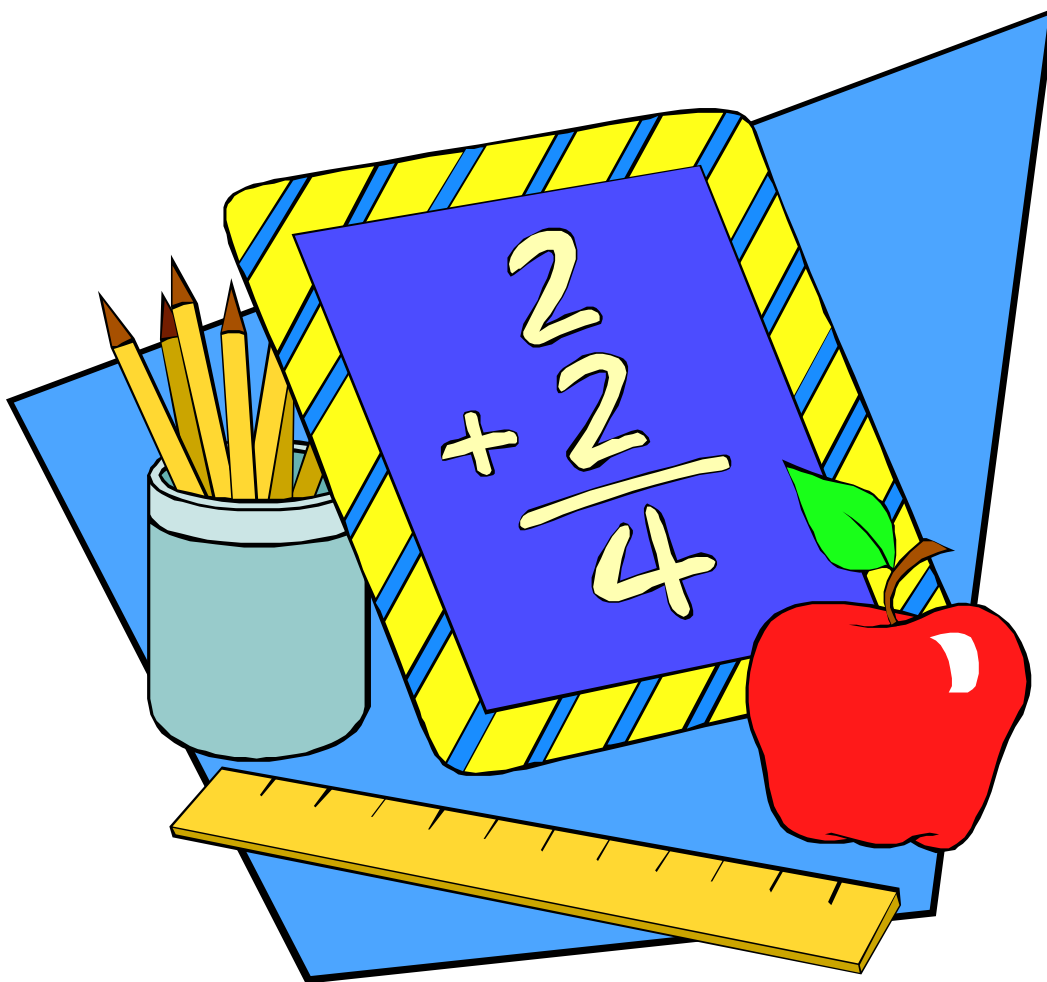


Phenix City Public Schools

# STUDENT CODE OF CONDUCT



*Revised  
June 25, 2009*

# **STUDENT CODE OF CONDUCT**

## **INTRODUCTION**

The Phenix City Board of Education believes that for students to be able to receive effective quality instruction, schools must be safe, orderly, friendly and business-like. This Student Code of Conduct was developed to help students, parents and school personnel understand what behavior is expected in our schools and to explain the consequences for violating the rules.

## **DUE PROCESS**

Due process will include the appropriate hearings and reviews, and in all cases the rights of individuals will be ensured and protected.

“Students in school, as well as out, are persons under the Constitution. They are possessed of fundamental rights which the State must respect, just as they themselves must respect their obligation to the State.”  
(United States Supreme Court)

## **ROLES OF THE PARENTS, STUDENTS, SCHOOLS AND SCHOOL PERSONNEL**

For schools to provide the most effective educational program, parents, students and school personnel must develop a cooperative relationship. This will require:

### **Parents/Guardians who:**

- promote the development of cooperative, courteous attitudes in their children;
- keep in touch with the school concerning all phases of their children's progress;
- see that children are regular in attendance and that any absence or tardiness is promptly explained;
- provide materials and resources needed to complete class work;
- help their children to be healthy, clean and neat;
- talk with school officials about special conditions which affect their children or other children in the school;
- discuss progress reports, report cards and work assignments with their children;
- are responsible for providing current, correct addresses, phone numbers and emergency contacts to the school office;
- attend scheduled parent-teacher conferences;
- see that students who do not ride the bus arrive at school at the appropriate time and leave immediately when dismissed;
- work with school personnel to achieve appropriate behavior for their children.

### **Students who:**

- are present and punctual to all classes daily;
- come to class with appropriate supplies;
- respect the person and property of others;

- are clean, neat and appropriately dressed;
- conduct themselves in a safe, responsible and courteous manner;
- refrain from the use of profanity and inflammatory remarks;
- are responsible for their own work;
- show a positive, cooperative attitude toward the school and school personnel;
- are familiar with the local school handbook and follow its rules.

Schools that:

- show respect for all students;
- provide courses of study which meet the educational needs of students;
- use effective discipline techniques based upon fair and impartial treatment;
- cooperate with community agencies;
- make parents feel welcome, needed and appreciated;
- are clean, neat, safe and comfortable;
- promote a spirit of warmth and cooperation among staff and with students;
- seek to involve students in appropriate policy decisions;
- provide steps in grievance procedures;
- are sensitive to the special needs of students.

School personnel who:

- are punctual and regular in attendance to school and assignments;
- come prepared to perform their duties with appropriate materials;
- refrain from the use of profanity and inflammatory statements;
- respect the person and property of others;
- are clean, neat and appropriately dressed;
- conduct themselves in a safe, responsible and courteous manner;
- follow rules and regulations of the school and the Phenix City Board of Education;
- are approachable and available to students and parents;
- seek changes through proper channels;
- continually update professional knowledge and skills;
- show a positive, cooperative attitude toward students and the school.

**JURISDICTION OF THE SCHOOL BOARD**

Students shall be under the jurisdiction of the school from the time they arrive at school each day until they leave the school campus in the afternoon. In cases where students ride a school owned bus, they shall be under the jurisdiction of the school from the time they board the bus until the students exit the bus in the afternoon.

Students shall be under the jurisdiction of the school while attending any school sponsored activity either at school or away from school. This shall apply to all students including athletic teams, pep clubs, band and other student organizations.

Jurisdictional control over students may be extended to the immediate vicinity of the school and the bus stop if the conduct of the student(s) appears to have a harmful effect on the health, safety or welfare of others.

## ATTENDANCE

Alabama law requires all children between the ages of seven and **seventeen** to attend school.

The Phenix City Board of Education believes that regular attendance is necessary for successful completion of course requirements. Administrators and teachers will make reasonable efforts to encourage attendance by students and inform parents when there are attendance problems. The final responsibility, however, rests with each student and his/her parent.

### Student Responsibilities:

- to attend all classes daily and on time;
- to provide appropriate documentation for all absences;
- to request, complete and turn in on time all make up work given for excused absences.

### Student Rights:

- to be informed of and oriented to attendance policies and procedures;
- to appeal decisions pertaining to absences;
- to be given make up work and a reasonable length of time for completing and turning it in.

## GUIDANCE SERVICES

Schools have the responsibility to provide a guidance/counseling program appropriate to the age of the students and to make relevant information available to students.

### Student Responsibilities:

- to use guidance services for their education and personal improvement;
- to cooperate with guidance personnel and schedule appointments in advance unless an emergency exists.

### Student Rights:

- to be informed of services available at the school;
- to have access to individual and group guidance.

## FREE SPEECH AND EXPRESSION

In a democratic society, one of the basic purposes of education is to prepare students to express themselves in a responsible manner. Self-expression is guaranteed under the 1st and 14th Amendments of the Constitution of the United States.

### Student Responsibilities:

- to respect the rights and beliefs of others;
- to respect the opinions of others to disagree in a manner that does not interrupt the educational process;

- to act in a way which upholds the dignity of all people;
- to plan, seek approval for and conduct activities which fit the educational objectives of the school.

Student Rights:

- to express written or verbal views in a manner which is not obscene, profane, slanderous or libelous;
- to identify with American ideals express in the Constitution of the United States;
- to refrain from any activities which violate personal religious beliefs or practices.

**GRADES**

A grade in a subject should be the teacher's objective evaluation of the student's achievement in the class. Grades will not be used as a way of keeping order in the classroom, nor should a student's behavior be used in determining grades.

Student Responsibilities:

- to become informed of the way grades are determined in each class;
- to perform equal to ability and try to improve when notice is given of unsatisfactory work.

Student Rights:

- to be oriented to a teacher's method of grading at the beginning of the course;
- to receive regular progress reports.

**PRIVACY AND PROPERTY RIGHTS**

Federal and state laws provide students with a reasonable expectation of privacy along with freedom from unreasonable search and seizure of property. However, these guarantees are not unlimited and must be balanced by the school's responsibility to protect the health, safety and welfare of all students.

Student Responsibilities:

- to attend school and activities without bringing anything prohibited by law or school board policy or that will interfere with the educational process;
- to respect the property and rights of others and to refrain from damage or destruction of it.

Student Rights:

- to have personal possessions kept unless appropriate school personnel have reasonable cause to believe the law or school board policy is being violated;
- to attend school in a place where personal property is respected.

## **STUDENT RECORDS**

Student records should contain relevant, accurate and appropriate information needed for making educational decisions. These records are to be treated confidentially.

### **Responsibilities of Students and Parents/Guardians:**

- to give the school any information that may be useful in making appropriate educational decisions;
- to authorize release of information to appropriate agencies when it is within federal, state and local agencies.

### **Student Rights:**

- to review and challenge information contained in records relating directly to the student;
- to be assured of protection from illegal release of personal identifiable information to unauthorized sources.

## **STUDENT ORGANIZATIONS**

Student governments can be effective in training students for involvement in the democratic process. School personnel have the responsibility to see that these organizations provide for positive student involvement.

### **Student Responsibilities:**

- to become informed on policies and rules concerning the actions of students;
- to conduct campaigns in a way that respects the dignity of all;
- to elect student officers and representatives who are aware of the school needs and will work continuously toward meeting those needs;
- to regularly attend appropriate meetings and exhibit proper conduct.

### **Student Rights:**

- to have access to board policies and school rules;
- to run for a school office without regard to race, sex, creed or political beliefs;
- to form approved student organizations within the school under the supervision of a faculty advisor;
- to attend meetings when they are scheduled, provided they have the principal's\* approval.

\* Principal may mean an assistant principal or other professional designated by the principal as his/her representative. This applies anywhere the word principal is used in this Student Code of Conduct.

## **STUDENT PUBLICATIONS**

One of the functions of schools is to provide ways through which students may express themselves and participate in exchanging ideas. Official student publications should include viewpoints representative of all the students. Final approval rests with the principal.

### Student Responsibilities:

- to refrain from publishing obscene, libelous and offensive materials;
- to seek full information on topics to be published;
- to observe rules of good journalism under the guidance of a faculty member.

### Student Rights:

- to participate in the development of publications which are part of the curriculum and under the supervision of a faculty member.

## **STUDENT GRIEVANCES**

The Phenix City Board of Education believes that students have a right to express their concerns to school personnel. Therefore, students shall be guaranteed the opportunity to present their grievances in an orderly manner with the assurance that their concerns will be reviewed. The process must be as follows:

1. Student(s) should request an appointment with the principal.
2. The appointment must be at a time that will not interfere with regularly scheduled classes or activities.
3. The principal will, with the help of appropriate school personnel, make an honest effort to resolve the problem.
4. If the principal is unable to settle the matter, the concern may be sent to the superintendent of schools.

## **FORMAL DISCIPLINARY ACTION AND PROCEDURES**

### After-School Detention:

Certified staff members have the authority to assign students to stay after school as a disciplinary action. A student may be required to stay up to one hour beyond the normal dismissal time provided parents have been notified a day in advance. When after-school detention is necessary, the parent shall be responsible for picking the student up at the designated time.

### Disciplinary Probation:

Disciplinary probation is a set amount of time the principal gives for a student to correct his/her behavior. Specific requirements will be established for the student to follow during the period of probation. Staff members who are involved will monitor the student and help the principal determine if the conditions are met.

### In-School Suspension / Behavioral Support Classroom:

In-School Suspension / **Behavioral Support Classroom** occurs when a student is removed from the regular classroom activities but is not dismissed from the school. The principal has the authority to assign students to in-school suspension / **behavioral support classroom** for a reasonable and specified period of time. Principals and their staffs have the responsibility of determining the particulars of the program in their respective schools.

### Writing Assignments:

If writing assignments are used as a consequence for violation of school rules, they will be used as a tool for teaching and learning. For example, a principal may require a student to write a plan for correcting his/her behavior or to write an essay on classroom conduct. In no case should repetitive sentence writing be assigned as punishment for misbehavior.

### Work Assignment:

The principal has the authority to assign supervised activities related to maintenance of school facilities as a disciplinary action. Such activities should be related to the offense and for a reasonable and specified length of time. In addition, they must be appropriate to the age, size and physical condition of the student. Parents/guardians will be notified prior to the student's work time and are responsible for transporting the student.

### School Bus Suspension:

The principal has the authority to deny a student the privilege of riding a school bus based on the student's violations of the rules. The suspension shall be for a reasonable and specific period of time. When such action is taken, the parent shall be responsible for the student's transportation. In extreme cases, bus privileges may be revoked.

### Physical Restraint:

When it is necessary to maintain order, the principal has the authority to use reasonable force to restrain a student from hurting or attempting to hurt himself or others. Law enforcement officers may be called to enforce this action if necessary.

### Corporal Punishment:

If corporal punishment is required, it shall be administered with extreme care, tact and caution, and then only by the principal or his designee in the presence of another professional school employee. At no time shall corporal punishment be administered in the presence of another student. The student will be given the reason for the punishment prior to its administration. In cases where a student protests innocence or ignorance, he/she shall be given an opportunity to explain that side of the situation.

### Suspension:

Temporary removal of a student from a school and the school program. It does not include suspension for less than one complete day, alternative school placement or reassignment to another education program or class where the student will receive instruction under the supervision of the local education agency or referral to certificate employee to provide services.

### Saturday School:

The principal has the authority to assign a student to Saturday School in accordance with the policies of the local school and the Board of Education. A notice of the assignment must be given to the student prior to the day on which attendance is required and a copy mailed to the parents.

### Phenix City Success Academy:

The Phenix City Success Academy provides for continuing the education of students no longer permitted in the regular school program. The principal may place a student in the Phenix City Success Academy by following due process procedures, but the final authority rests with the superintendent.

### Expulsion:

Expulsion is the removal by the Board of Education of a student's right to attend school in a school under the management of the Board of Education. Expulsion is for misconduct beyond the school board's resources for correction.

## **FIGHTING**

Any student in grades 8-12 fighting at school, adjacent to school, on the bus, or at the bus stop for whatever reason will be removed from their campus and will be charged with a Class III - Major Offense. Disciplinary actions for a Class III offenses are outlined on page 12 (Administrative Procedures/Remedy Class III Offenses) of the Student Code of Conduct.

Any student in grades 6-7 fighting at school, adjacent to school, on the bus, or at the bus stop for whatever reason, will be assigned to a ten (10) day placement in the Phenix City Intermediate School In-School Suspension Program. This placement may be reduced to five (5) days if the parent/guardians agree to participate in a conflict resolution program presented by the school counselor(s). In exceptional situations, the Principal may charge a student for fighting under the Class III - Major Offense.

If a student fights on the bus, in addition to the above punishment, they may be suspended from the bus for the remainder of the school year or parts of the following school year.

## **OUT OF SCHOOL VIOLENT CRIMINAL CONDUCT**

It is the intent and duty of the Phenix City Board of Education to provide students, teachers, staff, and administrators with educational settings that are safe, orderly, and conducive to learning. Therefore, if a student is charged with a crime in the community that is of a violent nature, or involves deadly weapons, the school principal shall notify immediately the Superintendent, or designee, and apprise him / her of the charges. A hearing will be held to consider the nature and seriousness of the charges affording the student and the parents proper due process. One of the following recommendations will be made at the hearing:

- The student will be suspended and may not be readmitted to school until criminal charges have been disposed of by appropriate authorities.
- The student will be placed in the Phenix City Success Academy until criminal charges have been disposed of by appropriate authorities.
- The student will be placed in a Homebound setting or at a neutral site until criminal charges have been disposed of by appropriate authorities.

During this period of time, the student will not be allowed to come on campus of any Phenix City school or attend any extra-curricular activity or event involving a Phenix City school.

The graduation ceremony is a privilege, not a right; therefore, if the graduation ceremony is an issue, the principal and Superintendent (or designee) will make the determination regarding the student's participation in the ceremony.

### **PARTICIPATION IN GRADUATION CEREMONY**

Participation in the graduation ceremony is a privilege, not a right. This privilege is earned by completing all graduation requirements set forth by the Alabama State Board of Education and the Phenix City Board of Education. This privilege may be revoked based on serious misconduct, on or away from the school campus, especially if the event occurs at or near the time of graduation. This determination will be made by the principal, Superintendent, or his / her designee.

### **CONDUCT AT EXTRACURRICULAR ACTIVITIES**

Extracurricular activities are an important part of any quality educational experience for students and are equally important to the overall health and image of the school and community. These activities include band, academic clubs, cheerleading and athletics as well as many other organizations. Any misconduct which causes a student to be removed/ejected from participation in an event/game will be subject to the following:

1. A minimum one (1) game/event suspension.
2. Payment of any fines that might be levied due to the suspension/ejection. This pertains especially to athletic events and fines must be paid before continued participation by the student. If the parent/student choose not to pay the fine, the student will be removed from the team.
3. During the suspension a student may not travel with the team/club or be on site when the team participates.
4. The above standards also pertain or apply to coaches.
5. Any other unsportsmanlike conduct resulting in an ejection and/or fine may result in removal from the team for the remainder of the season.

### **CLASSIFICATIONS OF VIOLATIONS**

Each classroom teacher will deal with general student disruption by taking disciplinary action in the classroom, by making phone calls to parents when possible, by scheduling conferences with parents and/or by involving school counselors. **Only when such action taken by the teacher is ineffective or when the disruption is severe should students be referred to the principal. Failure to bring notebooks, pencils, books or other necessary materials to class, failure to turn in homework, or failure to participate in class are not reasons to refer a student to the principal. However, defiance of a teacher in regard to these areas is cause for disciplinary referral.**

Violations of the Student Code of Conduct are grouped into three (3) classes:

1. Minor, Class I;
2. Intermediate, Class II;
3. Major, Class III.

Before determining the classification of a violation, the principal will consult with the student(s) involved and with the appropriate school personnel. Once the classification is made, the principal will implement the disciplinary procedure.

Habitual Violations:

Violations will be considered habitual after the third offense within the same class. When it is determined that a violation must be treated as habitual, the disciplinary actions listed in the next higher class for subsequent offenses will be used.

The habitual violations concept will apply to Class I and Class II offenses.

Multiple Violations:

Multiple violations in the same class during one incident will be considered more serious than a single violation and may be transferred to a higher class for disciplinary action.

**GLOSSARY**

Definitions and clarifications of terms and offenses may be found in the glossary located at the end of this document.

**MINOR OFFENSES - CLASS I**

- 1.01 Excessive distraction of students - Any behavior which disrupts the orderly educational process. Examples: Talking excessively, provoking other students, interrupting class functions, etc.
- 1.02 Illegal organization - Any on-campus activities of organizations not recognized by the schools;
- 1.03 Minor intimidation of a student - The intentional, unlawful threat by word or act to do harm to another student which creates a well-founded fear in the student that such harm is likely;
- 1.04 Participation in games of chance (gambling) for money and/or other things of value;
- 1.05 Excessive tardiness - Repeatedly reporting late to school or class (refer to local school handbook);
- 1.06 Non-directed use of profane or obscene language;
- 1.07 Non-conformity to dress code (refer to school handbook);
- 1.08 Minor disruption on a school bus;
- 1.09 Inappropriate public display of affection including, but not limited to, hugging and kissing;
- 1.10 Continued refusal to complete class assignments;

- 1.11 Repeated failure to follow instructions. Examples: Failure to get parent's signature on papers, failure to obey directions in hallways, failure to carry notes home, etc.
- 1.12 Unauthorized use of school or personal property;
- 1.13 Littering of school property;
- 1.14 Continued disregard of student parking rules;
- 1.15 Unwarranted touching of other students;
- 1.16 Unauthorized use and/or possession of all tape players, radios, beepers, cell phones (see glossary - Cellular Phone Use), laser light pointers, video games and any other distracting electronic devices.

**DISCIPLINARY ACTIONS**  
**MINOR OFFENSES - CLASS I**

**ELEMENTARY:**

FIRST CLASS I OFFENSE

Conference with student and parental contact when warranted

SECOND CLASS I OFFENSE

Parental conference

SUBSEQUENT OFFENSES

Disciplinary action such as after-school detention, completion of written assignments, corporal punishment, probation or suspension at the discretion of the principal.

**SECONDARY:**

FIRST CLASS I OFFENSE

Conference with student and parental contact when warranted. Note: Special circumstances may call for disciplinary action as listed under subsequent offenses.

SUBSEQUENT OFFENSES

Disciplinary options, depending on circumstances are: parental contact and/or conference, probation, completion of written assignments, after-school detention, corporal punishment, Saturday School, work assignments, **or in-school suspension / behavioral support classroom**. Suspension or recommendation to the Alternative Learning Center may be used at the discretion of the principal.

## INTERMEDIATE OFFENSES - CLASS II

- 2.01 Defiance of authority - Any verbal or non-verbal refusal to comply with reasonable orders or directions from school personnel;
- 2.02 Possession and/or use of tobacco products - Having or using tobacco products on the school premises or in any school-sponsored activity;
- 2.03 Assault and/or threat by act or word to do violence to a school board employee (Moved to Class III Offense 3.18);
- 2.04 Harassment/Bullying of Students - Intentionally harassing, touching, striking or causing bodily harm to another student. (See Glossary: Harassment/Bullying);
- 2.05 Fighting - Any physical conflict between two or more students (Moved to Class III Offense 3.21);
- 2.06 Stealing, Larceny, Petty Theft - Intentional, unlawful taking or carrying away of public or personal property valued at less than \$100;
- 2.07 Property Damage/Vandalism - Intentional, deliberate damage of less than \$100 to public or personal property;
- 2.08 Possession of stolen property with the knowledge that it is stolen;
- 2.09 Threats - Extortion - Maliciously threatening, verbally or in writing, to injure the person, property or reputation of another with the intent to extort money or gain any advantage whatsoever; and/or intentionally attempting to force the threatened person or any other person to do an act against his/her will;  
  
NOTE: Completion of the extortion, either by the victim's giving in or by the threats being carried out against the victim, makes 2.09 a Class III- Major Offense.
- 2.10 Trespassing - Willfully entering or remaining in/on property without proper authorization; or having authorization but has been warned by a person in authority to leave but refuses to do so;
- 2.11 Possession and/or igniting fireworks;
- 2.12 Obscene manifestations (verbal, written or gesture) toward another person;
- 2.13 Directing profane or obscene language toward a school board employee (Moved to Class III Offense 3.19);
- 2.14 Unauthorized absence from school or leaving without permission;
- 2.15 Forgery - Intentionally disrupting school/parent communication. Example: changing grades, signing notes to be allowed to check out of school, etc.
- 2.16 Possession and/or transfer of objects that are potentially dangerous;
- 2.17 Inciting student disorder or malicious mischief;

- 2.18 Intentionally providing false information to or withholding information from school board employees;
- 2.19 Disorderly conduct - Any act which substantially disrupts the orderly conduct of a school function. (See Glossary: Disorderly Conduct);
- 2.20 Excessive disciplinary offenses.

**DISCIPLINARY ACTIONS**  
**INTERMEDIATE OFFENSES - CLASS II**

**ELEMENTARY:**

FIRST AND SECOND CLASS II OFFENSES

Parental contact and disciplinary action

SUBSEQUENT CLASS II OFFENSES

Suspension for one (1) to five (5) school days

**SECONDARY:**

FIRST CLASS II OFFENSE

In-school Suspension / **Behavioral Support Classroom** and/or work assignment before or after school, and/or suspension from school one (1) to three (3) school days.

SUBSEQUENT CLASS II OFFENSES

Suspension for three (3) to five (5 ) school days

NOTE: Special circumstances may result in a recommendation for expulsion. If this occurs, the expulsion procedures in this book will be followed.

**MAJOR OFFENSES - CLASS III**

- 3.01 Drugs - The unauthorized possession, transfer, use, or sale of drugs, drug paraphernalia, alcoholic beverages or counterfeit drugs (See Glossary: Alcohol, Drug);
- 3.02 Arson - The malicious and willful burning of or attempting to burn property;
- 3.03 Assault upon a school board employee - The unlawful and intentional touching or striking of a school board employee;
- 3.04 Robbery - The taking of money or property from another by force, violence, assault or the instilling of fear;

- 3.05 Stealing - The deliberate, unlawful taking or carrying away of property valued at \$100 or more belonging to or in the lawful possession of another;
- 3.06 Gambling - The intentional, unlawful participation in gambling activities involving amounts over \$100;
- 3.07 Burglary of school property - Entering or remaining in a structure or conveyance with the intent to commit an offense when the premises are closed to the public;
- 3.08 Criminal Mischief - Willful and malicious injury or damage of \$200 or more to public or private property;
- 3.09 Weapons Possession - Any instrument or object carried with the intent to be armed (See definition in Glossary);

NOTE: The Gun-Free Schools Act of 1994 requires the expulsion (i.e. the removal from the regular school program) of any student who brings a firearm to school for a period of at least one year. In addition, the student will be referred to the juvenile court system.

- 3.10 Discharging any pistol, rifle, shotgun, air gun or any other device;
- 3.11 Bomb threats - Any such communication regarding school board property which causes the interruption of the educational environment;
- 3.12 Explosions - Preparing, possessing or igniting on school board property explosive substances likely to cause serious bodily injury or property damage;
- 3.13 Sexual Acts
  - 1. Acts of a sexual nature including, but not limited to, intercourse, battery, rape or attempted rape;
  - 2. Indecent exposure;
  - 3. Any form of sexual harassment whether written or verbal.
- 3.14 Assault - Intentionally causing great bodily harm, disability or permanent disfigurement (See Glossary: Assault);
- 3.15 Inciting or participating in student disorder - Leading, encouraging or assisting in major disturbances which result in destruction/damage to property and/or injury to others during any school-sponsored activity;
- 3.16 Distributing, producing or selling school records such as report cards, grade sheets, etc.
- 3.17 Activating fire alarms with malicious intent;
- 3.18 Assault and/or threat by act or word to do violence to a school board employee;
- 3.19 Directing profane or obscene language toward a school board employee;

3.20 Terroristic Threats: Any communication or actions regarding students or school staff which threatens by any means to commit any crime of violence or to damage any property by doing any of the following:

1. Intentionally or recklessly terrorizing another person;
2. Causing the disruption of school activities;
3. Causing the evacuation of a building, place of assembly or other serious public inconvenience.

(see glossary - Terroristic Threats)

3.21 Fighting - Any physical conflict between two (2) or more students.

NOTE: Disciplinary actions for students in grades 6-12 are addressed in the Fighting section of this document.

### **DISCIPLINARY ACTIONS** **MAJOR OFFENSES - CLASS III**

#### **Administrative Procedures/Remedy/Class III Offenses**

##### Premise:

It is the intent of the Phenix City Board of Education to always strive to make sound decisions in regard to student behavior and administrative remedies that do not rely on a zero-tolerance approach, but rather a balanced approach. Decision-making should be based on sound judgement, discretion, prior history, specific circumstances, experience, the specific facts of the case, and any other information provided that will contribute to a fair judgement and/or subsequent remedy. During this process, the focus will always be on the short and long term impact on the child, as well as the victims (if pertinent), while being mindful of the overall impact on school discipline and parent/teacher/community confidence.

##### Remedies:

The school administrator(s) and central office level hearing officer will make a determination of guilt or innocence and will recommend any combination of the following discipline remedies based on the above premise:

- Expulsion (remainder of school year up to one (1) full year);
- Alternative School Placement (20 days minimum to remainder of the school year);
- Homebound Instruction;
- Suspension (one (1)- ten (10) days);
- Probationary Period (from one (1) month to remainder of school year);
- Community Service;
- Removal from Extra-Curricular Team/Group/Activity (this can range from immediate removal to temporary to permanent removal of any social functions such as the prom, military balls and senior end of year activities to include class night / graduation ceremony);
- Referral to Juvenile Court;
- Referral to Appropriate Community Agency;
- Suspend off bus for up to one (1) calendar year;

- **ALC- Semester;**

Input:

In all cases, input will be solicited from all parties including, but not limited to, victims, parents, involved teachers, coaches, and/or sponsors, and will be considered before rendering a judgement and/or remedy.

Appeals:

All decisions will be considered final. Appeals may be submitted in writing to the Superintendent of Education within five (5) days of the hearing with the hearing officer. The appeal focus will be primarily on policy and procedures as opposed to second-guessing the administrators and hearing officer who are much more privy to the details and nuances of the specific case.

ALL STUDENTS:

Recommendation from the principal for expulsion as outlined in the Administrative Procedures for Suspension and Expulsion in this book. The principal shall consult with law enforcement officials on all Class III violations.

**ADMINISTRATIVE PROCEDURES FOR THE SUSPENSION OF STUDENTS**

AUTHORITY:

The school principal has the authority to suspend students from school.

NOTIFICATION:

Prior to suspension -

1. Students will be made aware of the charge(s) against them;
2. Students will be given an opportunity to respond;
3. Reasonable efforts will be made to contact parents/guardians;
4. Parents/guardians will be notified of further action that will take place.

Immediate suspension is justified when the students' continued presence is a threat to themselves or others, endangers school property, or seriously disrupts the orderly educational process. Principals have the authority to call law enforcement officers to remove uncooperative students. When this is necessary, parents/ guardians will be notified by telephone if at all possible.

LENGTH:

1. The principal has the authority to suspend for up to five (5) days and, with the approval of the superintendent, up to ten (10) days.
2. If an incident causes the principal to make a recommendation for expulsion, the suspension shall remain in effect until action is taken on the expulsion recommendation. (See Administrative Procedures for Expulsion of Students section in this book.)

3. Students on suspension but not referred to the superintendent's office, must comply with the full length of the suspension unless the principal approves an alternative.

#### TERMS:

1. During the period of suspension, students cannot attend school functions nor enter school property for any reason during the school day.
2. Suspended students may not participate in extra-curricular activities.
3. Suspended students may attend public events.
4. Students suspended from school may not enter property of any other Phenix City public school.
5. When students are suspended, their teachers will be notified concerning the date and length of suspension. Teachers will follow local school policy regarding make-up work for days missed on suspension.

#### READMISSION:

Before students return from suspension, a conference **MUST** be held with the principal. The conference must include parents/guardians unless otherwise approved by the principal. Readmission slips to return to class will be given by the principal.

### **ADMINISTRATIVE PROCEDURES FOR EXPULSION OF STUDENTS**

#### NOTIFICATION BY PRINCIPAL:

Immediately following an incident which may result in a recommendation for expulsion, the principal is authorized to suspend the student indefinitely pending a hearing for expulsion. The principal will notify the student and the parents/guardians that they have a right to a hearing, to be present, to present witnesses, to ask questions and to be represented by counsel. The parents/ guardians shall be given five (5) days from the receipt of the notice to request such a hearing. If a hearing is not requested, the student shall be dropped from the roll.

#### HEARING WITH THE PRINCIPAL:

If a hearing is requested, the principal shall set a hearing date. At the hearing, the principal shall present evidence in the case, allow the student to present pertinent information, hear witnesses, answer questions, and allow all facts to be presented.

After the hearing the principal may:

1. Allow the student to return to school;
2. Place the student at the **Phenix City Success Academy**;
3. Continue the suspension with a recommendation for expulsion.

If expulsion is to be recommended, the principal shall notify the student and the parent/guardian of their right to a hearing with the superintendent or his designee. The parents/guardians must request such a hearing within five (5) days of the receipt of notification. If no request is made, the student shall be dropped from the roll.

### ADMINISTRATIVE HEARING:

If an administrative hearing is requested, the hearing officer shall set a date and hold such a hearing. The student and the parents/guardians shall have a right to be present, to present witnesses, to ask questions and to be represented by counsel. The hearing officer shall review all the evidence and make a decision regarding expulsion.

The hearing officer may determine that disciplinary action rather than expulsion is appropriate because of extenuating circumstances or that an expulsion recommendation is justified.

If, in the opinion of the hearing officer, expulsion is justified, the parents shall be notified that the student has a right to a hearing with the board of education and that they have five (5) days to request such a hearing. If no request is made, the student is dropped from the roll.

If the parents/guardians make a request for a hearing with the board, a special meeting will be called for the board to consider expulsion of the student. The student and parents will be notified of the meeting ten (10) days in advance. All correspondence shall be hand delivered or mailed with a return receipt requested.

### HEARING WITH THE BOARD:

At the school board meeting, where expulsion of a student is to be considered, the student will have a right to be present, to present witnesses in his/her behalf, to ask questions and to be represented by counsel.

1. The board will first allow the superintendent, principal and any witnesses requested by the superintendent to present testimony relevant to the recommended expulsion and report facts which resulted in such recommendation.
2. The board will then permit the student, parents/guardians, or person representing the student to ask questions concerning statements relevant to the recommended expulsion.
3. When the superintendent has finished his presentation, the student will be allowed to present relevant matters, including the right to testify and to call witnesses opposing the recommended expulsion.
4. Immediately following the student's presentation, the superintendent will recommend the action deemed appropriate and just.
5. The board, with the school board attorney present, will then go into executive session to deliberate the recommended action. During these deliberations, there will be no new information presented.
6. The board will vote in an open meeting. If the action is to expel the student, the board will specify a period of time for expulsion.

### TERMS:

1. Students may not request make-up work for credit while expelled.
2. Expelled students may not participate in any school-related activity. These activities include, but are not limited to, club activities, prom, senior class events, and athletics.
3. Expelled students may not visit or be on any Phenix City public school campus during the school day.
4. Expelled students may attend school-related public activities such as football or basketball games, but they must abide by all regulations regarding these events.

## ADMINISTRATIVE PROCEDURES FOR SUSPENSION AND EXPULSION OF DISABLED STUDENTS

When long term suspension and/or expulsion is considered, the Director of Special Education will be notified in writing. Notice will include the action pending and the reasons for such action.

The principal shall, within five (5) days, convene the IEP Committee.

The committee will determine if the alleged misconduct had a direct and significant relationship to the student's disability. If the IEP Committee determines it does NOT, school administrators may follow the usual due process procedures outlined in this book, keeping in mind that the educational process cannot be completely stopped for students covered under PL 94-142.

If the IEP Committee determines that the behavior in question DOES have a direct and significant relationship to the student's disability and if the student is not a threat to himself/herself or others, the committee will consider changing the IEP to address the inappropriate behavior. Such changes could include a more restrictive environment.

If a change in placement is recommended but unacceptable to the parents/guardians, the student must remain in the present educational placement until the matter is resolved either administratively or judicially. However, if the principal believes the student is a threat to the safety of himself/ herself or others, the superintendent may request injunctive relief from the court for temporary removal from the present educational placement until the matter is settled.

Section 290-8-9.9 of the Alabama Administrative Code regarding discipline procedures will be followed in the Phenix City Public Schools.

### ADDITIONAL POLICIES

#### STUDENT DROP-OUTS:

Students who leave school during any given semester and who do not enroll in another school cannot return to the regular school program during the same semester without official permission from the superintendent.

#### DRUG ABUSE:

The Phenix City Public Schools intend to comply and cooperate fully with laws regarding illegal drug use and drug abuse.

When prescription drugs are required at school for medical reasons, students shall present them to the office and follow local school procedures.

**The Phenix City Board of Education will allow law enforcement agencies to make periodic, unannounced \*visits to any Phenix City public school for the purpose of detecting the presence of illegal drugs. \*The visits are unannounced to anyone except the local Superintendent and building Principal.**

## SCHOOL FAILURE ASSISTANCE/BBSST:

A Building Based Student Support Team (BBSST) has been created to address students who may be at risk of not experiencing school success and may be in danger of school failure. Each school has its own BBSST and the contact person may be found by calling the school office.

## STUDENT DRESS POLICY:

It is expected that teachers, administrators and students dress in such a manner that will insure the health and safety of all school personnel. The dress and personal appearance will not be disruptive nor interfere with the educational process.

A student's school clothes will consist of clothing that is neat, clean, safe, and appropriate for school wear. Safe refers to clothing that in no way may cause danger to the student, other students, or staff; appropriate refers to clothing that covers the body sufficiently enough not to attract undue attention of school officials and/or other students. Any clothing that may disrupt the learning environment is considered inappropriate for school wear.

The principal or designee will make the final judgement as to whether or not a student's clothing is appropriate for school wear. The student will not be allowed to attend class until dressed appropriately. Failure to follow the student dress policy will lead to disciplinary action.

### **The following are appropriate and expected of all students:**

1. All shirts must sufficiently cover the student's body and be appropriate school wear. Tucking shirts will be left to the discretion of local school officials.
2. All garments must be hemmed.
3. Belts must be worn, at the waistline, with all pants that have belt loops.
4. All fasteners designed for use with an article of clothing will be used at all times.
5. All clothing must fit appropriately.
6. At no time will sagging of pants be allowed. Sagging of pants reveals undergarments and/or skin which is considered indecent exposure and will be strictly enforced.

### **The following items will not be allowed to be worn at school:**

1. Head cover including, but not limited to, hats, caps, stocking caps, sweat bands, bandannas, hair rollers, hair nets.
2. Halter tops, tube tops, tank tops, tops that do not cover the midriff, sheer or see-through tops, shredded or ripped tops, low cut tops, muscle shirts.
3. Shredded or ripped pants or "cutoffs"; see-through pants. All pants and shorts must be hemmed.
4. Shorts, dresses, skirts, or jumpers that are shorter than 4 inches above the crease in back of the knee.
5. Spandex, biker, or tight fitting garments; baggy, sagging, or oversized garments; clothing that exposes undergarments.
6. Clothing that depicts lewd or profane words or designs, drug products, alcohol products, tobacco products.
7. House shoes, shower shoes, flip-flops.
8. Sunglasses worn inside the building.

### SEARCH AND SEIZURE:

Desks, lockers and other equipment belonging to the school district, while assigned to students for their use, may be entered and searched whenever school officials have reasonable suspicion\* that some contraband material may be inside. If such items are found, the items may be impounded by school officials and a receipt will be given the student.

When possible, students will be contacted before a search is made and the desk or locker will be opened in their presence. If the student cannot be contacted, a witness from the professional staff shall be present during the inspection.

The preceding search and seizure statements shall also apply to automobiles and/or any other vehicle on school property.

### SEARCH OF A STUDENT'S PERSON:

A student may be searched when there is reasonable suspicion\* that he/she possesses weapons, illegal drugs, stolen property or other items harmful to the student or to the welfare of the student body. Such searches are authorized under the following conditions:

1. The action shall not be intended to embarrass, harass, or intimidate;
2. Parents/guardians shall be notified that a search has been conducted;
3. The search shall be under the direct supervision of the principal;
4. The search shall be in private by a teacher or administrator of the same sex as the student;
5. At least one witness of the same sex as the student will be present throughout;
6. Students shall be given a receipt for any items impounded;
7. The principal shall make and retain a written record that the search was conducted.

### INTERROGATION OF STUDENTS:

No student shall be interrogated by any law enforcement authority on school property during school hours without the knowledge of the principal. All interrogations must be made under the following conditions:

1. They must be conducted in private with the principal present;
2. The parents/guardians must be contacted before any questioning begins;
3. Other non-school persons may not interrogate students;
4. DHR personnel, as authorized by law, may question students without parental consent and without school personnel present;
5. In cases where law enforcement officials have an arrest or pick-up order, the student shall leave with the officers immediately with the knowledge of the principal and no interrogation of the student shall take place at the school.

\*Reasonable suspicion is based on information from such sources as faculty members, support personnel, reliable students, law enforcement officers, visual evidence or any reasonable factors.

### PARENTAL RESPONSIBILITIES:

This is to advise you that Section 16-28-12, Code of Alabama 1975 has established responsibilities of parents to

ensure that their children enroll and attend school and that their children conduct themselves properly as pupils. This law further states parents who fail to require their children to attend school regularly or fail to require that their children properly conduct themselves as students shall be guilty of a misdemeanor and could receive a fine of not more than \$100 or 90 days in jail. The principals of the Phenix City Public Schools will report weekly to the Russell County District Attorney's office the names of all students suspended from school.

### **COMPUTER AND INTERNET ACCEPTABLE USE POLICY**

**Students must adhere to the laws, policies, and rules governing computers, including, but not limited to, copyright laws, rights of software publishers, license agreements and personal rights of privacy created by federal and state law. Students using Phenix City Public Schools' computers, programs, software, Internet connection and networks are to understand that these items are for educational use only. Any activity that may interfere with the legitimate operation of the computer networks and/or Internet access will result in disciplinary action. (See Code of Conduct offenses 2.06, Petty Theft; 2.07, Property Damage; 3.05, Stealing; or 3.08, Criminal Mischief) In the case of computer hackers, this may include the notification of the appropriate state or federal law enforcement agency. The same shall apply to students working with non-district computers while under the supervision of school officials. In addition, vandalism of computer hardware will not be tolerated and will result in disciplinary action. (See Code of Conduct offenses 2.07 and 3.08)**

### **ELECTRONIC DEVICE POLICY**

The following is an explanation of the Central High School and Central Freshman Academy electronic device policy to include but is not limited to cell phones, MP3 players, hand held video games, etc:

- 1) Cell phones or other forms of electronic communication are allowed to be brought to school by students, but **MUST** remain OFF throughout the school day from the time they enter the building at the start of school.
- 2) All other electronic devices will be off and out of site during the instructional day of school.
- 3) Any violation of the above stated policy will result in the following disciplinary action:
  - 1st offense will require a parent or legal guardian to pick up the electronic device after school. The device may be picked up that day **AFTER** school.
  - 2nd offense will result in the school confiscating the device for 5 consecutive days and the device will have to be picked up by a parent or legal guardian any time after the 5th day.
  - 3rd offense will result in the school confiscating the device for 10 consecutive days. The device will have to be picked up by a parent or legal guardian after the 10th day and the student is banned from bringing any form of electronic device to the school for the remainder of the school year.
  - 4th offense will result in a 3 day out of school suspension.
  - 5th offense will result in a hearing with the Principal for further disciplinary action.
- 4) Any student who refuses to give their electronic device to an administrator will be referred to the Superintendent for a hearing that may result in placement at the alternative school.

5) Electronic devices may be picked up after school on the last day of the punishment, but before 4:00 p.m. They may be picked up during normal school operation hours (7:30 a.m. to 4:00 p.m.) any time after that.

6) Possession of an electronic device is the responsibility of the student. The teachers and administration are NOT responsible for devices that are lost or stolen. Students should be diligent in maintaining possession of these devices as administrators will not conduct searches looking for lost or stolen items.

7) If a student allows another student to utilize their electronic device and it is in violation of the above stated policy, the device will still be confiscated accordingly. There will not be an exemption just because the student claims it is not their own cell phone, MP3 player, or video game.

8) Any electronic device that is being used at an inappropriate time will be turned over as is without any modification to it. For example, students will not be allowed to remove the SIM card or keep the headphones. The device in its entirety will be withheld.

The purpose of this policy is to allow students to bring electronic devices to school for the various reasons they may be needed, but is in place to ensure they are not a disruption to the learning process.

## **GLOSSARY**

**Alcohol:** (liquor law violations-possession, use or sale): The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or under the influence of intoxicating alcoholic beverages. This would include being under the influence at school, school-sponsored events and any student transportation provided by the local board of education.

**Arson:** (setting a fire on/in school property): A person commits the crime of arson if he/she intentionally damages a building or structure or puts a building or structure at risk of damage by starting or maintaining a fire or causing an explosion.

Examples: Firecrackers, fireworks and trash can fires would be included in this category if they are contributing factors to a damaging fire. Without a fire, firecrackers and fireworks are included in the weapons category. This category does not include a simple act of lighting a match.

**Assault:** This category refers to an individual who harms another person as follows:

1. With intent to disfigure another person seriously and permanently, or to destroy, and amputate or disable permanently a member or organ of his/her body, he/she causes such an injury to any person; or
2. Under circumstances manifesting extreme indifference to the value of human life, he/she recklessly engages in conduct which creates a grave risk of death to another person, and thereby cause serious physical injury to any person; or
3. In the course of and in furtherance of the commission or attempted commission of arson, burglary, escape, kidnaping, rape, robbery, sodomy, or any other felony clearly dangerous to human life, or of immediate flight therefrom, he/she causes a serious physical injury to another person; or
4. While driving under the influence of alcohol or a controlled substance, or any combination thereof in violation of § 32-5A-191, Code of Alabama, 1975, he/she causes serious bodily injury to the person of another with a motor vehicle; or

5. With intent to cause physical injury to another person, he/she causes physical injury to any person by means of a deadly weapon or a dangerous instrument; or
6. With intent to prevent a peace officer, as defined in §36-21-60, Code of Alabama, 1975, or emergency medical personnel or a firefighter from performing a lawful duty, he/she intends to cause serious physical injury and he/she causes serious physical injury to any person; or
7. With intent to cause serious physical injury to a teacher or to an employee of a public education institution during or as a result of the performance of his or her duty, he/she causes physical injury to any person; or
8. For purposes other than lawful medical or therapeutic treatment, he/she intentionally causes stupor, unconsciousness, or other physical or mental impairment or injury to another person by administering to him or her, without his or her consent, a drug, substance or preparation capable of producing the intended harm; or
9. With intent to cause physical injury to another person, he/she causes physical injury to any person; or
10. He/she recklessly causes physical injury to another person; or
11. He/she causes physical injury to another person by means of a deadly weapon or a dangerous instrument.

**Bomb**: An explosive weapon detonated by impact, proximity to an object, a timing mechanism, or other predetermined means. This includes any of various weapons detonated to release destructive material such as smoke or gas. If the offense involved the actual placement of a bomb or one sent through the mail, regardless of whether the bomb explodes or not, code the offense as assault and code the explosives/incendiary category under Weapons-Explosives, Incendiary or Poison Gas. For additional information see also Weapons and Assault

**Bomb Threat**: To unlawfully place any person in fear of bodily harm by threat of explosives by any means of communication regardless as to whether or not a bomb actually exists.

**Brass Knuckles**: A weapon worn on the hand for the purposes of offense or defense, so made that in hitting with the fist considerable damage is inflicted. Possession, use or intention of use of brass knuckles to inflict harm on another person, or to intimidate any person. The possession, use or intention to use brass knuckles should be reported. For additional information see also Weapons and Assault.

**Burglary**: The unlawful entry into a building or other structure with the intent to commit a crime. This applies to school buildings or activities related to a school function. A person commits burglary if he/she knowingly enters or remains unlawfully in a building with intent to commit theft or a felony therein and, if in effecting entry or while in the building or immediate flight therefrom, he/she or another participant in the crime:

1. Is armed with explosives or a deadly weapon; or
2. Causes physical injury to any person who is not a participant in the crime; or
3. Uses or threatens the immediate use of a dangerous instrument; or
4. Knowingly enters or remains unlawfully in a building with intent to commit a crime therein.

### Cellular Phone Use

Phenix City Public Schools recognizes the value of allowing parents and students the ability to communicate before and after school hours. Cellular phones, while convenient to meet this need, can be used in an abusive way that can interrupt the learning process, which is unacceptable. Therefore, the Phenix City Board of Education extends to students in grades 8-12 the privilege to possess cellular phones at school under the following conditions:

Cellular phones may not be displayed, activated, or used during the instructional day. This is to include text messaging and transferring of information and images. All such devices must be turned off, stored in a locker, book bag, backpack, purse, or pockets during the instructional day **for grades 9-12. For grade 8, all the above and following applies with the exception that all cell phones must remain in the student's locker or book bag and not on his/her person.** Cellular phones may never be used on school buses to or from school. **Exception:** Coaches / Sponsors may allow cell phone use on buses upon returning from a game, competition, or school sponsored activity.

The instructional day includes, but is not limited to lunch breaks, class changes, study halls and any other structured or non-structured instructional activity that occurs during the normal school day.

Cellular phones may be used only at the conclusion of an extracurricular activity or with expressed permission of the sponsor, teacher, or coach. **Rationale:** We do not want cell phones ringing *during* cheerleader practice, Beta Club meeting, etc.

Cellular phones with cameras capable of transmitting or receiving images may never be used for such purposes. In other words, phones that are capable of taking photos or video may be brought to school, but must be turned off and never used for such purposes.

Cellular phones used to photograph or video tests, school work, teachers, or other students may be considered a Class III offense and will be punished accordingly.

If a cell phone rings during class, it will immediately be confiscated and must be picked up by the parent or guardian from the main office. **“Forgetting”** to turn-off the cell phone is not an excuse. If a student violates any part of the above policy, the privilege of having and using a cell phone at school may be permanently prohibited.

Neither the local administration or the Board of Education assumes responsibility in any circumstances whatsoever for the loss, theft, or destruction of any cellular phones that are brought to school at any time before, during, or after school hours.

**Chains:** Possession, use or intention of use of any chains (any not being used for the purpose normally intended and capable of harming an individual) to inflict harm on another person, or to intimidate any person.

**Contraband:** (School defined): In general, any property which is unlawful or in violation of school board policy to produce or possess.

**Criminal Mischief:** A person commits the crime of criminal mischief if, with intent to damage property, and having no right to do so or any reasonable ground to believe that he/she has such a right, he/she inflicts damages to property.

**Defiance of Authority:** Willful disobedience of a direct order of instruction from a school board employee. A contemptuous opposition or disregard of an order of instruction from a school board employee or others having legal authority (such as police or firemen) openly expressed in words or actions.

**Disorderly Conduct:** (serious class or campus disruption, etc.): Any act which substantially disrupts the orderly conduct of a school function; behavior which substantially disrupts the orderly learning environment or poses a threat to the health, safety and/or welfare of students, staff or others. If the action results in a more serious

incident, report the more serious incident. Alabama law states that a person commits the crime of disorderly conduct, if with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof, he/she:

- (1) Engaged in fighting or in violent tumultuous or threatening behavior; or
- (2) Makes unreasonable noise; or
- (3) In a public place uses abusive or obscene language or makes an obscene gesture; or
- (4) Without lawful authority, disturbs any lawful assembly or meeting of persons; or
- (5) Obstructs vehicular or pedestrian traffic, or a transportation facility; or
- (6) Congregates with other persons in a public place and refuses to comply with a lawful order.

Drug: (illegal drug possession, sale or use/under the influence): The unlawful use, cultivation, manufacture, distribution, sale, purchase, possession, transportation or importation of any controlled drug or narcotic substance, or equipment and devices used for preparing or taking drugs or narcotics. Includes being under the influence or possessing of drugs at school, at school sponsored events or on school sponsored transportation or substances represented as drugs. Use should be reported only if students are caught in possessing, transferring, or in the act of using, are tested and use found by an officer during/after arrest or are discovered to have used during the course of the investigation. **This does not mean that schools will test for this nor be asked to perform searches beyond those already authorized for school personnel.** Category includes over-the-counter medications, counterfeit drugs, and any other substance if abused by the student. This category does not include tobacco.

Electronic Pager/Unauthorized Communication Device: The unauthorized use of any electronic communication device (beeper, phone, etc.)

Explosives: See Bombs, Bomb Threats and Weapons

Expulsion: An action, authorized by the local board, whereby the student is usually removed from school for an extended period of time. In order to return to school, the student must initiate and follow the board specified procedures.

Extortion: A person commits the crime of extortion if he/she knowingly obtains by threat control over the property of another, with intent to deprive him of his property. Record under Robbery.

An example of extortion would be when one student threatens another student and demands lunch money.

Fire: See Arson

Fighting: Any significant physical conflict, biting or other contact, exchange of blows between two or more individuals, or physical conflict in which injury occurs or fighting continue.

Fire alarm: A person commits a crime of rendering a false alarm if he/she knowingly causes a false alarm or fire or other emergency involving danger to person or property to be transmitted to or within an official or volunteer fire department or any other governmental agency or to be transmitted to any building housing handicapped or immobile people.

Firearms: See Weapon

Forgery: A person is guilty of forgery if, with purpose to defraud or injure anyone, or with knowledge that he is facilitating a fraud or injury to be perpetrated by anyone, the person:

- (1) Alters any writing of another without his authority; or
- (2) Makes, completes, executes, authenticates, issues or transfers any writing so that it purports to be the act of another who did not authorize that act, or to have been executed at a time or place or in a numbered sequence other than was in fact the case, or to be a copy of an original when no such original existed; or
- (3) Utters any writing which he knows to be forged in a manner specified in paragraph (1) or (2).

Gambling: To bet on the outcome of a game, contest, or other event, play a game of chance for stakes, or take a risk in the hopes of gaining an advantage. A person commits the crime of gambling if he/she knowingly advances or profits from unlawful gambling activities as a player.

Gang or Gang-Related: A gang is a somewhat organized group of some duration, sometimes characterized or perceived by turf concerns, symbols, special dress, and colors. The group is recognized as a gang by its members and others. The incident is gang-related if it is gang motivated, if gang membership caused the incident or was a contributing factor to actions that happened during the incident. For example, an incident of vandalism or robbery might be a part of an initiation into a gang or a fight might be caused by gang rivalry. Report the incident as gang related only if you are sure that gang membership contributed to that incident.

Graffiti: The damaging of school property by crude writing or drawing.

Guns: See Weapons

Harassment/Bullying of Students: A person commits the crime of harassment if, with intent to harass, annoy or alarm another person, he/she:

- (1) Strikes, shoves, kicks, or otherwise touches a person or subjects him to physical contact; or
- (2) Directs abusive or obscene language or makes an obscene gesture towards another person.

A person commits the crime of harassing communication if, with intent to harass or alarm another person, he/she:

- (1) Communicates with a person, anonymously or otherwise, by telephone, telegraph, mail or any other form of written or electronic communication, in a manner likely to harass or cause alarm; or
- (2) Makes a telephone call, whether or not a conversation ensues, with no purpose of legitimate communication; or
- (3) Telephones another person and addresses to or about such other person any lewd or obscene words or language.

Hate Crime: Crimes that manifest evidence or prejudice based on race, religion, disability, or sexual orientation including, where appropriate, crimes of murder, non-negligent manslaughter, forcible rape, aggravated assault, simple assault, intimidation, arson, and destruction, damage, or vandalism of property.

Indecent Exposure: A person commits the act of indecent exposure if he exposes his genitals or her breast under circumstances in which he knows his conduct is likely to cause affront or alarm in any public place or on the private premises of another or so near thereto as to be seen from such private premises. Indecency may also include the exposure of undergarments or skin due to sagging of pants or blouses that are inappropriately revealing.

Inciting Student Disorder: Leading, encouraging or assisting in major disturbances which result in destruction/damage to property and/or injury to others or disrupts the normal routine operations of the school.

Knife: This category includes using a knife, possession of a knife or intention to use to inflict harm on another person, or to intimidate any person.

Larceny/Theft: (personal or school property or from a vehicle on school property): The unlawful taking, carrying, leading, riding or driving away another's property with intent to convert it or to deprive the owner thereof. The essential elements of a larceny are an actual or constructive taking away of the goods or property of another without the consent and against the will of the owner and with a felonious intent.

Examples are: pocket picking, purse or backpack snatching if left unattended or no force used to take it from the owner, theft from a building, theft from a machine or device which is operated or activated by the use of a coin or token and all other type of larcenies.

A person commits the crime of theft of property if:

- (1) There is intent to deprive the owner of his property; or
- (2) If he/she knowingly obtains by deception control over the property of another, with intent to deprive the owner of his property.

Menacing: A person commits the crime of menacing if, by physical action, he intentionally places or attempts to place another person in fear of imminent serious physical injury.

Motor Vehicle Theft: (including attempted): Theft or tempted theft of a motor vehicle. This category includes any propelled vehicle and such term includes any propelled device by which any person or property is transported on land, water or in the air, and includes motor vehicles, motorcycles, motorboats, and aircraft, and any vessel, whether propelled by machinery or not.

A person commits the crime of unauthorized use of a vehicle if:

- (1) Knowing that he/she does not have the consent of the owner, he/she takes, operates, exercises control over or otherwise uses a propelled vehicle; or
- (2) Having custody of a propelled vehicle pursuant to an agreement between himself or another and the owner thereof whereby the actor or another is to perform for compensation a specific service for the owner involving the maintenance, repair or use of the vehicle, he/she intentionally uses or operates it, without the consent of the owner, for his own purpose in a manner constituting a gross deviation from the agreed purpose; or
- (3) Having custody of a propelled vehicle pursuant to an agreement with the owner thereof whereby it is to be returned to the owner at a specified time, he/she knowingly retains or withholds possession thereof, without consent of the owner, for so lengthy a period beyond the specified time as to render the retention or possession a gross deviation from the agreement.

Persistent Willful Disobedience: Reoccurring, intentional violation of the Student Code of Conduct as determined by the school administrator.

Pipe: This offense includes possession, use or intention of use of a pipe (any length of metal not being used for the purpose it was normally intended) to inflict harm on another person, or to intimidate any person resulting in any of state defined incident descriptions and/or one or more disciplinary actions.

Possession: To have as property; own; to exert influence or control over. For example: Items found in student lockers, automobiles, clothing are considered to be in the possession of the student.

Razor Blade: This offense includes possession, use or intention of use of a razor blade to inflict harm on another person, or to intimidate any person resulting in any of the state defined incident descriptions and/or one or more disciplinary actions.

Reckless Endangerment: If the conduct results in an injury, then the incident is recorded under assault.

Robbery: (using force): The taking or attempting to take anything of value that is owned by another person or organization, under confrontational circumstances by force or threat of force or violence and/or by putting the victim in fear. A key difference between robbery and larceny is that a threat or assault is involved in a robbery. Examples include: extortion of lunch money.

A person commits the crime of robbery if he/she:

- (1) Violates § 13A-8-43, Code of Alabama, 1975; and
  - (a) Is armed with a deadly weapon or dangerous instrument; or
  - (b) Causes serious physical injury to another.

Possession then and there of an article used or fashioned in a manner to lead any person who is present reasonably to believe it to be a deadly weapon or dangerous instrument, or any verbal or other representation by the defendant that he/she is then and there so armed.

- (2) Violates § 13A-8-41, Code of Alabama, 1975, and he/she is aided by another person actually present.
- (3) Uses force against the person of the owner or any person present with intent to overcome his physical resistance or physical power of resistance; or threatens the imminent use of force against the person of the owner or any person present with intent to compel acquiescence to the taking of or escaping with the property.

School Employee, Assault On: Record in the Assault category. This category refers to an individual who:

With intent to cause serious physical injury to a teacher or to an employee of a public education institution during or as a result of the performance of his or her duty, he/she causes physical injury to any person. For purposes other than lawful medical or therapeutic treatment, he/she intentionally causes stupor, unconsciousness, or other physical or mental impairment or injury to another person by administering to him or her, without his or her consent, a drug, substance or preparation capable of producing the intended harm. See also Assault.

Sexual Assault: (forcible sex offenses, includes attempted): Oral, anal or vaginal penetration by, or union with, the sexual organ of another or the anal or vaginal penetration of another by any other object. Report under Sexual Offenses.

Sexual Offense: (lewd behavior, indecent exposure): This includes sexual intercourse, sexual contact or other unlawful behavior or conduct intended to result in sexual gratification without force or threat of force and where the victim is capable of giving consent. Includes indecent exposure (exposure of private body parts to the sight of another person in a lewd or indecent manner in a public place); and the obscenity (conduct which by community standards is deemed to corrupt public morals by its indecency and/or lewdness; such as phone calls or other communication, unlawful manufacture, publishing, selling, buying or possessing materials, such as literature or photographs.

Sexual Harassment:

- (1) To discriminate against a student in any course or program of study to any educational institution, in the evaluation of academic achievement or in providing benefits, privileges and placement services on the basis of that student's submission to or rejection of sexual advances or requests for sexual favors by administrators, staff, teachers, students or other school board employees; and
- (2) To create or allow to exist an atmosphere of sexual harassment, defined as deliberate, repeated and unsolicited physical actions, gestures or verbal or written comments of a sexual nature, when such conduct has the purpose or effect of interfering with a student's academic performance or creating an intimidate, hostile or offensive learning environment.

Keys to Definition: Unwanted, repeated verbal or physical sexual behavior which is offensive and objectionable to the recipient, causes discomfort or humiliation and interferes with school performance.

Examples include: behaviors such as leering, pinching, grabbing, suggestive comments or jokes, pressure to engage in sexual activity and the following:

Using the computer to leave sexual messages or playing sex computer games; Rating an individual; for example, on a scale from 1 to 10; "Wedgies" - pulling underwear up at the waist so it goes between the buttocks; Making kissing sounds or smacking sounds; licking the lips suggestively; "Spiking" - pulling down someone's pants; Howling, catcalls, whistles; Touching (breasts, buttocks, etc.); Verbal comments (about parts of the body, clothing, etc.); Spreading sexual rumors; Sexual or dirty jokes; Massaging the neck and shoulders; and Touching oneself sexually in front of others

Examples include: entering or downloading pornographic content (words or pictures) onto school computers.

Stun Gun: See Weapons

Suspension, Out of School: Temporary removal of a student from a school and the school program. It does not include suspension for less than one complete day, alternative school placement, or reassignment to another education program or class where the student will receive instruction under the supervision of the local education agency or referral to certificate employee to provide services.

Teacher, Assault On: This category refers to an individual who with intent to cause serious physical injury to a teacher or to an employee of a public education institution during or as a result of the performance of his or her duty, he/she causes physical injury to any person. For purposes other than lawful medical or therapeutic treatment, he/she intentionally causes stupor, unconsciousness, or other physical or mental impairment or injury

to another person by administering to him or her, without his or her consent, a drug, substance or preparation capable of producing the intended harm.

### Terroristic Threats

Act 94-784 of the Alabama Administrative Code sets forth guidelines for schools to follow when a student violates local board of education policies concerning drugs, alcohol, weapons, physical harm, or threatened physical harm to a person.

School safety is paramount to the Phenix City Board of Education. Terroristic threats of any kind in Phenix City schools will be taken seriously and dealt with in a swift, severe, and consistent manner. Specifically, terroristic threats will be further defined as: any communication or actions regarding students or school staff which threatens by any means to commit any crime of violence or to damage any property by doing any of the following:

- Intentionally or recklessly terrorizing another person;
- Causing the disruption of school activities;
- Causing the evacuation of a building, place of assembly or other serious public inconvenience.

Making terroristic threats will be considered a Class III offense and punished accordingly as described in the Student Code of Conduct.

Theft of Property: A person commits the crime of theft of property if he/she:

- (1) Knowingly obtains or exerts unauthorized control over the property of another, with intent to deprive the owner of his property; or
- (2) Knowingly obtains by deception control over the property of another, with intent to deprive the owner of his property.

Threat/Intimidation: (physical or verbal threat or intimidation): To unlawfully place another person in fear of bodily harm through verbal threats without displaying a weapon or subjecting the person to actual physical attack.

Tobacco: (possession, use): The possession, use, distribution or sale of tobacco products on school grounds, school sponsored events and on transportation to and from school or other school sponsored transportation.

Trespassing: (school property or school function): To enter or remain on a public school campus or school board facility without authorization or invitation and with no lawful purpose for entry, including students under suspension or expulsion, and unauthorized persons who enter or remain on campus or school board facility after being directed to leave by chief administrator or designee of the facility, campus or function. A person commits the crime of criminal trespass if he/she knowingly enters or remains unlawfully in a building or upon real property which is fenced or enclosed in a manner designed to exclude intruders.

Truancy/Unauthorized Absence: Any unexcused absence as determined by the local school administrator. Included in this category is skipping and/or cutting class. Excessive tardiness is considered a type of truancy and will be treated as such.

Vandalism: (destruction of school or personal property): the willful and/or malicious destruction, damage or defacement of public or private property, real or personal, without the consent of the owner or the person having custody or control of it. This category includes graffiti.

Weapons Possession: (includes firearms and other weapons): Firearms (defined in Section 921 of Title 18 of the United States Code) include:

- (1) Any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive.
- (2) The frame or receiver of any weapon described above.
- (3) Any firearm muffler or firearm silencer.
- (4) Any destructive device, which includes:
  - (a) Explosive, incendiary or poison gas

An explosive is any chemical compound or mixture that has the property of yielding readily to combustion or oxidation upon application of heat, flame or shock, including but not limited to dynamite, nitroglycerin, trinitrotoluene or ammonium nitrate when combined with other ingredients to form an explosive mixture, blasting caps and detonators.

This category does not include Class C common fireworks. It does include the following: a bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one quarter ounce, mine, or similar device.

- (b) Any weapon which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore or more than one-half inch in diameter.
- (c) Any combination or parts either designed or intended for use in converting any device into any destructive device described in the two immediately preceding examples, and from which a destructive device may be readily assembled. This does not include antique firearms nor Class C common fireworks.
- (d) Other weapons

Possession, use or intention of use of any instrument or object to inflict harm on another person, or to intimidate any person. Included in this category are all types of knives, chains (any not being used for the purpose of which it was normally intended and capable of harming an individual), pipe (any length of metal not being used for the purpose it was normally intended), razor blades or similar instruments with sharp cutting edges, ice picks, dirks, other pointed instruments (including pencils or pens), numchucks, brass knuckles, chinese stars, billy clubs, tear gas gun, electrical weapons or device (stun gun), BB or pellet gun, explosives or propellants. Possession of any type of knife (including a pocket or pen knife) is included here.

Examples include: any type of firearms, might include toy guns if they are authentic replicas or are used in a threatening manner, firecrackers, fireworks, M80's, and mace pepper gas.

## ADDITIONAL POLICIES

### UNSAFE SCHOOL CHOICE OPTION

SUPP.NO.9803-42 INSTRUCTIONAL SERVICES

290-3-1-.02(1)290-3-1-.02(3)(d)(e)1.290-3-1-.02-.01ER

#### Regulations Governing Public Schools.

1. Safe School Equipment and Facilities, Laboratories, and Policies.
  - a. Safety precautions must be implemented and adequate facilities must be provided for implementation of programs prescribed by SDE Bulletin(s).
  - b. Effective with the 1995-96 school year and thereafter, local boards of education must:
    1. Adopt a uniform policy allowing law enforcement agencies to make periodic visits to local public schools to detect the presence of illegal drugs, unannounced to anyone except the local superintendent and building principal.
    2. Adopt a uniform policy prohibiting the use of tobacco products on school property and prescribing specific penalties for violating this policy.
    3. Adopt and enforce a uniform policy prohibiting all persons, other than authorized law enforcement personnel, from bringing or possessing any deadly weapon or dangerous instrument on school property and prescribing specific penalties for students and school personnel who violate this policy, notwithstanding any criminal penalties which may also be imposed.
  - c. Local school systems which operate alternative educational programs shall provide a curriculum that stresses skills in recognizing and managing anger, alternatives to aggression (verbal and physical assault), strategies for developing self-control and personal responsibility, skills for getting along with others, success through academic achievement, and skills for success in the workplace.
  - d. All policies and actions implemented under these mandatory regulations affecting students with disabilities must comply with federal and state special education laws, regulations, and court rulings.
  - e. Unsafe School Choice Option
  - f. Definitions: A transfer option school (TOS) in the state of Alabama is one in which for three (3) consecutive school years the school has expelled one percent (1%) of the student population or five (5) students (whichever is greater) for violent criminal offenses committed on school property during school hours or committed at school-sponsored activities. The words "transfer option school," "TOS," or "TOS school" shall mean a "persistently dangerous school" as those words are used in the No Child Left Behind Act of 2001, Public Law 107-110, Title IX, §9532 (a) and (b). For the purpose of this definition, a "violent criminal offense" shall mean homicide; robbery; assault in the first and/or second degree; sexual battery (including rape) as these offenses are defined in the Criminal Code of Alabama (see § 13A-6-1, et.seq., Ala. Code 1975); and use of a handgun, firearm component, explosive, knife, and other

“unknown weapons” as defined by the Student Incident Report (SIR).

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290-3-1-.02(3)(e)2    290-3-1-.02(3)(e)2.

g. A student who becomes a victim of violent criminal offense committed on school property during school hours or at school-sponsored activities shall be given an opportunity to transfer to a safe public school within the LEA. The LEA shall notify the student’s parent/guardian of the right to transfer as soon as practicable, not to exceed ten (10) calendar days from the date of a final determination by the school board or its designee that a violent criminal offense has occurred. All LEA transfer procedures will be observed. It shall be the policy of the Alabama State Department of Education (SDE) to notify the LEA annually when one or more of its schools have been identified as a transfer option school. Each Superintendent or his or her designee shall orally notify the Prevention and Support Services Section of the State Department of Education within twenty-four (24) hours of the decision that a violent criminal offense has occurred, followed by written confirmation. The State Department of Education will assist the LEA in resolving all safety issues. At a minimum, an LEA that has one or more schools identified as persistently dangerous must:

- (a) Step 1 Notify parents/guardians of each student attending the school within ten (10) working days that it has been identified as a transfer option school and offer students the opportunity to transfer to a safe public school within the LEA if another school is available.
- (b) Step 2 Complete the transfer for those students who opt to do so within 20 working days.
- (c) Step 3 Develop a corrective action plan to be submitted to the SDE for approval within 20 working days of the LEA’s receipt of status.
- (d) Step 4 Implement the corrective action plan.

Once a school has been identified as a transfer option school, it can return to safe status by (1) completing Steps One through Four above and (2) completing two consecutive years with less than one (1%) of the student population or five (5) students (whichever is greater) expelled for violent criminal offenses as defined in its policy.

Author:            Dr. Ed Richardson

Statutory Authority: Const. Of Ala. 1901, Amend No. 284, Code of Ala. (1975), 16-1-1, 16-2-2, 16-3-11, through 12, 16-3-14, 16-4-14, 16-8-35 through 36, 16-12-8, 16-26-1 through 3, 1982 Acts of Ala. No. 82-482, *No Child Left Behind Act* of 2001, Public Law 107-110, Title IX, §§ 9532 (a) and (b).

History: Adopted ER effective March 13, 2003; adopted ER as regular rule May 8, 2003, effective June 12, 2003.