

**Policy 4.2: Safe Schools Policy (Drugs, Alcohol, Tobacco, and Weapons)**

Status: ADOPTED

Original Adopted Date: 11/13/2012 | Last Revised Date: 07/26/2022 | Last Reviewed Date: 07/26/2022

4.2.1 Prohibition on the Possession of Firearms – The possession of a firearm in a school building, on school grounds, on Board property, on school buses, or at school-sponsored functions is prohibited except for authorized law enforcement personnel and as provided by law. For purposes of this policy, the term “firearm” has the same definition as is found in 18 U.S.C §921.

a. *Penalties for violations* – In addition to any criminal penalties that may be imposed, the following penalties will be imposed for unauthorized possession of firearms:

1. *Students* – Students will be expelled for a period of one year. The expulsion requirement may be modified in writing by the Board upon recommendation of the Superintendent on a case-by-case basis. Students who are expelled for firearm possession may not attend regular school classes, but may be permitted to attend alternative schools or education programs established by the Board. Discipline of students with disabilities who violate the firearm possession policy will be determined on a case-by-case basis in accordance with federal and state law. Parents of students who violate this policy will also be notified by the principal of violations.

2. *Employees* – Employees will be subject to adverse personnel action, which may include termination.

3. *Other Persons* – Other persons may be denied re-entry to school property.

b. *Notification of Law Enforcement* – The appropriate law enforcement authority, which may include the city police, county sheriff, and the local district attorney, will be notified by the principal of violations of this policy.

[Reference: Ala. Code §16-1-24.1, 24.3 (1975); Ala. Admin. Code 290-3-1-.02; Federal Gun Free Schools Act, 20 U.S.C. 7151; Federal Gun Free School Zone Act of 1995 (18 U.S.C. §922(q))]

4.2.2 Prohibition on the Possession of Weapons – The possession of a deadly weapon or dangerous instrument in a school building, on school grounds, on school property, on school buses, or at school-sponsored functions is prohibited except for authorized law enforcement personnel. For purposes of this policy, the terms “deadly weapon” and “dangerous instruments” include but are not limited to explosives, incendiary devices, projectiles, knives with a blade length of more than two (2) inches, archery equipment, devices designed to expel projectiles at a high rate of speed, any device so classified under state or federal law, and any device either used or intended to be used in such manner as to inflict bodily harm, provided that the terms “deadly weapon” and “dangerous instruments” will exclude, to the extent permitted by law, devices and equipment that are used for the purpose of and in connection with school or Board sanctioned educational, team, or competitive activities.

a. *Penalties for Violations* – In addition to any criminal penalties that may be imposed, the following penalties will be imposed for unauthorized possession of deadly weapons or dangerous instruments:

1. *Students* – Students will be disciplined in accordance with the Board’s Code of Student Conduct.

2. *Employees* – Employees will be subject to adverse personnel action, which may include termination.

3. *Other Persons* – Other persons may be denied re-entry to school property.

b. *Notification of Law Enforcement* – The appropriate law enforcement authority, which may include the city police, county sheriff, and the local district attorney, will be notified by the principal of violations of this policy.

• [Reference: Ala. Code §16-1-24.1 (1975); Ala. Admin. Code 290-3-1-.02(1)(b)]

4.2.3 Illegal Drugs and Alcohol – The use, possession, distribution, and sale of alcohol and the illegal use, possession, distribution, and sale of drugs in a school building, on school grounds, on Board property, on school buses, or at school-sponsored functions is strictly prohibited. Moreover, all employees and students are strictly prohibited from being under the influence of illegal drugs or alcohol while at work or school.

a. *Penalties for Violations* – In addition to any criminal penalties that may be imposed, the following penalties will be imposed for violations of this policy:

1. *Students* – Students will be disciplined in accordance with the Board's Code of Student Conduct.

2. *Employees* – Employees will be subject to adverse personnel action, which may include termination.

3. *Other Persons* – Other persons may be denied re-entry to school property.

b. *Notification of Law Enforcement* – The appropriate law enforcement authority, which may include the city police, county sheriff, and the local district attorney, will be notified by the principal of violations of this policy.

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4.2.4 Tobacco – The use of all tobacco derived products including smokeless tobacco (chewing tobacco, dip, snuff, snus) and alternative nicotine products such as e-cigarettes and vaping products on school property are prohibited. As well as the distribution and sale of any tobacco product on school property.

**I. Purpose**

This is a comprehensive policy designed to ensure a safe learning and work environment free of commercial tobacco, to include all tobacco derived products smokeless tobacco (chewing tobacco, dip, snuff, snus) and alternative nicotine products such as e-cigarettes and vaping products.

A. The Birmingham Board of Education recognizes that the use of commercial tobacco products, including electronic smoking devices, is a health, safety, and environmental hazard for students, staff, visitors, and school facilities. The board is acutely aware of the serious health risks associated with the use of commercial tobacco products, including electronic smoking devices, to users and non-users.

The Birmingham Board of Education believes that the use or promotion of commercial tobacco products, including electronic smoking devices, on school grounds and at off-campus school-sponsored events is detrimental to the health and safety of students, staff, and visitors.

B. The Birmingham Board of Education also believes accepting gifts or materials from the tobacco industry will send an inconsistent message to students, staff, and visitors.

C. The Birmingham Board of Education embraces that adult staff and visitors serve as role models for students. The board embraces its obligation to promote positive role models in schools and to provide an environment for learning and working that is safe, healthy, and free from unwanted smoke or aerosol and other commercial tobacco use for the students, staff, and visitors.

THEREFORE, the Birmingham Board of Education adopts the following commercial tobacco-free

policy:

## II. Definitions

A. "Administrator" means any person who has disciplinary and managerial authority to enforce school policies in Birmingham City Schools, including but not limited to principals, assistant principals, and office personnel.

B. "Any time" means 24 hours a day, seven days a week, 365 days a year.

C. "Electronic smoking device" means any product containing or delivering nicotine, or any other substance, whether natural or synthetic, intended for human consumption through the inhalation of aerosol or vapor from the product. "Electronic smoking device" includes, but is not limited to, devices manufactured, marketed, or sold as e-cigarettes, e-cigars, e-pipes, vape pens, mods, tank systems, Juul, Suorin, or under any other product name or descriptor. "Electronic smoking device" includes any component part of a product, whether or not marketed or sold separately, including but not limited to e-liquids, e-juice, cartridges, or pods.

D. "Imitation tobacco product" means any edible non-tobacco product designed to resemble a tobacco product, or any non-edible non-tobacco product designed to resemble a tobacco product and intended to be used by children as a toy. "Imitation tobacco product" includes, but is not limited to, candy or chocolate cigarettes, bubble gum cigars, shredded bubble gum resembling chewing tobacco, pouches containing flavored substances packaged similar to snus, and shredded beef jerky in containers resembling snuff tins.

E. "Off-campus, school-sponsored event" means any event sponsored by the school or school district that is not on school property, including but not limited to, sporting events, day camps, field trips, dances, or theatrical productions.

F. "Parent/Guardian" means any person that has legal guardian status over a student enrolled in Birmingham City Schools. "Caregiver" means any adult over the age of 18 who is responsible for direct care, protection and supervision of a child.

G. "School" means Birmingham City Schools any Pre-K, kindergarten, elementary, secondary school, alternative learning center operated under the control of Birmingham Board of Education.

H. "School property" means all facilities and property, including land, whether owned, rented, or leased by Birmingham Board of Education and all vehicles owned, leased, rented, contracted for, or controlled by Birmingham City Schools used for transporting students, staff, or visitors.

I. "Signage" means signs declaring that all Birmingham City School property is tobacco-free.

J. "Smoking/Vaping" means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, hookah, or pipe, or any other lighted or heated product containing, made, or derived from nicotine, tobacco, marijuana, or other plant, whether natural or synthetic, that is intended for inhalation. "Smoking" also includes carrying or using an activated electronic smoking device.

K. "Staff" means any person employed by Birmingham Board of Education full or part-time, or any position contracted for or otherwise employed, with direct or indirect monetary wages or compensation paid by Birmingham Board of Education or anyone working on a volunteer basis. This term includes, but is not limited to, faculty, service personnel, volunteers, chaperones, student teachers, adult classroom or student aides, and other adults working for Birmingham City Schools.

L. "Student" means any person enrolled in Birmingham Board of Education's educational system.

M. "Tobacco industry" means manufacturers, distributors, or wholesalers of tobacco products or tobacco related devices (e.g., Juul, Altria). This includes parent companies and subsidiaries.

N. "Tobacco industry brand" means any corporate name, trademark, logo, symbol, motto, selling message, recognizable pattern of colors, or any other indication of product identification identical or similar to those used for any brand of tobacco product, company, or manufacturer of tobacco products.

O. "Tobacco product" means any product containing, made, or derived from tobacco or that contains nicotine, whether synthetic or natural, that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, or any component, part, or accessory of a tobacco product, including but not limited to: cigarettes; electronic smoking devices; cigars; little cigars; cheroots; stogies; periques; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff; snuff flour; cavendish; plug and twist tobacco; fine-cut and other chewing tobacco; shorts; refuse scraps, clippings, cuttings, and sweepings of tobacco; and other kinds and forms of tobacco.

P. "Tobacco products shop" means a retail establishment that derives more than 90 percent of its gross revenue from the sale of tobacco products, as defined in this policy.

Q. "Tobacco-related devices" means ashtrays, rolling papers, wraps, or pipes for smoking and any components, parts, or accessories of electronic smoking devices.

R. "Visitor" means any person subject to this policy that is not a student, staff, or administrator as defined above.

**REVISED 7/26/2022**

### **III. General Statement of Policy**

A. Birmingham Board of Education students are prohibited from possessing, using, consuming, displaying, promoting, or selling any tobacco products, tobacco-related devices, or imitation tobacco products at any time on school property or at any off-campus, school-sponsored event.

B. Administrators, staff, or visitors of Birmingham Board of Education are prohibited from using, consuming, displaying, activating, promoting, or selling any tobacco products, tobacco-related devices, or imitation tobacco products at any time on school property or at any off-campus, school-sponsored events. This includes products or paraphernalia displaying tobacco industry brands.

C. It shall be a violation of this policy for Birmingham Board of Education to solicit or accept any contributions, gifts, money, curricula, or materials from the tobacco industry or from any tobacco products shop. This includes, but is not limited to, donations, monies for sponsorship, advertising, alleged educational materials, promotions, loans, scholarships, or support for equipment, uniforms, and sports and/or training facilities. It shall also be a violation of this policy to participate in any type of service funded by the tobacco industry while in the scope of employment for Birmingham Board of Education.

D. It shall be a violation of this policy for any person to promote, or for Birmingham Board of Education to promote or allow promotion of tobacco products, tobacco-related devices, or imitation tobacco products on the school property or at off-campus, school-sponsored events. This includes promotion of these products via gear, technology accessories, bags, clothing, any personal articles, signs, structures, vehicles, flyers, or any other materials.

E. The Birmingham Board of Education shall act to enforce this policy and to take appropriate action against any student, staff, administrator, or visitor who is found to have violated this policy.

F. Instruction to discourage the use of tobacco products shall be included in the education provided for all students. Staff responsible for teaching tobacco use prevention shall have adequate training and participate in ongoing professional development activities to effectively deliver the education program as planned. The curriculum for this instruction will not be paid for or developed by the tobacco industry or its subsidiaries.

### **IV. Exceptions**

A. It shall not be a violation of this policy for a person to possess or provide tobacco, tobacco-related devices, or imitation tobacco products to any other person as part of an indigenous practice or a lawfully recognized religious, spiritual, or cultural ceremony or practice. It shall not be a violation of this policy to use tobacco or tobacco-related devices as part of an educational experience related to

Indigenous tobacco practices that has been approved by administrators.

B. It shall not be a violation of this policy for tobacco products, tobacco-related devices, or imitation tobacco products to be included in an instructional or work-related activity in Birmingham City School buildings if the activity is conducted by a staff member or an approved visitor and the activity does not include smoking, chewing, or otherwise ingesting the product.

C. It shall not be a violation of this policy for non-students 21 years and older to use or possess a product that has been approved by the U.S. Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for such an approved purpose.

#### **V. Opportunities for Cessation Programs**

A. Administrators shall consult with the local public health department or other appropriate health and allied community-based organizations to provide students, staff, and administrators with information and access to support systems, programs, and services to encourage them to abstain from the use of tobacco products.

B. Administrators shall identify and offer evidence-based programs and services for staff that use tobacco products to support them in complying with this policy.

#### **VI. Enforcement**

The success of this policy depends upon the thoughtfulness, consideration, and cooperation of the whole Birmingham City School community. All individuals on school premises, including students, staff, administrators, and visitors are responsible for adhering to and enforcing this policy. Members of the Birmingham City School community are encouraged to communicate this policy with courtesy and diplomacy. Any person acting in violation of this policy will be informed or reminded of the policy and asked to comply.

##### **A. Penalties for Violations**

1. **Students** - Students who violate the tobacco prohibition will be disciplined in accordance with the Board's Code of Student Conduct.
2. **Employees** - Employees who violate the tobacco prohibition will be subject to adverse personnel action, which may include termination.
3. **Other Persons** - Other persons who violate the tobacco prohibition may be denied re-entry to school property.

B. **Parental Notification** - Parents and guardians may be notified of actual or suspected violations of the tobacco prohibition whether or not the student is charged with a violation of Board policy, which includes the Code of Student Conduct. Parents will be provided information about available cessation programs for student participation in a tobacco and vaping education program.

[Reference: Ala. Code §16-1-24.1 (1975); Ala. Admin. Code 290-3-1-.02(1)(b)]

#### **VII. Dissemination of Policy**

- A. Appropriate signage shall be posted throughout the district at building entrances and other highly visible locations on all school buildings, building entrances, vehicles, vehicular entrances to school grounds, and all indoor and outdoor athletic facilities indicating that Birmingham City Schools requires an environment free of commercial tobacco.
- B. The Birmingham Board of Education shall notify students and parents, caregivers and guardians of this policy through student handbooks and orientations.
- C. The Birmingham Board of Education shall provide notice of this policy in staff handbooks, through orientations and employee or staff trainings, and when offering employment.

- D. The Birmingham Board of Education shall make reminder announcements of its commercial tobacco-free policy at all Birmingham City School sponsored events at appropriate intervals throughout the events, when possible.

#### VIII. Program Evaluation

The tobacco and vape free policy shall be assessed by the school district or its designee evaluator at regular intervals, but at least once a year, to determine whether policies, policy enforcement, communication, education, staff training, and cessation programs are effective. Policies and programs shall be updated and revised accordingly.

Revised 6/8/2021

- 4.2.5 Searches – Law enforcement agencies are permitted to make periodic visits to all schools to detect the presence of illegal drugs or weapons and may use any lawful means at their disposal to detect the presence of such substances. The visits will be unannounced to anyone except the Superintendent and principal.

[Reference: Ala. Code §16-1-24.1 (1975); Ala. Admn. Code 290-3-1-.02(1)(b)]

- 4.2.6 Drug and Alcohol Free Environment – All students, employees, volunteers, parents, visitors, and other persons are prohibited from being under the influence of, possessing, using, consuming, manufacturing, or distributing illegal controlled substances and alcohol while on Board property or while attending any Board sponsored or sanctioned event, program, activity, or function. Persons who are intoxicated, under the influence of, or impaired by the use, consumption, or ingestion of any illegal controlled substance or alcohol are not permitted to be on school property, or to attend or participate in any Board sponsored or sanctioned event, program, activity, or function.

Revised 8/11/2015

[Reference: Ala. Code §16-1-24.1, 25-5-330 (1975)]

- 4.2.7 Adoption of Statutory Penalties and Consequences – Persons who violate the Board's prohibition of firearms, weapons, illegal drugs, or alcohol will be subject to all notification, referral, suspension, placement, re-admission, and other provisions set forth in Ala. Code §16-1-24.1 and 24.3 (1975).
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**Special Education Procedures for a Class I and/or Class II offenses:**

1. When a student commits a Class I and/or Class II offense, the principal (or designee) shall consult with the student's case manager to document implementation of discipline procedures prescribed by the IEP Team.
2. The IEP Team will meet to review/revise the IEP including the Functional Behavior Assessment (FBA), Behavior Intervention Plan (BIP), and the total number of days suspended for the school year.
3. The IEP Team will complete the Special Education Checklist for Class I and Class II Offenses form within five (5) days of the suspected offense. The form shall be completed during an IEP meeting.
4. The IEP Team will document at least two (2) revisions of the IEP to include previous interventions.

All revisions to the student's individual program, including the FBA & BIP, shall be written into the current IEP Plan.

**NOTE:** If a student commits more than three (3) Class I offenses in a school year, further Class I offenses may be considered a Class II offense, provided more than 3 interventions have been made and documented and the school has implemented a viable PBIS program.

**UNDER NO CIRCUMSTANCES SHOULD ACADEMIC GRADES BE USED FOR MAINTAINING ORDER IN A CLASSROOM, NOR SHOULD STUDENT BEHAVIOR BE INCLUDED IN CALCULATING ACADEMIC GRADES. AN ACADEMIC GRADE SHOULD REFLECT THE TEACHER'S MOST OBJECTIVE ASSESSMENT OF THE STUDENT'S ACADEMIC ACHIEVEMENT.**

**UNDER NO CIRCUMSTANCES SHOULD ATTENDANCE BE USED AS THE BASIS FOR A SUSPENSION. THE STUDENT SHOULD BE REFERRED TO THE ATTENDANCE OFFICER FOR ABSENCES THAT MAY CONSTITUTE TRUANCY.**

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**DISCIPLINARY RESPONSES FOR CLASS I VIOLATIONS**

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**GRADES K-12**

Consequences for inappropriate conduct may include, but are not limited to, the following and should be matched to severity of infraction:

Interventions	Consequences*
All interventions from Classroom Managed Level	All Consequences from Classroom Managed Level
Referral to School Counselor	Temporary removal from class
Referral to Problem Solving Team/Multi-Tiered Systems of Support (MTSS) Team	In School Suspension (no more than 5 days)
	Warning of Referral to Class II

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**CLASS II INTERMEDIATE OFFENSES**

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Class II offenses are considered disruptive misconduct and are defined as those activities engaged in by student (s) which are directed against persons or property, and the consequences of which tend to endanger the health or safety of oneself or others in the school. The provisions of this regulation apply not only to within-school activities, but also to student conduct on school transportation vehicles, and during other school sponsored activities.

- 2.01 **Defiance of a School Board employee's authority** - any verbal or nonverbal refusal to comply with a lawful and reasonable directive of a School Board employee (*Respect, Responsibility*)
- 2.02 **Possession and/or use of tobacco products** - having and/or using tobacco products (including the possession of cigarette rolling papers, e-cigarettes, hookah, vaping and/or vaping products, etc.) on the school premises (*Responsibility, Citizenship*)

## **APPENDIX XII: SCHOOL BUS CONDUCT AND SAFETY REGULATIONS**

BCS students are afforded the privilege of bus transportation to and from their home schools daily. Appropriate behavior by students is essential to maintaining safe transportation. Students are expected to behave in a manner, similar to that of a classroom environment. Inappropriate conduct on the school bus may result in a bus conduct referral. Continued violation of school bus rules may result in permanent removal from the school bus.

- Observe appropriate school bus conduct
- Be courteous and use appropriate language
- Comply with reasonable directives of BCS staff, including sitting in assigned seats
- Do not eat or drink, except for water
- Do not use tobacco products, smoke, or use electronic cigarettes
- Do not damage or tamper with bus or bus equipment
- Do not bring weapons on the bus
- Keep the bus clean
- Keep all body parts and objects inside the bus
- Always remain seated
- There shall be no physical contact with another person
- Do not bring pets on the bus
- Do not bring flammable and/or hazardous materials on the bus
- Do not touch/open emergency exits, or hatches except in the case of an emergency

**Note:** Students on school buses may be under video surveillance.

School bus pick up, transport, and drop-off are all considered part of the school day. BCS Code of Conduct is applicable to all components of school bus transport. The BCS Electronic Device Policy is to be followed during these times.

### **Transportation Infractions**

If a student is not properly observing bus rider safety regulations, the Campus Principal/Director of Transportation (subject to the degree of the offense) may initiate the following steps:

**1st Notice** – Parents receive a call alerting them of the infraction and notifying them that this is the first offense; a phone conference or face-to-face conference is mandatory. The student is warned and given this form to take home for signature and to return the next school day.

**2nd Notice** – Parent/ Student Conference with campus administrator; student subject to (3-5) days suspension of bus privileges. A phone conference or face-to-face conference is mandatory. Parent must contact the school office within (1) school day of when the notice was issued.

**3rd Notice** - Student is subject to a maximum of (10) school days suspension of bus privileges. Student is provided with a written notice; parents are contacted directly via telephone. Notice of bus suspension is mailed to the parents.

**4th Notice** – Student is denied riding privileges for the remainder of the semester, the remainder of the school year, or indefinitely. Parents and students are provided with written notice.