

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 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 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 – The use of tobacco products and the illegal possession, distribution, and sale of tobacco products on school property is prohibited. For the purpose 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 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.

[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.

Disposition Options for Class I Infractions:

AS DEEMED APPROPRIATE BY THE TEACHER (must be matched to seriousness of problem behavior, presented in order of intensity):

- Redirection and verbal warning
- Ask students to take a break to calm down
- De-escalation techniques
- Teacher/student conferences
- Teacher/parent/guardian conferences
- Teacher/student/parent/guardian conferences
- Counseling services
- Instructional support will be used as is appropriate in an attempt to redirect student behavior.
- Loss of privileges
- Tier 2 interventions with Problem Solving Team involvement

Class II Violations:

- 2.00 **DEFIANCE OF AUTHORITY** – Confrontational or derogatory response or non-compliant response to the directive given by an adult. Refusing to follow a reasonable request of a TCS employee.
- 2.01 **POSSESSION AND/OR USE OF TOBACCO OR CBD PRODUCTS, INCLUDING LIGHTERS, MATCHES, ELECTRONIC CIGARETTES, VAPES, AND OTHER SIMILAR/RELATED PRODUCTS** – Unidentified substances intended to be used with electronic cigarettes and/or vapes may be classified as a drug and coded as a Class III.
- 2.02 **VERBAL ALTERCATION** – An argument between individuals which disrupts the learning environment or has the potential to create a violent situation.
- 2.03 **VANDALISM** - Intentional and deliberate action resulting in or having the potential to result in damages less than \$200.00 to public property or the real estate or personal property of another. Restitution for TCS property will be required.
- 2.04 **THEFT** (amounts equal to or less than retail value of \$250) - The intentional taking and/or carrying away of property belonging to someone else without that person's express permission. Restitution will be required for theft of TCS property.
- 2.05 **POSSESSION OF STOLEN OR LOST PROPERTY** (amounts equal to or less than retail value of \$250) – Possession of any property that does not belong to the person in possession.
- 2.06 **TRESPASSING** - Willfully entering or remaining in any Tuscumbia City Board of Education structure, school bus, or school property without being authorized, licensed, or invited; or having been authorized, licensed, or invited, is warned by an authorized person to depart and refuses to do so or who remains in a TCS structure, school bus or on Tuscumbia City School property without express permission of school authorities.
- 2.07 **POSSESSION OF PROHIBITED ITEMS** - Including but not limited to items that are distractions to the educational process and/or certain types of foods, drinks, or items which can be harmful (i.e. a single dose of medication based upon product directions, counterfeit money)

use wireless/electronic devices at school without express permission from the school principal or designee

- 2.16 **ACADEMIC DISHONESTY** – Copying, sharing, and/or using another’s work without the teacher’s permission; using materials on quizzes/tests without the teacher’s permission; and sharing of material through the use of electronic devices without the teacher’s permission are examples of academic dishonesty.
- 2.17 **GAMBLING** - Any participation in unauthorized games of chance or unauthorized possession of items used in games of chance.
- 2.18 **CLASS II BUS SAFETY INFRACTION** All bus infractions are listed as Class II violations based on the seriousness of safety issues that may arise.
- 2.19 **INTENTIONAL PHYSICAL AGGRESSION**- Incident of physical aggression including hitting, kicking, tripping, pushing that causes physical harm.
- 2.20 **BEING TRUANT FROM CLASS OR SCHOOL** – Not being in the scheduled location at the scheduled time for the scheduled duration, i.e. “Skipping”.
- 2.21 **MULTIPLE OR CONTINUOUS CLASS I OFFENSES** Multiple or Continuous Class 1 Offenses – Documented, repeated Class I violations. Class I Violations are reset and the student starts with a zero balance when he/she successfully completes a 9 week grading period without receiving a Class I violation:
- a. Multiple or Continuous Tardies
 - b. Multiple or Continuous Dress Code Violations
- 2.22 **INCITING, PROMOTING, PUBLICIZING, OR PARTICIPATING IN A STUDENT DISORDER** – Leading, encouraging, or assisting in disruptions to the environment that do not result in damage of private or public property or personal injury to participants or others.
- 2.24 **CONSENSUAL EXCESSIVE OR REPEATED INAPPROPRIATE DISPLAY OF AFFECTION OR INAPPROPRIATE PHYSICAL CONTACT**- Excessive or repeated hugging, touching, or kissing.
- 2.25 **PROVIDING FALSE INFORMATION OR WITHHOLDING INFORMATION THAT SERIOUSLY COMPROMISES A SCHOOL INVESTIGATION AND/OR HAS THE POTENTIAL TO COMPROMISE THE SAFETY OF ANOTHER INDIVIDUAL**
- 2.26 **UNJUSTIFIED ACTIVATION OF A FIRE ALARM SYSTEM**
- 2.27 **PARKING VIOLATIONS** – Not following parking guidelines and regulations
- 2.28 **ANY OTHER VIOLATION WHICH THE PRINCIPAL MAY REASONABLY DEEM FALLS IN THIS CLASS**

Drug Dealing (§6-5-72):

A person who unlawfully sells, furnishes, or gives a controlled substance to a minor may be liable for injury or damage or both suffered by a third person caused by or resulting from the use of the controlled 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, or Threatened Physical Harm (§16-1-24.1):

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.

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 requirement imposed by the local board of education as a condition of readmission.

Pistol Possession/Driver's License (§16-28-40):

Any person over the age of 14 who is convicted of a 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 the age of 14 possesses a driver's license on the date of conviction, the driver's license will be suspended for 180 days.

Sexual Harassment (§26-14-3):

A student who believes that he or she has been or is being subjected to any form of sexual harassment shall immediately report the matter to a teacher, the school counselor, principal, or the Superintendent. Any student who suspects that another student is being sexually harassed shall immediately report the information to a teacher, school counselor, principal, or the Superintendent. A student's request to make his or her report to someone of the same sex will be granted.

Teacher Assault (§13A-6-21):

A person commits the crime of assault in the second degree (Class C felony) if the person assaults with intent to cause serious physical injury to a teacher or to an employee of a public educational institution during or as a result of the performance of his or her duty.

Tobacco Possession (§28-11-13):

It is unlawful for any minor to purchase, use, possess, or transport tobacco or tobacco products within this state... (See Alabama Law §28-11-14 for additional reference.)