

Policy 4.02: Safe Schools Policy (Drugs, Alcohol, Tobacco, and Weapons)

Status: ADOPTED

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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 who are certified by the Alabama Peace Officers' Standards and Training Commission. 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 or activities, 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 prohibited.

a. **Penalties for Violations** – In addition to any criminal penalties that may be imposed, the following penalties will be imposed for unauthorized possession of illegal drugs or alcohol:

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.

4.2.4 Tobacco/Electronic Cigarettes– 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 any 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)]

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. Admin. 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 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 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.

[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)

NOTE: ONLY a parent or legal guardian may regain possession of the device AFTER the student has completed his/her disciplinary sanction. Please note that should a student commit the offense and the disciplinary sanction cannot be completed before the end of the school week, then the device will be kept over the non-school days until the sanctions can be completed.

Alabama State Department of Education Policy Use of Digital Device During the Administration of a Secure Test

Students shall not possess any digital device within the testing room when participating in the Alabama Comprehensive Assessment Program (ACAP) testing. The possession of a digital device by students participating in ACAP testing is strictly prohibited during the administration of a test. The ONLY exception to this policy is for students who have been pre-approved by the Building Test Coordinator or the Principal to have a digital device that is necessary for the health and/or well-being of the student.

If students are in possession of a digital device that is within their reach during the administration of an ACAP test, the device will be confiscated and, if the appropriate administrator determines that there is reasonable suspicion that the device was used to capture, record, or share test information or to facilitate cheating on the test, it may be subject to search pursuant to LEA policy for any information directly related to the ACAP test being administered. Additionally, the student will be dismissed from testing immediately and the test may be invalidated in accordance with ACAP policy. Violation(s) may result in disciplinary action by the LEA in accordance with the LEA's disciplinary policy.

NO FIGHT POLICY

If a student or any other person on school property or attending a school event off campus is involved in a fight or other activity which violates board policy or State law, the principal is authorized to sign the appropriate warrant. If the violator is a student, then all applicable school rules and consequences apply (Alabama Code 16-1-21.1).

Because schools should provide a safe and orderly environment, which is conducive to learning, it is not permissible for school officials to tolerate fighting or other forms of assault to occur inside the confines of a school building, on school grounds or at any school function. A fight is defined as any conduct falling within the Alabama statutes defining assault, menacing, reckless endangerment or criminal coercion. Refer to Title 13A of the Code of Alabama 1975.

The following procedures will be adhered to:

1. Fighting in school buildings, on school grounds, at any school-sponsored event, or on a school-owned/maintained vehicle shall be classified as a major violation of the Student Code of Conduct.
2. The principal or his/her designee shall investigate the fight and take the appropriate action as identified in the Student Code of Conduct.
3. The principal or his/her designee shall secure the cooperation of witnesses to the fight and secure written statements from all witnesses.
4. The principal or his/her designee shall secure reliable witnesses for court appearance.
5. The principal or his/her designee may call the police and file a complaint/petition with the juvenile court.
6. A reasonable attempt shall be made to notify a parent/guardian if the student is to be removed from the school by police officers.

TOBACCO USE AND POSSESSION

The board of education recognizes that smoking represents a health and safety hazard, which can have serious consequences for the smoker and non-smoker. In order to encourage role models for the best health practices and to protect the student, employees, visitors and guests of the system from an environment that may be harmful to them, the board hereby prohibits the use or possession of all other tobacco products, including electronic cigarettes, during the regular school day or at any school activity.

The regular school day is defined, as the normal hours schools are open to students for instructional purposes. The regular school day begins for students at the time of arrival on the respective school premises (school-owned property, school buses, parking lots, etc.). A school activity is defined as any activity (play, athletic event, recital, etc.) under the sponsorship and supervision of a school or the school system.

In compliance with the Alabama Administrative Code 290-030-010-06, it is the policy of the Cherokee County School System that all persons are at all times prohibited from using tobacco products while in any building belonging to the Cherokee County School System. The use of tobacco products, including electronic cigarettes, outdoors is prohibited on Cherokee County school property during school hours and during after school activities.

STUDENTS

Students are prohibited from using tobacco products, including electronic cigarettes, while on Cherokee County School property (indoors or outdoors), during and after school hours or at any school-sponsored event, during and after school hours.

SANCTIONS

Disciplinary actions concerning students who violate this policy may include after-school detention, suspension, or assignment to the Alternative School.

ALCOHOL/DRUG POLICY

It is the belief of the Cherokee County Board of Education that the abuse of drugs and alcohol poses the most serious threat currently facing our nation. This body is committed to a three-fold approach to this problem consisting of the following:

- Supporting and assisting the federal, state and local law enforcement agencies in their efforts to stop the abuse of illegal drugs and alcohol at school and in society.
- Educating students, employees and parents to the dangers and risks involved in the use of alcohol and drugs.
- Helping to rehabilitate those students and employees who have a history of drug and/or alcohol abuse.

It is the policy of the Cherokee County Board of Education that any student found to be under the influence or in possession of illicit drugs, including alcoholic beverages, on any campus or during any school activity shall be subject to immediate suspension from school by the school principal. The school principal shall make a report to the superintendent immediately, and if the violation is of a serious nature, the superintendent may make a recommendation to the Cherokee County Board of Education for expulsion from school.

In the event that a student is found to be under the influence of, or in possession of, illicit drugs, the following procedures shall be followed:

1. The student shall be clearly informed by the principal or his/her designee of the offense with which he/she is being charged and of the evidence against him/her.
2. Said student will be given an adequate opportunity to state his/her position regarding the alleged offense.
3. If, in the judgment of the principal or his/her designee, the student did commit the offense in question, said student shall be immediately suspended from school.
4. The principal shall immediately notify the student's parent or legal guardian of the action taken, cause or causes for such action, and further action to be taken.
5. Appropriate law enforcement agencies will be contacted.
6. The student shall then be dismissed from school but ONLY in the company of his/her parent or legal guardian or appropriate law enforcement officer.
7. Within a period of time, not to exceed ten (10) days, the board of education shall hold a hearing in order to render a decision concerning the expulsion of said student.

The board of education hearing relative to expulsion, as well as the preliminary steps concerning said hearing, shall comply with procedural due process criteria. If the board determines that the charges brought against the student are valid; the student may be expelled from Cherokee County Schools. Expulsion is here defined as removal of the name of a student from the attendance rolls of the school. In case of expulsion, the student will not be permitted to attend or participate in any school-sponsored activities (i.e. graduation exercises, prom, extracurricular events, etc.). The superintendent of schools shall notify, in writing, the parent or legal guardian of the student, of the action taken by the board. A student who is expelled may petition the board for reinstatement at some future time. A negative drug test analysis may be required prior to consideration for reinstatement.

DRESS CODE

Educational research indicates that appearance can be a reflection of one's self-esteem and may also have a direct relationship with a person's educational performance; therefore, the School Board expects the student body to exhibit a positive appearance that encourages proper hygiene and optimal performance. Clothing

Additional Items

- Career technical classes or shops, physical education classes, sports teams, cheer teams, lab classes, band and choral and similar classes with special requirements may develop additional dress codes to promote safety for all students or to allow for mobility for specific activities.
- Clothing with vulgar or profane graphics or language or that is harassing to other students based on race, religion, gender or disability or that is sexually suggestive is prohibited.
- Clothing advertising or displaying tobacco, alcohol products, weapons, and/or drugs is prohibited.

The School Board shall provide exceptions as to not infringe on sincere religious beliefs or physical disabilities or limitations. School administration reserves the right to remove a student from class and request that the student meet dress code fully before returning to class. Dress code violations will be subject to disciplinary action in accordance with the Student Handbook and Code of Conduct.

VIDEO SURVEILLANCE

In order to provide and maintain a safe and secure environment for students, staff and authorized visitors, the Cherokee County Board of Education may use surveillance equipment on properties owned and/or maintained by the school system. Properties include building and grounds as well as vehicles owned and/or operated by the board. Individual schools shall establish a system for maintenance and storage of equipment and tapes. Equipment and tapes shall be stored in secure places with access by authorized persons only. Any information obtained through the use of surveillance equipment shall be used only for school disciplinary or law enforcement purposes.

STUDENT PHOTO AND VIDEO USE

The Cherokee County Board of Education believes the use of photos and videos of students and allowing media photographers and videographers on campus to highlight programs adds significantly to the communication value of system and school publications and websites. The system believes it is important to share the achievements and recognitions earned by students with the community. The use of photos or videos showing students involved in the classroom and school-related activities help accomplish this goal.

Unless notified in writing of an objection by a parent, photographs and video footage of students and/or names may be used in system-produced materials including printed publications and web sites and may also be used by the media.

If parents want to limit the use of photographs or videos of their student, they should complete a Photo/Video Opt-Out form within 10 days of initial enrollment and submit it to the school principal in person. The form is available at the school office. An opt-out request is valid for the current school year and must be renewed at the start of the next school year.

METAL DETECTORS

The use of portal type metal detectors, along with handheld wands, may be used to check groups or individual students at the discretion of the principal, superintendent, or their designee.

Physical Restraint and Seclusion

A. Policy Purpose

1. The school system acknowledges that maintaining a school environment conducive to school learning requires that the environment be orderly and safe. Accordingly, physical restraint of a student may sometimes be necessary in order to protect the student or other individuals.
2. The purpose of this policy is to ensure that physical restraint is administered appropriately and only when needed to protect a student and/or member of the school community from imminent, serious physical harm and to prevent or minimize any harm to a student as a result of the use of physical restraint.
3. The school system places an emphasis under this policy on the prevention and de-escalation of inappropriate behavior, which reduces the risk of injury to students and program staff, as well as facilitates the care, safety, and welfare of our students.