through co-curricular activities, competitive events and related programs.

***Honor Societies***

***(Admission involves an application and selection process based on meeting certain requirements)***

**Beta Club:** A leadership-service organization.

**Mu Alpha Theta:** A National High School Mathematics Honor Society, dedicated to inspiring keen interest in mathematics, developing strong

scholarship in the subject, and promoting the enjoyment of mathematics in high school.

**National Art Honor Society (NAHS):** A service/support organization specializing in art activities for the school and community.

**National French Honor Society:** Recognizes exemplary French students.

**National Honor Society (NHS):** A organization for juniors and seniors designed to create enthusiasm for scholarship, to stimulate a desire to serve, to promote leadership, and to develop character.

**National Latin Honor Society:** Recognizes exemplary Latin students.

**Science National Honor Society (SNHS):** Recognizes exemplary science students.

**National Spanish Honor Society:** Recognizes exemplary Spanish students.

**National Thespian Honor Society:** Recognizes exemplary students in the field of drama.

**National Technical Honor Society (NTHS):** An organization for outstanding students enrolled in occupational, vocational, or technical programs.

**Quill and Scroll:** Recognizes exemplary journalism students.

***Co-Curricular (Participants must sign up for the class)***

**Air Force Junior ROTC:** Designed to acquaint students with the aerospace age, to develop informed citizens, and to strengthen character and develop leadership and discipline through the participation in community and school activities.

**Band:** The band performs at all pep-rallies, football games and in competitions around the state.

**Health Occupations Students of America (HOSA):** Students, teachers and industry representatives, working together to assist students who are preparing for careers in health occupations.

**Orchestra:** For those who play and wish to perform. Audition or teacher recommendation required.

**Saga:** SV's award-winning student-produced yearbook. Approval of adviser is required. Completion of Journalism One and/or Photography is strongly suggested but not required for application.

**Skills USA:** A partnership of students, teachers and industry representatives, working together to assist students who are preparing for careers in trade, technical and skilled service occupations.

**Viking Singers:** For those who love and appreciate music. Participation requires an audition. Members perform at schools, in assemblies, and at fairs.



**Academic**

**Computer Club:** Students work on hardware and software and work together on various programming activities.

**Future Business Leaders of America (FBLA):** For students interested in business and related careers. A student-run organization for members to engage in community service and to attend conferences.

**Latin Club:** Provides members an opportunity to interact with other Latin students throughout the state in S.C. Junior Classical League activities and competitions.

**Spanish Club:** Students explore the Hispanic culture and languages. Group cooks Mexican dishes and take trips to local restaurants.

**Teacher Cadet:** For those students who are enrolled in the Teacher Cadet Program and have aspirations of becoming teachers.

***Special Interest***

**Badminton:** A club for students interested in badminton.

**Chess Club:** Students interested in playing chess.

**Circle of Friends:** A group of students interested in interacting with students with special needs

**Fellowship of Christian Athletes (FCA):** A nondenominational Christian club for athletes and non-athletes alike. Activities include fellowship meetings, bible study, and community service.

**Gospel Choir: Voices of Inspiration:** Group of organized and committed young people singing contemporary and traditional Gospel music in churches, concert halls, and SV assemblies.

**Jazz Band:** Rehearsals begin in November and are held after school. The only requirements are that participants own an instrument used in standard jazz ensembles.

**Key Club:**

**Student Council (Student Government):**

Organization which is designed to provide the student body with a voice in the way Spring Valley operates; offer entertainment and opportunities for involvement; and promote school spirit and pride. This is achieved under the philosophy "If a student can do it, an adult shouldn't."

**Winter Days:** School wide community service project.

***See the online student handbook for the most current list of activities.***

**Fees:** Please see [Richland District Two's Back-to-School Handbook.](#)

**Field Studies:** All school rules and regulations apply to students on school-related trips.

**Food/Drink:** No food, gum or drinks (with the exception of bottled water) are allowed in classrooms. Students are not allowed to use snack or drink machines during class time. Detention will be assigned for students not complying.

**Fundraising:** Students are not allowed to raise money on school grounds except as part of a school club project approved by the Student Activities Director.

**Hall Passes:** A student must have his/her hall pass any time he/she is outside the classroom during class time. The pass must be signed by the teacher. Detention will be assigned for students not complying and/or out of area. Teachers are not allowed to give students hall passes during the first 15 minutes of instruction of any class period for any reason other than a medical emergency.

**Harassment/Intimidation/Bullying:** Please see [Richland District Two's Back-to-School Handbook.](#)

**Health Rooms:** Please see [Richland District Two's Back-to-School Handbook.](#)

**Homebound Instruction:** Homebound instruction is provided by the district for students who cannot attend school because of extended illness, accident, or pregnancy. Applications for homebound instruction are available in the Attendance Office and should be requested as soon as the parent/student anticipates the possibility of extended absence (a minimum of five consecutive days of absence) from school. The application must be completed by a licensed physician (medical doctor) and returned promptly to the Attendance Office for processing.

Upon approval by the District Office, a student is eligible for services. These days are not counted as absences from school. Students approved for services must complete the allotted hours of instruction, even if they return to school early. Course adjustments may be necessary for students absent for an extended period of time. Questions concerning homebound procedures and regulations should be made to the district's Homebound Coordinator, Stephanie Catoe at 699-3500, extension 69002.

### **Honors and Awards:**

- *Valedictorian* - The valedictorian is the student with the highest academic standing based on 8 semesters of work. The valedictorian is granted the opportunity to make the final remarks for the class in the Valedictory Address at commencement exercises.

- *Salutatorian* - The salutatorian is the student with the second highest academic standing based on 8 semesters of work. The Salutatorian is granted the opportunity to welcome the graduates and their guests in a Salutatory Address at commencement exercises. In the event of a tie for the highest GPA (carried to the one-thousandth decimal place), only two honor addresses will be given, the order of which will be determined by a committee of faculty appointed by the principal or by lottery. In the event of a tie for the second highest GPA, three honor addresses will be given to include the valedictory speech and two salutatory addresses, the order to be determined by a committee of faculty appointed by the principal or by lottery. In all other unusual circumstances, decisions regarding honor addresses will be made by a committee of faculty appointed by the principal.
- *Principal's Scholars* - Principal's scholars are the 10 students with the highest GPAs based on 8 semesters of work.
- *Honor Graduates* - The top 10 percent of the graduating class, based on 8 semesters of work, will be designated as honor graduates. The students graduating in the top 5 percent of the class, based on 8 semesters of work, will graduate with high honors.
- *Class Speaker* - The class speaker is selected in open competition by a committee of faculty members, valedictorian and salutatorian. To compete, a senior must have a C average or above and not be in danger of failing any courses required for a high school diploma and must have no serious discipline problem on record.
- *Class Soloist or Ensemble* - The class soloist or ensemble is selected in open competition by a committee of the student body president, vice president, and faculty members. Qualifications are the same as for class speaker.
- *General Excellence Award* - This award recognizes the student who best exhibits outstanding academic ability in a rich and varied program of studies; outstanding contributions to school and community; outstanding character and personal qualities; and outstanding commitment, maturity, and vision. It is the highest honor conferred on a student at Spring Valley High School.
- *Junior Marshals* - Marshals are chosen from the junior class based on academic standing. The top 10% of the class will be designated. Marshal status is determined by four semesters of work.
- *Order of Thor* - Order of Thor is an honorary service organization that inducts students and community members at the Pride Week Assembly each year. Only three to five percent of the current junior and senior classes is inducted each year. One freshman and one sophomore will be selected to be the recipients of the Order of Thor Service Award for outstanding service to the school (in lieu of induction).

- *Outstanding Achievement Award* - The Outstanding Achievement Award is given to the African American graduate with the highest grade point average for 8 semesters of work.
- *Outstanding Seniors* - Outstanding seniors are nominated by the faculty and selected by a faculty committee with one representative from each department. While minimum GPA requirements must be met, nomination and selection are based on involvement in school and community activities, contributions to the senior class, and a pattern of behavior that enhances the reality and the image of Spring Valley High School. This is the highest recognition the faculty, administration, and staff can bestow upon a graduating senior.
- *Additional Awards* - Spring Valley High School has several honor societies and subject-specific award recognitions. For further information, contact the School Counseling Department. (699-3500 X 69022)

### **Honor Code:**

Spring Valley students are to adhere to the honor code policy which consists of three parts:

1. Students are to tell the truth when dealing with faculty, administrators or staff.
2. Students are not to represent as theirs any work which they have not done alone. (Teachers are to make plain any assignment or type of assignment in which collaboration is acceptable or desirable.)
3. Students will not aid another student in cheating. Violations of any of these rules will result in disciplinary actions including a discipline notice being written and one or more of the following actions:
  - suspension
  - zero on assignment or test
  - grade derived by dividing one grade by the number of students working on an assignment
  - requiring a test or makeup of the assignment
  - parent conference
  - counseling
  - other action appropriate to the violation

### **ID Policies:**

- All students and employees must wear a **current-year ID** badge when on school grounds. ID badges must be clearly visible and worn above



the waist and below the neck. In a pocket or under a jacket is not "clearly visible." Students will be assigned 3 hours detention if ID is altered or not visible or properly worn.

- All students are issued one *free* ID badge each year. Students who lose or forget their badges may get duplicates made between the hours of 8:05 - 8:35 a.m. in the media center for \$5.00. An additional lanyard cost \$1.00. Students who forget their ID may purchase a temporary one-day ID for \$1.00 in the media center. Temporary ID must be clearly on student's upper torso where it is clearly visible.
- Three hours of detention will be assigned for defacing an ID badge. A defaced ID is any badge on which the picture, ID#, year, barcode or status has been altered. IDs should be worn based upon the original orientation (ex. no holes punched on the sides of underclassmen IDs). Stickers are not allowed on IDs. All defaced and altered IDs will be confiscated.
- Any student who uses someone else's ID as his own will be suspended.
- Any student who allows someone else to use their ID to leave campus will lose that privilege.

**Immunization Requirements:** South Carolina law requires all students have on file at the school a valid South Carolina Certificate of Immunization [Form DHEC 1125 (4-80)] in order to remain in school. Parents are responsible for their students immunization record. If the immunization record is not at the school 30 days past the date of enrollment. the student will be excluded until such time that a record is located or new immunizations have begun.

**Insurance:** *Please see [Richland District Two's Back-to-School Handbook.](#)*

**Late Arrival/Early Departure:** Any student who arrives on campus after the beginning of school must report and sign in at ISS (C-148). All students with parent sign-ins, parent notes or medical excuses for being late should sign in at the Atrium Desk. Students signed in with a parent present by 8:50 am (or 10 minutes into class time) will be sent to class with a pass from ISS (C-148) to clear the absence.

*Note: Students will be allowed only 3 parent sign-ins to 1st period per semester. The 4th parent sign-in will be counted as an unexcused tardy.*

On a regular school day, any student who leaves school after arriving on campus must be signed out by a parent/guardian, or the parent/guardian needs to send a note, e-mail or fax stating that their child has permission to leave. *Students will not be allowed to sign out via telephone approval.*

Parents/Guardians who are unable to sign their student(s) out in person, may send a note, e-mail or fax that includes a number where the parent can

be reach, given the designee permission for the student to be released in their care. Students will not be allowed to sign out after 3:15pm unless a medical excuse is provided.

**Late Buses:** Students who ride a bus that arrives after 8:25 am must obtain a time-stamped "Late Bus Pass" from the bus administrator immediately after exiting the bus. Students desiring to eat breakfast may report to the Commons, get breakfast, and eat on the way to class. A student with a late bus pass has fifteen minutes from the stamped time to get to class.

**Late Start Schedules:** Students with late start schedules must report to ISS (C-148) if they arrive on campus prior to their classes.

**Leaving Campus at Lunch:** Seniors and approved second semester juniors are allowed to leave campus at lunch. Early dismissal students other than seniors may leave campus only after 6th period. Any student who transports an unauthorized student off campus will lose parking privileges for a minimum of 20 school days. Any student leaving campus at lunch without permission will be suspended.

**Library Media Center (LMC):** The LMC offers resources and services including online and digital resources, research assistance, books, magazines and audio books. Students must have their plastic ID card to check out materials. Materials are checked out to students for a two week period. A fine of \$0.10 per day is charged for overdue resources. Selected reference materials may be checked out over night and returned the next school day. A fine of \$0.50 per day is charged for overdue reference materials. The LMC is open on school days from 7:30 am until 5:00 pm except on Wednesdays when it is open from 9:00 am until 5:00 pm and on Fridays when it closes at 4:00 pm. Students coming to the library during class are expected to have a signed Library Media Center pass or to be accompanied by their teacher. Students are to present their pass and sign in at the circulation desk. Students are not required to have a pass before or after school or during lunch. Students are expected to display their ID cards and maintain proper behavior at all times. Computers are available in the LMC for academic purposes. Printing is \$0.10 for each page. Students wishing to print in color should see a LMC staff member. Color printing is \$0.50 per page. No food or drink is to be brought into the library media center.

**Locks and Lockers:** A school locker may be rented for \$5.00 from the Attendance Office. Lockers are the property of Spring Valley and are subject to periodic inspection by school administrators without student consent. Students who share lockers must both register in the Attendance Office for that locker. The school is not responsible for items left in

unsecured lockers. Students with PE lockers must secure their items, including book bags, in a locked locker. Failure to do so will result in six hours of detention. Lockers must be cleared of all items by the end of the school year.

**Lunch:** Meals may be paid at school by cash or check. Meals may be paid by credit card. [www.myschoolbuck.com](http://www.myschoolbuck.com)

**Meal Prices & Programs:** Please see [Richland District Two's Back-to-School Handbook.](#)

**Make-Up Tests and Work:** Make-up work and tests are allowed for students who have turned in an appropriate written excuse and obtained a re-admit slip from the Attendance Office or C-148. The responsibility for arranging for make-up tests and work rests with the student and must be scheduled at the convenience of the teacher within three days of the student's returning to class and completed within five days upon return. A student may not miss one class in order to complete or make-up work in another class without prior approval from both teachers. All assignments not made up will receive a grade of zero until the work has been submitted.

All medications that must be taken during school hours must be registered with and administered by the school nurse or her designee. (See Health Services for more information.)

**Metal Detectors - Board Policy JCAC-R:** In order to enhance security in the schools and prevent students from bringing weapons into the schools, district officials are authorized to use metal detectors to conduct student searches. The metal detectors may be used at such places as inside classrooms or offices, as well as entrances to the buildings or to the classrooms. They may also be used at extracurricular events hosted by the district, such as football or basketball games.

**Off-limit Areas of the Campus:** The following areas of the campus are off limits to students: copy rooms, the faculty workrooms, faculty offices, faculty restrooms, varsity locker rooms (during the school day), faculty eating areas, elevators, roof and any other areas administration deems off-limits. Students found in unauthorized areas will receive detention hours or suspension.

**Parent/Community Involvement**

- **Booster Clubs:** Spring Valley High School offers parents the opportunity to be involved in many booster clubs. For information on how to become a member of a booster club, please call 699-3500.
- **Parental Concerns and/or Conferences:** Spring Valley's administration, faculty and staff endeavor to maintain a close working relationship with the parents of our students and the community at large. If you have a question or concern, please contact the **staff member directly involved**. If your phone call, written message or e-mail is not returned in a timely manner, please contact your student's administrator and he/she will arrange for the staff member to contact you directly. **Due to increased security issues, classroom visitations must be arranged by appointment 24 hours in advance with an administrator and will be limited to one visit per semester.** Your feedback is valuable to us at Spring Valley, and we appreciate the opportunity to maintain our excellent relationship with your family. The steps for addressing your concerns are listed below.
  1. Contact the person (teacher, school counselor, or administrator) at the source of the situation. **The majority of concerns are resolved at this point.** If this is not the case, you may wish to proceed further by—
  2. **Scheduling a conference** with your student's teachers and his/her school counselor or with your student's **Administrator**, especially if there is a discipline concern.
  3. **Schedule** a classroom visit to observe the interaction of your student with the class and/or the teacher (**a 24-hour notice required**). The teacher may request that a colleague or a Spring Valley administrator be present.
  4. Should your concern remain unresolved, contact an **Assistant Principal** who will assess the complaint.
  5. At this point, any continuing issues will be resolved through a meeting scheduled with the **Principal**.
- **School Improvement Council:** Spring Valley High School Improvement Council is a committee made up of parents, students, teachers and administrators charged with the responsibility to develop an annual school improvement plan. The school improvement plan will be reviewed annually and will have a five-year focus. The School Improvement Council meets once a month, and all Spring Valley parents are eligible and encouraged to attend any and all meetings. The ultimate goal is to improve student achievement. Call 699-3500 for meeting times.



- **Spring Valley Education Foundation:** The Spring Valley Education Foundation, established in 1983, is a nonprofit, tax exempt organization incorporated under the laws of the State of South Carolina. The purposes of the corporation include:
  - A. To raise funds and promote educational programs for Spring Valley High School, Columbia, South Carolina, via donations from business groups, corporations, foundations and individuals at large.
  - B. To provide a review committee for program ideas and to make gifts and grants to the school and to individual departments, teachers, students, and student groups, to further the education purposes of Spring Valley.
  - C. To act as fiscal agent for donors who wish to sponsor projects for the school, its teachers and students.  
*For more information, contact the Foundation Office at 699-3500 ext. 69061.*
  
- **Volunteer Program:** Spring Valley High School has a strong and active volunteer program. There are many ways to volunteer at the high school level—booster clubs, the Education Foundation, School Improvement Council, and the Volunteer Program. Parents of ninth grade students have found such volunteering to be particularly helpful to them as they help their children transition to the high school level. If you would like to volunteer on a regular basis or have your name added to the “on call” list, you can contact the Main Office at 699-3500.

**Parking:** All student vehicles parked on campus must display a valid, current year, numbered parking permit or a special parking permit issued by Spring Valley High School. Students must supply a valid driver’s license, registration and the proper fee to obtain a parking permit. A parking permit for the student’s primary vehicle will require a nonrefundable fee of \$25.00 and student must complete the Alive @ 25 course. (*A specific time frame will be announced at a later date. See online agenda for updates.*) Please contact the SC National Safety Council at 732-6778 or scalive@25.org. All school fees and debts must be paid prior to the issuing of a parking permit. All regular and special parking permits will be issued in C-148.

Special parking concerns are handled in C-148 before school each day. Students must leave their cars and the parking lot immediately; detention will be assigned. Illegally parked vehicle will be given a ticket. A second

parking violation may result in the application of a wheel immobilizer and possible loss of parking privileges. All regulations cited in the parking application must be adhered to. Students are not allowed to use parking passes not assigned to them. Violations of the parking regulations during the previous school year may result in denial of a parking permit and 12 hours of detention. Revisions in the Parking Policy will be announced on all social media outlets and on the Viking Update.

**Permits are not transferable to any other student without approval. If the student leaves Spring Valley, the Parking permit MUST be returned.** Underclassmen may ONLY park IN THE UPPER LOT on a first come, first serve basis. A limited number of assigned senior spaces will be issued in the main lot and tennis lots. *Students are not allowed to park in faculty parking spaces.*

Disciplinary action will be taken for smoking in vehicles, loitering in vehicles or parking lots, loud or offensive music and violation of any other parking policies. Violations may result in loss of parking privileges for a **minimum** of 20 school days per offense. **Vehicles are to be locked and vacated immediately after parking.** Spring Valley High School will not be responsible for the theft of contents, theft of the vehicle, damage to any vehicle, or contents while the vehicle is on campus. The parking permit only allows parking on campus if there is sufficient space. Violations may result in towing at the owner's expense.

**Phone Messages and Dropped-Off Items:** The Attendance Office will relay only emergency messages from a parent or guardian after approval by an administrator. An emergency is an illness or death in family. No flowers or balloon messages will be allowed at school. These items will be confiscated for the remainder of the school day. Class time cannot be interrupted for **non-emergency** phone calls or for any items that have been dropped off in the attendance or main office. It is the student's responsibility to check the attendance office for messages and to pick up items that have been left for him/her. The attendance office highly discourages dropping off items such as food, keys, clothes, etc. We will not be responsible for any items left for students. We advise parents to be sure their student has everything that he/she needs before leaving for school. The Attendance office **will not accept money** for a student.

**Plagiarism:** The penalty for intentional plagiarism will be a grade of zero on the assignment. For example, it would be intentional plagiarism if the student has demonstrated no attempt at citation or has copied primarily from another source. Partial attempts/improper citations would be considered inadvertent plagiarism. The teacher would determine point loss for partial attempts/improper citations by subtracting points from appropriate sections of the rubric.

**Pledge of Allegiance and Alma Mater:** All students are expected to demonstrate respect by participating during the Pledge of Allegiance and the Alma Mater. If students choose not to participate by standing or verbalizing they are not to cause a disruption by doing so.

**Prohibited Items:** In addition to other items listed in the ECD Policy playing cards, lighters, dice, laser pointers, skateboards, and any other items that are unsafe, disruptive, illegal and deemed inappropriate are not allowed on school grounds. These items will be confiscated and appropriate disciplinary action will be given.

**Publications/Solicitations:** No publications may be produced or distributed unless approved by the principal.

**Release of Student Information:** *Please see [Richland District Two's Back-to-School Handbook](#).*

**REPs Program (Responsibility Earns Privileges):** A student is assigned to the REPs Program once enrolling at Spring Valley. The layered system of privileges is granted and increases as they progress in class. Class privileges are granted through responsible grades and behavior.

<u>Class</u>	<u>Privileges</u>
Juniors	A 77 average or better, no suspensions, and no debt, will qualify for <b>Off Campus Lunch</b> 3rd and 4th semester.
Seniors	All A's, no fees will qualify for <b>Free Parking Sticker</b> and off campus lunch all school year. Course average of 90 qualifies for final exam exemption and excused for course exam period.

\* All privileges by underclassmen require an application process where qualifications can be verified.

## School Counseling

### Counselors Assignments

A – Ci	W. Mujica
Co – Ha	B. Ross
He – Ma	E. Hawkins
Mc – My	T. Gibson
N – So	J. Post

Counselor Availability: Counselors will make every effort to meet with parents who visit School Counseling and want to discuss their child's schedule. In order for counselors to be as responsive as possible to parental concerns, parents are encouraged to call for an appointment prior to visiting. School counselors are often involved in planned activities or crises and are not able to respond on short notice.

Career Information Center: The Career Information Center (CIC), located in School Counseling, offers information on colleges, occupations, scholarships, and financial aid. Students may request these services by picking up a request form in School Counseling, completing it, and placing it in the drop-off box in School Counseling. The information will be gathered and returned to the student through his or her 1st period teacher. Identifying a career cluster is very important to students in choosing their high school courses, setting post-secondary education goals, and pursuing a career. The CIC has software and staff to provide our students with personality and career assessments which will help them to identify a cluster. The Myers-Briggs Personality Assessment Inventory, Career Finder, and the career assessment inventory are available to all students upon request. The student must come to the CIC to make an appointment for each of these assessment tools because they are done one-on-one with assistance.

Credit for Repeated Courses (Failures): Students will be allowed to repeat courses when the final grade is F (0-69).

- a) Both courses will show on the student's transcript.
- b) Credit will be awarded only once upon passing the course when repeated.
- c) Both grades will be used in calculating the cumulative grade point average.

Credit for Repeated Course: Students will be allowed to repeat courses which are foundation courses and in which credit was previously earned only when the final grade is a D (70-76).

- a) Credit is granted only once.
- b) Both grades appear on the transcript.
- c) Both grades will be used to calculate the cumulative grade point average.

A course may be counted only once toward establishing athletic eligibility.



Credit for High School Course Completed in Middle School:

- a) A middle school student who completes high school courses at a Richland Two high school will be awarded credit in the same manner as a high school student enrolled in the course.
- b) Courses for which student received credit toward his/her school graduation will become part of the student's high school transcript and will be included in calculations of the high school grade point ratio and class rank.

Credit for Repeating Middle School Course in High School:

Any Carnegie unit course completed in middle school can be repeated in the 9th grade year regardless of the grade earned in middle school.

- a) Credit is granted only once.
- b) The course can only be repeated in the 9th grade year.
- c) The grade earned during the 9th grade year will be used to calculate the cumulative grade point average regardless of whether it is higher or lower.

Auditing of courses is not permitted by SC Uniform Grading Policy.

Course Withdrawals

Students should register for courses very deliberately and carefully, as dropping and/or adding a course will be done only under extreme circumstances. When a schedule change is permitted, it will be done according to the following criteria in keeping with State Board of Education policy:

With the first day of enrollment as the baseline, students who withdraw from a course within 3 days in a 45-day course, 5 days in a 90-day course or 10 days in a 180-day course will do so without penalty.

Students who withdraw from a course after the time specified above shall be assigned a WF and the F will be calculated in the student's overall grade point average as a 61.

College Preparatory Course Prerequisite Requirements

Entering College Freshmen

- English: Four units. At least two units must have strong grammar and composition components, at least one must be in English literature, and at least one must be in American literature. Completion of College Preparatory English I, II, III, and IV will meet this criterion.

- **Mathematics:** Four units. These include Algebra I (for which Algebra 1, Part 1 and Algebra 1, Part 2 may count together as a substitute, if a student successfully completes Algebra 2), Algebra 2, and Geometry. A fourth higher-level mathematics course should be selected from among Algebra 3, pre-calculus, calculus, statistics, or a capstone mathematics course and should be taken during the senior year.
- **Laboratory Science:** Three units. Two units must be taken in two different fields of the physical or life sciences and selected from among biology, chemistry, or physics. The third unit may be from the same field as one of the first two units (biology, chemistry, or physics) or from any laboratory science for which biology and/or chemistry is a prerequisite. Courses in earth science, general physical science, or introductory or general environmental science for which biology and/or chemistry is not a prerequisite will not meet this requirement. It is strongly recommended that students take physical science (taught as a laboratory science) as a prerequisite to the three required units of laboratory science outlined in this section. It is also strongly recommended that students desiring to pursue careers in science, mathematics, engineering or technology take one course in all three fields.
- **World Language:** Two units of the same language.
- **Social Studies:** Three units. One unit of U.S. History is required; a half unit of Economics and a half unit in Government are strongly recommended.
- **Fine Arts:** One unit in Appreciation of, History of, or Performance in one of the fine arts.
- **Elective:** One unit must be taken as an elective. A college preparatory course in Computer Science (i.e., one involving significant programming content, not simply keyboarding) is strongly recommended for this elective. Other acceptable electives include college preparatory courses in English; fine arts; foreign languages; social science; humanities; laboratory science (excluding earth science, general physical science, general environmental science, or other introductory science courses for which biology and/or chemistry is not a prerequisite); or mathematics above the level of Algebra II.
- **Physical Education or ROTC:** One Unit

Completion of the above prerequisites will not guarantee admission to any public college or university. Colleges and universities will require applicants to meet other standards, such as those involving class rank and scores on aptitude tests consistent with the mission of that institution in the state system. The higher admission standards will not preclude any public institution's requesting or recommending satisfactory completion of

additional secondary units which are considered to be prerequisites for admission to any specific program within that institution.

Grade Classification: Grade classification will be determined by the criteria listed below.

Grade Criteria

Freshman	Promotion from 8th grade
Sophomore	5 credits including English I and 1 unit of Math (Algebra 1/Algebra I Part I or above)
Junior	12 credits including 2 units of English and 2 units of math (Algebra 1/Algebra I Part I or above)
Senior	18 credits including 3 units of English and 3 units of math (Algebra 1/Algebra I Part I or above)

Senior Checklist:

Make sure you have met the following requirements to participate in the graduation ceremony:

- Order cap, gown, tassel, and diploma cover
- Complete application for diploma
- Check debt list and pay outstanding debts
- Clear excessive absences
- Complete senior report
- Check graduation walk list
- Check on name pronunciation

Applications for the diploma and the senior report will be made through advisory periods.

The debt list and the walk list will be posted on the special board for seniors outside of the School Counseling Office. Students should check these lists and see the Counseling secretary if their information is incorrect.

The completed Senior Report Form must be turned in before a diploma is issued. Students must list any scholarships awarded on the Senior Report Form in order for the scholarships to be listed in the graduation and awards day programs.

Helpful Hints for Seniors:

- Meet with counselors as soon as possible to discuss college applications. Check on early applications. Meet with visiting college admissions representatives.
- Process college applications. A check or fee waiver for the application is required. Students must also provide an addressed envelope with the required postage.

- Seniors may wish to take the Armed Services Vocational Aptitude Battery. ASVAB is an excellent device to show areas you may be interested in as a career. There are no military obligations. Additional career information is available in the Career Information Center in the School Counseling Office.
- Colleges look at the first semester grade point average. A final transcript is sent in the summer after graduation.
- Consult scholarship files in the School Counseling Office, on the SV website, and check announcements and the bulletin board outside of School Counseling.
- Begin thinking about financial aid before the winter break. Income taxes will need to be filed early. Attend workshops on financial aid.
- College bound seniors should have taken the ACT and/or SAT by the fall. Applications are in the School Counseling Office.

Qualification for Participation in the Graduation Ceremony: To participate in the graduation ceremony, a student must have passed the 24 required credits.

Graduation Policies: If a student fails to meet graduation requirements as a result of excessive absences, his/her diploma will be returned to the Department of Education along with the diplomas of students who fail to qualify due to course failure(s).

Class rank and GPA will be computed, with the excessive absences being computed as failures (61), with the entire class being ranked. Final transcripts with this rank and GPA will be forwarded to colleges. Students who fail to meet the requirements for spring graduation and who graduate in summer school will be assessed the following charges.

Report Card \$2.00

Diploma \$5.00

Transcript \$2.00

The final class rank and GPA that is recorded on the permanent record will reflect a student's standing in the senior class as of graduation date + 10 days.

For a senior to participate in graduation, a completed application for graduation must be submitted to the Counseling Office by the designated date. The form contains specific information concerning the student and graduation requirements and a request for the student's future plans. A senior who is qualified to graduate in the Spring (to include those 5th year seniors graduating at the end of the fall semester) but does not complete and submit an application will not be allowed to participate in the spring exercises and will receive his diploma with the summer school



graduating class. A student who plans to graduate at the end of the summer school must submit a similar form during the summer school session.

A student has not officially graduated until he has received his diploma. Diplomas will be issued at a time designated by the school administration. Diplomas will not be issued during the graduation ceremony. A copy of the final transcript showing the graduation date can be provided as proof of graduation in lieu of a diploma.

**Seniors with uncleared debts will not be allowed to participate in the graduation ceremony.**

Guidelines for Three-Year Graduates:

- GPA will not be calculated in the class rank for seniors.
- Students will be placed into an 11/12 advisory; this will allow students to participate in senior activities that pertain to graduation.
- All other activities and privileges will be consistent with a third year student (junior) such as holding class office, running for Miss Spring Valley, Senior Awards, etc.

Dress at Graduation Exercises: To participate in the graduation ceremony, a senior must have purchased a cap, gown, tassel, and diploma cover. All seniors order caps and gowns, but such purchases do not ensure that a student will graduate or be allowed to participate in graduation. Appropriate attire includes shirts with collars, ties, dress slacks and dress shoes for males; dress or dress slacks and dress shoes for females (no Birkenstocks, tennis shoes, sandals, jeans, or flip flops). Students will not be allowed to carry or wear signs/slogans, or possess cell phones. Mortarboards (caps) should be worn properly, not decorated and not tilted. Tassels are worn on the left and move to the right after the diploma cover has been received.

**The administration reserves the right to deny participation in graduation when it deems dress unsuitable.** Diplomas will be withheld and disciplinary action taken for any student who demonstrates inappropriate behavior at the graduation ceremony.

Juniors:

- Order class ring and yearbook, pay fees, make sure photo has been made for yearbook.
- Juniors may take the PSAT in October.
- Consider taking ASVAB.
- Start inquiring through Career Information Center about colleges and meet with college representatives.

- Juniors interested in attending a military academy should see their counselor to begin application in the Spring.
- See school counselor second semester concerning colleges. College bound juniors should take the ACT and/or SAT in the spring. Applications are in the School Counseling Office.

### Sophomores:

- All first time sophomores may register for the PSAT in October.

### Examinations:

**ACT** - The ACT assessment is a college admissions test administered by the American College Testing Program. Students who perform well on tests like the Metropolitan Achievement Test will often earn a higher score on the ACT. The ACT is given on designated Saturday mornings at Spring Valley, USC and Columbia High School. Currently, all South Carolina colleges and universities accept either the SAT or ACT for admissions purposes. The testing schedule, information, applications and bulletins are available in the Counseling Office and online.

**ADVANCED PLACEMENT** - These examinations will be administered in May. College credit may be granted at many colleges for scores of three or better achieved on subject area examinations. **Students enrolled in AP classes are required to take AP exams.** Students not enrolled in AP courses must pay a test fee. If a make-up exam is required, the student must bear the cost of the exam as well as the administration of the exam. Scores are returned in July.

**ASSET** - Seniors taking English 4 and/or a math course below Geometry are encouraged to take the ASSET test, the Midlands Technical College Placement Test. The main emphasis of the placement test focuses on helping students make sound educational decisions. Therefore, unless exempted by the SAT or ACT, applicants to Midlands Technical College are required to take a reading comprehension test and a basic mathematics and algebra skills test and to write a sample essay for evaluation. The *ASSET* is offered once each year at Spring Valley free of charge.

**ASVAB** - Seniors may take the Armed Forces Vocational Aptitude Battery (ASVAB). Test results will enable students to compare their vocational interests and aptitudes to assist them in making educational and career decisions.

**PSAT** - The Preliminary Scholastic Aptitude Test is similar to the SAT and is administered to 10th and 11th graders. Students who register in advance.

Eleventh grade PSAT scores are used to determine National Merit Scholarship winners. This test is scheduled to be given at Spring Valley High School in October.

**SAT** - The Scholastic Aptitude Test (SAT) is a college admissions exam administered by the Educational Testing Service. It measures critical reading, writing, and mathematical reasoning skills. It is given on Saturday mornings through the year at several locations in Columbia, including Spring Valley High School and Ridge View High School. The SAT II (achievement tests) may also be required by some colleges for placing students and is given at the same time as the SAT.

Information, applications, and bulletins are available in the School Counseling Office and online.

SC Uniform Grading Scale Policy: The State Board of Education has adopted a uniform grading scale for all public schools in South Carolina. The grading scale designates the point range for each letter grade, correlates grade points with numerical averages, and gives weighted credit to Honors, Dual Credit, and Advanced Placement courses.

Two categories of weights are allowed: an additional 0.5 for Honors courses, and an additional 1.0 for Advanced Placement/Dual Credit courses. Those weightings are built into the conversion chart.

**(SEE UNIFORM GRADING SCALE CHART ON NEXT PAGE)**

# UNIFORM GRADING SCALE

<b>Numerical Average</b>	<b>Letter Grade</b>	<b>College Prep</b>	<b>Honors</b>	<b>AP/IB/ Dual Credit</b>
100	A	4.875	5.375	5.875
99	A	4.750	5.250	5.750
98	A	4.625	5.125	5.625
97	A	4.500	5.000	5.500
96	A	4.375	4.875	5.375
95	A	4.250	4.750	5.250
94	A	4.125	4.625	5.125
93	A	4.000	4.500	5.000
92	B	3.875	4.375	4.875
91	B	3.750	4.250	4.750
90	B	3.625	4.125	4.625
89	B	3.500	4.000	4.500
88	B	3.375	3.875	4.375
87	B	3.250	3.750	4.250
86	B	3.125	3.625	4.125
85	B	3.000	3.500	4.000
84	C	2.875	3.375	3.875
83	C	2.750	3.250	3.750
82	C	2.625	3.125	3.625
81	C	2.500	3.000	3.500
80	C	2.375	2.875	3.375
79	C	2.250	2.750	3.250
78	C	2.125	2.625	3.125
77	C	2.000	2.500	3.000
76	D	1.875	2.375	2.875
75	D	1.750	2.250	2.750
74	D	1.625	2.125	2.625
73	D	1.500	2.000	2.500
72	D	1.375	1.875	2.375
71	D	1.250	1.750	2.250
70	D	1.125	1.625	2.125
69	F	1.000	1.500	2.000
68	F	0.875	1.375	1.875
67	F	0.750	1.250	1.750
66	F	0.625	1.125	1.625
65	F	0.500	1.000	1.500
64	F	0.375	0.875	1.375
63	F	0.250	0.750	1.250
62	F	0.125	0.625	1.125
0-61	F	0.000	0.00	0.000
61	FA	0.000	0.000	0.000
61	WF	0.000	0.000	0.000
---	WP	0.000	0.000	0.000



Grade Reporting:

Grade reports (interims) are available of parent portal sent to inform students and parents of the student's current status in each class. Report cards are distributed approximately one week after the conclusion of each grading period. The school will send a ConnectEd Message to remind parents that report cards are being issued.

Parent Portal: Parents and student may access grades and other information on Parent Portal. To enroll, visit [www.parents.richland2.org](http://www.parents.richland2.org).

Transcripts: Official transcripts will be mailed. All other transcripts will be marked unofficial.

Requirements for a High School Diploma: A minimum of 24 credits is required for graduation. The chart below specifies subjects and units needed.

<b>REQUIREMENTS FOR HIGH SCHOOL DIPLOMA</b>	
<b>SUBJECT</b>	<b>UNIT(S)</b>
English/Language Arts	4 units
Mathematics	4 units
Science	3 units
U. S. History	1 unit
Economics	1/2 unit
U. S. Government	1/2 unit
Other Social Studies	1 unit
Physical Ed. or ROTC	1 unit
Computer Science	1 unit
World Language or Occupational Specialty	1 unit
Elective (District Two requires one-half unit of Health)	7 units
<b>Total Units</b>	<b>24 units</b>

Student Records: The student and his parents have the right to review and inspect the official school record. If a parent or student desires to see the student's records, the student's records will be made available to him/her within a reasonable period of time (no longer than 45 days). Upon inspection, should a parent feel that the information is inaccurate or misleading, the parent may have a hearing to challenge such information. A

student 18 years old and older may have access to his records without parental permission.

All official transcripts will cost \$2.00 each. Each student is responsible for reviewing his school record to ensure that courses required for graduation have been taken and properly recorded. All official transcripts will be mailed.

**Searches and Interrogations:** Please see [Richland District Two's Back-to-School Handbook](#).

**Signs/Posters:** No signs or posters may be posted without approval from the student activities director. Off limit areas include the atrium, all glass doors, and areas visible from Sparkleberry Lane. Students are not allowed to post or distribute fliers publicizing events not sponsored by Spring Valley High School.

**Snack/Drink Machines:** Students are not allowed to use the snack or drink machines during class time. A three-hour detention will be assigned and food confiscated.

**Sororities/Fraternities:** Fraternities, sororities, and secret organizations are strictly forbidden. Activities, initiations, or fund-raising for these organizations are prohibited and will be addressed as a discipline problem.

**Special Services:** Please see [Richland District Two's Back-to-School Handbook](#).

**Student Conduct:** Please see [Richland District Two's Back-to-School Handbook](#).

**Student Consequences:** In accordance with district policies, the following listing includes the usual disciplinary actions for inappropriate student conduct at Spring Valley High School. No attempt is made to include every possible infraction. A reasonable effort will be made to notify parents for all infractions and consequences. In some cases a parent may be requested to attend school to insure a student's appropriate behavior.

INAPPROPRIATE CONDUCT	CONSEQUENCE
ALCOHOL	Please see <a href="#">Richland District Two's Back-to-School Handbook</a>
BUS MISCONDUCT	Minimum 3 hours-Recommended for Expulsion and/or suspended of bus. Please see <a href="#">Richland District Two's Back-to-School Handbook</a> for <b>School Bus Safety</b> .
CHEATING	May be suspended, see Honor Code Policy

CUTTING CLASS	ISS
DISOBEDIENCE	Minimum 6 hours detention, may be suspended
DISRESPECT	<i>To Faculty or staff:</i> Minimum 1-5 days suspension, may be recommended for expulsion
DISRUPTIVE BEHAVIOR	Minimum 3 hours detention, may be suspended. (Includes promoting a fight.)
DRESS CODE VIOLATION	Six hours detention
FAILURE TO SERVE HOURS	1 <sup>st</sup> Offense-ISS, 2 <sup>nd</sup> Offense-ISS, 3 <sup>rd</sup> Offense-OSS
FIGHTING	3-10 days suspension, may be arrested, may be recommended for expulsion
FOOD/GUM	Eating, drinking or chewing gum in classrooms = 3 hours detention
FORGERY	1-3 day suspension
GAMBLING	Minimum 1 day OSS
HARASSMENT/BULLYING	<i>Please see <a href="#">Richland District Two's Back-to-School Handbook</a>.</i>
LEAVING CAMPUS WITHOUT PERMISSION	Suspension
LEAVING CLASS WITHOUT PERMISSION	6 hours detention
LOITERING	Minimum of 6 hours detention
LYING	<i>To school personnel:</i> 1-3 days suspension
NO HALL PASS	3 hours detention
NO VISIBLE ID	3 hours detention
NON-SCHOOL FLIER DISTRIBUTION	12 hours detention
OFF-LIMIT AREA	Detention/Suspension
ELECTRONIC COMMUNICATION DEVICES(ECD's)	<i>Please see <a href="#">Richland District Two's Back-to-School Handbook</a>.</i>
POOR ATTITUDE	Minimum 3 hours detention, may be suspended
PORNOGRAPHY	Minimum 1 day ISS (includes use of Internet).
PROFANITY	Inadvertent – 6 hours detention. Directed toward another individual: 1-3 days OSS, may be recommended for expulsion
PUBLIC DISPLAY OF AFFECTION (PDA)	6 hours detention
REFUSAL TO OBEY	1-3 days OSS
SEXUAL MISCONDUCT	<i>Please see <a href="#">Richland District Two's Back-to-School Handbook</a>.</i>
THEFT	3-5 days suspension, may be recommended for expulsion, may be arrested
THREATS	<i>To other students:</i> Minimum 6 hours detention, may be suspended and recommended for expulsion. <i>To school personnel:</i> OSS and recommended for expulsion. May be arrested.
TOBACCO	Possession or use of tobacco products (including lighters) not allowed on campus or in view of the school – will be confiscated. Suspension.
TRASH/LITTERING	3 hours detention
UNAUTHORIZED AREA OF CAMPUS	6 hours – suspension
VANDALISM	Minor – suspension and restitution Major – suspension and restitution, recommendation for expulsion, may be arrested

VERBALE CONFRONTATION	1-3 days suspension, may be arrested
WEAPONS	Please see <a href="#">Richland District Two's Back-to-School Handbook.</a>

Students who are assigned detention by an administrator on Monday-Thursday must serve the detention by the next Saturday or they will be suspended during the following week. Serving detention takes precedence over extracurricular activities or job related duties.

### TYPES OF DISCIPLINARY ACTION

- **EVENING DETENTION**—C-148 Tuesday-Thursday 3:45 to 6:45 pm. Students must sign in and must have study/reading materials. Students are expected to follow the posted rules which include no talking, eating, sleeping, etc. Failure to cooperate requires dismissal from evening detention and no credit for time served.
- **SATURDAY DETENTION**—Commons, 8:00-9:30am Saturday Detention begins promptly at 8:00am No late sign-ins. Each student signs in on the proper form. Each Saturday served is equal to 6 hours. Failure to cooperate requires dismissal from SWD and no credit for time served.
- **PARENT SHADOWING:** A parent may be given the opportunity to shadow their student for an entire school day in lieu of the student receiving a suspension. This option is solely at the discretion of the administration and will only be used for non-disruptive offenses.
- **SUSPENSION:** Any student who receives a 3rd suspension will receive a minimum of 2 days OSS and may be recommended for expulsion. The severity of an offense may warrant a recommendation for expulsion on the 1st or 2nd suspension.
- **IN SCHOOL SUSPENSION (ISS)** - Students suspended from classes will remain in the ISS room all day. In school suspensions do not count as an absence and work can be made up, limited to two days.

Note: Students report to ISS (C-148) for any of the following:

1. Tardy to class - any class period.
2. Arrival to school after the 1st period tardy bell.
3. After any removal from class for discipline.
4. After any visit to the health room, guidance, an administrator without a pass or with any late pass from a teacher.
5. Teachers reviewing for a test for which a student was absent, should send the student to ISS (C-148) during the review. The student returns at a specific time or by phone call to ISS (C-148).



- **OUT OF SCHOOL SUSPENSION (OSS)** - Students suspended from school are not allowed on school grounds or at any school related function. Out of school suspensions are counted as lawful absences.
- **ALTERNATIVE SCHOOL** - Must be assigned by School Board or designee.
- **EXPLUSION** - Student removed from school for remainder of year - loses all credits. Students who are recommended for expulsion or who are expelled may not be on or around school grounds or any school related activity.

### Ways to Serve Detention

1. **Parent/Guardian Signed Detention Slip:** Students may get their parent or guardian to sign the yellow detention slip or the white discipline notice given to you at the time of the offense. Return the signed slip to the ISS supervisor (1 hr. credit).
2. **Trash Detail:** Students may pick up trash in the Commons and other outdoor lunch areas with an administrator during the last 10 minutes of lunch. Only one cleanup can be done each day. (1 hr. credit)
3. **Lunch Detention:** Students will be able to serve the first 15 minutes of lunch in the Auditorium from 12:21-12:36, and on Wednesdays from 12:43-12:58. (1 hr. credit)
4. **Morning Detention:** Students may serve morning detention on Monday-Friday from 7:30-8:30 with the exception of Wednesdays. in C-148. (1 hr. credit for 1 hour served.)
5. **After School Detention:** Students may serve after school detention on Tuesday, Wednesday and Thursday from 3:45 to 6:45pm in C- 148. Students must stay at least one hour to get credit but can sign out at any time. (1 hr. credit for 1 hour served)
6. **Saturday Work Detail:** Begins at 8:00am SHARP in the Commons- no late sign-ins. Campus cleanup is required and no early sign-outs. Students must be present for the entire work detail. (6 hrs. credit)

**Student Rights and Responsibilites:** *Please see [Richland District Two's Back-to-School Handbook](#).*

**Substitute Teachers:** A substitute teacher has the same authority as a regular classroom teacher. Students must accept responsibility for cooperating with a substitute teacher. Substitute teachers can not send students to the Media Center or computer labs.

**Supervision of Students:** Normal school operating hours are from 7:30 am to 3:33 pm. Supervision of students will begin at 7:30 am and continue until 4:00 pm each school day. Students arriving before 8:00 am not assigned to early bird classes should report and remain in the Commons until 8:00 am. on regular days and 9:00 am on late start days. Students involved in after school activities should report to their assigned/designated areas by 3:45 pm. Any student awaiting pickup after 4:00 pm should remain in the area located near the front of the auditorium. **Any student not in a supervised activity or designated area will be considered loitering and will be assigned a minimum of six hours detention.**

**Tardy Policy:** The tardy policy at Spring Valley has been established to ensure a minimum of interruptions in the educational process in each classroom. **Classroom doors will be locked when the tardy bell rings.** Any student who arrives after the tardy bell must report directly to ISS (C-148) and sign in on the tardy roster. Failure to report within ten minutes after the tardy bell will result in the student being counted absent from class rather than tardy. During any semester (18 weeks) attendance period, a student is allowed three tardies without disciplinary penalty. On the 4th and 5th tardy the student will be assigned 6 hours of detention, on the 6th and 7th tardy, 9 hours, on the 8th tardy, 12 hours and on the 9th tardy the student will receive one day in-school suspension (if not 3rd suspension). The 10th and 11<sup>th</sup> tardy, 6 hours, the 12th and 13th tardy, 9 hours and the 14th tardy, 12 hours. On the 15th tardy the student will receive one day in-school suspension (if not 3rd suspension. Students will be allowed to enter class with a pass on Tardy #1 only for each semester. This will serve as their free pass.

**Trash:** Maintaining a clean school is the responsibility of everyone. Students are expected to clean up after themselves. Detention may be assigned for failure to do so.

**Trespassing:** According to state law, a student is subject to arrest for going onto school property other than his own without permission. A visitor without a pass will be asked to leave the campus and a trespassing warrant may be issued. Spring Valley students trespassing on other campuses will be suspended.

**Tutoring:** The Tutoring Center is open Monday through Thursday after school from 3:45 to 5:00 pm in the Media Center. The Tutoring Center is staffed by teachers and National Honor Society members to assist students in math, science, Spanish, and English courses.

**Visitors:** All visitors must report to the Reception Area or Main Office, present a valid ID, and obtain and wear visitor's pass throughout duration of visit. Graduates are allowed to visit during the school day with prior administrative approval.

### **School Improvement Council (SIC)**

It is our belief that philanthropy should not be linked to academic achievement. Therefore, Spring Valley High school does not endorse teachers giving extra credit points to students that make donations to Winter Days and/or other service projects.

*The administration of Spring Valley High School affirms that the school is in compliance with the requirements of Title IX which states, "No person in the United States shall on the basis of sex be excluded from participating in, be denied the benefits or be subject to discrimination under any education program or activity receiving Federal Financial Assistance." Further, Richland District Two is an equal opportunity employer and does not discriminate on the basis of race, color, national origin, religion, sex, disability, age, or other protected characteristic in its programs and activities. Inquiries concerning application of Title IX or complaints alleging noncompliance should be directed to the Chief Human Resource officer, Richland District Two, 6831 Brookfield Road, Columbia, South Carolina 29206. Telephone 803-787-1910. While every effort has been made to ensure the accuracy of this handbook, changes in policy may require adjustments in content. Students remain responsible for updates and changes in policy.*

## Spring Valley Alma Mater

We raise our voices proudly,  
Spring Valley High to your name.  
How rich is the heritage your Vikings claim.  
The years will make you glorious  
And proud of your name we will be,  
Answering the challenge you set for our youth.  
Founded in a great tradition.  
Strong in wisdom's might.  
You bear the colors of strong Vikings,  
Our green and gold.  
And we who share these high school years,  
Spirited or calm.  
Pledge our faith forever to Spring Valley High.

## Spring Valley Fight Song

We are the Vikings, mighty are we!  
We are the best the Valley has seen.  
We've got the spirit; We've got the power,  
Vikings, Vikings, Fight, Fight, Fight!  
We are the Vikings, mighty are we,  
We are the best around. Vikings,  
Vikings is our name, Let's go



**JA 419**

# EXHIBIT D



Change is Possible



Search DJJ



DJJ Facilities	
<a href="#">Evaluation Centers</a>	<a href="#">Long Term Commitment Facilities</a>
<a href="#">Detention Center</a>	<a href="#">County Offices</a>
<a href="#">Job Readiness Training Center (JRTC)</a>	
<a href="#">Store of Hope</a>	
Community Residence Programs	
<a href="#">Marine Programs and Wilderness Camps</a>	

**MIDLANDS REGIONAL EVALUATION CENTER**  
 1721 Shivers Road  
 Columbia, South Carolina 29210  
 (803) 896-7455

DJJ's Midlands Regional Evaluation Center provides court-ordered evaluations for adjudicated juveniles from the midlands area prior to final disposition of their cases. The facility provides comprehensive psychological, social, and educational assessments to guide the court's disposition of cases. The facility serves male juveniles ages 11 to 17 from 19 midlands counties and is one of three regionalized evaluation centers around the state. By law, the length of stay for adjudicated juveniles cannot exceed 45 days. The center opened in 1997.

**UPSTATE REGIONAL EVALUATION CENTER**  
 1585 Jonesville Highway  
 Union, South Carolina 29379  
 (864) 429-3610

DJJ's Upstate Regional Evaluation Center provides residential court-ordered evaluations for adjudicated juveniles from the upstate area prior to final disposition of their cases. The facility provides comprehensive psychological, social, and educational assessments to guide the court's disposition of cases. The facility serves male and female juveniles ages 11 to 17 from 15 upstate counties and is one of three regionalized evaluation centers around the state. By law, the length of stay for adjudicated juveniles cannot exceed 45 days. The center opened in 1997.

**COASTAL REGIONAL EVALUATION CENTER**  
 331 Campbell Thickett Road  
 Ridgville, South Carolina 29472  
 (843) 821-3073

DJJ's Coastal Regional Evaluation Center provides residential court-ordered evaluations for adjudicated juveniles from the coastal area prior to final disposition of their cases. The facility provides comprehensive psychological, social, and educational assessments to guide the court's disposition of cases. The facility serves male and female juveniles ages 11 to 17 from 16 lowcountry counties and is one of three regionalized evaluation centers around the state. By law, the length of stay for adjudicated juveniles cannot exceed 45 days. The center opened in 2002.

**JUVENILE DETENTION CENTER**  
 For more detailed information, please see our [Detention Center brochure](#) (in Adobe .pdf format)  
 1725 Shivers Road  
 Columbia, South Carolina 29212  
 (803) 896-9440

DJJ's Juvenile Detention Center is a centralized pretrial detention facility, serving juveniles from most of South Carolina's 46 counties (several counties, including Richland and Charleston, operate their own long-term and short-

term detention facilities). The Detention Center is a secure, short-term facility providing custodial care and treatment to male and female juveniles ages 11 to 17 detained by law enforcement agencies and the family courts prior to disposition. Youths awaiting trial on serious and violent charges reside at DJJ's Detention Center to ensure public safety and the juveniles' immediate availability for court proceedings. A new, expanded Detention Center opened in 2001, replacing a historically overcrowded facility.

### LONG TERM COMMITMENT INSTITUTIONS

**BIRCHWOOD**  
Broad River Road Complex  
4900 Broad River Road  
Columbia, South Carolina 29212

Birchwood offers programs for boys with special needs, the Sex Offender Treatment Program (SOTP), the Pre-Release, and the Young Offender Program Stabilizing Treatment to Enhance Potential Success (STEPS) program. Birchwood is also home to and DJJ's Communities in Schools (CIS) program, one of the first in the nation in a juvenile correctional setting--offering skills/character development, and specializing in educational services that prepare boys for post-secondary education. The facility includes the Santee Special Management Unit and Birchwood School. Birchwood School is where girls and boys attend middle and high school, but in separate classrooms and on different wings of the school. Birchwood opened in 1975.

**JOHN G. RICHARDS**  
Broad River Road Complex  
4900 Broad River Road  
Columbia, South Carolina 29212

John G. Richards specializes in providing substance abuse treatment services to 12 to 17 year-old male juveniles with alcohol and other drug abuse problems. These services are designed to assist juveniles in abstaining from using alcohol and other drugs and in becoming productive members of their communities when the Juvenile Parole Board or DJJ Release Authority releases them. This campus houses the Systemic Treatment for Aggression Replacement program (STAR) and DJJ's Junior Reserve Officer Training Corps (JROTC) program, a cooperative effort between DJJ's school district and the U.S. Army. John G. Richards opened in 1966.

### WILLOW LANE PROGRAM FOR GIRLS

Broad River Road Complex  
4900 Broad River Road  
Columbia, South Carolina 29212

Willow Lane is a gender-responsive program comprised of educational, clinical and independent living experiences for girls. The program houses a Transition House, which incorporates transitional living into the rehabilitative process. The facility originally opened as the Riverside School for Girls in 1966. For more information on the Willow Lane Program for Girls, please see our [main Willow Lane page](#).

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South Carolina Department of Juvenile Justice  
4900 Broad River Road  
Columbia SC, 29212-3552  
Telephone: 803-896-9749



If you or someone you love is suffering from domestic violence, get help today and change your tomorrow. We're here for you anytime.

Please visit [Safe Place South Carolina](#) for help.

The South Carolina Department of Juvenile Justice does not discriminate in any programs or activities on the basis of race, color, national origin, sex, disability or age. THE FOLLOWING OFFICES HAVE BEEN DESIGNATED TO HANDLE INQUIRIES REGARDING THE NONDISCRIMINATION POLICIES: Title IX -- Inspector General's Office -- 803-896-9595 Title II & 504 -- Special Education Office -- 803-896-8484.



# EXHIBIT E

## 13th Judicial Circuit Public Defender Office



[Home](#) [Attorney Directory](#) [Frequently Asked Questions](#) [Information for Clients](#) [Resources](#) [Contact Us](#)

### FAQ's

1. [What is the most important thing I can do for my case?](#)

2. [How do I apply for a Public Defender?](#)

a. Greenville County

b. Jail

i. If your family member or friend is in jail, the office of Indigent Defense will visit the jail and screen the individual for eligibility.

c. Bond

i. General Sessions

1. You must apply at the Office of Indigent Defense, this office is NOT the Public Defender's Office.
2. Go to 305 East North Street, Suite 124. Greenville SC 29601
3. The application fee is \$40 (cash only)(non-refundable)
4. Please call Call 864-467-8527 prior to your visit. Certain documentation is required.

ii. Magistrate Offense

1. You may submit a request to the magistrate that a Public Defender represent you at your court date.

d. Pickens County

e. Jail

i. If your family member or friend is in jail, the office of Indigent Defense will visit the jail and screen the individual for eligibility.

f. Bond

i. General Sessions

1. You must apply at the Pickens County Clerk of Court's Office.
2. Their address is 214 E Main St, Pickens, SC 29671
3. The application fee is \$40 (cash only)(non-refundable)
4. Please call Call 864-898-5598 prior to your visit. Certain documentation is required.

ii. Bond

1. You may submit a request to the magistrate that a Public Defender represent you at your court date.

3. [What types of cases do you handle?](#)

4. [What are the different types of Court?](#)

5. [I have just been appointed a Public Defender. Do I need to go out and hire my own attorney?](#)

6. [Who is my Public Defender?](#)

7. [How do I contact my Public Defender?](#)

8. [When should I contact my attorney?](#)

9. [How does my case get resolved?](#)

10. [When is my Court date?](#)
11. [Why has a jury trial been requested?](#)
12. [How long does it take to resolve a case?](#)
13. [When should I show up to Court?](#)
14. [What should I wear to Court?](#)
15. [I'm charged with a crime, I speak with the prosecutor?](#)
16. [What is bond returnable court?](#)

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# EXHIBIT F



## **Frequently Asked Questions (FAQs) about Expungements and Pardons in South Carolina Courts**

**WARNING:** You are strongly encouraged to seek the advice of an attorney in any legal matter. If you move forward without an attorney, it may negatively affect your legal rights. If you have questions about your legal rights or the law that affects your case, please talk with an attorney.

**DISCLAIMER:** The general information provided in these FAQs is not legal advice, cannot be cited as legal authority, and cannot replace the advice of an attorney licensed in South Carolina. The information in these FAQs is accurate as of the date of publication. If you decide to bring a lawsuit in a South Carolina court without an attorney, you are responsible for researching the law on your own. Please note that the presiding judge in each case decides what law applies in that case.

### **Expungement and Pardon Questions:**

#### **What is an expungement?**

An expungement is a court order that removes something from your criminal record. It is also called an Order for Destruction of Arrest Records. Expungement works only for minor or first-time offenses. Major offenses cannot be expunged. See [S.C. Code Ann. § 17-22-910](#) for the full text of the Uniform Expungement of Criminal Records Act.

#### **What is eligible for expungement?**

- **Non-Conviction.** Non-convictions include not guilty verdicts, charges the judge dismisses, and charges the Solicitor does not prosecute (called “nol prossed”). There are no fees for this type of expungement.
  - **NOTE:** An expungement after a non-conviction in Magistrate or Municipal Court is different from any other type of expungement listed in this guide. After June 2,

2009, these courts are required to expunge non-convictions automatically.

According to state law, these courts are not required to expunge non-convictions if the defendant was not fingerprinted at the time of arrest, or if the defendant was charged with a violation of Title 50 (Fish, Game and Watercraft), Title 56 (traffic), or a county or municipal ordinance. [See S.C. Code Ann. § 17-1-40\(c\)](#).

To get an expungement for a non-conviction in Magistrate or Municipal Court that occurred before June 2, 2009, apply directly to the court. There is no fee for this expungement. See [S.C. Code Ann. § 17-22-950](#).

- Pre-Trial Intervention. Charges the Solicitor dismisses after successful completion of a Pre-trial Intervention Program (“PTI”). PTI is a program that offers some first-time, nonviolent offenders a second chance. Instead of going trial, offenders get supervised rehabilitative treatment and make restitution, take drug tests, and perform community service.
- Alcohol Education Program. Charges the Solicitor dismisses after successful completion of an Alcohol Education Program.
- Traffic Education Program. Charges the Solicitor dismisses after successful completion of a Traffic Education Program.
- First Offense Misdemeanor Conviction under the Fraudulent Check Law. This conviction is eligible for expungement when the defendant has had no other conviction for more than 1 year.
- First Offense Simple Possession of Marijuana or certain other illegal drugs. This conviction is eligible only when the defendant received a conditional discharge and successfully completed any sentencing requirements. A conditional discharge means that the court offered the defendant certain conditions, such as treatment and rehabilitation, instead of

being found guilty. Eligible drug offenses are listed at [S.C. Code Ann. § 44-53-370\(c\)-\(d\)](#) and [§ 44-53-375\(A\)](#).

- First Offense Conviction for a Crime Carrying a Penalty of not more than 30 Days Imprisonment or a Fine of \$500, or both.
  - This conviction is eligible when:
    - It is a first offense.
    - The penalty for the crime is no more than 30 days imprisonment or a \$500 fine, or both. If the penalty is higher, the conviction is not eligible.
    - There were no other convictions for 3 years. This period is 5 years for a first offense Criminal Domestic Violence conviction.
  - Traffic offenses, motor vehicle offenses, and wildlife and game offenses cannot be expunged.
- First Offense Conviction for Failure to Stop When Signaled by a Law Enforcement Vehicle.
  - This conviction is eligible when:
    - It is a first offense.
    - The offense did not involve bodily injury.
    - The defendant had no other conviction for 3 years.
    - The defendant successfully completed all sentencing requirements.
- First Offense Conviction as a Youthful Offender.
  - This conviction is eligible when:

- It is a first offense.
  - The defendant was 17 to 24 years old at the time of conviction.
  - The defendant had no other conviction for 5 years after completion of the sentence. Completion of the sentence includes the end of any probation or parole period.
  - The original offense was non-violent and classified as one of the following:
    - Misdemeanor.
    - Class D, E, or F felony.
    - Felony with a maximum term of 15 years imprisonment.
- Juvenile Offenses.
    - These convictions are eligible when:
      - The offense was non-violent.
      - The defendant is currently 18 or older.
      - The defendant completed any sentence and has no additional conviction after the juvenile offense.
      - The defendant has no prior conviction for an offense that would carry a maximum sentence of 5 years imprisonment or more if committed by an adult.

### **Can a traffic offense, such as a DUI, be expunged?**

The only type of traffic offense that can be expunged is a first offense conviction for failure to stop when signaled by a law enforcement



vehicle. Other types of traffic offenses, including convictions for driving under the influence, are not eligible for expungement.

## **How do I get an expungement?**

Solicitors' offices handle all expungements except for non-convictions in Magistrate or Municipal court. If you are seeking an expungement of a non-conviction in Magistrate or Municipal Court, you need to contact the clerk's staff in that court. They will provide you with the necessary paperwork and will process the expungement.

In all other situations, the first step is to contact the Solicitor's office in the judicial circuit where the charge originated. Each office has an employee who is in charge of the expungement process. This person will be able to tell you what you need to do to get an expungement in that circuit.

There are 16 judicial circuits in South Carolina. Each one contains several counties. This [website](#) has the 16 offices listed by county and provides contact information for each office.

## **What information do I need?**

The Solicitor's office will require you to fill out an application for expungement. Different circuits require different information. Some require that you provide copies of court documents related to your charges.

## **What fees do I pay for an expungement?**

You must pay a \$250.00 administrative fee to the Solicitor's office, a \$25.00 fee to the South Carolina Law Enforcement Division ("SLED"), and \$35.00 filing fee to the Clerk of Court. You pay the fees with separate money orders when you apply to your Solicitor's office. There is no refund if the charge or conviction is not eligible for expungement.

Certain charges are exempt from these fees. If there was not a plea deal and the Solicitor dismissed or did not prosecute (“nol prossed”) the charges, there are no fees for expungement.

## **How long does it take?**

Expungements are a time-consuming process. All Solicitors’ offices go through the same steps after your apply for an expungement. First, the office checks your eligibility for expungement. Then the office has SLED check your eligibility. If SLED approves, the Solicitor’s office gets the approval of the Solicitor and a Circuit Court judge. If the judge approves, he orders the destruction of records related to the charge.

## **What happens after I get an expungement?**

State law requires that the Solicitor provide you a completed copy of the expungement order. After you get the expungement order, wait 1 or 2 months and get a copy of your record from SLED to make sure the expungement worked.

SLED charges a \$25 fee to get an electronic copy or to get a paper copy of your record through the mail. Follow this [link](#) to get your record.

## **What if I receive a SLED background check and the arrest or conviction is not associated with me?**

SLED has a procedure for challenging the accuracy of an arrest, charge, or conviction that appears on an official copy of your criminal record. Fingerprints are the basis of this procedure. SLED will compare your fingerprints with those in the record to determine if the record is associated with the correct individual.

**NOTE:** This procedure concerns challenges to SLED records alone. It does not apply to records maintained by third-party background check companies.

Follow these steps to challenge the accuracy of your official criminal record:

- Contact SLED at 803-896-7005 and request a challenge packet. SLED will mail the packet to you.
- Complete the application. The application contains a fingerprint card. Take the card to a local law enforcement agency for fingerprinting.
- Make a copy of your picture ID.
- If you do not have a copy of your official record, get a \$25 money order payable to SLED.
- Put the application, fingerprint card, and copy of your photo ID into an envelope. Include either a copy of the record in question or a \$25 money order. Mail the materials to the address provided in the packet.

## **Am I required to tell people about old charges and convictions after they were expunged?**

After completion of pretrial intervention or after conditional discharge from simple possession, the law says you do not have to acknowledge the charges. See [S.C. Code Ann. § 17-22-150\(a\)](#). The law is not clear about other types of expungements.

## **What is a pardon?**

A pardon is a grant by the state that excuses a person convicted of a crime from its legal consequences. It does not erase a conviction, it just ends the penalty.

## **What does a pardon do?**

A pardon ends the penalties and punishments that resulted from a criminal conviction. It also restores the civil rights of someone convicted of a crime. These rights include the right to vote, the right to serve on a jury, the right to hold most public offices, the right to resume a licensed profession, and the right to testify in court without having evidence presented about the conviction.

## **How is a pardon different from an expungement?**

An expungement can wipe clean a criminal record. It removes any reference to the original charge or conviction.

A pardon is different. The original conviction remains on a criminal record after a pardon. After receiving a pardon, an individual must still acknowledge their conviction. A pardon does not affect sex offender status.

## **How do I get a pardon?**

To get a pardon, apply to the Probation, Parole, and Pardon Services Board. This board grants most types of pardons. To be eligible you must fully pay the restitution and fees associated with your conviction. For more information, see the Department of Probation, Parole, and Pardon Services' [website](#).

## **When can I apply for a pardon?**

There are certain requirements for different situations:

- Probationers: apply after your discharge from supervision.
- Parolees: apply after completing 5 years under supervision. If the maximum parole period is less than 5 years, apply after you complete the parole period.



- Discharged from a sentence: apply after your discharge.
- An inmate with terminal illness is eligible when life expectancy is less than 1 year.

## **How do I apply for a pardon?**

Submit the application, written letters of reference, and a \$100 fee to the Probation, Parole, and Pardon Services Board. The letters of reference must specifically support your application for a pardon. The [application](#) is available online.

The Board will review your application, perform an investigation, and schedule a hearing. This process usually takes 7 to 9 months.

## **What are my chances of getting a pardon?**

There is no guarantee that you will get a pardon. The board can grant or deny any pardon at its discretion. Generally, it grants a pardon only when the applicant demonstrates that he or she is a changed person.

## Resources

- If you do not understand the information in these FAQs, you may want to contact an attorney.
- To find an attorney who practices law in this area, please contact the South Carolina Bar's Lawyer Referral Service (LRS) at **1-800-868-2284** (toll free). LRS offers a referral by location and type of law. The lawyers who sign up with LRS are in good standing with the South Carolina Bar and must maintain malpractice insurance coverage. The lawyers also agree to a 30-minute consultation for no more than \$50. After the 30-minute consultation, the fees will be the lawyers' normal fees. Once you receive a referral, you will be expected to contact the lawyer by telephone to make an appointment.
- If you cannot afford an attorney, you may contact the South Carolina Legal Aid Telephone Intake Service (LATIS) at **1-888-346-5592** (toll free) or **803-744-9430** (Columbia area). Eligibility for assistance will depend on your income and assets and the type of problem you have. The income limit to be eligible for Legal Services is 125% of the federal poverty level, which changes every year in April. There is also an asset limit (example of assets include money in bank accounts, property, etc.). Additionally, the problem you have must be within the list of problems with which Legal Services can help.

# **EXHIBIT**

## **G.1**

## R.B. Stall High School: Twilight Alternative Program

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**Director/Instructor:** Dr. Daniel J. Ilagan  
**Instructors:** Mr. Caleb Coblentz  
Mr. Steve Guerry

Parents and students are encouraged to contact us via email and phone:

[daniel\\_ilagan@charleston.k12.sc.us](mailto:daniel_ilagan@charleston.k12.sc.us)  
[caleb\\_coblentz@charleston.k12.sc.us](mailto:caleb_coblentz@charleston.k12.sc.us)  
[steve\\_guerry@charleston.k12.sc.us](mailto:steve_guerry@charleston.k12.sc.us)  
843-764-2200 Ext: 27252

### Program Description:

Charleston County School District has mandated that each individual high school offer an alternative program to aid at-risk and troubled students both academically and behaviorally in lieu of expulsion. The Twilight Program at Stall High School is an intervention for students who have been removed from the regular full-time day school setting for behavioral reasons.

Students may be placed in Twilight for reasons including:

- Unresponsive to interventions by Core Team
- Referral by the Office of Student Placement
- Direct placement by the Principal

Students in the Twilight Program will have the opportunity to work in one of three 3-hour sessions (**9am – 12pm, 12pm – 3pm, 3pm- 6pm**) and work toward earning at least two core credits using the APEX Virtual School (see below). At this time, students will **not** have the ability to earn Science credit in the Twilight Program.

Students accepted into the program (and their guardian) must meet with the Twilight Program Director and the Assistant Principal over Alternative Programs before the student is allowed to attend. Procedures and expectations will be reviewed at that time.

**Special Note:** Transportation to and from R.B. Stall High School for the Twilight Sessions is **NOT** provided by CCSD. Food service is also not provided; please eat something before arriving.

### APEX Virtual School:

Apex offers a multitude of courses, each designed to meet specific needs of students using audio, video, animated and still images, and interactivity to support multi-modal learning. A large variety of activity types provide numerous approaches to learning, among them: interactive simulations, text and graphics to read and interpret, and discussions and journals to respond to.

### Course Texts:

Apex has some written assignments, but they are accessed via their website. A behavior improvement (prosocial) component will have a journal and/or workbook assigned.

**Please read the following carefully!**

**Searches by CCSD staff:** Twilight students will be searched daily before entering the Twilight Lab.

**Materials required of the student:** Students are asked to bring a pen/pencil every day. Students may also bring a set of headphones to use with the online APEX Virtual School. Twilight will provide a journal and folder for the students.

Twilight at a glance

**JA 438**



## R.B. Stall High School: Twilight Alternative Program

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**Evaluation Scale:** Students will complete online quizzes and tests as part of their online course. Worksheets may also be printed and used by students to in order to prepare for quizzes and tests. Grading scale: A = 92.5-100; B = 84.5 – 92.4; C = 75.5 – 84.4; D = 69.5 – 74; F = 69 or below.

All grades will be administered online. BUT there is a maximum limit to the number of times quizzes and test may be taken: Three. Once those online quizzes and tests have been completed (and passed) a grade of a 70 will appear on your transcript for that course, and credit will be awarded.

**Mastery-Based Learning:** As noted above, students will be given three chances to pass quizzes and tests with a grade of a 70%. In order to receive a fourth attempt, study sheets for the lesson will have to be completed and shown to me before quizzes are unlocked.

**Prosocial:** There is a prosocial component to the Twilight program. We will address anger management, communication skills, conflict resolution/mediation, career exploration, career planning, individual graduation plans, goal setting, alcohol and other drug abuse prevention, and student survival skills. Students are expected to actively participate in these activities.

**Restrooms:** Students must be escorted to the restroom.

**Electronics:** The use of electronic devices (iPods, MP3 players, cell phones, etc) is **NOT allowed** in the classroom – students may use headphones to listen to instruction provided by their online course.

**Food/Drink:** Per the administration, food and drink is **prohibited** in the classroom. Please eat before you come.

**Behavior Management:** The purpose of the Twilight Program is to improve behavior and give you the opportunity to earn your way back to the regular/mainstream classes. Students may earn points for academic achievement, and behavioral compliance. ***Students meeting academic and behavior goals may participate in the following activities:***

- ***field trips to local colleges/ trade schools***
- ***driver's permit preparation and test***
- ***opportunities to interact with the student body w/ supervision***
- ***participation in a half-unit course with mainstreamed students.***

Students unwilling to meet academic and behavior expectations will be referred to the Office of Student Placement for disciplinary review and removal from Twilight.

### **Attendance/Punctuality**

Students more than **ten minutes late** to the Twilight Lab will **not be allowed to attend Twilight** for that day's session or remain on campus. For that day work on APEX must be one online at home or at a public library.

**Communication:** Parents and students are encouraged to contact any Twilight staff member for any reason. Please let the Twilight staff know if you have any questions or concerns.

**Final Point:** Students are expected to take responsibility for their academics, behavior, emotions, attitude, and choices.

# **EXHIBIT**

## **G.2**



R.B. Stall  
HIGH SCHOOL  
*It's a Great Day to Be a Warrior*

- [Home](#)
- [About Us](#)
- [Parents](#)
- [Students](#)
- [Directory](#)
- [School Counseling](#)
- [Athletics](#)
- [News](#)
- [Learning Inspiration Hub](#)

[South Carolina Grading Policy](#)

[SC Uniform Grading Scale and Class Rank/GP:A](#)

[SC Graduation Requirements](#)

[Program of Studies](#)

[Credit Recovery](#)

[South Carolina Virtual School \(SCVS\)](#)

[After School Tutoring & Seat-Time Recovery](#)

[Twilight Program](#)

[R.B. Stall High School](#) » [School Counseling](#) » [Academic Information](#) » [Twilight Program](#)

## Twilight Program

Twilight is an transitional high school credit initiative which uses the APEX program and which is designed to expand educational opportunities and meet individual student needs. Twilight is not a comprehensive high school program and does not offer all courses needed to complete graduation requirements in South Carolina.

Twilight is intended to meet academic needs for high school students who:

- Are at risk for expulsion
- Have become disengaged and need an alternative educational setting
- Are at risk for dropping out prior to high school graduation

Twilight Goals:

- To motivate student to re-engage in education and earn high school credits
- To provide a pathway for students to find direction for the future

Students participate in the Twilight program only by recommendation or placement by an Administrator. Questions about Twilight should be directed to Dr. Ilagan, Assistant Principal or the student's Guidance Counselor. Parents may call the school office at 843-764-2200 to reach one of these individuals.



3625 Ashley Phosphate Road, North Charleston, SC 29418 | Phone: (843) 764-2200 | Fax: (843) 764-2240  
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# EXHIBIT H



State of South Carolina  
Office of the Solicitor  
Eleventh Judicial Circuit

COUNTIES  
EDGEFIELD / LEXINGTON  
McCORMICK / SALUDA  
FAXES: (803) 785-8431 or (803) 785-8255



LEXINGTON COUNTY JUDICIAL CENTER  
205 E. MAIN ST. ROOM 309  
LEXINGTON, SOUTH CAROLINA 29072  
TELEPHONE: (803) 785-8352

**DONALD V. MYERS**  
Solicitor

June 3, 2010

Dr. Karen Woodward, Superintendent  
Lexington County School District One  
100 Tarrar Springs Road  
Lexington, South Carolina 29072

Dear Dr. Woodward

In the wake of budget cuts and increased caseloads, the Solicitor's Office is forced to review the types of juvenile cases being referred for court. Unfortunately, our court dockets are very long and we have limited court time. In an effort to free up court time for more serious cases, the Solicitor's Office is requesting that the Schools handle a juvenile's first two charges occurring at school if the charges are Disturbing Schools or Disorderly Conduct.

As of May 25, 2010, the Solicitor's Office will no longer prosecute a juvenile's first two offenses of Disturbing Schools (DS) or Disorderly Conduct (DC). We would like the school to address and provide intervention and sanctions for those charges. Upon a third charge, whether Disturbing Schools, Public Disorderly Conduct or something else, that charge may be referred to the Solicitor's Office through DJJ as usual. We do ask that any prior charges, interventions, contact information, attendance, grades, school discipline records and any other pertinent information be forwarded along with the new charge.

There are many wonderful programs already in place. We would gladly assist by providing contact information for individuals in charge of those programs. What we usually see from these programs are: first offense is usually a warning, afterschool detention, or in school or out of school suspension. The second offense may consist of either of the first offense sanctions along with appropriate anger management or school counseling, or alternative school placement.

Page Two  
June 3, 2010

According to the Department of Education, many schools across South Carolina are initiating similar programs. Following are a list of several programs that we are aware of: School-Wide Positive Behavior Interventions and Supports (PBIS), School-Based Mental Health, Family Involvement Programs by the Federation of Families, Second Chance, Restorative Justice Programs and many more. There is also some discussion by DJJ and School Resource Officers regarding a Law Related Education Program.

It is our understanding that when various individuals, to include: the School Resource Officers, Guidance Counselors, School Based Mental Health Workers and Social Workers come together and initiate programs, many schools have seen a reduction in the number of Disturbing Schools and Disorderly Conduct charges. As you are aware, many of these charges are behavioral issues rather than criminal acts.

Another great program is The Second Chance Program in District 5, Chapin Alternative School. This program is combining resources from school volunteers, Resource Officer, Counselor and Social Worker assigned to the school. Pendleton High School in the Upstate has a similar program and was the inspiration for the Second Chance Program.

The States of Alabama and Georgia have also initiated a system of graduated sanctions, disciplinary methods and/or educational programs that are utilized prior to making a DJJ referral. A copy of Alabama and Georgia's protocol paper is enclosed.

There are many programs available to use as a guide. You may have a plan or program of your own in mind. One important thing to consider is that these programs appear to be cost effective and provide swifter punishment than those we see in court.

We look forward to working with you and assisting with this new endeavor. Please feel free to contact our Family Court Solicitors or the Juvenile Arbitration Program should you have any questions.

Sincerely,

Donald V. Myers, Solicitor  
11<sup>th</sup> Judicial Circuit

cc: All Lexington County High School Principals  
All Lexington County Middle School Principals  
All School Resource Officers

# EXHIBIT I



U.S. Department of Justice  
Office of Community Oriented Policing Services



# Fact Sheet

www.cops.usdoj.gov

## Memorandum of Understanding Fact Sheet

School Resource Officer (SRO) programs can play an important role in maintaining and increasing safety at schools and in neighboring communities. In order to effectively implement such programs, law enforcement agencies and schools should develop a Memorandum of Understanding (MOU) to clearly document the roles, responsibilities, and expectations of the individuals and partners involved including SROs, school officials, law enforcement, education departments, students, and parents. At a minimum, a successful MOU documents the program's purpose, partner roles and responsibilities, requirements for information sharing, and supervision of the SRO.

### Developing a Memorandum of Understanding

An MOU, also referred to as an interagency agreement or Memorandum of Agreement (MOA), is an instrument used to build mutual respect and trust between partners while delineating specific roles and responsibilities of the partnering agencies. Every jurisdiction with a school and law enforcement partnership should have an MOU that clearly defines the roles and responsibilities of the individual partners involved, including school districts, boards or departments of education, school administration officials, law enforcement agencies (including SROs), and students and parents. As a policy instrument, all parties should sign and abide by the MOU, and it should be considered a living document that operates within the context created by applicable federal and state laws—including, but not limited to, federal civil rights laws and privacy laws.

The MOU must be submitted to the COPS Office within 90 days of the date shown on the award congratulatory letter. Implementation of the COPS Hiring Program (CHP) grant without submission and acceptance of the required MOU may result in expenditures not being reimbursed by the COPS Office and/or award deobligation.

### Developing Your School-Based Partnership

School and law enforcement partnerships are also built on a foundation of shared goals and objectives, which are approached in a constructive and positive manner and achieved through open communication. When schools, communities, and law enforcement agencies work together to creatively tackle problems, they may be able to achieve a number of positive outcomes, including

- an increased ability of law enforcement agencies, schools, and community groups to gather and analyze useful and timely information about crime and fear of crime in schools in accordance with applicable privacy laws;

- an increased ability of law enforcement agencies, schools, and community groups to work together in developing innovative, systemic, long-term approaches to reducing and preventing different kinds of crime in and around their schools and preventing unnecessary law enforcement involvement in non-criminal student misbehavior. Measurable outcomes may be determined by implementing strategies focused on targeted crimes, thereby improving the quality of life for those affected (students, teachers, school personnel, and parents), promoting a safer environment that is conducive for learning, and decreasing the fear of crime and violence among students, school employees, and the surrounding community;
- an increased understanding of how to effectively interact with youth through coordinated training on topics such as basic childhood and adolescent development and age-appropriate responses, disability and special education issues, conflict resolution and de-escalation techniques, bias-free policing including implicit bias and cultural competence, restorative justice techniques, and working with specific student groups such as students with disabilities or limited English proficiency and students who are lesbian, gay, bisexual, and transgender (LGBT);
- an increased understanding of an SRO's roles and responsibilities, including an understanding that school code of conduct violations and routine discipline of students remains the responsibility of school administrators and that law enforcement actions (such as arrest, citations, ticketing, or court referrals) are only to be used as a last resort for incidents that involve criminal behavior or when it becomes necessary to protect the safety of students, faculty, and staff from the threat of immediate harm;
- an increased ability through coordinated training for schools and law enforcement agencies to properly train and respond to school safety threats;
- an increased ability to plan for and respond appropriately to emergencies.

Note that the U.S. Departments of Education, Health and Human Services, Homeland Security, and Justice recently released guidance for schools on emergency planning. See *Guide for Developing High-Quality School Emergency Operations Plans* (Washington, DC: U.S. Department of Education, 2013), [http://rems.ed.gov/docs/REMS\\_K-12\\_Guide\\_508.pdf](http://rems.ed.gov/docs/REMS_K-12_Guide_508.pdf).



## MOU guidance

The following information must be included within an MOU. The COPS Office strongly encourages law enforcement agencies to work collaboratively with school partners to formulate additional information that will help successfully implement the overall school safety plans.

Under the 2016 COPS Hiring Program, SROs must spend a minimum of 75 percent of their time during the calendar year or 100 percent of their time during the school year—depending on the law enforcement agency’s SRO deployment strategy developed with the school partnership—in and around primary or secondary schools working on youth-related activities. The time commitment of the SROs must be above and beyond the amount of time that the agency devoted to the schools before receiving the grant. There must be an increase in the level of community policing activities performed in and around primary or secondary schools in the agency’s jurisdiction as a result of the grant.

### A. Purpose of the MOU

The statement of purpose should describe the agencies that are entering into the partnership, the purpose of the partnership, and the effective date of the agreement. This statement may already exist within your ongoing partnership, or it may need to be developed jointly to assist in defining the primary purpose of your agreement. **The effective date of the agreement must be within the grant period.**

### B. Description of partner roles and responsibilities

This description must include the roles and responsibilities of the school, the school district, and the law enforcement agency, and each partner should be specifically listed within the document. **It must clearly indicate that SROs will not be responsible for requests to resolve routine discipline problems involving students.** The administration of student discipline, including student code of conduct violations and student misbehavior, is the responsibility of school administrators unless the violation or misbehavior involves criminal conduct.

The placement of law enforcement officers in schools carries a risk of contributing to a “school-to-prison pipeline” process where students are arrested or cited for minor, nonviolent behavioral violations and then diverted to the juvenile court system. This pipeline wastes community resources and can lead to academic failure and greater recidivism rates for these students. The grantee agrees that any officers deployed while implementing School-based Policing under the COPS Hiring Program grant cannot be involved in the administrative discipline of the students.

The MOU must include the roles and responsibilities of the school partner. These roles may include providing a secure work space for the SRO to conduct interviews and maintain confidential records; establishing standing meetings; and working with school administrators in identifying problems and evaluating progress under the MOU, including data collection and evaluation. The school administrator should ensure that staff cooperates with police investigations and any subsequent actions related to crime or criminal activity on campus.

The law enforcement partner is responsible for the selection of officer(s) assigned to the school, and these officer(s) should adhere to the principles of community policing. This section of the MOU

must define the roles and responsibilities of the SRO and the assigned hours of SRO duty, including arrival and departure times and specifying if after-hour duties may be performed and if time spent in court, attending interagency meetings, and investigating school-related crimes are within the scope of SRO duties.

The MOU should include examples of the activities that the SRO will engage in, such as

- handling requests for calls for service in and around schools;
- conducting comprehensive safety and security assessments;
- developing emergency management and incident response systems based on the National Incident Management System (NIMS) and the four phases of emergency management: mitigation/prevention, preparedness, response, and recovery;
- developing and implementing safety plans or strategies;
- integrating appropriate security equipment/technology solutions, including incorporating crime prevention through environmental design (CPTED) as appropriate to enhance school safety;
- responding to unauthorized persons on school property;
- serving as liaisons between the school and other police agencies, investigative units, or juvenile justice authorities when necessary and consistent with applicable civil rights laws and privacy laws;
- serving as a member of a multidisciplinary school team to refer students to professional services within both the school (guidance counselors or social workers) and the community (youth and family service organizations);
- building relationships with juvenile justice counselors to help connect youth with needed services;
- developing and expanding crime prevention efforts for students;
- developing and expanding community justice initiatives for students.

### C. Information sharing

This section must address the type of and the extent to which information will be shared between the law enforcement agency and school or school district partners. For example, it should define the type of information that the school is permitted or willing to share with law enforcement, as well as information flow from law enforcement to school partner(s). When entering into an MOU, agencies should consider all federal or state laws that govern the collection, use, and dissemination of student records.

Federal privacy laws, including the Family Educational Rights and Privacy Act of 1974 (FERPA), the Health Insurance Portability and Accountability Act of 1996 (HIPAA), and civil rights and other laws must be considered when developing plans for information sharing that involves personally identifiable information from student education records. For more information on FERPA, see the U.S. Department of Education’s FERPA home page at [www.ed.gov/policy/gen/guid/fpco/ferpa/index.html](http://www.ed.gov/policy/gen/guid/fpco/ferpa/index.html); for more information on HIPAA, see the U.S. Department of Health and Human Service’s Health information privacy site at [www.hhs.gov](http://www.hhs.gov).

[gov/ocr/privacy/index.html](http://gov/ocr/privacy/index.html); and for an overview of FERPA issues relevant to emergency planning and SRO programs, please see the "Closer Look" section of the Guide for Developing High-Quality School Emergency Operations Plans at [rems.ed.gov/docs/REMS\\_K-12\\_Guide\\_508.pdf](http://rems.ed.gov/docs/REMS_K-12_Guide_508.pdf).

#### D. Supervision responsibility and chain of command for the SRO

This section must clearly establish a definitive chain of command for the SRO, including the individual(s) with the responsibility for the supervision of the SRO. With rare exceptions, this responsibility lies with the law enforcement executive or his or her law enforcement designee.

#### E. Signatures

The MOU must be signed and dated by both the highest ranking law enforcement executive (i.e., police chief or sheriff) and the school official(s) who will have general educational oversight and decision-making authority (i.e., board of education chairperson, superintendent, or school principal). The MOU should be developed with participation from school administrators and officers assigned to the school(s) so that staff members who are impacted by the agreement clearly understand their roles and responsibilities. Successful MOUs are often developed by teams that include students, parents, and other community members committed to keeping schools safe, in addition to school and law enforcement members. The MOU should be publicly available to members of the school community.

### Supplemental Information

In addition to the required information set forth in the MOU guidance, training requirements and performance monitoring should be addressed in the MOU. The COPS Office recommends including a section that describes training requirements prior to placing SROs in educational settings, as well as specific in-service training requirements throughout their deployment in the schools. The COPS Office also recommends a section that establishes a process to closely monitor the SRO program, including comprehensive disaggregated data collection on school-based arrests, citations, searches, and referrals to court or juvenile justice programs consistent with applicable federal, state, and local privacy laws.

### References

Atkinson, Anne J. 2002. "Fostering School-Law Enforcement Partnerships," in No. 5 of Safe and Secure: Guides to Creating Safer Schools. <https://www.ncjrs.gov/pdffiles1/ojjdp/book5.pdf>.

Canady, M., B. James, and J. Nease. "To Protect & Educate: The School Resource Officer and the Prevention of Violence in Schools". Hoover, AL: National Association of School Resource Officers. <https://nasro.org/cms/wp-content/uploads/2013/11/NASRO-To-Protect-and-Educate-nosecurity.pdf>

Additional COPS Office resources

"Police in Schools." Narrated by Mo Canady and Vonda Matthews. *The Beat*, February, 2013. [http://www.cops.usdoj.gov/html/podcasts/the\\_beat/02-2013/TheBeat-022013\\_Mo\\_Canady.mp3](http://www.cops.usdoj.gov/html/podcasts/the_beat/02-2013/TheBeat-022013_Mo_Canady.mp3).

COPS Office. 2013. *School Safety CD-ROM*. Washington, DC: U.S. Department of Justice. <http://ric-zai-inc.com/ric.php?page=detail&id=COPS-CD010>.

Crowley, Kathleen. 2012. *Executive Summary: Secure Our Schools Program Assessment*. Washington, DC: U.S. Department of Justice. <http://ric-zai-inc.com/ric.php?page=detail&id=COPS-W0696>.

Newman, Graeme R. 2005. *Bomb Threats in Schools*. Washington, DC: Office of Community Oriented Policing Services. <http://ric-zai-inc.com/ric.php?page=detail&id=COPS-W0015>.

Raymond, Barbara. 2010. *Assigning Police Officers to Schools*. Washington, DC: Office of Community Oriented Policing Services. <http://ric-zai-inc.com/ric.php?page=detail&id=COPS-P182>.

Rosiak, John. 2013. "A Day in the Life of a School Resource Officer," *Community Policing Dispatch* 6 (4). [http://cops.usdoj.gov/html/dispatch/04-2013/a\\_day\\_in\\_the\\_life.asp](http://cops.usdoj.gov/html/dispatch/04-2013/a_day_in_the_life.asp).

Sampson, Rana. 2002. *Bullying in Schools*. Washington, DC: Office of Community Oriented Policing Services. <http://ric-zai-inc.com/ric.php?page=detail&id=COPS-P029>.

**THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION**

NIYA KENNY; TAUREAN NESMITH; GIRLS  
ROCK CHARLESTON, INC.; D.S., by and through  
her next of kin Juanita Ford, and S.P., by and  
through her next of kin Melissa Downs, on behalf of  
themselves and all others similarly situated,

C/A No. 2:16-cv-2794-CWH

Plaintiffs

v.

ALAN WILSON in his official capacity as Attorney  
General of South Carolina; J.ALTON CANNON,  
JR.in his official capacity as the Sheriff of  
Charleston County, SC; GREGORY G. MULLEN in  
his official capacity as the Chief of the Police  
Department of the City of Charleston, SC; EDDIE  
DRIGGERS, JR in his official capacity as the Chief  
of the Police Department of the City of North  
Charleston, SC; CARL RITCHIE in his official  
capacity as the Chief of Police Department of the  
City of Mt. Pleasant, SC; LEON LOTT in his  
official capacity as the Sheriff of Richland County,  
SC; W.H. HOLBROOK in his official capacity as  
the Chief of the Police Department of the City of  
Columbia, SC; STEVE LOFTIS in his official  
capacity as the Sheriff of Greenville County, SC;  
KEN MILLER in his official capacity as the Chief of  
Police Department of the City of Greenville, SC;  
LANCE CROWE in his official capacity as the  
Chief of the Police Department of the City of  
Travelers Rest, SC; STEVE MOORE in his official  
capacity as Interim Chief of the Police Department  
of the City of Simpsonville, SC; M. BRYAN  
TUNER in his official capacity as the Chief of the  
Police Department of the City of Mauldin, SC; DAN  
REYNOLDS in his official capacity as the Chief of  
the Police Department of the City of Greer, SC; A.  
KEITH MORTON in his official capacity as the  
Chief of the Police Department of the City of  
Fountain Inn, SC; on behalf of themselves and  
others similarly situated,

**DEFENDANT W.H. HOLBROOK'S  
MOTION TO DISMISS**

Defendants.

Pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, the Defendant W. H. Holbrook (hereinafter “Holbrook”), hereby moves the Court for an order dismissing the Plaintiffs’ Complaint for the reasons that follow:

1. That the movant is a named Defendant in the above captioned action.
2. That the Plaintiff Taurean Nesmith was arrested on April 16, 2016 at 3406 Fernandina Road in the City of Columbia and alleged to have violated several criminal statutes, including Code of Laws of South Carolina 16-17-420, “Disturbing Schools”
3. That, upon information and belief, the Defendant William “Skip” Holbrook, was named as a party defendant in his capacity as the Agency Head of the Columbia Police Department.
4. That, upon information and belief, the Defendant was named as a party defendant in this case because the Plaintiff, Taurean Nesmith is challenging the validity and constitutionality of the Disturbing Schools statute passed by the South Carolina Legislature in Title 16, Chapter 17 of the South Carolina Code.
5. That upon investigation, the Defendant William “Skip” Holbrook has determined that Plaintiff Nesmith was arrested in the City of Columbia, but that the law enforcement agency which handled the investigation, the arrest and the charging of the Plaintiff was the Benedict College Police Department.
6. That the Benedict College Police Department is under the direction and control of the Board of Trustees of Benedict College and not the Columbia Police Department, the City of Columbia City Manager or the Columbia City Council.



7. That, upon investigation, the Plaintiff Nesmith was tried by the Richland County Magistrate and not by a Municipal Judge for the City of Columbia.

8. That Defendant Holbrook is not the proper party to be named in this action.

9. That Defendant Holbrook, either personally or as Chief of Police for the Columbia Police Department, has no facts, records, documents, testimony or any other factual information to provide to this court regarding the arrest, detention, investigation, prosecution or outcome of the Disturbing Schools charge made against Plaintiff Taurean Nesmith or any of the other named plaintiffs.

10. That, upon information and belief, the Plaintiffs have stated a cause of action upon which relief may not be granted with regards to Defendant Holbrook because he would have no access to information, documents, facts, or testimony which would assist the trier of fact in deciding the issues in this case.

11. That the Defendant concedes that he is the Chief of Police of a law enforcement agency in South Carolina and will be bound by any decision made by this Honorable Court on the merits of this action, without regard to being a named defendant.

12. Upon information and belief, and viewed in the light most favorable to the Plaintiffs, none of the named Plaintiffs other than Taurean Nesmith will be prejudiced by the dismissal of Defendant Holbrook and, further, this court will not be hampered in granting full and fair relief on the causes of action sought.

13. That Defendant Holbrook alleges that no actual case or controversy exists between the City of Columbia, the Columbia Police Department or himself with any of the named Plaintiffs in this case. 28 U.S.C. Section 2201. The United States Supreme Court has defined an actual controversy for the purposes of the Federal Declaratory Judgments Act in

Medimmune, Inc. v. Genentech, Inc., 127 S.Ct. 764, 166 L.Ed.2d 604, 549 U.S. 118, 75 BNA USLW 4034 (2007): “Basically, the question in each case is whether the facts alleged, under all the circumstances, show that there is a substantial controversy, between parties having adverse legal interests, of sufficient immediacy and reality to warrant the issuance of a declaratory judgment”

14. Describing the requirement under the Federal Declaratory Judgment Act, Justice Scalia stated: “A ‘controversy’ in this sense must be one that is appropriate for judicial determination. *Osborn v. Bank of United States*, 9 Wheat. 738, 819, 6 L.Ed. 204. A justiciable controversy is thus distinguished from a difference or dispute of a hypothetical or abstract character; from one that is academic or moot. *United States v. Alaska S.S. Co.*, 253 U.S. 113, 116, 40 S.Ct. 448, 449, 64 L.Ed. 808. The controversy must be definite and concrete, touching the legal relations of parties having adverse legal interests. *South Spring Gold Co. v. Amador Gold Co.*, 145 U.S. 300, 301, 12 S.Ct. 921, 36 L.Ed. 712; *Fairchild v. Hughes*, 258 U.S. 126, 129, 42 S.Ct. 274, 275, 66 L.Ed. 499; *Massachusetts v. Mellon*, 262 U.S. 447, 487, 488, 43 S.Ct. 597, 601, 67 L.Ed. 1078.

[As quoted from *Aetna Life Ins Co of Hartford, Conn v. Haworth*, 300 U.S. 227, 57 S.Ct. 461, 81 L.Ed. 617, 108 A.L.R. 1000 (1937)]

15. That Defendant Holbrook alleges that he is not an interested party in the causes of action alleged by the Plaintiffs in this case. 28 U.S.C. Section 2201. Further, he is not a party with an adverse legal interest. *Medimmune, Inc. v. Genetech, Id.* He also has no legal relationship with any of the parties. *Aetna Life Ins. Co. of Hartford, Id.*

16. That, upon information and belief, Defendant Holbrook should be dismissed from this case as an improperly named party.

17. That Defendant Holbrook admits if the Court grants certification for a Defendant class as requested by Plaintiffs Motion for Class Certification in this matter, that the City of Columbia would fall into the proposed Defendant class. But the Plaintiff's Motion exempts Plaintiff Nesmith's claim from the proposed Plaintiff class. [ECF Entry #6 Page 7 of 31, Footnote #1.] This would result in a separate claim between Nesmith and Holbrook from the proposed Class Action litigation, so dismissal is therefore warranted.

THEREFORE, based upon the foregoing, the Defendant W. H. Holbrook prays for an order dismissing him as a party defendant in the present case as an improper party. Pursuant to Local Civ. Rule 7.04 (D.S.C.), the undersigned certifies that a supporting memorandum is not required as a full explanation of the motion is set forth herein.

*s/ William M. Hemlepp*  
William M. Hemlepp, Fed ID #5607  
Office of the City Attorney  
Post Office Box 667  
Columbia, South Carolina 29202  
Telephone (803) 737-4242  
Facsimile (803) 737-4250

Attorney for Defendant W.H. Holbrook

September 28, 2016  
Columbia, South Carolina

IN THE UNITED STATES DISTRICT COURT  
 FOR THE DISTRICT OF SOUTH CAROLINA  
 CHARLESTON DIVISION

Kenny, et al,	)	Civil Action No. 2:16-cv-2794-CWH
	)	
Plaintiffs,	)	
	)	MOTION TO DISMISS COMPLAINT
v.	)	AND MOTION TO DISMISS OR STRIKE
	)	CLASS ACTION ALLEGATIONS
Wilson, et al,	)	OF DEFENDANTS WILSON,
	)	CROWE, MOORE,
Defendants.	)	TURNER, AND MORTON
_____	)	

The Defendants Wilson, Crowe, Moore, Turner and Morton (these Defendants), as named herein, hereby move for dismissal of the Complaint in this case pursuant to Rule 12(b)(6), FRCP, in that, for the reasons set forth below, Plaintiffs have failed to state a claim upon which relief can be granted. This Motion is also made under Rule (12(b)(1) due to lack of subject matter jurisdiction to consider the claims referenced in Paragraph number 3, below. These Defendants also move to dismiss or strike the class action allegations pursuant to Rules 12(b)(6) and 12(f):

1. *Younger* and *O’Shea* abstention forecloses this action. *Younger v. Harris*, 401 U.S. 37 (1971); *O’Shea v. Littleton*, 414 U.S. 499 (1974)..
2. Plaintiffs lack standing to sue, and this action is not ripe.
3. Under the *Rooker-Feldman* doctrine (*Washington v. Wilmore*, 407 F.3d 274, 279 (4th Cir.2005)), *Heck v. Humphrey*, 512 U.S. 477 (1994) and res judicata the claims of any Plaintiff or Plaintiff class member should be dismissed if they have been convicted of or pleaded guilty to charges of violating §§16-17-420 or 16-17-530.



4. Plaintiffs have failed to state a class action for a plaintiff or defendant class and such allegations are immaterial under Rule 12(f) and fail to satisfy Rule 23, FRCP.
5. Sections 16-17-420 and 16-17-530 are not vague or otherwise unconstitutional.

Respectfully submitted,

ALAN WILSON  
Attorney General  
Federal ID No.10457

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/s/ J. Emory Smith, Jr.  
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Counsel for Defendants Wilson,  
Crowe, Moore, Turner and Morton

September 30, 2016

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION

Kenny, et al.,	)	C.A. No. 2:16-cv-02794-CWH
	)	
Plaintiffs	)	
	)	<b>DEFENDANT KEN MILLER'S</b>
v.	)	<b>MOTION TO DISMISS</b>
	)	
Wilson, et al.,	)	
	)	
Defendants.	)	
	)	

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NOW COMES the Defendant, Ken Miller in his official capacity as the chief of the Police Department of the City of Greenville, South Carolina, and hereby moves that this Honorable Court issue an Order dismissing this case in its entirety as to Defendant Miller. This Motion is based upon the grounds that the Plaintiffs lack standing to sue Miller and dismissal is therefore warranted pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure.

This Motion is based upon the pleadings in this matter, the Federal Rules of Civil Procedure, the statutory and case law of the United States, the accompanying memorandum of law and any other written or oral argument hereinafter submitted in support of the instant Motion

Respectfully submitted,

s/Michael S. Pitts  
s/Robert P. Coler  


---

BY: Michael S. Pitts, Esq., Federal ID No. 6712  
Robert P. Coler, Esq., Federal ID No. 10585  
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Mauldin, SC; DAN REYNOLDS in his official capacity as the Chief of the Police Department of the City of Greer, SC; A. KEITH MORTON in his official capacity as the Chief of the Police Department of the City of Fountain Inn, SC; on behalf of themselves and others similarly situated,

Defendants.

Defendant, Sheriff Steve Loftis, hereby moves to dismiss the Complaint pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, in that, for the reasons set forth below, Plaintiffs have failed to state a claim against Sheriff Loftis for which relief can be granted.

The Defendant, Sheriff Steve Loftis, moves to dismiss on the following grounds:

1. Plaintiffs have failed to state a claim against Sheriff Loftis upon which relief can be granted and therefore Sheriff Loftis moves to dismiss pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure.
2. Plaintiffs lack standing to sue and therefore Sheriff Loftis moves to dismiss pursuant to Rule 12(b)(2) of the Federal Rules of Civil Procedure.
3. *Younger* and *O'Shea* abstention forecloses this action. *Younger v. Harris*, 401 U.S. 37 (1971); *O'Shea v. Littleton*, 414 U.S. 499 (1974).

Sheriff Loftis also moves to strike numerous paragraphs from the Complaint pursuant to Rule 12(f) of the Federal Rules of Civil Procedure. Specifically, Sheriff Steve Loftis moves to strike paragraphs 7, 8, 9, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, and 69 from the Plaintiffs' Complaint pursuant to Rule 12(f) of the Federal Rules of Civil Procedure. Said paragraphs are immaterial to the declaratory judgment action and should be struck from the pleading.

[SIGNATURE ON THE NEXT PAGE]



THIS THE 30<sup>TH</sup> DAY OF SEPTEMBER, 2016.

RESPECTFULLY SUBMITTED,  
Willson Jones Carter & Baxley, P.A.

s/ Anne R. Culbreath

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September 30, 2016

**ATTORNEYS FOR DEFENDANT  
SHERIFF STEVE LOFTIS**

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION

Kenny, et al.,

Plaintiffs,

v.

Haley, et al.,

Defendants.

Civil Action No.: 2:16-cv-02794-CWH

**CHARLESTON POLICE**  
**DEFENDANTS' MOTION TO DISMISS**  
**OR ALTERNATIVELY TO STAY**

Before the court are Defendants Cannon, Driggers, and Mullen (“Charleston Police Defendants”) submitting this memorandum in support of the foregoing Motion to Dismiss pursuant to Fed. R. Civ. P. 12(b)(6). A full explanation of this motion, as required by Local.Civ.Rule 7.05 (D.S.C.), is set forth herein and there is no need for a separate supporting memorandum. The Charleston Police Defendants also request to join in the Attorney General’s motion to abstain and dismiss due to lack of subject matter jurisdiction.

**FACTUAL OVERVIEW**

Five plaintiffs have sued fourteen governmental defendants. One defendant is the Attorney General for the State of South Carolina. The remaining defendants are all police chiefs or sheriffs in the state. The plaintiffs, who are not similarly situated, challenge the facial validity of two South Carolina statutes, namely S.C. Code Ann. § 16-17-420 (Disturbing Schools) and S.C. Code Ann. § 16-17-530 (Disorderly Conduct). The five named plaintiffs should not be allowed to proceed jointly as plaintiffs because their alleged right to relief does not arise out of the same “transaction, occurrence or series of transactions or occurrences.” Fed. R. Civ. P. 20(a)(1)(A) and (B). Further, the fourteen police/governmental defendants likewise did not

jointly or severally participate in the same “transaction, occurrence or series of transactions or occurrences....” Fed. R. Civ. P. 20(a)(2)(A).

It appears that the true intent of the ACLU through the plaintiff is to bring awareness to what the ACLU perceives as an injustice of arresting South Carolina School students who are disruptive to the point of being disturbing or disorderly. Specifically, it appears that that the plaintiffs, through their lawyers, believe that long standing South Carolina statutes are illegal. The plaintiffs could be right. They could be wrong. The police defendants’ opinions do not matter. This is because police officers must take the law as it is given to them. *Michigan v. DeFillippo*, 443 U.S. 31, 38 (1979).

**I. CHARLESTON POLICE DEFENDANTS ARE NOT NECESSARY PARTIES TO THIS ACTION AS THEY DO NOT CREATE THE LAW, RATHER THEY ARE CHARGED TO ENFORCE THE LAW**

Of the three moving police defendants, one is a state actor and the rest are municipal chiefs, all being sued in their official capacities. As to the moving sheriff, Sheriff Cannon of Charleston County, he acts “under color of state law” to uphold and prosecute the laws of the State and as such is a state actor. *See, e.g., Turner v. Taylor*, No. 7:09-cv-02858-JMC, 2011 WL 3841219, at \*3 (D.S.C. Aug. 26, 2011); *Patel v. McIntye*, 667 F. Supp. 1131, 1145 n.26 (D.S.C. 1987), *aff’d*, 848 F.2d 185 (4th Cir. 1988); *Cone v. Nettles*, 308 S.C. 109, 112, 417 S.E.2d 523, 525 (1992).

The Charleston Police Defendants are not charged with determining the constitutionality of criminal statutes, rather, they are charged with applying and enforcing the laws as given to them by the legislative bodies. As stated by the United States Supreme Court in *Michigan v. DeFillippo*:

Police are charged to enforce laws until and unless they are declared unconstitutional. The enactment of a law forecloses speculation by enforcement officers concerning its constitutionality—with the possible exception of a law so grossly and flagrantly unconstitutional that any person of reasonable prudence would be bound to see its flaws. Society would be ill-served if its police officers took it upon themselves to determine which laws are and which are not constitutionally entitled to enforcement.

443 U.S. 31, 38 (1979).

None of the Charleston Police Defendants had any involvement with the enactment or codification of the challenged statutes, nor can they influence this particular lawsuit in any manner. The police also are without authority to grant the relief as requested by the Plaintiffs.

Charleston Police Defendants are not necessary parties to this action as the court can accord complete relief to Plaintiffs in their absence. *See* Fed. R. Civ. P. 19. Should the challenged statutes be declared unconstitutional, then Charleston Defendants would be bound to abide by the Court’s Order, whether parties or not.

## **II. CHARLESTON POLICE DEFENDANTS CANNOT BE HELD LIABLE FOR ARRESTS MADE IN GOOD FAITH RELIANCE ON STATE STATUTES**

There are three Charleston-area students mentioned in the Complaint against the Charleston Police Defendants, “African American student” (ECF No. 1, ¶ 93), “K.B., a Latina student in Charleston” (*Id.* at ¶ 94-96), and “D.D., and African American female” (*Id.* at ¶ 97-98). These students are not named plaintiffs. The complaint is devoid of facts such as their names, what school these students attended, what grade they were in when the incidents were alleged to have occurred, when the incidents occurred, or even which defending agency was involved. There is no way for the Charleston Police Defendants to combat against these vague allegations as the true identities have not been made known. The Complaint should be dismissed



on this basis alone. See *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) and *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555 (2007). Courts are strongly encouraged to address Motion to Dismiss cases against high-level governmental actors at the outset, especially where the complaint alleges “threadbare recitals” and “mere conclusory statements” *Id* at 678.

If a Government official is to devote time to his or her duties, and to the formulation of sound and responsible policies, it is counterproductive to require the substantial diversion that is attendant to participating in litigation and making informed decisions as to how it should proceed. Litigation, though necessary to ensure that officials comply with the law, exacts heavy costs in terms of efficiency and expenditure of valuable time and resources that might otherwise be directed to the proper execution of the work of the Government. *Twombly*, 550 U.S. at 559.

Assuming *arguendo* that the Charleston Police Agencies indeed did arrest the non-plaintiff students, the moving Defendants cannot be held liable under the facts as alleged. No suit can lie against an officer who make an arrest in reliance on state statutes which are subsequently determined to be unconstitutional. See *Michigan v. DeFillippo*, 443 U.S. 31, 33 (1979) (holding that “an arrest made in good-faith reliance on an ordinance, which at the time had not been declared unconstitutional, is valid regardless of a subsequent judicial determination of its unconstitutionality.”); *McCoy v. City of Columbia*, 929 F. Supp. 2d 541, 557 (D.S.C. 2013).

In *United States v. South Carolina*, 840 F. Supp. 2d 898, 927 (D.S.C. 2011)(“Immigration case”) Sheriff Cannon of Charleston County was sued by the same ACLU lawyer in this case. The suit alleged a similar challenge to a proposed South Carolina statute. Sheriff Cannon was forced to defend the case at the expense of the county on a temporary basis merely because the ACLU had its offices located in Charleston. He was sued because it was convenient. It apparently is becoming a practice of the ACLU to name Sheriff Cannon simply

because he is nearby. Lucky him. At least in the Immigration case only Sheriff Cannon was sued and not every law enforcement officer in the state. There, the Honorable Richard Gergel indeed enjoined law enforcement officials from enforcing a proposed immigration statute and he did so after allowing Sheriff Cannon to not participate in the defense of the case. *Id* at 927. Thus no defending police officer was necessary in order to accord the plaintiffs relief.

### **III. PLAINTIFFS HAVE NOT PLAUSIBLY ALLEGED DELIBERATE INDIFFERENCE AND THEREFORE CANNOT MAINTAIN A SECTION 1983 ACTION AGAINST CHARLESTON POLICE DEFENDANTS**

Charleston Police Defendants have each been named in their official capacity, and as such, the claims against them are the same as claims against the Charleston County Sheriff's Office, City of Charleston, and City of North Charleston. *Kentucky v. Graham*, 473 U.S. 159, 165–66 (1985) (“[A]n official capacity suit is, in all respects other than name, to be treated as a suit against the entity.”); *Baxley v. City of North Charleston*, 533 F. Supp. 1248, 1256 (D.S.C. 1982).

Assuming that the Plaintiffs did suffer a deprivation of their constitutional rights, Charleston Police Defendants would only be liable for injuries stemming from that deprivation under Section 1983 “if it causes such a deprivation through an official policy or custom.” *Carter v. Morris*, 164 F.3d 215, 218 (4th Cir. 1999) (citing *Monell v. Dep't of Soc. Servs.*, 436 U.S. 658, 690–91 (1978)). Entities are not liable under Section 1983 based on a *respondeat superior* theory. *Iqbal*, 556 U.S. at 676; *Monell*, 436 U.S. at 691.

In the case at hand, there is no “policy or custom” at issue, rather, a state law is at issue. A law which the defendants cannot control and for which they should not be held responsible.

#### IV. CHARLESTON DEFENDANTS SHOULD BE SEVERED FROM THIS ACTION

Rule 20(a)(2) of the Federal Rules of Civil Procedure describes the requirements for permissive joinder: “Persons...may be joined in one action as defendants if: (A) any right to relief is asserted against them jointly, severally, or in the alternative with respect to or arising out of the same transaction, occurrence or series of transactions or occurrences; and (B) any question of law or fact common to all defendants will arise in the action.” Fed. R. Civ. P. 20(a)(2) (emphasis added). The Fourth Circuit has explained that “Rule 20 grants courts wide discretion concerning the permissive joinder of parties.” *Aleman v. Chugach Support Servs. Inc.*, 485 F.3d 206, 218 n.5 (4th Cir. 2007). If Rule 20’s requirements are not met, and defendants are deemed improperly joined, the court “on motion or on its own...may at any time, on just terms... drop a party.” Fed. R. Civ. P. 21. A court severing claims against parties to a suit under Rule 21 has “virtually unfettered discretion in determining whether or not severance is appropriate.” *Grayson Consulting, Inc. v. Cathcart*, No. 2:07-cv-02992-DCN, 2014 WL 1512029, at \*2 (D.S.C. Apr.8, 2014) (internal citation and quotations omitted).

Joinder in this matter was inappropriate because Plaintiffs are each asserting separate claims against several distinct sets of defendants and none of those claims arise out of the same transaction or occurrence as required by Fed. R. Civ. P. 20(a)(2). Though their claims are based on the same legal theory that the challenged statutes are unconstitutional, each *plaintiff* is bringing his or her claim arising out of wholly independent and separate occurrences. Moreover, each *defendant* is being sued for wholly independent and separate occurrences. Therefore, joinder of both plaintiffs and defendants in this matter was inappropriate and the Court should sever the claims. Otherwise, an absurd result could occur. For example, a plaintiff arrested in

Kingstree should not be allowed to bring an action against a law enforcement agency in Charleston which had no involvement in that plaintiff's arrest.

## V. PLAINTIFFS LACK STANDING TO SUE

Charleston Police Defendants further submit that Plaintiff Girls Rock Charleston, Inc. ("Girls Rock") lacks standing in this action. According to its website, Girls Rock's mission is to "develop feminist and anti-racist youth leaders through cultural organizing practices that blend music education, political education, and DIY media marketing." (ECF No. 5-3). Girls Rock Charleston cannot show that it has suffered an "injury-in-fact" as it cannot show the "invasion of a legally protected interest which is (a) concrete and particularized, and (b) actual or imminent, not conjectural or hypothetical." *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560 (1992) (internal citations and quotations omitted).

According to the Complaint, Girls Rock "operates an afterschool program serving at-risk youth and youth who have been involved in the justice system." (ECF No. 1, ¶ 22). Girls Rock is attempting to bring suit on behalf of its members who are students who "risk arrest or referral" under the challenged statutes. *Id.* at ¶ 23. Girls Rock also claims in conclusory fashion that the challenged statutes substantially burden its mission. *Id.* According to the Complaint, Girls Rock "has taken up efforts to challenge the Disturbing Schools statute and bring awareness to the statute's negative impact on Charleston area young people." *Id.* at ¶ 103.

In April 2016, Girls Rock's after-school program was allegedly given approval by the South Carolina Department of Juvenile Justice to be an alternative to incarceration. (ECF No. 5-3, ¶ 15). Four months later, Girls Rocks files this lawsuit claiming they are now getting too busy to attend to their mission because of their work on criminal referrals—referrals they specifically



and voluntarily sought to undertake. Even if it is true that the newly formed Girls Rock has expended time and resources to mentor young people who have been charged under the challenged statutes, such is not a concrete and particularized injury. Rather, it is a choice—a choice that does not come with a constitutional guarantee. If allowed to be a plaintiff, one could imagine a number of scenarios where organizations are formed solely in order to fabricate standing and sue as sham plaintiffs. As Girls Rock has not suffered—or even alleged to have suffered—a concrete and particularized constitutionally protected injury, it lacks standing. More importantly, it lacks standing because its alleged wards lack standing. See *Hunt v. Washington State Apple Advertising Commission*, 432 U.S. 333, 343 (1977).

Finally, the plaintiffs whose charges have been adjudicated lack standing to challenge the validity of the statutes as such would undermine their convictions (See *Heck v. Humphrey*, 512 U.S. 477 (1997)). For students who allege they “might be” arrested, such claims are speculative and lack ripeness.

**VI. ALTERNATIVELY, THE CASE AGAINST CHARLESTON POLICE DEFENDANTS SHOULD BE STAYED PENDING THE COURT’S RULING ON PLAINTIFFS’ MOTION FOR PRELIMINARY INJUNCTION**

Only in the alternative to a grant of the Motion to Dismiss do Charleston Police Defendants pray that this court stay the case against them pending the Court’s ruling on Plaintiffs’ Motion for Preliminary Injunction. A stay of the case would not disrupt the governmental officials from going about governmental business rather than attending to litigation burdens. See *Iqbal*, 556 U.S. at 684–86. Moreover, no harm would come to the plaintiffs’ claims which do not need police defendants involved in order to adjudicate.

**VII. CHARLESTON DEFENDANTS SHOULD BE ENTITLED TO AN AWARD OF COSTS AND FEES**

Should Charleston Defendants prevail in this action, they are entitled to costs. *See* 42 U.S.C. § 1920; *Crawford Fitting Co. v. J.T. Gibbons, Inc.*, 482 U.S. 437, 444–45 (1987); *Amedee Geothermal Venture I v. Lassen Mun. Utility Dist.*, 8 F. Supp. 3d 1211, 1217 (E.D. Cal. 2014) (awarding costs to prevailing § 1983 defendant).

In *Alyeska Pipeline Service Co. v. Wilderness Society*, 421 U.S. 240, 95 S.Ct. 1612, 44 L.Ed.2d 141 (1975), the United States Supreme Court reaffirmed the “American Rule” that each party in a lawsuit ordinarily shall bear its own attorney’s fees unless there is express statutory authorization to the contrary. In response Congress enacted the Civil Rights Attorney’s Fees Awards Act of 1976, 42 U.S.C. § 1988, authorizing the district courts to award a reasonable attorney’s fee to prevailing parties in civil rights litigation. *Hensley v. Eckerhart*, 461 U.S. 424, 429 (1983). A prevailing defendant may recover an attorney’s fee where the suit is vexatious, frivolous, or brought to harass or embarrass the defendant. *Id.* at 429 n.2; *see also Christiansburg Garment Co. v. EEOC*, 434 U.S. 412, 421 (1978) (“[A] district court may in its discretion award attorney’s fees to a prevailing defendant in a Title VII case upon a finding that the plaintiff’s action was frivolous, unreasonable, or without foundation, even though not brought in subjective bad faith.”).

The inclusion of Charleston Police Defendants in this action was unnecessary, taxing, and overreaching. Further, this is not the first time the attorneys for the ACLU have needlessly sued high-level police defendants regarding enforcement (or potential enforcement) of laws they deem unconstitutional.<sup>1</sup> In the case at hand, the court’s ruling as to whether the targeted statutes offend the constitution will no doubt make the path clear for all South Carolina law enforcement

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<sup>1</sup> *See United States v. South Carolina*, 720 F.3d 518 (4th Cir. 2013).

officers. Neither the plaintiffs nor their ACLU attorneys have reason to believe that the law enforcement officers will fail to follow the directives of the court's decision once rendered. Thus, the inclusion of the police in cases such as this only adds a complicating factor by adding more defendants and lawyers. Adding more non-necessary governmental defendants and lawyers is an avoidable waste of public time and funds because the police defendants can do nothing more than await the court's ruling. Such waste should be borne by the plaintiffs or their lawyer/principals, not the South Carolina taxpayer. An extensive Rule 11 consult was conducted on these issues to no avail.

### **CONCLUSION**

Plaintiff has failed to state a claim against the Charleston Police Defendants upon which relief can be granted and therefore they should be dismissed in accordance with Fed. R. Civ. P. 12(b)(6). The Complaint as couched does not allege a true case in controversy and the joinder of improper parties should not be allowed. Severance should occur if outright dismissal is not granted. The Charleston Police Defendants are not necessary parties to this action and should be dismissed pursuant to Fed. R. Civ. P 19. Further, Plaintiffs' case should be dismissed for lack of standing.

In the alternative, Charleston Defendants also move that this Court stay the case against them or allow them not to participate in the case pending a ruling on Plaintiff's Motion for Preliminary Injunction. Further, costs should be taxed against Plaintiffs and fees awarded to Charleston Police Defendants for Plaintiffs' unnecessarily including them in this vexatious case where no law enforcement official needs to be named at all. Even if one official is named as a "representative of law enforcement," certainly fourteen officials need not be forced to defend.

Respectfully moved,

s/ Sandra J. Senn  
Sandra J. Senn (Fed. ID No. 05761)  
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Attorney for Defendants J. Alton Cannon,  
Jr., Gregory C. Mullen, and Eddie Driggers,  
Jr.

September 30, 2016  
Charleston, South Carolina



**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION**

Niya Kenny; Taurean Nesmith; )  
Girls Rock Charleston, Inc.; D.S., by and )  
through her next of kin Juanita Ford, and )  
S.P., by and through her next of kin )  
Melissa Downs, on behalf of themselves )  
and all others similarly situated, )

Plaintiffs, )

v. )

Alan Wilson in his official capacity as )  
Attorney General of South Carolina; )  
J. Alton Cannon, Jr. in his official capacity )  
as the Sheriff of Charleston County, SC; )  
Gregory G. Mullen in his official capacity as )  
the Chief of the Police Department of the )  
City of Charleston, SC; Eddie Driggers, Jr. )  
in his official capacity as the Chief of the )  
Police Department of the City of North )  
Charleston, SC; Carl Ritchie in his official )  
capacity as the Chief of the Police )  
Department of the City of Mt. Pleasant, )  
SC; Leon Lott in his official capacity as )  
the Sheriff of Richland County, SC; )  
W.H. Holbrook in his official capacity as )  
the Chief of the Police Department of the )  
City of Columbia, SC; Steve Loftis in his )  
official capacity as the Sheriff of Greenville )  
County, SC; Ken Miller in his official )  
capacity as the Chief of the Police )  
Department of the City of Greenville, SC; )  
Lance Crowe in his official capacity as the )  
Chief of the Police Department of the )  
City of Travelers Rest, SC; Steve Moore )  
in his official capacity as Interim Chief of )  
the Police Department of the City of )  
Simpsonville, SC; M. Bryan Turner in his )  
official capacity as the Chief of the Police )

Civil Action No. 2:16-2794-CWH

**NOTICE OF MOTION AND  
MOTION TO DISMISS  
OF DEFENDANT CARL RITCHIE**

Department of the City of Mauldin, SC; )  
Dan Reynolds in his official capacity )  
as the Chief of the Police Department of the )  
City of Greer, SC; A. Keith Morton in his )  
official capacity as the Chief of the Police )  
Department of the City of Fountain Inn, )  
SC; on behalf of themselves and others )  
similarly situated, )  
)  
)  
Defendants. )  
\_\_\_\_\_ )

TO: SUSAN K. DUNN, DENNIS DAVID PARKER, GALEN L. SHERWIN, AND  
SARAH A. HINGER, COUNSEL FOR PLAINTIFFS

YOU WILL PLEASE TAKE NOTICE that the undersigned attorney for the Defendant Carl Ritchie, in his official capacity as the Chief of the Police Department of the Town of Mount Pleasant, will move before the United States District Court for the District of South Carolina, Charleston Division, for an Order, pursuant to Rule 12(b)(1), Rule 12(b)(6), and Rule 21, FRCP, dismissing the Plaintiffs' Complaint against the Defendant Ritchie or otherwise dropping him as a party-Defendant.

The Defendant Ritchie's motion is based on the grounds set forth in the supporting memorandum filed herewith.

The Defendant Ritchie's motion is based upon the pleadings; the supporting memorandum filed herewith; the rules of court; and any other matters as may be allowed by the Court.

DAVIDSON & LINDEMANN, P.A.

BY: s/ Andrew F. Lindemann

ANDREW F. LINDEMANN #5070

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*Counsel for Defendant Carl Ritchie,  
in his official capacity as Police Chief for the  
Town of Mount Pleasant*

Columbia, South Carolina

September 30, 2016

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION

NIYA KENNY; TAUREAN NESMITH; GIRLS )  
ROCK CHARLESTON, INC.; D.S., by and )  
through her next of kin Juanita Ford, and )  
S.P., by and through her next of kin Melissa )  
Downs, on behalf of themselves and all )  
others similarly situated, )

Plaintiffs, )

v. )

ALAN WILSON in his official capacity as )  
Attorney General of South Carolina; J. )  
ALTON CANNON, JR. in his official capacity )  
as the Sheriff of Charleston County, S.C.; )  
GREGORY G. MULLEN in his official )  
capacity as the Chief of the Police )  
Department of the City of Charleston, S.C.; )  
EDDIE DRIGGERS, JR in his official )  
capacity as the Chief of the Police )  
Department of the City of North Charleston, )  
S.C.; CARL RITCHIE in his official capacity )  
as the Chief of the Police Department of the )  
City of Mt. Pleasant, S.C.; LEON LOTT in )  
his official capacity as the Sheriff of Richland )  
County, S.C.; W.H. HOLBROOK in his )  
official capacity as the Chief of the Police )  
Department of the City of Columbia, S.C.; )  
STEVE LOFTIS in his official capacity as the )  
Sheriff of Greenville County, S.C.; KEN )  
MILLER in his official capacity as the Chief )  
of the Police Department of the City of )  
Greenville, S.C.; LANCE CROWE in his )  
official capacity as the Chief of the Police )  
Department of the City of Travelers Rest, )  
S.C.; STEVE MOORE in his official capacity )  
as Interim Chief of the Police Department of )  
the City of Simpsonville, S.C.; M.BRYAN )  
TURNER in his official capacity as the Chief )  
of the Police Department of the City of )  
Mauldin, S.C.; DAN REYNOLDS in his )  
official capacity as the Chief of the Police )  
Department of the City of Greer, S.C.; A. )  
KEITH MORTON in his official capacity as )  
the Chief of the Police Department of the )

Civil Action No.: 2:16-cv-02794-CWH

**NOTICE OF MOTION AND MOTION  
TO DISMISS ON BEHALF OF  
DEFENDANT SHERIFF LOTT**



City of Fountain Inn, S.C.; on behalf of )  
themselves and others similarly situated, )  
 )  
 Defendants. )  
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TO: SUSAN KING DUNN, ESQUIRE, SARAH ANN HINGER, ESQUIRE, DENNIS DAVID PARKER, ESQUIRE, AND GALEN LEIGH SHERWIN, ESQUIRE, COUNSEL FOR PLAINTIFF

YOU WILL PLEASE TAKE NOTICE that the undersigned attorneys for the Defendant Leon Lott will move before the United States District Court Judge for the District of South Carolina, Charleston Division, pursuant to Rule 12(b)(6), FRCP, for an Order dismissing the Plaintiffs' Complaint with prejudice as to all claims with respect to this Defendant.

The Defendant Lott's motion is based on the grounds set forth in the supporting memorandum filed herewith.

This motion is based upon the pleadings filed in this case; the supporting memorandum filed herewith; the rules of court; and any other matters as may be required by the Court.

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Columbia, South Carolina  
September 30, 2016

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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION

NIYA KENNY, et al. :  
 :  
vs. :  
 :  
ALAN WILSON, et al. : 2:16 CV 2794

Motions hearing held on Thursday, December 8, 2016,  
commencing at 2:41 P.m., before the Hon. C. Weston Houck,  
in Courtroom IV, United States Courthouse, 85 Broad St.,  
Charleston, South Carolina, 29401.

APPEARANCES:

SARAH HINGER, ESQ. and GALEN L. SHERWIN, ESQ.,  
125 Broad St., New York, NY, appeared for  
plaintiffs.

JAMES E. SMITH, ESQ., P.O. Box 11549, Columbia,  
SC, appeared for defendant Wilson.

SANDRA J. SENN, ESQ., P.O. Box 12279,  
Charleston, SC, appeared for defendant Cannon.

ANDREW F. LINDEMANN, ESQ., P.O. Box 8568,  
Charleston, SC, appeared for defendant Ritchie.

STEVEN R. SPREEUWERS, ESQ., P.O. Box 8568,  
Columbia, SC, appeared for defendant Lott.

WILLIAM M. HEMLEPP, JR., ESQ., P.O. Box 667,  
Columbia, SC, appeared for defendant Holbrook.

ANNE R. CULBREATH, ESQ., 872 S. Pleasantburg Dr.,  
Greenville, SC, appeared for defendant Loftis.

MICHAEL S. PITTS, ESQ., P.O. Box 1746,  
Greenville, SC, appeared for defendant Miller

RECORDED BY JOHN BRYAN, ESR  
TRANSCRIBED BY DEBRA LEE POTOCKI, RMR, RDR, CRR  
843/723-2208

1           THE COURT: This is Civil Action 2:16-2794, Niya  
2           Kenny, Taurean Nesmith, Girls Rock Charleston, Inc., DS, by  
3           and through his next of kin, Juanita Ford, and SP, by and  
4           through her next of kin, Melissa Downs, on behalf of  
5           themselves and all others similarly situated, plaintiffs,  
6           against Alan Wilson, in his official capacity as Attorney  
7           General of South Carolina, and then there are numerous other  
8           defendants which I will not name, et al., defendants.

9           We have several motions pending. We have a motion for  
10          preliminary injunction, temporary injunction, motion for class  
11          certification -- I doubt if that's really ripe to be heard  
12          today -- but what motions do we have outstanding that you plan  
13          to hear today, other than the motion for preliminary  
14          injunction?

15          MR. SMITH: Your Honor, Emory Smith for the Attorney  
16          General Wilson and the defendants Crowe, Moore, Martin and  
17          Turner. I have a motion to dismiss pending for all of those  
18          defendants. And there are a number of other law enforcement  
19          defendants who are separately represented who have their own  
20          motions to dismiss.

21          THE COURT: Now, all of those motions are based upon  
22          standing?

23          MR. SMITH: Well, that's the ground of our motion,  
24          the one that I filed, Your Honor. It may be in some of the  
25          motions of the other defendants they have included in their

1 motions that their defendants are not necessary parties. My  
2 motion also raises abstention, and also contends that the  
3 statutes at issue are not unconstitutionally vague, and I'll  
4 raise other grounds as well. So I don't know --

5 THE COURT: Don't we have to get over the question of  
6 standing before we get to that issue?

7 MR. SMITH: Yes, Your Honor, that's in there. And  
8 abstention also. So if you would like to hear from me --

9 THE COURT: Seems to me, in studying the papers that  
10 I looked at, which certainly are voluminous, that the matter  
11 of standing keeps cropping up.

12 MR. SMITH: Yes, Your Honor.

13 THE COURT: I'm not sure it's in every motion, but  
14 certainly it seems to me like it involves every party, and  
15 that it should be maybe the first motion we hear. I mean,  
16 just from a logical standpoint as opposed to any (inaudible),  
17 it seems like that's the first one we need to get out of the  
18 way.

19 MR. SMITH: Yes, Your Honor. Would you like for me  
20 to go forward then, and if any of the other co-defendants wish  
21 to add to that, they can do so?

22 THE COURT: Are any of the defendants who are not  
23 involved with the motion questioning standing? Okay. So  
24 every defendant has -- excuse me -- I guess we're talking  
25 about -- I guess let me phrase it differently. Is there a



1 defendant that does not question the standing of the  
2 plaintiff? In other words, that's a universal question by all  
3 of the defendants, they all question the standing of all of  
4 the plaintiffs to bring this action. Okay.

5 Well, let's -- since you're up and standing on your own  
6 two feet, why don't I hear you first, and --

7 MR. SMITH: All right.

8 THE COURT: -- then we'll be kind of informal here,  
9 we'll just go from -- whoever wants to add something can add,  
10 if they want to ditto something, they can ditto it, and we'll  
11 hear that issue from all sides here today. And then when we  
12 get through that, we'll see if there's anything else we want  
13 to do today. Okay?

14 MR. SMITH: Thank you, Your Honor.

15 Just as a preliminary matter, we did raise abstention. If  
16 you want to hear from me on that, since it's a preliminary  
17 issue, too, I'll be glad to address it. But if you prefer  
18 that I go straight to standing, I will do that.

19 THE COURT: It's your motion, you can handle it  
20 however you want to handle it.

21 MR. SMITH: Well, I'll do abstention and standing,  
22 and then whatever else Your Honor wants to hear, and then give  
23 the others an opportunity to hear.

24 I believe I said on the record who I represent. And that  
25 at the outset, I'd like to say that on the behalf of the

1 individual law enforcement officers Crowe, Moore, Martin and  
2 Turner, I join in the grounds of the other defendants that  
3 they, the ones that I represent, are not necessary parties.

4 This is a statutory challenge. If I may do a brief  
5 introduction, Your Honor, the two statutes challenged in this  
6 action, both of which have been on the books for decades, the  
7 disturbing of school statute for nearly 100 years --

8 THE COURT: Let me back up just a minute. You said  
9 you join in some other motions that were made by defendants.  
10 I don't know what motions you're talking about.

11 MR. SMITH: The other defendants --

12 THE COURT: We don't normally let lawyers make oral  
13 motions. You have to file a motion --

14 MR. SMITH: All right, sir.

15 THE COURT: -- so it's in writing. That way we can  
16 kind of keep up with it.

17 MR. SMITH: Yeah.

18 THE COURT: When we have this many defendants and  
19 this many plaintiffs, and you sit down and try to decide this  
20 case, it's going to be very difficult for us to recall  
21 specifically exactly what motions are involved, what  
22 plaintiffs and defendants, unless those items have been  
23 documented and filed.

24 And so I'm not accepting any motions or any extensions of  
25 motion or any joinder offer motions unless those documents are

1 filed in this court, setting forth that position.

2 MR. SMITH: I understand, Your Honor. I believe this  
3 ground is consistent and essentially included within our  
4 motion, but I understand, I'm not moving to amend orally, Your  
5 Honor.

6 The statutes in question, as I said, have been on the  
7 books for decades, the disturbing school statute was passed  
8 nearly 100 years ago, and the disorderly conduct 40 years ago.  
9 Neither of which have been changed in any way since then, that  
10 affects the issues in this case.

11 This case is, to my knowledge, the only case that --  
12 there's been no case prior to this one that has made a ruling  
13 on the vagueness of either of these statutes. The Amir case  
14 ruled on -- upheld the disturbing of school statute on an  
15 overbreadth challenge, and did not reach vagueness.

16 So this kind of brings this issue up anew for the first  
17 time in decades. The individual parties, of them only one of  
18 them has got -- none of them have got active proceedings  
19 pending, to my knowledge. Three of them have had their  
20 delinquency charges, violations of these statutes dismissed.  
21 Only SP has been adjudicated delinquent, and that was as to  
22 the disorderly conduct charge.

23 The complaint also names as a plaintiff, Girls Rock, an  
24 organization that -- and the complaint references three other  
25 persons, not named individually, but charged with disturbing

1 the schools. And those have been adjudicated delinquent, I  
2 believe.

3 Despite the fact that these four plaintiffs and the Girls  
4 Rock organization don't have any alleged people who are  
5 actively engaged in a proceeding right now, they are  
6 attempting to bring this challenge to the Court, we believe  
7 without standing, and trying to convert it into a massive  
8 class action. And I know Your Honor said the motion to  
9 certify seems to be premature, and we agree, but we've also  
10 moved to dismiss and strike the class action allegations from  
11 the complaint. They want a class of 750,000 school children  
12 in the state, and all law enforcement officers in the state, a  
13 massive vehicle that does not fit within the class action  
14 rule, and that we believe is completely unnecessary for the  
15 resolution of this case.

16 THE COURT: Let's get to your motion.

17 MR. SMITH: I'm sorry?

18 THE COURT: Let's get to your motion.

19 MR. SMITH: My motion does raise those grounds, Your  
20 Honor. We have raised abstention. Abstention guidelines --  
21 and I'm going to make it as brief an argument as I can, Your  
22 Honor -- calls for an ongoing state judicial proceeding, the  
23 proceeding implicates important state interests, and that  
24 there's an adequate opportunity to present the federal claims  
25 in state proceedings.



1           Now, Your Honor might have a question here about would  
2 abstention apply when none of the plaintiffs, and Girls Rock,  
3 as I said, have got any actively ongoing proceedings at this  
4 time.

5           We believe that there are multiple grounds why this can  
6 still -- abstention can still apply here. Huffman, the  
7 Huffman case made clear that a proceeding remains pending for  
8 purposes of Younger abstention, even when state appellate  
9 remedies are not chosen. This is because state appellate  
10 courts are, by their nature, the most appropriate forum for  
11 the resolution of the constitutional issues. Therefore, the  
12 plaintiff SP, whose claims were -- who was adjudicated  
13 delinquent, and the three members of Girls Rock who were  
14 referenced in the complaint, could have appealed. And because  
15 they didn't, it's considered a pending proceeding for purposes  
16 of Younger.

17           In addition, because they have alleged a class action  
18 here, the class action would necessarily, if certified by the  
19 Court, pull in people who were engaged in proceedings at the  
20 time, who had active proceedings ongoing. And the fact, the  
21 simple fact that if there are some people who've got  
22 proceedings pending, or like the plaintiff SP, who did not  
23 appeal her delinquency adjudication, is sufficient to apply  
24 Younger to everybody, because they're all closely intertwined,  
25 represented by the same attorney, asked for the same relief.

1 And so we believe, under these cases that we have discussed,  
2 abstention can apply here.

3 In addition, we believe that O'Shea comity abstention  
4 applies, because that applies regardless of the actual  
5 pendency of a proceeding, because it would address future  
6 criminal proceedings. This case does not ask just for a  
7 declaration that these statutes are unconstitutionally vague,  
8 it doesn't just ask that there not be proceedings in the  
9 future, it essentially asks for retroactive relief as to  
10 sentences, charging, booking records, it asks that they not be  
11 used. So it would involve the Court in those processes. It  
12 would have a present and future effect on criminal proceedings  
13 that had occurred, are occurring and will occur in the future,  
14 demanding the Federal Court's involvement in the state  
15 judicial system to that extent. And we believe that this  
16 falls under O'Shea abstention, and this Court should abstain  
17 for that reason.

18 Now I'll move on into standing, Your Honor. Although,  
19 because of the way Younger and O'Shea abstention works, we  
20 believe abstention applies here, even though none of the named  
21 plaintiffs have got an active proceeding going on. The same  
22 does not translate into giving them standing. None of them  
23 have got anything active right now. And, therefore, they  
24 don't have any claim of present injury for purposes of  
25 standing. And that includes the Girls Rock organization, Your

1 Honor. And we believe that they claim instead that they face  
2 an ongoing risk of arrest or referral. They speculate or  
3 claim that they fear they might be arrested in the future.  
4 But none of them, I believe, allege that they have been  
5 threatened with future prosecution. And simple fear is not  
6 sufficient. The Schmidling case that we cite says  
7 anticipation, fear of advocacy, speculation or even fear  
8 itself is not enough, by itself, to establish standing. And  
9 that's really all that they have alleged here, that maybe they  
10 might be arrested in the future or charged in the future. But  
11 that's not enough.

12 And assuming that members of Girls Rock currently have no  
13 charges pending, the organization may not sue on behalf of its  
14 members who would otherwise lack standing. So we believe for  
15 all of these reasons, and any others that the other defendants  
16 would like to add, that there's no standing in this case, that  
17 this is not the proper vehicle to take up the issue of the  
18 vagueness of these statutes.

19 Also, for similar reasons, the case is not ripe. As the  
20 Supreme Court noted in the *Thomas v Union Carbide* case,  
21 "Ripeness is not satisfied if the threat of unconstitutional  
22 action rests upon claims of contingent future events that may  
23 not occur as anticipated, or, indeed, may not occur at all."  
24 None of these individual plaintiffs may be ever charged again  
25 under any of these statutes, they may leave the school system,

1 Your Honor, and, therefore, this case is not ripe.

2 We also alleged, Your Honor, and I believe that this  
3 ground was raised by some of our co-defendants, that the  
4 allegations against the defendants failed to meet the pleading  
5 standards of Ashcroft v Iqbal. They don't allege that any of  
6 these individual plaintiffs live in the jurisdictions of any  
7 of the law enforcement officers that I represent, except one  
8 as to Chief Crowe of Travelers Rest. And there are no  
9 specific allegations against him. And, therefore, it fails to  
10 meet the proper pleading standards of Ashcroft, and fails to  
11 give any basis why these defendants should remain parties to  
12 this case.

13 THE COURT: What are those pleading standards?

14 MR. SMITH: Sir? It's in the Iqbal case -- let me  
15 get them for you -- it's the well pleaded complaint rule, and  
16 it is -- I apologize, Your Honor --

17 THE COURT: I'm familiar with it. You said they  
18 didn't meet those standards, and I wanted to make sure we were  
19 talking about the same standards.

20 MR. SMITH: "To survive a motion to dismiss, the  
21 complaint must contain sufficient factual matter, accepted as  
22 true, to state a claim for relief that is plausible on its  
23 face. A claim has facial plausibility when the plaintiff  
24 pleads factual content that allows the Court to draw the  
25 reasonable inference that the defendant is liable for the



1 misconduct alleged. The plausibility standard is not akin to  
2 a probability requirement, but it asks for more than a sheer  
3 possibility that a defendant has acted unlawfully." And  
4 that's just simply not here. As I said, three of the four  
5 aren't alleged to have jurisdiction over any of these  
6 plaintiffs. And Chief Crowe and Travelers Rest, I believe  
7 that was where SP lived, it doesn't make any specific  
8 allegations as to him. And so, therefore, these standards of  
9 Iqbal, we believe, are not met in this case.

10 Your Honor, we've got other defenses, too, I can take up  
11 briefly. We believe that the claims of any sentenced persons,  
12 which would include the defendant SP and the three people  
13 referenced as Girls Rock members who were adjudicated  
14 delinquent, would be barred by the Rooker-Feldman and Hill  
15 doctrines, and by res judicata, because that essentially seeks  
16 to challenge and overturn their State Court adjudications.  
17 Rooker-Feldman says that only the Supreme Court can reverse or  
18 modify State Court judgments; it seeks that as to them. And  
19 as to other unnamed people, by asking that their sentencing  
20 and charging, booking records be disregarded and have no  
21 effect.

22 It also falls -- they also fall under the Heck rule, which  
23 bars injunctive relief if a judgment in the plaintiff's favor  
24 would necessarily imply the invalidity of the conviction or  
25 the sentence. And this does that. Because it not only looks

1 forward as to things that they are fearing about the future,  
2 but essentially asks for retroactive relief as to  
3 adjudications that have already occurred.

4 Res judicata may be a closer question, Your Honor, as to  
5 whether it applies. But that is -- holds that a final  
6 judgment on the merits bars further claims by parties or their  
7 privies based on the same cause of action. I believe it would  
8 apply to a criminal adjudication in this instance. And they  
9 can't seek to deny that or alter that through this action.

10 So we believe that those claims are subject to dismissal  
11 under the Rooker-Feldman, Heck rule and res judicata rule.

12 Your Honor, we've got other issues here, if you want to  
13 take them up. You mentioned that you thought the class action  
14 motion was premature, but I did ask in their motion that those  
15 allegations be struck. If you'd like to hear from me on that,  
16 I'll be glad to take that up, Your Honor.

17 THE COURT: I don't think so. Let me hear what  
18 somebody else has to say on those two issues of abstention and  
19 standing.

20 It seems to me that maybe the best procedure is to hear  
21 from the plaintiffs on those issues. Now, I don't want to  
22 hear from one defendant and not hear from the others, and I'll  
23 be glad to hear from the defendants. But it's pretty clear on  
24 the issue of standing, what has to be shown. The Supreme  
25 Court's laid it out. And, of course, the first requirement is

1 that the plaintiff at least allege an injury in fact. And  
2 they say that that means an invasion of a legally-protected  
3 interest that is both concrete and particularized. So what  
4 other injuries here that the plaintiffs claim constitute  
5 injuries in fact, as that term's defined by the Supreme Court,  
6 and which is necessary for them to have standing to bring this  
7 action.

8 Now, when they say injury in fact, do they mean something  
9 hypothetical? They didn't say that. Yet, I think one could  
10 argue, and maybe the plaintiff will admit that all of the  
11 injuries you allege here that give you standing, are, indeed,  
12 hypothetical.

13 So let me hear the plaintiff then. And I think that  
14 might boil our arguments down some and give the defendants a  
15 little more of a target as to exactly what they're up against,  
16 and exactly what your contentions are on that very critical  
17 based issue of injury in fact.

18 MS. HINGER: Yes, Your Honor. And to start  
19 specifically with your question of the injury in fact, the  
20 injury that plaintiffs claim is the fact that solely by virtue  
21 of attending school each day, by being in the environment of a  
22 school, they're under threat of arrest and prosecution under  
23 unconstitutional laws, laws that violate their due process  
24 rights because they fail to provide notice, and because they  
25 allow and perhaps encourage arbitrary and discriminatory

1 enforcement.

2 The defendants here would --

3 THE COURT: Let me go back a minute.

4 MS. HINGER: Yes.

5 THE COURT: Because I'm reading under the case  
6 Northeastern Florida Contractors against Jacksonville, that  
7 all of you are familiar with, cited at 308 United States 656,  
8 a 1993 opinion of the United States Supreme Court. There are  
9 three constitutional requirements for standing. One, an  
10 injury in fact, which means, and I quote, "invasion of a  
11 legally protected interest that is both concrete and  
12 particularized." Now, that means something to me as a lawyer.  
13 And I want you to tell me what a particularized injury is,  
14 that you say these plaintiffs or any of these plaintiffs have  
15 sustained, which give them standing in this case. And actual  
16 or intimate, not conjecture or hypothetical injury. What is  
17 it that takes you out of that category and puts you into the  
18 definition the Supreme Court gives of injury in fact.

19 And then the second constitutional requirement for  
20 standing is a causal relationship, where the injury is fairly  
21 traceable to the defendant's conduct. And third, a favorable  
22 court decision is likely to redress it. Because obviously  
23 those two get consideration. But the main one, the one you  
24 really have a difficult time hurdling, is that first one.

25 MS. HINGER: Yes, Your Honor. And the Supreme Court



1 has addressed this in a number of challenges to laws. There  
2 are a number of factors that demonstrate standing in this  
3 case, that concrete and particularized injury.

4 So in this case we have state statutes that authorize the  
5 conduct that plaintiffs challenge as unconstitutional. It's  
6 very clear from the Supreme Court's cases, including the  
7 Houston v Hill case, that a plaintiff need not be placed in  
8 the position of waiting to face a criminal charge, before they  
9 can raise constitutional challenges to a statute.

10 Evidence of the --

11 THE COURT: Where is that authority?

12 MS. HINGER: That would be Houston v Hill, Your  
13 Honor, it's 482 U.S. 451. It's at page 459, note seven. And  
14 there are several other Supreme Court cases which I believe  
15 are cited in our brief, and we could refer to as well.

16 And there are a number of other factors that the Supreme  
17 Court has identified that are also present in this case. The  
18 Lyons case, which defendants have identified as particularly  
19 controlling here, in that case the Court found that the  
20 problem that Lyons had with standing was that he didn't seek  
21 to challenge as unconstitutional the police stop, but only the  
22 conduct that occurred within that stop afterwards.

23 In other words --

24 THE COURT: The handcuffing and that type thing.

25 MS. HINGER: Yes. So in other words, for the injury

1 to occur again, Lyons would have to violate a lawful statute.  
2 The Court in Lyons distinguished that from circumstances in  
3 which the challenged conduct was authorized by a policy, or in  
4 this case, by a state law.

5 THE COURT: The difference is, and it's a vast  
6 difference, that in the Lyons case, he alleged damages. You  
7 make no suggestion in this case that your client, any of them,  
8 are suing for damages. And don't you think that's a  
9 distinction that the Supreme Court made in judging the Lyons  
10 case, as opposed to what they might say with our factual  
11 situation that exists here?

12 MS. HINGER: Your Honor, I do think the Supreme Court  
13 would distinguish the cases. We are not seeking damages here,  
14 that's correct. In Lyons, if I recall correctly, the  
15 plaintiff did have standing to seek damages for that past  
16 injury. And the question of standing that the Court was  
17 considering was whether Lyons had standing to seek that future  
18 injunctive relief.

19 THE COURT: And they held that they did not.

20 MS. HINGER: Yes. But -- that's correct, Your Honor.  
21 And he didn't, because he would have to violate a lawful order  
22 in the future. But in this case, and if I could point to a  
23 number of other Supreme Court cases that have addressed this.  
24 Where it's likely that these laws will continue to be  
25 enforced, and indeed they authorize and suggest that they

1 should be enforced against school students, there is a real  
2 and immediate likelihood, in fact, thousands of students each  
3 year have been charged under these statutes. And the Supreme  
4 Court recognized, as recently as 2014, the case was *Susan B.*  
5 *Anthony List v Driehaus*, that prior prosecutions, even of  
6 others, not those plaintiffs challenging the statute, are  
7 evidence of the likelihood of future enforcement.

8 Now, in *Susan B. Anthony*, the Court was addressing 20 to  
9 80 complaints that were heard a year. Here, we have thousands  
10 of complaints a year. And so this is clear evidence of the  
11 likely ongoing enforcement of these statutes.

12 While it's not required, the plaintiffs in this case have,  
13 in fact, been arrested and charged previously under these  
14 laws. And that's been cited by the Supreme Court as evidence  
15 in *Lyons*, in *Susan B. Anthony*, and in *Hill*, as a likelihood of  
16 future injury sufficient to establish standing.

17 And the alternative circumstance and the reason why that's  
18 important to provide standing, is the alternative is that  
19 students, the school children in this case would be required  
20 to go to school each day in fear, entirely uncertain of  
21 whether any of their common adolescent behaviors might result  
22 in a reprimand, an intervention by a teacher or an actual  
23 criminal record. And that fear is, in itself, an injury.

24 Additionally, Your Honor, these statutes have been applied  
25 to infringe First Amendment-protected liberties. In the case

1 of plaintiff Niya Kenny and Taurean Nesmith, they were charged  
2 with disturbing schools for the simple fact of speaking out  
3 and raising their concerns at what they saw as the abusive  
4 actions of a police officer. The threat of being arrested for  
5 criticizing the police chills that right. And as the Supreme  
6 Court recognized in *Houston v Hill*, that right to criticize  
7 the actions of a police officer is the fundamental distinction  
8 between our democracy and a police state. So there is a very  
9 real threat that students face here.

10 And, Your Honor, if I could briefly address the  
11 defendant's arguments on abstention. While the defendants  
12 seek to place plaintiffs effectively between that proverbial  
13 rock and a hard place, on the one hand arguing that they must  
14 face criminal charges before they could raise their  
15 constitutional concerns to the Court, and at the other hand,  
16 arguing that they're barred from raising those concerns  
17 because there may be proceedings.

18 As defendants have agreed and conceded, none of the named  
19 plaintiffs in this case are, in fact, actively in state  
20 criminal proceedings.

21 And they raise two claims before this court. They seek to  
22 have declared and enjoined from enforcement the disturbing  
23 schools statute, and, as applied to elementary and secondary  
24 school students, the disorderly conduct statutes. Those  
25 arguments go to two state laws, and they do not in any way



1 require the Federal Court to examine, let alone interfere with  
2 State Court proceedings. They're the types of straightforward  
3 constitutional questions that federal courts commonly hear.

4 And defendants have raised the case of Huffman to argue  
5 that this case would interfere with prior State Court  
6 proceedings. But Huffman stands for the proposition that a  
7 plaintiff can not, in Federal Court, seek relief that would  
8 enjoin enforcement of a state judgment. So in other words, to  
9 enjoin enforcement of a state-issued injunction, for example,  
10 as I believe was the case in Huffman.

11 But plaintiffs in no way seek to reverse the judgments  
12 against them. SP, who was sentenced to probation, is not  
13 challenging that sentence of probation, and she continues to  
14 abide by those terms.

15 What plaintiffs are seeking is prospective relief against  
16 that threat, that ongoing threat of injury every time that  
17 they go to school to seek an education.

18 And the Supreme Court has clearly held that that  
19 prospective relief is not available in a State Court criminal  
20 proceeding, and is not -- and a plaintiff is not barred from  
21 seeking that, regardless of a prior adjudication or a sentence  
22 of probation.

23 And the primary case I would point to there is *Wooley v*  
24 *Maynard*, that's 430 U.S. 705, a 1977 case from the Supreme  
25 Court, cited in our brief as well.

1           The defendants point to one portion of the relief that  
2 plaintiffs seek, not their claims, the actual legal claims in  
3 this case, but the relief that they seek in terms of having  
4 charges of disturbing schools considered against them in the  
5 future.

6           And again, that is not a request for relief against a past  
7 State Court judgment, no one is seeking to avoid their  
8 sentence of probation. But they do seek to avoid a future  
9 injury that would, should this Court find these statutes  
10 unconstitutional, undermine the real impact of that relief.

11           Where -- and this is argued also in our briefs -- but  
12 where a student has that criminal charge on their record, it  
13 may mean that they're denied from the opportunity of a  
14 diversion for a criminal charge in the future, that would  
15 otherwise be available to them to avoid jail time. And if  
16 they're not able to pay a hefty sum, for some of our  
17 plaintiffs and for members of Girls Rock who have suffered  
18 from homelessness, \$300 to expunge that record? Then that  
19 record would be reported to any college they would apply to,  
20 it could be reported to future employment opportunities, and  
21 it would work that ongoing and future injury to plaintiffs.

22           And so, again, this is a form of prospective relief that  
23 plaintiffs request, in addition to their other forms of  
24 relief.

25           And, Your Honor, I think I would reserve then, unless the

1 Court has other questions, or to respond to other arguments  
2 made by defendants.

3 THE COURT: Okay. We've heard from one defense  
4 lawyer and we've heard from the plaintiffs. Any other defense  
5 lawyers have anything they want add? If so --

6 MR. PITTS: Your Honor, if I might, my name is Mike  
7 Pitts, I'm the city attorney for the City of Greenville.

8 THE COURT: Okay.

9 MR. PITTS: We have our own motion to dismiss under  
10 Rule 12(b)(1) for lack of subject matter jurisdiction, Your  
11 Honor.

12 We are in a little bit different position than some of the  
13 other defendants, in that if you look at the City of  
14 Greenville, they have named our police chief, Ken Miller.  
15 None of the four individual plaintiffs reside in the City of  
16 Greenville. They do not go to school in the City of  
17 Greenville. There is no allegation that they were arrested by  
18 officers within the city police department. Indeed, they've  
19 all had charges brought as a result of arrests in schools  
20 other than Greenville. And then, of course, Girls Rock is a  
21 Charleston organization, Your Honor.

22 So none of these plaintiffs have any connection, nor have  
23 they made any allegation that the City of Greenville police  
24 department has had any -- has any connection with them.

25 Despite that fact, our police chief has been named as a

1 defendant, and in two capacities. The one is a named  
2 defendant, and also as a putative class defendant  
3 representative. And we submit, Your Honor, that that is  
4 improper, because there is no standing as to Chief Miller or  
5 anyone connected with the City of Greenville. Because, again,  
6 these arrests all occurred elsewhere, and there's no  
7 allegation that these -- any of these individuals have any  
8 intention of relocating to Greenville or attending school in  
9 Greenville.

10 So, Your Honor, we would submit that none of the alleged  
11 injury, assuming there is one, is fairly traceable to any  
12 action by the Greenville police department, who's been sued  
13 through its chief, nor would there be any redressability for  
14 any relief against Chief Miller in connection with these named  
15 plaintiffs and this one organization, Your Honor.

16 The plaintiffs advance two arguments to get around the  
17 standing, the very real standing problem that they have. One  
18 is they cite to the Ex Parte Young doctrine, and they take the  
19 position that just some connection between the challenged  
20 statute and the officer is enough. Your Honor, we submit that  
21 that's not enough. Ex Parte Young is in large part a  
22 sovereign immunity case, and deals with a state officer, under  
23 what circumstances they can be stripped of their sovereign  
24 immunity and be subject to suit in Federal Court.

25 We believe that Ex Parte Young does not supply standing.

1 And, in fact, standing is an independent threshold inquiry  
2 that this Court must make before it can go any further. And  
3 we submit that that showing hasn't been made, Your Honor.

4 They also argue that the fact that this is a putative  
5 class action somehow changes things. Your Honor, it does not.  
6 They must still have standing as to each defendant in this  
7 case. And they do not have standing as to defendant Miller.  
8 Article III standing has to be supplied. And for those  
9 reasons, we submit that there is no standing as to Chief  
10 Miller because, again, he has no connection whatsoever. And  
11 for the -- and we've cited a number of cases in our brief that  
12 stand for the proposition that you have to have standing  
13 before you reach any issue involving Rule 23. There is a  
14 view, I believe it's fair to characterize it as a minority  
15 view, that first came out of the LaMar decision out of the  
16 Ninth Circuit, dealing with something called the juridical  
17 link, if I'm pronouncing that correctly.

18 But, Your Honor, again, we don't believe that would even  
19 apply in this situation. You would have to have a class  
20 certified, there would have to be a plaintiff class and  
21 defendant class before -- even if it were to operate as the  
22 plaintiffs contend that they do, for it to kick in.

23 I think it's also critical to point out to the Court that  
24 that doctrine's never been recognized by the Fourth Circuit,  
25 although it's been mentioned in passing. It's been rejected



1 by a number of district courts within this circuit. And while  
2 not binding on this Court, I do think it's instructive that  
3 the South Carolina Supreme Court has rejected the doctrine  
4 because it is in direct conflict with standing.

5 In no event has that doctrine ever been used to foist  
6 class representative or class defendant representative status  
7 upon a defendant like Chief Miller, who has zero connection to  
8 the named plaintiffs in this case. And I don't believe the  
9 plaintiffs would argue otherwise, Your Honor, or contend  
10 otherwise.

11 Last, Your Honor, we would just submit that, you know, the  
12 inclusion of Chief Miller or any of the other defendants that  
13 have no connection to the plaintiff, it's not necessary for  
14 the -- for this case to go forward and for there to be a  
15 resolution on the merits. At the end of the day, this is an  
16 attack on a statute, two statutes, two state criminal statutes  
17 that have statewide application.

18 There are -- the matter is before the Court on the merits.  
19 Your Honor, of course, will rule at some point, and Your  
20 Honor's ruling will be the law of the land in the State of  
21 South Carolina. And Chief Miller and the Greenville police  
22 department, and I'm sure all these other law enforcement  
23 agencies will, of course, honor, respect and follow that  
24 decision.

25 So the inclusion of Chief Miller adds absolutely nothing

1 to the proceedings, Your Honor, and we'd respectfully request  
2 that our motion be granted.

3 Thank you for the Court's time.

4 THE COURT: Yes, ma'am.

5 MS. SENN: May it please the Court? Thank you, Your  
6 Honor, I'm Sandy Senn here for the Charleston defendants.  
7 That would be Chief Mullen, Chief Driggers and also Sheriff  
8 Cannon.

9 To add to what my other esteemed counsel have discussed  
10 here today, as I see it, what the plaintiff basically is  
11 arguing is that they might break the law again, and,  
12 therefore, they might have some type of trouble with police.

13 As Your Honor has already surmised, we would submit that  
14 that is certainly not a particularized injury, and nor do the  
15 plaintiffs have a constitutional right to break the law again.

16 The case that is heavily relied upon by attorneys for the  
17 ACLU and the plaintiffs, is the Steffel case. But the big  
18 difference there is that was the First Amendment case. And  
19 the gentleman and his friend were giving out fliers, and had  
20 been warned that they were going to be arrested for such.  
21 When -- and his friend continued handing out fliers, and  
22 indeed was arrested. He left and decided to file the lawsuit.  
23 But he in particular said I do plan to hand these fliers out  
24 again, and, therefore, I very well may be arrested, because I  
25 believe I have a First Amendment right to do so. There is no

1 allegation in the complaint that these plaintiffs planned to  
2 break the law again.

3 So again, it would be incredibly speculative, and we would  
4 submit should not stand.

5 In addition, Your Honor, as to the police defendants, they  
6 can not be held responsible for enforcing laws that are later  
7 determined to be unconstitutional. And that dovetails a bit  
8 into our argument that we simply are not necessary parties.  
9 For the ACLU to have brought in 16 defendants, defending  
10 officers, claiming that, well, what we needed to do was have  
11 enough of y'all in there so that this would have statewide  
12 impact, well, that's not correct.

13 If you follow that argument, then you would bring in every  
14 law enforcement agency with a school in it into the case. But  
15 none are needed.

16 This is a tremendous waste of governmental resources,  
17 because really, only the Attorney General and the Governor are  
18 necessary parties in order to have Your Honor determine  
19 whether, indeed, these statutes are unconstitutional. But  
20 even to get there, you would have to address the issue of  
21 standing, which we've already heard a good bit about, but,  
22 Your Honor, unless these children or students who have claimed  
23 that they've been arrested in the past, they -- unless they  
24 somehow or another have standing because they might get  
25 arrested in the future, then -- and we would submit they don't

1 have that type of standing -- Girls Rock, likewise, lacks the  
2 standing, because their argument is simply a bootstrap of the  
3 other defendants, claiming they might get arrested.

4 Girls Rock is claiming that they have expended resources  
5 because some of these kids whom they mentor, have gotten in  
6 legal trouble. But, Your Honor, in the cases which I've cited  
7 in my brief, Lane versus Holder, as well as the Association of  
8 Retarded Citizens versus Dallas, they make it clear that  
9 budgetary choices of organizations do not create standing.

10 You can not bootstrap standing that way.

11 With respect to Iqbal, Your Honor, my argument is a little  
12 bit different from the state's. I do claim that these simply  
13 are threadbare recitals that they have placed in  
14 their complaint. We can tell that, number one, because of the  
15 fact that we can't even tell, in my case, which of my police  
16 agencies arrested the one plaintiff in Charleston who's been  
17 arrested. There's an allegation that this child went to Stahl  
18 High School, so I can surmise that it might be the County of  
19 Charleston or it might be the City of North Charleston, but  
20 it's not the City of Charleston. And, therefore, there's no  
21 allegation that any City of Charleston police officer has  
22 broken any of the constitutional rights of these plaintiffs.  
23 The only allegation as to the City of Charleston is that Girls  
24 Rock happens to be in the City of Charleston.

25 In addition, with respect to my Iqbal motion, I'm sure

1 Your Honor's familiar with the case. And part of that case,  
2 it was high-level governmental officials that the plaintiffs  
3 wanted to depose. The Court basically said it was imperative  
4 for lower courts to decide these type of motions at the  
5 outset, so that high level governmental officials can attend  
6 to governance, versus legal matters like this. And this is  
7 something that even if Your Honor decided that there was  
8 standing, it is something that you can make the determination  
9 as to whether the statutes themselves, one of which is a  
10 hundred year old statute, is unconstitutional on its face.

11 Your Honor, we would request dismissal because, like I  
12 said, not only do the plaintiffs lack standing, but the  
13 pleadings fail, pursuant to Iqbal, against my clients. We  
14 can't even tell who arrested this child or why they think that  
15 our officers will arrest in the future. There's no  
16 particularized allegations against police, only that they will  
17 continue to enforce the law. We have said repeatedly that  
18 whatever Your Honor decides with respect to these statutes,  
19 that will be the law, as far as we're concerned. We're not  
20 going to continue to press, in the face of a judicial  
21 determination, that these statutes are indeed  
22 unconstitutional.

23 And again, as I've argued before and I will stop arguing  
24 now, we believe that we are not necessary parties. As to  
25 defendant Cannon, this is the second time he's been sued in a



1 similar case where the ACLU sued him, similar to the one  
2 immigration case. We would submit that just because he  
3 happens to be the closest law enforcement officer to the  
4 offices of the ACLU, that is not a good reason to continue to  
5 sue Sheriff Cannon and make him hire legal counsel.

6 The last time legal counsel -- a lot of that -- my time  
7 and energy was expended at the expense of the County. And we  
8 would submit that we are entitled to dismissal. At the very  
9 least, we would ask to be able to stand aside and not  
10 participate in the case, because we certainly don't want to be  
11 tagged with any type of attorneys' fees, since the only thing  
12 we're going to do is await your decision.

13 Thank you, Your Honor.

14 THE COURT: Let me ask you this. You said that -- I  
15 think you used the word -- could have been Mr. Pitts -- but  
16 one of you used the word that if I ruled that, that that would  
17 be the law of the case?

18 MS. SENN: Well, I'm sure that --

19 THE COURT: Are you suggesting that you wouldn't  
20 appeal me?

21 MS. SENN: I believe that if you rule it is  
22 unconstitutional, I would suspect that the Attorney General  
23 would appeal you. But I can tell you that my officers, in  
24 fact, that we've tried to make --

25 THE COURT: I'm sorry, I was trying to be funny.

1 MS. SENN: Yeah, I would suspect somebody might  
2 appeal you. I might have appealed you a time or two, but I  
3 hope you don't hold that against me.

4 THE COURT: It has nothing to do with my decision.  
5 Thank you very much.

6 Who's next?

7 MR. HEMLEPP: Good afternoon, Your Honor, my name is  
8 Mike Hemlepp, I represent the City of Columbia police  
9 department. Chief Holbrook is a named defendant in this case.  
10 And I'm not going to plow upon the field that's already been  
11 plowed by my esteemed colleagues.

12 I want to add one finer -- one side note to the arguments  
13 the Court has already heard. Because the Court has already  
14 heard from the City of Charleston, which didn't arrest any of  
15 the plaintiffs, and the City of Greenville, which did not  
16 arrest any of the plaintiffs, and now you get to hear from the  
17 City of Columbia, which did not arrest any of the plaintiffs.

18 Our motion to dismiss was based upon 12(b)(6), failure to  
19 state a claim. Under the Declaratory Judgment Act, as the  
20 Court knows, there has to be an actual case or controversy  
21 between the plaintiff and the defendant. When this case was  
22 filed and served upon us, the first thing I did was read the  
23 complaint to see what it was that we were accused of doing. I  
24 couldn't find that in there. So then we went through, I went  
25 through the records of the police department to see which of

1 these plaintiffs we've had interaction with. I couldn't find  
2 that anywhere. In fact, the City of Columbia has no  
3 relationship with any of the plaintiffs. One of the  
4 plaintiffs, an adult, Taurean Nesmith, was arrested within the  
5 jurisdiction of the City of Columbia, but he was not arrested  
6 by the City of Columbia, he was arrested by Benedict College,  
7 which has its own police department.

8 Your Honor, I would argue to the Court that under the very  
9 clear law under the Declaratory Judgment Act, that there is no  
10 case or controversy. This is -- this is conjectural. This is  
11 an advisory opinion by the Court. And I think it's telling to  
12 the Court that the three largest police departments in the  
13 State of South Carolina, none of which have arrested any of  
14 these plaintiffs, are named as defendants. Your Honor, I  
15 would ask that you also consider dismissing this case against  
16 us based upon 12(b)(6).

17 Thank you.

18 THE COURT: Thank you.

19 MS. CULBREATH: Good afternoon, Your Honor, I'm Ann  
20 Culbreath, and I represent Greenville County, specifically  
21 Sheriff Loftis. Sheriff Loftis and Greenville County also had  
22 zero involvement arresting any of the plaintiffs involved in  
23 this lawsuit.

24 We have similar motions, and, Your Honor, I promise I will  
25 not plow the same ground. But we also moved to dismiss not

1 only because Greenville County and the sheriff are not  
2 necessary parties in this action, but also because Sheriff  
3 Loftis isn't a proper party.

4 We moved to dismiss pursuant to Rule 12(b)(6), similar to  
5 the City of Greenville, because there is zero allegation in  
6 the complaint that indicates Sheriff Loftis did anything with  
7 regard to any of these plaintiffs. There's a concession that  
8 he did not arrest any one of these plaintiffs. And under Rule  
9 12(b)(6), the plaintiffs have failed to state any legitimate  
10 cause of action against Sheriff Loftis.

11 We also made the standing argument; I am not going to go  
12 back through all of those, the factors that plaintiff has the  
13 burden of proving. However, in listening to the plaintiffs  
14 discuss the injury alleged, I again need to just point back to  
15 the Lyons case, where there is ample discussion that fear and  
16 emotion of a plaintiff is not relevant to whether or not there  
17 is an actual imminent injury.

18 So this fear of going to school and getting arrested for,  
19 quote, "common adolescent behavior," is not the standard. It  
20 is whether there is an actual real or imminent threat by a  
21 particular defendant. And there is no evidence at all that  
22 Sheriff Loftis has threatened anybody with anything.

23 I'd also note that the common adolescent behavior -- and  
24 I'll just talk about the behavior of the closest one to us,  
25 which was SP -- the common adolescent behavior that they're so

1 worried about is not so common. Because SP, in her own  
2 discussion or in her own declaration, indicated that she  
3 shrieked the F word multiple times in the library, in front of  
4 a principal, an assistant principal and an SRO. So that  
5 really isn't a common adolescent behavior.

6 And as to First Amendment argument of chilling speech,  
7 one, screaming F you in the school library is not protected  
8 speech. But second, there's no First Amendment claim in the  
9 plaintiffs' complaint. Therefore, the arguments with regard  
10 to the First Amendment have no merit as to whether there's an  
11 injury.

12 Your Honor, there is no standing by these plaintiffs in  
13 this case. This case isn't properly before the Court. And  
14 this is really one of those situations where we shouldn't even  
15 be here. We would just ask that you dismiss Sheriff Loftis.  
16 And we will abide by whatever happens with regard to these  
17 statutes. But we are not a necessary party, we're not a  
18 proper party, and we would ask to be dismissed. Thank you.

19 MR. SPREEUWERS: Your Honor, Steve Spreeuwes on  
20 behalf of the defendant Sheriff Lott, who is the sheriff of  
21 Richland County. And any repetition in my argument merely  
22 serves to underscore the point that we've got a lot of  
23 unnecessary defendants in this case.

24 But primarily I wanted to bring to your attention a quote  
25 from Summers versus Earth Island Institute. That's a Supreme



1 Court case, 555 U.S. 488. And not to forget that we're here  
2 on an injunctive relief case. Prospective relief. And it  
3 says, "To seek injunctive relief, a plaintiff must show that  
4 he's under threat of suffering injury in fact that is concrete  
5 and particularized. The threat must be actual and imminent,  
6 not conjectural or hypothetical."

7 That's exactly the case we have here is a conjectural and  
8 a hypothetical threat that these plaintiffs may come into  
9 contact with the disturbing school statute.

10 To underscore that point, Your Honor, it's important to  
11 keep in mind that these statutes require, or these -- as  
12 they've been challenged, they require the conduct to take  
13 place on school grounds. That's a very specific location.  
14 And taking for an example plaintiff Kenny, plaintiff Kenny is  
15 not a student anymore. Therefore, her nexus to the  
16 possibility of being charged under these statutes is even  
17 further attenuated.

18 And keeping her as an example, take you through the  
19 hypothetical facts that would have to exist before she would  
20 ever encounter these statutes again.

21 Plaintiff Kenny, in her declaration, mentioned that she  
22 still has a sister that attends school in my defendant's  
23 jurisdiction, Spring Valley High School. And that her sister  
24 sometimes has orchestra performances and other school events  
25 that she may like to attend. So her sister would need to have

1 an orchestra performance, plaintiff Kenny would need to elect  
2 to attend, there would need to be law enforcement officers  
3 present at that orchestra performance, there would need to be  
4 a disturbance that took place that necessitated law  
5 enforcement intervention. Plaintiff Kenny would need to  
6 witness that intervention. That she would also need to  
7 perceive some action on behalf of those intervening law  
8 enforcement officers as being inappropriate. She would then  
9 further need to decide to speak out, as she termed it in her  
10 declaration, against what she sees as police misconduct. The  
11 law enforcement officers would need to interpret that as  
12 potentially violative of the disturbing school statute, then  
13 would need to take the further step of deciding to invoke that  
14 statute and arrest her on that basis.

15 We all share that same risk, Your Honor. It's plainly  
16 speculative. It's an incredible sequence of events that would  
17 need to take place before plaintiff Kenny would ever come into  
18 contact with this disturbing school statute, and it's a risk  
19 that we all share.

20 Your Honor, a couple of points that was mentioned, every  
21 case cited by the plaintiffs in reference to standing is a  
22 First Amendment case. And that's important, because the First  
23 Amendment has a relaxed standing requirement that does not  
24 apply in this case. That -- you know, a lot of First  
25 Amendment cases include a repeated course of conduct where,

1 for example, by our office there's an abortion clinic. And  
2 there's the same two people out there every morning. And if  
3 there was some abortion statute that kept them from picketing  
4 a certain distance, as is common, they have a repeated course  
5 of conduct where they go out there every morning, and they  
6 have an actual real concern about running afoul of a  
7 potentially vague statute, no repeated course of conduct is  
8 involved in this case. These are all one-time events that  
9 happened in the past, and have been dealt with.

10 THE COURT: I thought you were going to say they went  
11 out there with a tape measure and marked it off.

12 MR. HEMLEPP: It happens. And it's because they're  
13 out there every day, and they understand, and they face a  
14 potentially real threat of running afoul of that 30-foot  
15 distance, or whatever the case may be. That's not what this  
16 case is. So the First Amendment standing case is Hill v  
17 Houston and those cited in the brief, they're all First  
18 Amendment cases, they don't apply.

19 And just a couple of points on the unnecessary defendants.  
20 My defendant, Sheriff Lott, hasn't taken a position on the  
21 merits of this statute. And I understand a lot of the other  
22 defendants haven't done that. That's because we don't have --

23 THE COURT: Why would they be (inaudible)? That's  
24 not their job.

25 MR. SPREEUWERS: Exactly. Our folks are not elected

1 to stand behind and to defend the constitutionality of  
2 statutes. That's a statewide elected official's job, if  
3 anybody's. My officer is elected to uphold and enforce the  
4 laws as they are provided to him by the legislature, and  
5 that's it.

6 We don't speak for the people, and to pretend that we do,  
7 to uphold these statutes, would be to exceed our authority.  
8 And the fact that we haven't taken a position on the merits,  
9 means you don't have the sort of concrete adverseness that's  
10 vital in a constitutional case raising constitutional issues.  
11 You don't have that from us, because we're not taking a  
12 position on the merits of this case, because we don't need to.  
13 We're simply, like all the other defendants, we'll abide by  
14 Your Honor's decision. And that's it, Your Honor.

15 THE COURT: Thank you.

16 MR. LINDEMANN: May it please the Court, Your Honor,  
17 Andrew Lindemann. I'm here for Chief Carl Ritchie, the chief  
18 of police for the Town of Mount Pleasant. I think I might be  
19 the last one to go. I'll try to be very brief. I do actually  
20 have a new wrinkle, believe it or not.

21 First, the old wrinkle. We are like a number of these  
22 other defendants. None of the plaintiffs, the named  
23 plaintiffs, went to schools or were arrested at schools within  
24 the jurisdiction of the Town of Mount Pleasant. In addition  
25 to that, none of the named plaintiffs continue to go to

1 school. I know one of the defendants -- one of the plaintiffs  
2 apparently changed schools, according to the pleadings. But  
3 none of the plaintiffs are currently going to any schools  
4 within the jurisdiction of the Town of Mount Pleasant. So,  
5 therefore, obviously even if you would agree with the  
6 plaintiffs' idea that the threat of an arrest is sufficient to  
7 constitute an injury by fact, and I don't submit that it does,  
8 because I think that flies in the face of the Lyons case, but  
9 even if you were to adopt that theory, they still wouldn't  
10 have standing against Chief Ritchie, because none of the  
11 plaintiffs go to school in the Town of Mount Pleasant, and,  
12 therefore, would not be subject to arrest by a Town of Mount  
13 Pleasant officer.

14 I also want to supplement what --

15 THE COURT: Is the important part of what you say is  
16 not be subject to arrest?

17 MR. LINDEMANN: That's right, because they don't go  
18 to school.

19 THE COURT: Not all of these people have had badges  
20 of any kind, they also are deputized or whatever, the state --

21 MR. LINDEMANN: Well, I'm talking about none of the  
22 plaintiffs are actually within --

23 (Both parties speaking at once.)

24 THE COURT: -- whether it's guy from PeeDee that  
25 chases you all the way to Columbia before he gives you a



1 ticket, or whoever it is, they all are police officers, or  
2 otherwise designated as law enforcement officers, but they're  
3 also all, every one of them that you represent, I suspect, are  
4 state constables, which means they have the right to arrest  
5 throughout the State of South Carolina. That's my  
6 understanding of the law. I don't think it has anything to do  
7 with this case, but I think that is the law.

8 MR. LINDEMANN: Well, certainly that hasn't been an  
9 allegation here. And, Your Honor, frankly, I'm not aware  
10 whether that's correct or not. But the bottom line is, the  
11 jurisdiction of the Town of Mount Pleasant, none of these  
12 plaintiffs are within that particular jurisdiction, is the  
13 point I'm trying to make.

14 I wanted to supplement what Miss Senn said, because  
15 obviously Mt. Pleasant's within Charleston County, so I have  
16 to deal with Girls Rock as a plaintiff as well. Girls Rock is  
17 asserting standing not only for its own alleged injuries, but  
18 also associational standing. And I don't think anybody's yet  
19 touched on associational standing. We certainly addressed it  
20 in our briefs. But one of the things that I want to stress to  
21 Your Honor is the leading case obviously for associational  
22 standing is a 1977 case from the U.S. Supreme Court called  
23 Hunt versus Washington State Apple Advertising Commission.  
24 And one of the things that the Supreme Court stressed in that  
25 particular case is to have associational standing, the entity,

1 there must be an indicia of membership. It must have members  
2 in the classical traditional sense. And if it's not in the  
3 classical traditional sense, you still have to show some sort  
4 of controlling element that would typically fit the indicia of  
5 membership.

6 And what we have in this particular case, Your Honor, is  
7 nothing of the like. You're dealing with what are essentially  
8 clients. Girls Rock provides services to students,  
9 mentorship, leadership, music and art programming. And those  
10 are students who would qualify as clients. They're not  
11 members, in the traditional sense, that would be required for  
12 there to be associational standing.

13 In addition to that, as Miss Senn has already pointed out,  
14 they don't meet the standing standard for their own injury,  
15 because the injury they're claiming is a diversion of  
16 financial resources, which the Fourth Circuit has specifically  
17 held does not constitute injury by fact in the Lane versus  
18 Holder case, which we've cited to and I believe Miss Senn  
19 cited to as well.

20 As the other parties have argued, we don't believe that  
21 we're a necessary party to this case. Obviously Chief Ritchie  
22 will abide by any decision of this Court as to the  
23 constitutionality of these statutes. It is absolutely not  
24 necessary for him to be a party to this case. And again, I  
25 submit that none of the plaintiffs, including Girls Rock, have

1 made a showing of standing against Chief Ritchie.

2 We would ask the Court to dismiss them as a party. Thank  
3 you, Your Honor.

4 MR. SMITH: Your Honor, if I may just briefly? Your  
5 Honor, the other defendants have --

6 THE COURT: I thought you said briefly.

7 MR. SMITH: About three sentences. The other  
8 defendants have pointed out reasons, as did we, as to why the  
9 law enforcement officers should not be parties, why there's a  
10 failure of standing and allegations as to them. The same is  
11 true as to the Attorney General also, Your Honor. We believe  
12 that there's a complete failure of standing as to any of the  
13 defendants in this case, and the suit should be dismissed for  
14 that reason.

15 Your Honor, I don't know whether you want to -- would like  
16 to hear more on this issue, or whether you want me to go into  
17 the other grounds for our motion to dismiss. I addressed the  
18 vagueness issues --

19 THE COURT: It's getting kind of late, and I think  
20 what I want to do now is get any reply statements from the  
21 plaintiffs. You've heard what the defendants have said, and  
22 you've been able to make your argument. I don't know of  
23 anything that you need to say that you haven't said, but I  
24 want to give you an opportunity to state your reasons.

25 MS. HINGER: Certainly, Your Honor. And I will try

1 to be brief. Each of the defendants' arguments have been  
2 addressed in our briefs and in full.

3 I will just note that I believe that the argument that  
4 there is no standing against the Attorney General was not  
5 raised in defendants' briefing. But in any event, plaintiffs  
6 do have standing against the Attorney General. The Attorney  
7 General is responsible for upholding the law of the state.  
8 And in this case, in addition, a number of attorneys general  
9 opinions direct the interpretation of these laws, and suggest  
10 that they can and indeed should be applied to a number of  
11 different behaviors, as addressed in our briefs.

12 Plaintiffs have adequately and with specificity pled their  
13 claims, including in the complaint, paragraph 40, in  
14 identifying that each of the defendants both have jurisdiction  
15 to enforce the law and jurisdiction in the school districts  
16 where plaintiffs reside, resulting in the injury and threat of  
17 future injury.

18 And the reason for the need to address each of the named  
19 defendants here, in addition to their being properly named and  
20 pled, is really that the plaintiffs are seeking to address  
21 these issues in the most efficient, consistent and complete  
22 manner.

23 So rather than hold multiple different lawsuits to have  
24 this issue perceived, particularly with the question of  
25 interim relief through a preliminary injunction, differently

1 across the state, this is a statewide statute that is jointly  
2 enforced statewide. And one single case is, we believe, the  
3 most effective means of responding to that. Much of the  
4 concerns about efficiency could be addressed through the class  
5 certification vehicle, which would streamline the process here  
6 and the parties arguing.

7 THE COURT: I'm not hearing any arguments on class  
8 certification. We are a long way away from considering that  
9 issue.

10 MS. HINGER: Certainly, Your Honor.

11 THE COURT: And, you know, I can't think of a case  
12 where we had any suggestion of class certification where there  
13 hasn't been separate discovery on that issue, where there  
14 hasn't been separate briefing, and it's been something that  
15 we've considered --

16 MS. HINGER: Your Honor --

17 THE COURT: -- it's called for a line of focus, and  
18 it's just not normally addressed in such a casual manner as  
19 might be suggested here. So we'll hear that later.

20 MS. HINGER: Certainly, Your Honor. And my  
21 colleague, Galen Sherwin, is available to address any  
22 questions. There is precedent for granting classwide  
23 injunctive relief.

24 THE COURT: I just told you I'm not hearing any  
25 arguments on class certification. You got anything else?



1 MS. HINGER: Certainly. Yes, Your Honor. Just  
2 briefly, turning back to the defendants in this case, for our  
3 plaintiffs, and the source of their injury, they attend a  
4 school, and they attend a school in a public school district.  
5 That includes their school, that includes the activities that  
6 they engage in that are directed by the School District.

7 Those school districts overlap the jurisdiction of a  
8 number of law enforcement agency defendants. Each of those  
9 jointly contribute to policing of the school district,  
10 including assigning school resource officers who specifically  
11 have jurisdiction not just within that school district, but  
12 across the state. And to grant relief against just one of  
13 those law enforcement agencies, while that would constitute  
14 partial relief sufficient for standing, would not be complete  
15 relief. Because another of the jurisdictions that supply  
16 school resource officers to the School District, could simply  
17 come to the school and enforce those laws instead. Indeed,  
18 that's what was contemplated in the Attorney General's opinion  
19 on this matter, which found that a school resource officer  
20 could go to a school outside of that law enforcement agency's  
21 normal jurisdiction, to arrest a student.

22 Your Honor, the questions of organizational standing are  
23 addressed in our brief. I'd be happy to answer any questions  
24 on those points, but as you noted, it's getting late. So if  
25 the Court has questions, I'd be happy to address them.

1 Otherwise, I will leave that as argued in our brief.

2 THE COURT: I believe I've heard everybody on the  
3 issue of standing and abstention. What else do we need to do  
4 today? It seems to me if we get those two issues out of the  
5 way, we've made a lot of progress in the case, and maybe it  
6 would be a good time to stop and decide those issues before we  
7 proceed with the additional time, expense, et cetera.

8 Yes, sir?

9 MR. HEMLEPP: Your Honor, my only -- I want to point  
10 out to the Court that several of the law enforcement  
11 defendants have filed 12(b) motions as well, which would be  
12 independent of standing and abstention.

13 So the Court's comment just a moment ago was if you  
14 decided those, that that would be perhaps dispositive. But if  
15 the Court ruled that there, for instance, that there was  
16 standing, there would still be other motions to dismiss. I  
17 just wanted to point that out.

18 THE COURT: I don't always grant oral argument on all  
19 motions. I thought that those two motions were the ones that  
20 were most hotly contested, and it would have more diverse  
21 views and it would be good to start by hearing what everybody  
22 had to say about those.

23 MR. HEMLEPP: Yes, sir.

24 THE COURT: Of course, the individual motions as to  
25 dismissal under Rule 12, once we set the standard, so to

1 speak, once we draw the parameters of that jurisdictional  
2 question, then it's going to be very easy to fit these  
3 defendants in those holes, or not put them in the holes. Once  
4 I say what it takes to constitute jurisdiction in an  
5 individual case, then it goes without saying that we may have  
6 to have another hearing, but I wouldn't expect there to be  
7 much diversity of opinion, because you either fit in that hole  
8 or you don't fit. So I really --

9 MR. HEMLEPP: Thank you, Your Honor.

10 THE COURT: Though they're hard motions and though  
11 they're serious motions, I don't know that we need to come  
12 back and hear them again, but if we do, we can.

13 MR. HEMLEPP: Great.

14 THE COURT: But I don't see how, at this hour, unless  
15 I'm going to keep you here all night, and with all the  
16 policemen we have out here, they might lock you up if I leave  
17 are you here all night. I kind of think we start right now  
18 getting into these other motions in detail, we're going to  
19 take a couple hours to get through with them, and I don't  
20 think that we'll solve any purpose in the first place, and I  
21 don't see any reason to go further.

22 MR. HEMLEPP: I agree. Thank you, Your Honor.

23 THE COURT: Now, what I'll do is I'll consider the  
24 abstention and the standing motions, and I'll consider all  
25 pending motions. But if I get to a point where I feel like

1 that I've overlooked something, and I should be hearing oral  
2 argument on a motion other than abstention or standing, then I  
3 may have to do a telephone conference call for you to see if  
4 you want to make oral argument, see if you want to file  
5 additional written documents or what you want to do, but if I  
6 need something else, then we'll touch base with you then and  
7 get it. But with all the lawyers and all the parties we've  
8 got here, I think that if we can sensibly address abstention  
9 and standing, we've probably accomplished a great deal and we  
10 can move on in one direction or the other.

11 So anybody have anything to add to today's discussion  
12 concerning abstention or standing?

13 Yes, ma'am?

14 MS. HINGER: Your Honor, I do not want to hold us any  
15 longer, but I do just want to urge the consideration of the  
16 preliminary injunction here.

17 Plaintiffs have set out their claims on the merits. The  
18 issue of the question of irreparable injury and harm to the  
19 plaintiffs is not seriously contested. And as plaintiffs have  
20 argued, there is a real risk and danger of arrest,  
21 incarceration, fines and fees, stigma, and a real detriment to  
22 educational opportunities for students who can be suspended  
23 and placed in alternative programs. These things have a real  
24 consequence for the life of young people and their trajectory.  
25 A single contact with the justice system can place a student

1 at significant risk of a lack of a failure to graduate, and to  
2 have ongoing contact with the justice system. We saw this --

3 THE COURT: I understand that. You discussed that  
4 earlier. But winning an injunction against the enforcement of  
5 a state law, duly and properly passed by the state General  
6 Assembly, is a big deal. For a Federal Court to do that, it's  
7 doing something you don't do every day. And, therefore, I  
8 don't think I should look at that. Nor should I look at the  
9 fact that these people may suffer some harm in the future  
10 likely. But that possibility of harm doesn't stand alone.  
11 The desire to recognize state laws by competing jurisdictions,  
12 to the extent legally it can be done, is applicable. And  
13 that's an important consideration. And I don't think that I  
14 can just look at it from your standpoint, I need to look at it  
15 from the entire standpoint, and I'm not going to do that  
16 today.

17 MS. HINGER: Yes, Your Honor.

18 THE COURT: Anybody have anything else?

19 MR. SMITH: Nothing further, Your Honor.

20 THE COURT: It was a long time ago when we were  
21 introduced in this court to asbestos cases. And what I  
22 remember, I handled the asbestos docket for a number of years,  
23 and what I remember was I could always be assured -- I  
24 couldn't in any other docket, but in asbestos I'd always be  
25 assured I'd come out here in court and I wouldn't be alone,



1 I'd have company. So I think you've got another situation  
2 like that.

3 But I appreciate you coming. I hope I haven't organized  
4 it in a way that you don't like, but it's kind of hard when  
5 you have this many motions, this many parties, this many  
6 interests, to organize it, and to the extent you can when  
7 you've just got one party and one lawyer. But I'll try to  
8 give the questions I have before me shortly. I'm talking  
9 about in a matter of days, even though today is Thursday, and  
10 I encourage clerks to get in the habit as young lawyers not to  
11 work too hard on Friday. So I'll try to do it, I'm not going  
12 to make a promise, but in a matter of days rather than weeks.  
13 And when we do that, then we'll know where we're going, and  
14 maybe we can have a status conference and see where we want to  
15 go and what we want to schedule and how we want to do it.

16 Okay?

17 But I know it's an important issue and I want to give it  
18 my undivided attention and try to get something just as soon  
19 as I can. Okay? Thank you very much.

20 We'll be in recess.

21

22 (Court adjourned at 3:57 p.m.)

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REPORTER'S CERTIFICATION

I, Debra L. Potocki, RMR, RDR, CRR, Official Court Reporter for the United States District Court for the District of South Carolina, hereby certify that the foregoing is a true and correct transcript of the stenographically recorded above proceedings.

S/Debra L. Potocki  
\_\_\_\_\_  
Debra L. Potocki, RMR, RDR, CRR

**THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION**

NIYA KENNY; TAUREAN NESMITH; GIRLS  
ROCK CHARLESTON, INC.; D.S., by and through  
her next of kin Juanita Ford, and S.P., by and through  
her next of kin Melissa Downs, on behalf of  
themselves and all others similarly situated,

Case No. 2:16-cv-2794-CWH

Plaintiffs,

**ORDER**

vs.

ALAN WILSON in his official capacity as Attorney  
General of South Carolina; J. ALTON CANNON, JR.  
in his official capacity as the Sheriff of Charleston  
County, SC; GREGORY G. MULLEN in his official  
capacity as the Chief of the Police Department of the  
City of Charleston, SC; EDDIE DRIGGERS, JR in his  
official capacity as the Chief of the Police Department  
of the City of North Charleston, SC; CARL RITCHIE  
in his official capacity as the Chief of the Police  
Department of the City of Mt. Pleasant, SC; LEON  
LOTT in his official capacity as the Sheriff of  
Richland County, SC; W.H. HOLBROOK in his  
official capacity as the Chief of the Police Department  
of the City of Columbia, SC; STEVE LOFTIS in his  
official capacity as the Sheriff of Greenville County,  
SC; KEN MILLER in his official capacity as the Chief  
of the Police Department of the City of Greenville,  
SC; LANCE CROWE in his official capacity as the  
Chief of the Police Department of the City of  
Travelers Rest, SC; STEVE MOORE in his official  
capacity as Interim Chief of the Police Department of  
the City of Simpsonville, SC; M. BRYAN TURNER  
in his official capacity as the Chief of the Police  
Department of the City of Mauldin, SC; DAN  
REYNOLDS in his official capacity as the Chief of  
the Police Department of the City of Greer, SC; A.  
KEITH MORTON in his official capacity as the Chief  
of the Police Department of the City of Fountain Inn,  
SC; on behalf of themselves and others similarly  
situated,

Defendants.

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The plaintiffs Niya Kenny (“Kenny”), Taurean Nesmith (“Nesmith”), Girls Rock Charleston, Inc. (“Girls Rocks”), D.S. by and through her next of kin Juanita Ford (“D.S.”), and S.P. by and through her next of kin Melissa Downs (“S.P.”) (collectively, the “plaintiffs”) bring this case pursuant to 18 U.S.C. § 1983 to redress alleged deprivation of rights secured by the United States Constitution under color of state law, challenging S.C. Code § 16-17-420 (the “Disturbing Schools Law”) as unconstitutionally vague. (Compl. ¶¶ 1, 12, 15, ECF No. 1). The plaintiffs D.S. and S.P. also challenge S.C. Code § 16-17-530 (the “Disorderly Conduct Law”) as unconstitutionally vague when applied to elementary and secondary school students, seeking to bring a class action on behalf of all elementary and secondary school students “who face an ongoing risk of arrest or referral under [the Disorderly Conduct Law] while attending school.” (Compl. ¶ 11).<sup>1</sup>

The plaintiffs seek solely equitable relief. They request that the Court use its authority under Rule 57 of the Federal Rules of Civil Procedure and the Declaratory Judgment Act, 28 U.S.C. §§ 2201–2202, to issue: (1) a declaratory judgment that the challenged laws violate their constitutional right to due process under the Fourteenth Amendment of the United States Constitution; (2) a preliminary injunction enjoining enforcement of the challenged laws by the defendants; (3) a permanent injunction enjoining the same; and (4) an order enjoining the defendants from considering the plaintiffs’ records relating to arrests, charges filed, bookings, mugshots, fingerprints, associated bench warrants, judicial proceedings, adjudications, dispositions, and sentencings under the challenged laws, and from retaining such records except

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<sup>1</sup> The Complaint is conflicting as to whether D.S. and S.P. seek to bring a class action challenging only the Disorderly Conduct Law or also the Disturbing Schools Law. For example, in the “Class Allegations” section of the Complaint, Paragraphs 109 through 120 refer to challenging both laws. (Compl. ¶¶ 109-120). Conversely, in the “Claims for Relief” section setting forth two causes of action, the Second Cause of Action refers only to the Disorderly Conduct Law, stating that the Disorderly Conduct Law’s “vague terms as applied to elementary and secondary school students violate Plaintiffs’ right to due process . . . .” (Compl. ¶¶ 123-124). Likewise, in the “Prayer for Relief” section, the only relief requested as to elementary and secondary students are the preliminary and permanent injunctions enjoining enforcement of the Disorderly Conduct Law. (Compl. at 27).

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as would be permissible following expungement under S.C. Code § 17-1-40. (Compl. at 27-28; see also Compl. ¶¶ 10-11, 15). The declaratory and injunctive relief requested is sought against each defendant, each defendant's officers, employees, and agents, and any person acting in concert or participation with any defendant or under any defendant's supervision, direction, or control. (Compl. at 28).

This matter is before the Court on seven motions to dismiss by thirteen defendants. (ECF Nos. 27, 28, 34, 36, 41, 42, and 44).

## I. FACTUAL BACKGROUND<sup>2</sup>

### A. The Challenged Laws

The Disturbing Schools Law states in pertinent part:

(A) It shall be unlawful:

(1) for any person willfully or unnecessarily (a) to interfere with or to disturb in any way or in any place the students or teachers of any school or college in this State, (b) to loiter about such school or college premises or (c) to act in an obnoxious manner thereon; or

(2) for any person to (a) enter upon any such school or college premises or (b) loiter around the premises, except on business, without the permission of the principal or president in charge.

S.C. Code § 16-17-420(A).

A violation of the Disturbing Schools Law is a misdemeanor, punishable by a fine of not more than \$1,000 or ninety days imprisonment. S.C. Code § 16-17-420(B). Furthermore, "[t]he summary courts are vested with jurisdiction to hear and dispose of cases involving a violation of this section. If the person is a child as defined by Section 63-19-20, jurisdiction must remain vested in the Family Court." S.C. Code § 16-17-420(C).

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<sup>2</sup> These facts are as alleged in the Complaint.

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The Disorderly Conduct Law provides in pertinent part that “[a]ny person who shall (a) be found . . . at any public place . . . conducting himself in a disorderly or boisterous manner, [or] (b) use obscene or profane language . . . at any public place . . . or in hearing distance of any schoolhouse . . . shall be deemed guilty of a misdemeanor[.]” S.C. Code § 16-17-530. A violation is punishable by a fine of not more than \$100 or thirty days imprisonment. Id.

**B. The Plaintiffs**

Kenny is a nineteen-year-old African-American female who resides in Richland County, South Carolina. (Compl. ¶ 16). On October 26, 2015, Kenny was in math class at Spring Valley High School in Richland School District Two when she was arrested and charged under the Disturbing Schools Law. (Compl. ¶¶ 17, 83). While the students practiced a math lesson on their laptops, Kenny noticed the teacher whispering to another student and thought the teacher was helping that student with the lesson until the teacher called for someone to escort the student from the classroom. (Compl. ¶ 83). Kenny wondered what the student could have done wrong because nothing seemed out of the ordinary. (Id.). Shortly thereafter, a school resource officer (“SRO”)—a sworn police officer of the Richland County Sheriff’s Office—entered the classroom. (Compl. ¶ 84). Kenny witnessed the SRO forcefully pull the student from her desk, drag her on the floor, and handcuff her. (Id.). Deeply frightened by the SRO’s actions, Kenny attempted to document the incident and called out for someone to stop the violent treatment of her classmate. (Id.). In response, Kenny was also arrested, handcuffed in front of her classmates, berated by the SRO and a school administrator for voicing her concern and distress, and taken to an adult detention center where she was patted down, fingerprinted, photographed, and held for several hours. (Compl. ¶ 85). The police incident report described her offense as a crime of disorderly conduct, but she was charged under the Disturbing Schools Law. (Compl. ¶

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86). Throughout her experience, Kenny was scared and humiliated. (Compl. ¶ 87). Although she desired to complete her senior year at Spring Valley High School, due to the humiliation and anxiety she experienced, Kenny felt she could not return. (Id.). She obtained her G.E.D. diploma in June 2016. (Compl. ¶¶ 16, 87). Kenny fears future arrest and prosecution under the Disturbing Schools Law if her actions, while on or around the grounds of a school, are interpreted to fall under any of the broad terms of the statute. (Compl. ¶ 17).

Nesmith is a twenty-one-year-old African-American male who resides in Kingstree, South Carolina. (Compl. ¶ 24). He is a student at Benedict College in Columbia, South Carolina. (Id.). On a date not alleged, a campus police officer was patrolling in the parking lot of Nesmith's college-owned apartment building as Nesmith and his friends left the building and got into their cars. (Compl. ¶ 88). The officer approached one of Nesmith's friends and asked him for identification. (Id.). Nesmith complained to another friend that the officer was stopping them because of their race as the officer had done previously. (Compl. ¶ 89). When the officer asked Nesmith for his identification, he asked the officer why he needed to see it and continued to question the officer's actions. (Id.). Nesmith was eventually handcuffed and transported to a detention center where he remained overnight. (Compl. ¶ 90). He was charged under both the Disturbing Schools and Disorderly Conduct Laws, but those charges were later dropped. (Compl. ¶¶ 25, 90). He fears future arrest and prosecution under the Disturbing Schools Law if his actions, while on or around the grounds of a school, are interpreted to fall under any of the broad terms of the statute. (Compl. ¶ 25).

D.S. is a seventeen-year-old African-American female who resides in Charleston, South Carolina. (Compl. ¶ 18). D.S. experienced lead poisoning as a young child and has an "Individualized Education Plan." (Id.). During the 2015–2016 school year, she was enrolled at

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Stall High School in the Charleston County School District, and at the time of filing the Complaint, she had plans to enroll at Summerville High School in Dorchester County School District Two in August 2016. (Id.). While attending school on a date not alleged, she was involved in a physical altercation that she did not initiate. (Compl. ¶ 101). D.S., her friend, and two other students involved in the altercation were charged as adults under the Disturbing Schools Law and pleaded guilty without legal representation. (Compl. ¶ 102). D.S. received a suspended sentence of a \$400 fine or twenty days imprisonment conditioned on completion of a pretrial intervention program (“PTI”). (Id.). She was unable to afford the \$300 or more cost of PTI participation, and D.S. was subsequently rejected from the PTI program. (Id.). She obtained a public defender who reopened her case, and her charges were eventually dismissed. (Id.). She fears being charged under the Disturbing Schools and Disorderly Conduct Laws if her actions, while on or around the grounds of a school, are interpreted to fall under any of the broad terms of the statutes. (Compl. ¶ 19).

S.P. is a fifteen-year-old Caucasian female who resides in Travelers Rest, South Carolina. (Compl. ¶ 20). During the 2015–2016 school year, she was enrolled at Travelers Rest High School in Greenville County and plans to continue her enrollment there. (Compl. ¶¶ 20, 99). Because S.P. has been diagnosed with mood and behavior disabilities, she receives special education services and has a behavior intervention plan. (Id.). While attending school on a date not alleged, she was referred to law enforcement for disorderly conduct because of an altercation with another female student who had been making fun of her. (Compl. ¶¶ 21, 99). S.P. encountered the other student in the library and told her to stop talking about her. (Compl. ¶ 99). The school principal came to the library and told S.P. to leave with him. (Id.). When she refused and complained that the other student did not get in trouble, the principal told S.P. he was

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addressing only her because she could be arrested for refusing to leave with him. (Id.). When an SRO arrived, S.P. agreed to leave the library. (Id.). As she was escorted, S.P. cursed at students who began clapping and the student who teased her. (Id.). Several months later, S.P. was charged under the Disorderly Conduct Law for these actions. (Compl. ¶ 100). She fears being charged under the Disturbing Schools and Disorderly Conduct Laws if her actions, while on or around the grounds of a school, are interpreted to fall under any of the broad terms of the statutes. (Compl. ¶ 21).

Girls Rock is a nonprofit organization with its principal office in Charleston, South Carolina. (Compl. ¶ 22). Girls Rock provides mentorship, music and arts education, and leadership development to young people in Charleston and operates an afterschool program serving at-risk youth and minors who have been involved in the justice system. (Id.). Its core mission includes “challenging criminalization and promoting collective accountability for behavior.” (Id.). Girls Rock is suing on behalf of its members—students who risk arrest or referral under the Disturbing Schools and Disorderly Conduct Laws—and on its own behalf because it is “substantially burdened in its mission by the continued practice of charging students under [the Disturbing Schools Law].” (Compl. ¶ 23). Girls Rock “has taken up efforts to challenge the [Disturbing Schools Law] and bring awareness to the statute’s negative impact on Charleston area young people.” (Compl. ¶ 103). Girls Rock volunteers have expended significant time and resources to address the impacts of disturbing schools adjudications through mentorship and support of young people in the Girls Rock After School Program (“GRASP”), such as by attending hearings where they testify to a participant’s character and progress in GRASP. (Compl. ¶ 104). As a primarily volunteer-run organization with limited resources, the time and resources Girls Rock spends supporting young people charged under the Disturbing

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Schools Law detract from its ability to help other young people. (Compl. ¶ 105). Additionally, the time it spends addressing ongoing court involvement and other collateral consequences of disturbing schools adjudications detracts from the positive mentorship activities Girls Rock seeks to provide because it would otherwise expend its efforts “developing programming and providing direct services to young people and attending to administrative business necessary to sustain the operations of the organization, such as writing grant proposals and conducting fundraising activities.” (*Id.*).

**C. Allegations Related to Enforcement of the Challenged Laws Across South Carolina**

The plaintiffs contend that their experiences and those of other students in South Carolina reflect the arbitrary and discriminatory enforcement and broad reach of the Disturbing Schools and Disorderly Conduct Laws. (Compl. ¶¶ 81, 106). They argue that the terms of the Disturbing Schools Law are vague and fail to provide notice to students and others expected to comply with its terms or to provide sufficient guidance to those charged with its enforcement, permitting arbitrary and discriminatory enforcement. (Compl. ¶ 106). They also contend that the Disorderly Conduct Law is equally vague when applied to elementary and secondary school students. (*Id.*). They claim that infractions including “disruption,” “behavior that significantly interrupts the learning environment,” “fighting,” “excessive noise,” “boisterous play or pranks,” and “profanity” are behaviors that can be addressed through school interventions, yet these behaviors may lead to charges of disturbing school or disorderly conduct. (Compl. ¶ 80).

School Codes of Conduct across South Carolina allegedly reflect the impossibility of distinguishing criminal behavior under the challenged laws from behavior that should be addressed through school responses, such as verbal warnings and parent conferences. (Compl. ¶ 79). The plaintiffs allege that black students and students with disabilities are disproportionately

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more likely to be subjected to exclusionary discipline, such as out-of-school suspension, referral to law enforcement, and arrest at school. (Compl. ¶ 61). Disparities are allegedly most prevalent in categories of discipline that require subjective determination of whether a school rule was violated, such as offenses of “disruption” or “excessive noise.” (Compl. ¶ 63).

The Complaint additionally details alleged experiences by other students who have been referred to Girls Rock but who are not named as plaintiffs. (Compl. ¶¶ 93-98). In Richland School District One, an eight-year-old African-American student was charged with disturbing school and assault when the student, after being directed to leave class, “attempted to slam the classroom door and the teacher’s arm was caught.” (Compl. ¶ 92). In Charleston, an African-American student was charged with disturbing school, subsequently adjudicated delinquent, and referred to Girls Rock as a condition of her probation after she and a group of other students were reported for taking photographs of themselves and other students in the girls’ restroom. (Compl. ¶ 93).

Also in Charleston, a thirteen-year-old Latina student was charged with disturbing school and later adjudicated delinquent after an incident that began with her late arrival to gym class. (Compl. ¶ 94). When the student started to loudly protest her removal from class, an SRO was called. (Id.). The SRO physically restrained the student, took her to the ground, caused bruises, then handcuffed and searched her before releasing the student to her mother. (Id.). She was sentenced to probation and referred to Girls Rock by her probation officer. (Compl. ¶ 95). When she returned to her high school after being charged, she was placed in a program called “Twilight” through which she was provided no more than three hours of computer-based education per day and which did not provide access to the courses necessary to obtain a high

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school diploma. (Id.). Because she was permitted to be on campus only during program hours, she had to find her own transportation to school, which was a costly expense. (Id.).

As a final example, an African-American student was charged with disturbing school after an incident at her Charleston middle school where she was sent out of class for talking. (Compl. ¶ 97). While she sat on a bench outside the classroom, another student walked by and began speaking to her. (Id.). When an SRO noticed the conversation, she was detained, handcuffed, charged with disturbing school, subsequently placed on probation, and referred to Girls Rock. (Id.). When she started high school, she was placed in the Twilight program. (Compl. ¶ 98). After being picked up for truancy, she was detained for violating the terms of her probation. (Id.).

**D. Class Allegations**

D.S. and S.P. bring this action on behalf of themselves and all elementary and secondary public school students in South Carolina, each of whom risks arrest or juvenile referral under the allegedly broad and overly vague terms of the Disorderly Conduct Law (the “plaintiff class”). (Compl. ¶ 109). There are allegedly over 750,000 elementary and secondary public school students residing in South Carolina. (Compl. ¶ 110).

This class action is brought against the named defendants individually and against all South Carolina law enforcement agencies that might enforce the Disturbing Schools and Disorderly Conduct Laws against the plaintiff class (the “defendant class”). (Compl. ¶ 115). There are allegedly more than 200 state and local law enforcement agencies in South Carolina, employing over 11,000 personnel. (Compl. ¶ 116).

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## II. RELEVANT PROCEDURAL BACKGROUND

The defendants filed seven motions to dismiss pursuant to Rules 12(b)(1) and (6) of the Federal Rules of Civil Procedure.<sup>3</sup> (ECF Nos. 27, 28, 34, 36, 41, 42, 44). The grounds raised are: (1) the plaintiffs lack standing to bring this lawsuit; (2) the defendants are not proper; (3) this action is not ripe; (4) abstention forecloses this action; (5) the Rooker-Feldman doctrine and res judicata necessitate dismissal of claims by any plaintiff who has been convicted of or pleaded guilty to charges of violating the Disturbing Schools or Disorderly Conduct Laws; and (6) the challenged laws are not vague. The plaintiffs filed two responses in opposition, and the moving defendants filed several replies thereto. On December 8, 2016, the Court heard oral argument on all pending motions.

This Order addresses the issue of standing. The Court applies the standard under Rule 12(b)(1) of the Federal Rules of Civil Procedure to determine whether dismissal for lack of standing is warranted. See Taubman Realty Grp. Ltd. P'ship v. Mineta, 320 F.3d 475, 480 (4th Cir. 2003) (applying 12(b)(1) standard to dismissal for lack of standing).

## III. STANDARD OF REVIEW

Federal Rule of Civil Procedure 12(b)(1) allows a party to challenge a federal court's jurisdiction over the subject matter of the complaint. See Fed. R. Civ. P. 12(b)(1). The plaintiff invoking the Court's jurisdiction bears the burden of establishing that the Court has the requisite subject-matter jurisdiction to grant the relief requested. Richmond, Fredricksburg & Potomac R.R. Co. v. United States, 945 F.2d 765, 768 (4th Cir. 1991) (citation omitted). When ruling on a 12(b)(1) motion, the Court "should apply the standard applicable to a motion for summary judgment, under which the nonmoving party must set forth specific facts beyond the pleadings to

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<sup>3</sup> The defendant Chief Reynolds has not filed a motion to dismiss or other responsive pleading. He has no counsel of record in this case.

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show that a genuine issue of material fact exists.” Id. (citation omitted). The Court “may consider evidence outside the pleadings without converting the proceeding to one for summary judgment.” Id. (citation omitted). “The moving party should prevail only if the material jurisdictional facts are not in dispute and the moving party is entitled to prevail as a matter of law.” Id. (citation omitted).

#### IV. ANALYSIS

Although some elements of standing are “merely prudential considerations that are part of judicial self-government, the core component of standing is an essential and unchanging part of [Article III’s] case-or-controversy requirement[,]” which limits the Court’s subject-matter jurisdiction. Lujan v. Defs. of Wildlife, 504 U.S. 555, 559-60 (1992) (citation omitted).

Standing sets apart the “cases” and “controversies” that are the justiciable sort referred to in Article III, “serv[ing] to identify those disputes which are appropriately resolved through the judicial process.” Id. at 560 (alteration in original) (quoting Whitmore v. Arkansas, 495 U.S. 149, 155 (1990)). If the plaintiffs lack Article III standing, then the Court lacks subject-matter jurisdiction to entertain their claims.

Standing must be established by individual and organizational plaintiffs alike. White Tail Park, Inc. v. Stroube, 413 F.3d 451, 458 (4th Cir. 2005) (citing Havens Realty Corp. v. Coleman, 455 U.S. 363, 378 (1982)). “An organizational plaintiff may establish standing to bring suit on its own behalf when it seeks redress for an injury suffered by the organization itself.” Id. (citation omitted). Additionally, an organizational plaintiff may establish “associational standing” on behalf of its members “when: (1) its members would otherwise have standing to sue as individuals; (2) the interests at stake are germane to the group’s purpose; and (3) neither

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the claim made nor the relief requested requires the participation of individual members in the suit.” Id. (citation omitted).

There are three constitutional requirements for standing: (1) an “injury-in-fact,” which means “invasion of a legally protected interest” that is both “concrete and particularized” and “actual or imminent, not conjectural or hypothetical”; (2) a causal relationship where the injury is fairly traceable to the defendant’s conduct; and (3) a favorable court decision is likely to redress the injury. Ne. Fla. Chapter of the Associated Gen. Contractors of Am. v. Jacksonville, 508 U.S. 656, 663-64 (1993) (citations omitted). The elements of standing are not merely pleading requirements but are “an indispensable part of the plaintiffs’ case,” and the plaintiffs bear the burden of proof. Lujan, 504 U.S. at 561. Standing “depends not upon the merits . . . but on whether the plaintiff is the proper party to bring [the] suit.” White Tail Park, 413 F.3d at 460 (alteration in original) (citations omitted).

To demonstrate injury-in-fact, a plaintiff “must show that he has sustained or is immediately in danger of sustaining some direct injury as the result of the challenged official conduct[,] and the injury or threat of injury must be both real and immediate, not conjectural or hypothetical.” City of L.A. v. Lyons, 461 U.S. 95, 101-02 (1983) (citations omitted). However, a plaintiff seeking injunctive and declaratory relief must demonstrate a sufficient likelihood of future injury from the unconstitutional conduct to warrant such equitable relief. See id. at 105, 111 (citation omitted) (holding allegation of prior incident of chokehold use by police as insufficient to confer standing to sue for equitable relief); see also Super Tire Eng’g Co. v. McCorkle, 416 U.S. 115, 122 (1974) (requiring allegations to show a substantial controversy of sufficient immediacy and reality to warrant declaratory relief); see also Fed. R. Civ. P. 57 advisory committee’s note to 1937 adoption (quoting Ashwander v. Tenn. Valley Auth., 297

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U.S. 288 (1936)) (“The ‘controversy’ must necessarily be ‘of a justiciable nature, thus excluding an advisory decree upon a hypothetical state of facts.’”).

In the present case, the plaintiffs do not seek relief for past arrests under the challenged laws; rather, they seek equitable relief from future injury. Thus, this case is a pre-enforcement challenge to the Disturbing Schools and Disorderly Conduct Laws. Courts “have permitted pre-enforcement review under circumstances that render the threatened enforcement [of a law] sufficiently imminent. Susan B. Anthony List v. Driehaus, 134 S. Ct. 2334, 2342 (2014). “[A] plaintiff satisfies the injury-in-fact requirement where he alleges ‘an intention to engage in a course of conduct arguably affected with a constitutional interest, but proscribed by a statute, and there exists a credible threat of prosecution thereunder.’” Id. (quoting Babbitt v. United Farm Workers Nat’l Union, 442 U.S. 289, 298 (1979)).

Accordingly, to satisfy the injury-in-fact requirement of standing, the plaintiffs in this case must allege an intention to engage in a course of conduct proscribed by the challenged laws, affecting their Fourteenth Amendment due process rights, and a credible threat of prosecution. Because the plaintiffs seek injunctive and declaratory relief from future injury, not pecuniary damages for past wrongs, their alleged injuries cannot be “conjectural” or “hypothetical[.]” Lyons, 461 U.S. at 102; “remote[.]” Warth v. Seldin, 422 U.S. 490, 507 (1975); “speculative[.]” Simon v. E. Ky. Welfare Rights Org., 426 U.S. 26, 42-46 (1976); or “[a]bstract[.]” O’Shea v. Littleton, 414 U.S. 488, 494 (1974). Rather, they must be “certainly impending.” Whitmore v. Arkansas, 495 U.S. 149, 158 (1990) (citation omitted).

Lyons is an illustrative case where the plaintiff failed to show a likelihood of future harm. In that case, during the course of a traffic stop, the plaintiff was handcuffed by police and subsequently choked without provocation or justification until he blacked out. 461 U.S. at 97.

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He later sued to enjoin as unconstitutional the use of chokeholds by the Los Angeles Police Department in instances where an officer was not threatened with deadly force. Id. at 98. The United States Supreme Court held that the plaintiff did not have standing to seek injunctive relief; although he could bring suit seeking damages for his injuries, the plaintiff lacked standing to enjoin the police because he failed to demonstrate the likelihood that he would be choked again in the future. Id. at 105. A conversely comparative case is County of Riverside v. McLaughlin, where the plaintiff pleaded likelihood of future harm sufficient to withstand a motion to dismiss. 500 U.S. 44, 51 (1991) (denying motion to dismiss in lawsuit challenging county's arraignment policy allowing long delays over weekends and holidays before arraignments because plaintiffs were under arrest and in custody upon filing complaint, alleging that they would "continue to suffer that injury until they received the probable cause determination to which they were entitled.").

As a final illustration, in Lujan, the United States Supreme Court considered a challenge to a federal regulation exempting government activities outside the United States from the Endangered Species Act. 504 U.S. at 557-60. The plaintiffs claimed that the regulation's noncompliance with the Act "with respect to certain funded activities abroad increase[es] the rate of extinction of endangered and threatened species." Id. at 562 (alteration in original) (citation omitted). Two of the plaintiffs made allegations describing their trips abroad to observe endangered species. Id. at 563. Applying Lyons, the Supreme Court held that the plaintiffs lacked standing because they failed to demonstrate the likelihood of future injury by destruction of endangered species abroad. Id. at 564 (alteration in original) (citation omitted) ("Past exposure to illegal conduct does not in itself show a present case or controversy regarding injunctive relief . . . if unaccompanied by any continuing, present adverse effects."). The

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allegations that the plaintiffs made trips in the past “prove[d] nothing,” and their intent to return in the future “some day” was insufficient for standing “without any description of concrete plans or indeed any specification of when the some day will be . . . .” Id.

**A. Standing of Kenny, Nesmith, D.S., S.P., and Girls Rock on behalf of its members**

In the present case, the pleaded facts of past exposure to allegedly unconstitutional conduct are likewise insufficient to support equitable relief; the plaintiffs must allege impending harm or at least “an intention to engage in a course of conduct arguably affected with a constitutional interest” accompanied by “a credible threat of prosecution[.]” Driehaus, 134 S. Ct. at 2342. With regard to future injury, the individual plaintiffs—Kenny, Nesmith, D.S., and S.P.—each allege the same: they “fear[] future arrest and prosecution” under either or both the Disturbing Schools and Disorderly Conduct Laws “if, while on or around the grounds of a school,” his or her “actions are interpreted to fall under any of the broad terms” of the laws. (Compl. ¶¶ 17, 19, 21, 25). The proposed plaintiff class members—“all elementary and secondary public school students in South Carolina” represented by D.S. and S.P.—allegedly “face[] a risk of arrest or juvenile referral under the broad and overly vague terms of the challenged statutes.” (Compl. ¶ 109). Finally, for the suit it brings on behalf of its members, Girls Rock similarly states that its members are “students who risk arrest or referral under [the Disturbing Schools Law] or [Disorderly Conduct Law] while attending school.” (Compl. ¶ 23).

The question thus becomes whether the allegations of “fear” or “risk” of future arrest, prosecution, or referral under the challenged laws constitute injuries-in-fact necessary to confer standing to these plaintiffs. These future injury allegations are insufficient to confer standing because they fail to state facts showing imminent harm, an intention to engage in conduct proscribed by the challenged laws, or a credible threat of prosecution. Although imminence is “a

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somewhat elastic concept, it cannot be stretched beyond its purpose . . . —that the injury is certainly impending.” Clapper v. Amnesty Int’l USA, 133 S. Ct. 1138, 1147 (2013) (quoting Lujan, 504 U.S. at 564 n.2). The Supreme Court has “repeatedly reiterated that threatened injury must be certainly impending to constitute injury in fact and that allegations of possible future injury are not sufficient.” Id. (quoting Whitmore, 495 U.S. at 158).

In the present case, like the plaintiff in Lyons, Kenny, Nesmith, D.S., and S.P. allege past injuries to their constitutional right to due process, which may endow them with standing to seek monetary damages; yet they seek equitable relief like the plaintiffs in Lujan, which requires that they plead a likelihood of future injury that is certainly impending and not merely possible. The allegations of “fearing future arrest and prosecution” under the challenged laws followed by a conditional clause—“if, while on or around the grounds of a school” a plaintiff’s “actions are interpreted to fall under any of the broad terms” of the laws—do not demonstrate a likelihood of future injury, an intention to engage in proscribed conduct, or a credible threat of prosecution. (See Compl. ¶¶ 17, 19, 21, 25). The same is true of the claims that Girls Rock brings on behalf of its members “who risk referral under [the Disturbing Schools Law] or [Disorderly Conduct Law] while attending school. (See Compl. ¶ 23). The allegations pertaining to Kenny, Nesmith, D.S., S.P., and Girls Rock’s members do not rise above speculation, and thus the Court cannot provide the injunctive and declaratory relief requested.

Absent allegations of a sufficient likelihood that these students will be charged under the challenged laws again or that a credible threat of prosecution looms, these plaintiffs are no more entitled to equitable relief than any other citizen of South Carolina, and the Court may not entertain a constitutional challenge to a state criminal statute merely because a citizen desires to have it struck down or even because she may some day act in a manner that violates it. See

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Lyons, 461 U.S. at 111 (“Absent a sufficient likelihood that he will again be wronged in a similar way, Lyons is no more entitled to an injunction than any other citizen of Los Angeles; and a federal court may not entertain a claim by any or all citizens who no more than assert that certain practices of law enforcement officers are unconstitutional.”). The speculative and hypothetical nature of the individual plaintiffs’ alleged future injuries is insufficient to confer standing where only equitable relief is sought. Girls Rock likewise lacks associational standing to sue on behalf of its members because they lack standing to sue as individuals due to the speculative and hypothetical nature of their allegations. See White Tail Park, 413 F.3d at 458 (requiring organizational plaintiff’s members to have standing individually in order for their organization to sue on their behalf). Therefore, the Court dismisses the claims of Kenny, Nesmith, D.S., S.P., and Girls Rock on behalf of its members for lack of standing.

**B. Standing of Girls Rock on its own behalf**

With respect to the suit Girls Rock brings on its own behalf, the organization states that it “is substantially burdened in its mission by the continued practice of charging students under [the Disturbing Schools Law].” (Compl. ¶ 23). It further alleges that enforcement of the Disturbing Schools Law “has . . . impacted Girls Rock as an organization[]” and that it “has taken up efforts to challenge the Disturbing Schools statute and bring awareness to the statute’s negative impact on Charleston area young people.” (Compl. ¶ 103). These efforts include: (1) “operat[ing] an afterschool program serving at-risk youth and youth who have been involved in the justice system[,] . . . guided by core principles that include challenging criminalization and promoting collective accountability for behavior[,]” (Compl. ¶ 22); (2) “provid[ing] mentorship, music and arts education, and leadership development to young people in Charleston, South Carolina[,]” (id.); and (3) advocating “on behalf of individual students who have been charged under the

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challenged statutes, foster[ing] leadership and community involvement in the young people it serves, and help[ing] create opportunities for them to advocate for their own rights—including the right to be free from enforcement of [the challenged laws].” (Mem. in Opp’n to Defs.’ Mots. to Dismiss 3, ECF No. 54). For the following reasons, these allegations are insufficient to confer standing on Girls Rock to sue on its own behalf because it lacks two requirements of injury-in-fact: imminence of harm and invasion of a legally protected interest.

1. Injury-in-fact: Imminence

When a plaintiff “is not [it]self the object of the government action . . . [it] challenges, standing is not precluded, but it is ordinarily ‘substantially more difficult’ to establish.” Lujan, 504 U.S. at 562 (citation omitted). Like the other plaintiffs’ injuries sought to be redressed with equitable relief, Girls Rock’s alleged injury of being substantially burdened in its mission by the continued practice of charging students under the Disturbing Schools Law is insufficient to confer standing because it depends on the future action of law enforcement officers who may or may not be before the Court. See id. Such future action by law enforcement would have to further arise from the future conduct of non-party students whose behavior results in disturbing schools prosecution, sentencing, and subsequent referral to Girls Rock. See id. Girls Rock’s injury is premised on hypothetical circumstances and lacks imminence. Moreover such injury is too attenuated from the claims before the Court: that the challenged laws violate students’ Fourteenth Amendment due process. See Friends of the Earth, Inc. v. Gaston Copper Recycling Corp., 204 F.3d 149, 154-55 (4th Cir. 2000) (requiring courts to consider attenuation between the illegal conduct and injury when examining allegations related to Article III standing). Therefore, the imminence requirement is not satisfied.

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2. Injury-in-fact: Invasion of a Legally Protected Interest

“Proper regard for the complex nature of our constitutional structure” does not require the Court to avoid confrontation with other branches of government, “nor that it hospitably accept for adjudication claims of constitutional violation by other branches of government where the claimant has not suffered a cognizable injury.” Valley Forge Christian Coll. v. Ams. United for Separation of Church & State, Inc., 454 U.S. 464, 474 (1982). Accordingly, the Court refrains from determining the constitutionality of the challenged laws “unless obliged to do so in the proper performance of . . . judicial function, when the question is raised by a party whose interests entitle him to raise it.” Id. (quoting Blair v. United States, 250 U.S. 273, 279 (1919)).

Generally, a plaintiff “must assert his own legal rights and interests” and may not rely on the legal rights or interests of third parties. Id. (citation omitted). An exception exists “in the First Amendment context” where litigants may “challenge a statute not because their own rights of free expression are violated, but because . . . the statute's very existence may cause others not before the court to refrain from constitutionally protected speech or expression.” Virginia v. Am. Booksellers Ass’n, Inc., 484 U.S. 383, 392-93 (1988) (citation omitted). However, this exception does not apply in the present case because the Complaint does not allege infringement of First Amendment rights. Another exception has been allowed in cases challenging abortion laws, also not applicable to the case at hand. See Planned Parenthood of Se. Pa. v. Casey, 505 U.S. 833, 844-45 (1992) (allowing abortion providers to bring pre-enforcement challenge to Pennsylvania law requiring husband’s consent prior to his wife’s abortion).

A complaint must fall within the zone of interests protected by the statute or constitutional provision in question. Valley Forge, 454 U.S. at 475 (citation omitted). Here, the Complaint contains no allegations demonstrating that Girls Rock’s interests fall within the zone


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of interests protected by the constitutional provision in question—the Due Process Clause of the Fourteenth Amendment—to render its interests at stake in this case. Therefore, the requirement of invasion of a legally protected interest is not satisfied. In summation, Girls Rock does not have standing to sue on its own behalf because it lacks the injury-in-fact requirements of imminence of harm and invasion of a legally protected interest. Accordingly, the Court dismisses Girls Rock’s claim on its own behalf.

**V. CONCLUSION**

For the foregoing reasons, the plaintiffs lack Article III standing. Therefore, the Court lacks subject-matter jurisdiction to hear their claims. The Court grants the motions to dismiss (ECF Nos. 27, 28, 34, 36, 41, 42, and 44). Accordingly, the case is dismissed without prejudice.

**AND IT IS SO ORDERED.**

  
C. WESTON HOUCK  
UNITED STATES DISTRICT JUDGE

February 28, 2017  
Charleston, South Carolina

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AO 450 (SCD 04/2010) Judgment in a Civil Action

**UNITED STATES DISTRICT COURT**  
for the  
District of South Carolina

Niya Kenny; Taurean Nesmith; Girls Rock  
Charleston Inc; D.S., by and through her next of kin  
Juanita Ford, and S.P., by and through her next of  
kin Melissa Downs, on behalf of themselves and all  
others similarly situated,

*Plaintiff*

v.

Civil Action No. 2:16-cv-2794-CWH

Alan Wilson in his official capacity as Attorney  
General of S.C.; J. Alton Cannon, Jr., in his official  
capacity as the Sheriff of Charleston County, SC;  
Gregory G. Mullen in his official capacity as the  
Chief of the Police Department of the  
City of Charleston, SC; Eddie Driggers, Jr. in his  
official capacity as the Chief of the Police  
Department of the City of North Charleston, SC;  
Carl Ritchie in his official capacity as the Chief of  
the Police Department of the City of Mt. Pleasant,  
SC; Leon Lott in his official capacity as the Sheriff  
of Richland County, SC; W.H. Holbrook in his  
official capacity as the Chief of the Police  
Department of the City of Columbia, SC; Steve  
Loftis, in his official capacity as the Sheriff of  
Greenville County, SC; Ken Miller in his official  
capacity as the Chief of the Police Department of the  
City of Greenville, SC; Lance Crowe in his official  
capacity as the Chief of the Police Department of the  
City of Travelers Rest, SC; Steve Moore in his  
official capacity as Interim Chief of the Police  
Department of the City of Simpsonville, SC; M.  
Bryan Turner in his official capacity as the Chief of  
the Police Department of the City of Mauldin, SC;  
Dan Reynolds in his official capacity as the Chief of  
the Police Department of the City of Greer, SC;  
A. Keith Morton in his official capacity as the Chief  
of the Police Department of the City of Fountain Inn,  
SC; on behalf of themselves and others similarly,  
situated,

*Defendants.*

**JUDGMENT IN A CIVIL ACTION**

The court has ordered that (*check one*):

the plaintiff (*name*) \_\_\_\_\_ recover from the defendant (*name*) \_\_\_\_\_ the amount of \_\_\_\_\_ dollars (\$\_\_\_),  
which includes prejudgment interest at the rate of \_\_\_ %, plus postjudgment interest at the rate of \_\_\_ %, along with  
costs.

the plaintiff recover nothing, the action be dismissed on the merits, and the defendant *(name)* \_\_\_\_\_  
recover costs from the plaintiff *(name)* \_\_\_\_\_.

other: The Court lacks subject-matter jurisdiction to hear the claims of the Plaintiffs and grants the Defendants' Motions to Dismiss. Accordingly, this case is dismissed without prejudice.

This action was *(check one)*:

tried by a jury, the Honorable \_\_\_\_\_ presiding, and the jury has rendered a verdict.

tried by the Honorable \_\_\_\_\_ presiding, without a jury and the above decision was reached.

decided by the Honorable C. Weston Houck, United States District Judge, on motions to dismiss.

Date: March 6, 2017

CLERK OF COURT

s/ Virginia Druce

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*



**THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION**

KENNY, et al.

Plaintiffs,

v.

WILSON, et al.

Defendants.

CASE NO. 2:16-cv-2794-CWH

**NOTICE OF APPEAL**

Notice is hereby given that Niya Kenny, et al., the Plaintiffs in the above named case, hereby appeal to the United States Court of Appeals for the Fourth Circuit from order of dismissal entered in this action on the 3 day of March, 2017.

Dated: March 22, 2017

Respectfully submitted,

s/Susan K. Dunn

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ATTORNEYS FOR PLAINTIFFS

**CERTIFICATE OF SERVICE**

I hereby certify that on this 17<sup>th</sup> day of May, 2017, I filed the foregoing corrected Joint Appendix with the Clerk of the Court using the CM/ECF system, which will automatically serve electronic copies upon all counsel of record.

s/Sarah Hinger \_\_\_\_\_

Sarah Hinger

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