

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

Status: ADOPTED

Original Adopted Date: 02/17/2015

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 possession, transfer, use, manufacture, or distribution of illicit drugs, drug paraphernalia, or alcohol is prohibited in a school building, on school grounds, on school property, on school buses, or at school-sponsored functions. Persons who ingest, consume, inject, or otherwise use illegal drugs/alcohol or use drugs without medical justification and are thereby under the influence of such substances on school grounds or at school activities will be in violation of the Code of Conduct and law.

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 – The use of tobacco products and the illegal possession, distribution, and sale of tobacco products on school property is prohibited. These prohibitions also apply to 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.

a. Penalties for Violation

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. 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).

CLASS II ADMINISTRATIVE RESPONSES

Administrative responses for Class II violations include, but are not limited to, the following:

Pre-K

Pre-k students are expected to adhere to the Tuscaloosa City Schools Parent/Student Code of Conduct. Failure to adhere may result in administrative responses per class offense. The Deputy Superintendent will make the final decision which could result in dismissal from the pre-k program.

Elementary Students

- Parent contact/conference
- Student conference/written warning
- Before-/after-school detention
- Out-of-school suspension not to exceed two days, with parent or guardian conference before the student may return to school
- Assignment to in-school intervention
- Response to instruction referral
- Positive behavior support program interventions
- Counselor referral
- Social worker referral
- Denial of bus privileges

Middle and High School Students

- In-school suspension
- Suspension of up to five days, with parent or guardian conference before the student may return to school
- Out-of-school suspension/in-school intervention combination
- Disciplinary probation
- Before-/after-school detention
- Work assignments before or after school
- Positive behavior support program interventions
- Counselor referral
- Social worker referral
- Denial of bus privileges
- Alternative placement
- Recommendation for expulsion.

Before determining the appropriate administrative response, the principal or their designee will consider the student's prior disciplinary history.

MAJOR OFFENSES – CLASS III

<u>Code</u>	<u>Offense: Description</u>
3.28	Homicide: Killing of one human being by another, either intentionally or through negligence.
3.29	Sexual battery: Sexual contact forcibly and/or against the person's will; or, where the victim is incapable of giving consent because of their youth or because of temporary or permanent mental incapacity. Note: "sexual contact" is defined as the intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person with an intent to abuse, humiliate, harass, degrade, arouse or gratify the sexual desire of any person.
3.30	Kidnapping: The unlawful seizure, transportation, and/or detention of a person against their will or of a minor without the consent of their parent or guardian.
3.31	Robbery: 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.
3.32	Aggravated battery: Intentionally or recklessly causing great bodily harm, disability, or permanent disfigurement; or, any battery with use of a weapon regardless of the injuries sustained.
3.33	Battery of a Board Employee: A student who either intentionally, or recklessly, causes physical contact with a Board employee OR has physical contact with a Board employee during the commission of a disciplinary infraction.
3.34	Assault on Board employee: Any act causing a Board employee to reasonably fear an attack or imminent physical harm.

- 3.35 **Violence/threat of violence:** The infliction of force with the intent to cause injury to another or damage to the property of another; or an expression of an intention to inflict violence on another.
- 3.36 **Intimidation:** A threat or other action that is intended to or could reasonably cause fear or apprehension in another, especially for the purpose of coercing or deterring a student from participating in or taking advantage of any school program, benefit, activity, or opportunity for which the student is or would be eligible.
- 3.37 **Aggravated fighting:** Participation in a fight where there is no one main offender, and any one or more of the following:
 - Involves more than two individuals;
 - causes a major disruption;
 - at least one of the participants sustains a serious physical injury. If any one participant sustains a serious physical injury, all participants are guilty of a Class III offense.
- 3.38 **Battery:** A student who either intentionally, or recklessly, causes physical contact with another OR has physical contact with another during the commission of a disciplinary infraction.
- Assault:** Any act causing another to reasonably fear an attack or imminent physical harm.
- 3.39 **Offensive touching of another person:** Touching without permission, either directly or through the clothing, another person's, genitalia, groin, breast, inner thigh, or buttocks, OR touching any part of another person if done with an intent to harass, annoy, or alarm that person.
- 3.40 **Bomb threats:** To unlawfully place any person in fear of bodily harm, or interfere with the educational environment, by threat of explosive through any means of communication, regardless of whether or not a bomb actually exists.
- 3.41 **Possession of firearm:** Carrying a firearm is a violation of the Safe Schools Act of 2013: Any weapon that will, is designed to, or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of any such weapon; any firearm muffler or firearm silencer; any destructive device or any machine gun. A destructive device is any bomb, grenade, mine, rocket, missile, pipe bomb, or similar device containing some type of explosive and is capable of causing bodily harm or property damage. Includes firearms of any kind (loaded or unloaded) including, but not limited to, hand, zip, pistol, rifle, shotgun, starter gun, flare gun, etc.
- 3.42 **Discharging of any firearm:** The discharge of any firearm as defined in the preceding section.
- 3.43 **Possession of a fake/toy weapon with intent to deceive:** possession, use, or intent to use any instrument or object which resembles a weapon or firearm as described in 3.41 or 3.44 for the purpose of leading others to believe the student is in possession of an actual weapon or firearm.
- 3.44 **Possession of weapon:** Possession, use, or intent to use, any instrument or object used in fighting; an instrument of offensive or defensive combat, to inflict harm on another person, or to intimidate any person including, but not limited to, instruments with sharp cutting edges, chemical weapons or devices (mace/pepper spray), electrical weapons or devices (stun guns), or blunt instruments capable of being used as a weapon, etc.
- 3.45 **Burglary:** The unlawful entry into a building or other structure with intent to commit an offense therein.
- 3.46 **Grand theft:** The unlawful taking of another's property, valued at more than \$100.
- 3.47 **Arson:** Intentionally damaging property or putting property at risk of damage by starting or maintaining a fire or causing an explosion.
- 3.48 **Drugs:** The unlawful use, cultivation, manufacture, distribution, sale, purchase, possession, transportation, or importation of any controlled substance or narcotic substance, or CBD product (including, but not limited to, Delta-8), or equipment and devices used for preparing or taking of narcotics, or CBD products. This includes being under the influence of or possessing drugs or substances represented as drugs. This includes prescription or over-the-counter medication if abused by the student or the possession of said drugs at the school without a properly completed School Medication Prescriber/Parent Authorization Form.
- 3.49 **Harassment:** Behavior intended to pressure or intimidate, including, but not limited to, written, electronic, verbal, non-verbal, or physical acts (a) place a person in reasonable fear of harm to their person or damage to their property; (b) have the effect of substantially interfering with the educational performance, opportunities, or benefits of a student; (c) have the effect of substantially disrupting or interfering with the operation of a school; (d) have the effect of creating a hostile environment; or, (e) have the effect of being sufficiently severe, persistent, or pervasive to create an intimidating, threatening, or abusive educational environment for a student.

- 3.50 Bullying:** Any written, electronic, verbal, non-verbal, or physical behavior or action against another, including but not limited to any threats, insulting, or dehumanizing gesture that a reasonable person should know will have the effect of:
- placing another in reasonable fear of substantial harm to their emotional or physical well-being or substantial harm to their property;
 - creating a hostile, threatening, humiliating, or abusive educational environment due to their actions or due to a power differential between the bully and the target; or
 - interfering with a student having a safe school environment that is necessary to facilitate educational performance, opportunities, or benefits; or
 - perpetuating bullying by inciting, soliciting, or coercing an individual or group to demean, dehumanize, embarrass, or cause emotional, psychological, or physical harm to another person.
- 3.51 Cyberbullying:** An act of harassment, intimidation, discrimination, or bullying committed using digital technology, including but not limited to email, blogs, cell phone, social media (Facebook, Twitter, etc.), chat rooms, instant messaging, or the use of data or computer software that is accessed through a computer, computer system, computer network, or PTD.
- 3.52 Cyberstalking:** To engage in a course of conduct to communicate, or to cause to be communicated, words, images, or language by or through the use of email or electronic communication, directed at or about a specific person, causing substantial emotional distress to that person serving no legitimate purpose.
- 3.53 Sexual harassment:** Any unwelcome sexual advances, requests for sexual favors, and other unwelcome verbal or physical conduct of a sexual nature.
- 3.54 Sexual offense:** Mutual engagement in sexual intercourse, sexual contact, or behavior or conduct intended to result in sexual gratification with force or threat of force.
- 3.55 Explosives:** Preparing, possessing, or igniting an explosive on Board property likely to cause bodily injury or property damage. This includes fireworks, firecrackers, and any various devices detonated to release destructive material such as gas or smoke.
- 3.56 Criminal mischief/vandalism:** The willful destruction, damage, or defacement of public or private property, without the consent of the owner or person having control over it, and causing damage in excess of \$200. If a student is deemed responsible for vandalism of Tuscaloosa City Schools property, the child and/or their parents are responsible for restitution.
- 3.57 Alcohol:** The manufacture, sale, purchase, transportation, possession, or use of intoxicating alcoholic beverages or substances representing alcohol. This includes being intoxicated or under the influence of alcohol while under the Board's jurisdiction.
- 3.58 Indecent exposure:** Exposure of a student's genitals, breasts, or buttocks.
- 3.59 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 where the stakes exceed \$100.
- 3.60 Extortion by act:** Completion of a threat as described in 2.35.
- 3.61 Other criminal acts:** Commission of any criminal act, not herein listed, as defined by the laws of the City of Tuscaloosa, State of Alabama, or the United States of America.
- 3.62 Dissemination of obscene matter:** To expose, exhibit, show, or in any way display, by electronic means or otherwise, any visual depiction of sexual conduct, nudity, or material that appeals to a person's prurient interests. This includes, but is not limited to, a visual depiction of the person disseminating the obscene material.
- 3.63 Video recording and/or sharing recordings of school fights or sexual activity:** Recording, filming, and/or sharing of a school fight or any sexual activity via text message, social media, chat room, group text thread, messaging app, or the like.
- 3.64 Possession or use of tobacco and vaping products:** Possession, use, distribution, or sale/transfer of tobacco products, e-cigarettes, cartridges, vape pens, lighters, matches, or similar products.
- 3.65 Defiance of authority while in the commission of a disciplinary offense:** Continuing to engage in a disciplinary infraction after a Board employee has directed the student to cease the activity.
- 3.66 Repeated and/or excessive commission of Class I or Class II disciplinary infractions.**
- 3.99** Any other offense that the principal may deem reasonable to fall within this category after investigation and consideration of all relevant circumstances.

CLASS III ADMINISTRATIVE RESPONSES

Administrative responses for Class III offenses include, but are not limited to, the following:

- Out-of-school suspension not to exceed ten days
- In-school intervention
- In-school suspension
- After-school detention hall
- Denial of bus privileges
- Counselor referral
- Social worker referral
- Suspension/in-school intervention combination
- Threat assessment
- Disciplinary Probation
- Placement in the Board's alternative educational program
- Recommendation for expulsion

Pre-K

Pre-k students are expected to adhere to the Tuscaloosa City Schools Parent/Student Code of Conduct. Failure to adhere may result in administrative responses per class offense. The Deputy Superintendent will make the final decision which could result in dismissal from the pre-k program.