

## Calhoun County School System Board Policy 4.02

Tobacco – The use of tobacco products and the illegal possession, distribution, and sale of tobacco products on school property is prohibited. For the purposes of this policy, “tobacco product” is defined to include cigarettes, electronic cigarettes, vape pens, hookah pens, e-hookahs, vape pipes and any similar type of device designed to deliver nicotine, flavor, and other chemicals via inhalation, cigars, blunts, bidis, pipes, chewing tobacco, snuff and other items containing or reasonably resembling tobacco or tobacco products. “Tobacco use” includes smoking, vaping, chewing, dipping, or any other use of tobacco products.

### *a. Penalties for Violation*

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.

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

## IT'S THE LAW--Student and Parental Notification of Civil Liabilities and Criminal Penalties

**Parental Responsibility for Child's Attendance and Conduct (Act 94-782), Ala. Code 16-28-12** - Each parent/guardian or other person having control or custody of a child required to attend school who fails require the child to enroll and regularly attend school or fails to compel the child to properly conduct himself/herself in accordance with the written policy on school behavior adopted by the local board of education shall be guilty of a misdemeanor.

**Causing Delinquency of a Child (Act 75-1205) Ala. Code 12-15-13**-Anyone who contributes to the delinquency of a child under this provision shall be guilty of a misdemeanor.

**Teacher Assault (Act 94-794) Ala. Code 13A-6-21**-A person commits the crime of assault in the second degree (Class C felony) if he, with intent to cause physical injury to a teacher or school employee during or as a result of the performance of his or her duty, causes physical injury to any person.

**Drug Dealing (Act 94-783), Ala. Code 6-5-72** - A person who unlawfully sells, furnishes, or gives a controlled substance to a minor may be liable for injury or damage suffered by a third person caused by or resulting from the use of the substance by the minor, if the sale, furnishing, or giving of the controlled substance is the proximate cause of the injury or damage.

**Drugs, Alcohol, Weapons, Physical Harm (Act 94-784), Ala. Code 16-1-24.1 (see also 16-1-24)** - The school principal shall notify appropriate law enforcement officials when a person violates local board of education policies concerning drugs, alcohol, weapons, physical harm to a person or threatened physical harm to a person. If any criminal charge is warranted, the principal is authorized to sign the appropriate warrant. If that person is a student, the local school system shall immediately suspend that person from attending regular classes and schedule a hearing within 5 school days. The decision to suspend or initiate criminal charges against a student, or both, shall include a review and consideration of the student's exceptional status, if applicable, under Chapter 39, or appropriate federal statutory or case law. If a person is found to have violated a local board of education policy concerning drugs, alcohol, weapons, physical harm to a person or threatened physical harm to a person, the person may not be readmitted to the public schools until criminal charges, if any, have been disposed of by appropriate authorities and the person has satisfied all other requirements imposed by the local board of education as a condition for readmission.

**Deadly Weapons in Schools (Act 94-817), Ala. Code 13A-11-72** - No person shall knowingly with intent to do bodily harm carry or possess a deadly weapon on the premises of a public school. Possession of a deadly weapon with the intent to do bodily harm on the premises of a public school or school bus is a Class C felony.

**Firearms in School (Act 95-756), Ala. Code 16-1-24.3** - All local boards of education must implement a policy requiring expulsion for a period of one year of all students determined to have brought or have in their possession a firearm in a school building, on school grounds, on school buses, or at school sponsored functions. In case of a violation, the principal shall notify law enforcement officials and the parents of the student.

**Vandalism (Act 94-817), Ala. Code 6-5-380** - The parents, guardian, or other person having control of any minor under the age of 18 with whom the minor is living and who have custody of the minor shall be liable for the actual damages sustained to school property, plus the court costs, caused by intentional, willful or malicious act of the minor.

**Pistol/ Loss of Driver's License (Act 94-820) Ala. Code 16-28-40** - Any person over the age of 14 convicted of the crime of possession of a pistol on the premises of a public school, or a public school bus, shall be denied issuance of a driver's permit or license to operate a motor vehicle for 180 days from the date the person is eligible and applies for a permit or license. If a person over age 14 possesses a driver's license on the date of conviction, the license will be suspended for 180 days.

**Drop-Out/Driver's License (Act 94-820) Ala. Code 16-28-40** - The Department of Public Safety shall deny a driver's license or learner's permit to any person under 19 who is not enrolled or has not received a diploma or certificate of graduation. Exceptions are students who: are enrolled in a secondary school, are participating in an approved job training program, are gainfully employed, are a parent of a minor or unborn child, or are the sole source of transportation for the parent.

**Hazing Prohibited (Act 81-824) Ala. Code 16-1-23** - Any person who commits the offense of hazing in connection with initiation or affiliation with an organization, including any person who encourages, aids or assists, shall be guilty of a misdemeanor.

ADMINISTRATIVE CODE REGULATIONS (Alabama State Board of Education)

**Drug inspections** --students are advised that law enforcement agencies make periodic, unannounced visits to local schools for the purpose of detecting the presence of illegal drugs.

**Tobacco/nicotine/electronic vapor devices prohibited** -- Use of products on school property is prohibited. This mandate is inclusive of students, school personnel, parents, and visitors. School property is inclusive of athletic fields and facilities. Non-compliance with this policy could result in the loss of Federal funding.