

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

Status: ADOPTED

Original Adopted Date: 05/20/2015

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 specifically 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/Nicotine** – The use, distribution, sale, and illegal possession of tobacco products in a school building, on school grounds, on Board property, on school buses, or at school-sponsored functions is prohibited. These prohibitions apply to products containing tobacco and/or nicotine, including, but not limited to, smokeless tobacco; snuff; chew; clove cigarettes; electronic nicotine delivery systems, such as electronic cigarettes, vape pens, hookah pens, e-hookahs, vape pipes and any similar type of device designed to deliver nicotine, flavor, or other chemicals via inhalation; and other vapor emitting devices with or without nicotine content that mimic the use of tobacco products. This section does not prohibit the use or possession of prescription tobacco cessation aides or other cessation aides such as nicotine patches or nicotine gum. However, student use or possession of such products must conform to Board procedures, rules, and regulations concerning the taking, administration, and handling of medication on school property.

- 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).

Disciplinary Actions – Class I Secondary Students (Grades 6-12)

Administrative Options:

1. Conference and parental/guardian contact
2. Disciplinary action such as loss of privilege, probation, detention, Saturday school, in-school suspension, or suspension at the discretion of the principal

**Class I Violations may warrant police contact.*

Class II Offenses

- 2.01 Use of obscene language, verbal or written, towards another person.
- 2.02 Leaving class or campus without permission.
- 2.03 Unsolicited written or verbal proposition to engage in sexual acts.
- 2.04 Gambling. The intentional, unlawful participation in gambling activities involving amount of more than \$100.00.
- 2.05 Open defiance of a teacher or school board employee. Any verbal or non-verbal refusal to comply with a lawful direction or order of a school board employee.
- 2.06 Unauthorized access to a computer system or knowledge of restricted computer passwords.
- 2.07 Threats. Threat by word or act to do harm to another or the doing of some act that creates a reasonable fear in the person that such harm is likely. *(May be upgraded to 3.08)*
- 2.08 Verbal Abuse. Speech or other expression intended to insult or stigmatize others on the basis of their sex, race, color, handicap, religion, sexual orientation, or national or ethnic origin.
- 2.09 Possession of firearm facsimiles. Discharge, possession, transfer, or sale of any facsimile or toy-type replica of a firearm or any other item resembling a firearm.
- 2.10 Disrespect to a school board employee. Any verbal or nonverbal conduct and/or behavior directed toward a school board employee that is rude or discourteous.
- 2.11 Possession of fireworks, firecrackers, or stink bombs. *(May be upgraded to 3.13)*
- 2.12 Possession of obscene, pornographic or sexually explicit material.
- 2.13 Illegal Organization. Any on-campus fraternities, sororities, secret sororities, or non-school affiliated school clubs.
- 2.14 Intentionally providing false information to a school board employee. This includes giving false student information, data, and concealment of information directly relating to school business. This includes, but is not limited to, forgery of any school document, parent or guardian notes, or other related material.
- 2.15 Possession and/or use of nicotine products/alternatives including lighters, matches, vapes, or paraphernalia.
- 2.16 Unjustified activation of a fire alarm system or fire extinguisher. *(May be upgraded to 3.12)*
- 2.17 Fighting. Any physical action involving violence or conflict between two or more individuals.
- 2.18 Intentionally touching or striking another student against the will of the other student.
- 2.19 Trespassing. Willfully entering or roaming in any structure, conveyance, or property without permission.

- 2.20 Vandalism/Property Damage. Intentionally doing some act that results in injury, damage, or defacement by means of real, personal, or public property belonging to another.
- 2.21 Stealing/Larceny. The intentional, unlawful taking and carrying away of personal property, valued at less than \$100.00, or possession of stolen property with the knowledge it is stolen.
- 2.22 Extortion. Verbally or by a written or printed communication, maliciously threatening to accuse another of any crime or offense.
- 2.23 Inciting student disorder and/or malicious mischief.
- 2.24 Cheating. The use or attempted use of any deceptive or dishonest method of improving a grade.
- 2.25 Possession of a cell phone or other electronic device that interrupts the classroom environment, which includes use of or sound emitting from it.
- 2.26 Bullying/intimidation/harassment of another individual in any form including, but not limited to, verbal, written, or action.
- 2.27 Unauthorized or inappropriate taking, recording, or distribution of pictures or video on school board property or at school-sponsored events.
- 2.28 Offensive touching. *(May be upgraded to 3.16)*
- 2.29 Multiple Class I infractions.
- 2.30 Any other offense which the principal may reasonably deem to fall in this category.

***Multiple Class II infractions can be upgraded to a Class III.**

Disciplinary Actions – Class II

Elementary Students (Grades K-5)

Secondary Students (Grades 6-12)

Administrative Options:

1. Parent or guardian contact and disciplinary action
2. In-school suspension
3. Out-of-school suspension for one to five days
4. Out-of-school suspension from six to ten days with the approval of the Superintendent
5. Recommendation for referral to alternative school
6. Recommendation for expulsion

**Class II violations may warrant police contact.*

Class III Offenses

- 3.01 Stealing/Larceny/Grand Theft. The intentional, unlawful taking and/or carrying away of property valued at \$100.00 or more belonging to or in the lawful possession or custody of another.
- 3.02 Drugs/Alcohol. Unauthorized possession, use, transfer, or sale; being under the influence of any drugs, alcohol, or any other mood-altering substance; or possession of paraphernalia.

• STATEMENT OF PURPOSE AND INTENT

Although the Board of Education, administration, and staff desire that every student in the Vestavia Hills City Schools refrains from using or possessing illegal drugs, district officials realize that their power to restrict the possession or use of illegal and performance enhancing drugs is limited. Therefore, this Procedure governs only performance-enhancing and illegal drug use by students participating in all extra-curricular competitive activities. The sanctions imposed for violations of this Procedure will be limitations solely upon limiting the opportunity of any student determined to be in violation of this Procedure to a student's privilege to participate in all extra-curricular competitive activities. No suspensions from school or academic sanctions will be imposed for violations of this Procedure. This Procedure supplements and complements all other policies, rules, and regulations of the Vestavia Hills City Schools regarding possession or use of illegal drugs.

Participation in school-sponsored interscholastic extra-curricular activities at the Vestavia Hills City Schools is a privilege. Students who participate in these activities are respected by the student body and are representing the school district and the community. Accordingly, students in extra-curricular competitive activities carry a responsibility to themselves, their fellow students, their parents and their school to set the highest possible examples of conduct, sportsmanship, and training, which includes avoiding the use or possession of illegal drugs. The purposes of this Procedure are five-fold:

1. To educate students of the serious physical, mental, and emotional harm caused by illegal drug use
2. To alert students with possible substance abuse problems to the potential harms that drug use poses for their physical, mental, and emotional well being and offer them the privilege of competition as an incentive to stop using such substances
3. Ensure that students adhere to a training program that bars the intake of illegal and performance-enhancing drugs
4. To prevent injury, illness, and harm for students that may arise as a result from illegal and performance enhancing drug use
5. To offer students practices, competition, and school activities free of the effects of illegal and performance-enhancing drug use

Illegal and performance-enhancing drug use of any kind is incompatible with the physical, mental, and emotional demands placed upon participants in extra-curricular activities and upon the positive image these students project to other students and to the community on behalf of the Vestavia Hills City Schools. For the safety, health and well being of students in extra-curricular activities the Vestavia Hills City Schools has adopted this Procedure for use by all participants in interscholastic extra-curricular activities in grades 7 - 12. Activity Students must inform their coach or sponsor when they are legitimately taking medication that may affect their ability to practice or compete, in order to avoid creating safety problems and violating this Nicotine, Tobacco, Drug and Alcohol Procedure.

Definition:

"Activity Student" means a member of any middle school (7-8) or high school (9-12) Vestavia Hills City Schools sponsored extra-curricular organization, which participates in interscholastic competition. This includes any student that represents Vestavia Hills City Schools in any extra-curricular activity in interscholastic competition, such as, but not limited to, Academic Teams (Debate, Economics /Finance, FBLA, Foreign Languages, Math, Muse, Robotics/TSA, Scholars

Bowl, Theatre, WTP), Band, Choir, Cheerleaders, Color Guard, Dance/Rebelettes/Rockettes, Majorettes), and Athletics (Baseball, Basketball, Bowling, CC/Track/Field, Fishing, Football, Golf, Soccer, Softball, Swim, Tennis, Volleyball, Wrestling).

ENFORCEMENT

To better ensure these expectations, the Board reserves the right to require all Activity Students to submit to drug tests to maintain safety and security. The School Board has developed this testing program for Activity Students to follow, as appropriate, the process of 49 CFR Part 40 and the Omnibus Transportation Employee Testing Act of 1991. It is also established in accordance with the decision of the United States Supreme Court on June 27, 2002, in the case of Board of Education of Independent School District No 91 of Pottawatomie Count et al v. Earls et al. The Board encourages, and may require its employees to be trained in nicotine, tobacco, alcohol, and drug usage recognition skills.

Pursuant to Board Procedure and regulations, Activity Students may be tested prior to beginning a seasonal activity, during the season of the activity, or on a random basis without advance notice. When Board officials (Employees) have reasonable suspicion to believe an Activity Student has violated its Nicotine, Tobacco, Alcohol and Drug Procedure, they may require the student to undergo drug testing.

An Activity Student who has tested positive for nicotine, tobacco, alcohol, and/or other drugs and who had the positive test result confirmed by the Board's Medical Review Officer will be subject to discipline, including suspension from student extra-curricular competitive activities. Refusal to cooperate with the Board in any test investigation will result in discipline, up to and including immediate suspension from participating in student activities.

No Activity Student testing positive, refusing to test, refusing to cooperate with testing or being in violation of this Procedure will be penalized academically. Information, including testing positive, will not be released to criminal or juvenile authorities unless under compulsion by valid state or federal laws. This Procedure is developed to help Activity Students be nicotine/tobacco/drug/alcohol free. The Board will work with the student and/or his or her parents or guardians when there is any violation of this Procedure and these procedures.

All information, interviews, reports, statements, memoranda, and test results, either written or otherwise, received by the Board through its drug, alcohol, nicotine, and tobacco testing program are confidential communications and may not be used or received in evidence, obtained in discovery, or disclosed in any public or private proceedings except in the following:

- (a) As directed by the specific, written consent of the parent/guardian and/or Activity Student authorizing release of the information to an identified person
- (b) To a covered Activity Student decision-maker in a lawsuit, grievance, or other proceeding initiated by or on behalf of the Activity Student

Any questions should be directed to the persons assigned as the Board's Drug Program Coordinator(s).

Notice of Clarification: This Procedure in no way circumvents nor may be used in place of Board Procedure and School Rules pertaining to the use, possession, distribution, and manufacturing of nicotine, tobacco, alcohol, or other drugs at/or away from school, School Board property, or at school sponsored events.

If an Activity Student is in violation of such policies and rules, disciplinary consequences will be through normal school channels associated with said policies and rules. The consequences under the "Drug Screening Procedure" become secondary.
(Please see Regulations and Forms-JCDAD-R)

Revised 3/12/2015

Date Adopted:

9/4/2002