

SECTION: PERSONNEL - PROFESSIONAL	CODE: GBRL	ISSUE DATE 8/24/95
DESCRIPTOR TERM: Use of Tobacco Products	RESCINDS: GBRL	ISSUED: 6/12/89

No smoking or use of tobacco products by personnel will be permitted on school property.

Personnel who violate this policy shall be subject to disciplinary action. Examples of possible sanctions include warning letters, reprimands, suspensions, poor job performance evaluations, and dismissal.

Reference: Memorandum, State Department of Education, May 25, 1995

SECTION: STUDENTS	CODE: JCDA	ISSUE DATE 11/17/94
DESCRIPTOR TERM: Use of Tobacco	RESCINDS: JCDA	ISSUED: 11/21/89

Use of tobacco products by students is addressed in the Code of Good Student Behavior.

Ref: Alabama Code 16-41-1 et seq. See Board of Education v. McCluskey, 45 U.S. 966, 73 L. Ed. 2d 1273, 5 Educ. L.R. 136 (1982).
Wood v. Strickland, 420 U.S. 308, 43 L. Ed. 2d 214 (1975);
Board of Education v. McCluskey, *supra*; Dreyfus v. Austin Indep. School District, 779 F. 2d. 260, 29 Educ. L. R. 56 (5th Cir. 1985); Adams v. Brevard County School Board, 470 So. 2d. 760, 25 Educ. L. R. 975 (Fla. 1985).

Rule B19: Gambling

Students will not gamble or engage in games of chance.

Consequences

Corrective Strategies (pages 7-8), or
Out-of-School Suspension not to exceed 3 days

Rule B20: Harassment

Students shall not commit the act of harassment whether socially, physically, or emotionally. A student commits harassment when, with intent to bully, annoy, extort, intimidate, or alarm another person, s/he strikes, shoves, kicks, or otherwise touches a person or subjects him/her to physical contact or directs abusive or obscene language or gestures toward another person, including staff.

Consequences

See Student Anti-Bullying and Harassment Policy (page 19)
Corrective Strategies (pages 7-8), or
Out-of-School Suspension not to exceed 5 days or
Proposal for Due Process/Expulsion (See Principal's Authority)
Law enforcement may be called

Rule B26: Disrespectful Words

Students will not use obscene, abusive, or vulgar language, which substantially disrupts the orderly conduct of a school function, learning environment, or poses a threat to the health, safety, and/or welfare of students, staff, or others.

Consequences

Corrective Strategies (pages 7-8), or
Out-of-School Suspension not to exceed 3 days

Rule B30(A): Sexual Offense

Students will not engage in sexual acts including sexual touching of themselves or others. This also includes indecent exposure.

Consequences

Corrective Strategies (pages 7-8), or
Out-of-School Suspension not to exceed 3 days or
Proposal for Due Process/Expulsion (See Principal's Authority)

Rule B30(B): Obscenity

Students will not create, possess, or distribute obscene materials (those which are deemed indecent or lewd by community standards, including written/oral/electronic communication and written publications.)

Consequences

Corrective Strategies (pages 7-8), or
Out-of-School Suspension not to exceed 3 days or
Proposal for Due Process/Expulsion (See Principal's Authority)

Rule B31: Threats/Intimidation/Bullying

This occurs when a student unlawfully places another person in fear of bodily harm through verbal threats without displaying a weapon or subjecting the person to actual physical attack through words or electronic text or messaging.

Consequences

Corrective Strategies (pages 7-8), or
Out-of-School Suspension not to exceed 5 days or
Proposal for Due Process/Expulsion (See Principal's Authority)
Law enforcement may be called

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Rule B32: Possession or

Rule B33: Sale or

Rule B34: Use of Tobacco Products

Rule B60: Matches or Lighters

PRO-CHILDREN ACT OF 1994

✓ see this

In conjunction with the Safe Schools/Healthy Schools Initiative, the Montgomery Public Schools has agreed to comply with the Pro-Children Act of 1994. This Act requires the Montgomery Public Schools and its vendors to prohibit all smoking in any indoor facility used to provide services and instruction to our students. If you are aware of any violations of the Pro-Children Act of 1994 occurring on properties operated by the Montgomery Public Schools, please direct your concerns to the Montgomery Public Schools Office of Communications.

UNSAFE SCHOOL CHOICE OPTION

1. **Definitions:** A transfer option school (TOS) in the state of Alabama is one in which for three consecutive school years the school has expelled one percent of the student population or five students (whichever is greater) for violent criminal offenses committed on school property during school hours or committed at school-sponsored activities. The words "transfer option school" means a "persistently dangerous school" as those words are used in the No Child Left Behind Act of 2001, Public Law 107-110, Title IX, Sec.9532 (a) and (b). For the purpose of this definition, a "violent criminal offense" shall mean homicide; robbery; assault in the first and/or second degree; sexual battery (including rape), as these offenses are defined in the Criminal Code of Alabama (see Sec.13A-6-1, et. Seq., Ala. Code 1975); and use of a handgun, firearm component, explosive, knife, and other "unknown weapons" as defined by the Student Incident Report (SIR).

2. A student who becomes a victim of a violent criminal offense committed on school property during school hours or at school-sponsored activities shall be given an opportunity to transfer to a safe public school within the LEA. The Local Educational Agency (LEA) or district shall notify the student's parent/guardian of the right to transfer as soon as practicable, not to exceed 10 calendar days from the date of a final determination by the school board or its designee that a violent criminal offense has occurred. All LEA transfer procedures will be observed. It shall be the policy of the Alabama State Department of Education (SDE) to notify the LEA annually when one or more of its schools have been identified as a transfer option school. Each superintendent or his or her designee shall orally notify the Prevention and Support Services Section of the State Department of Education with 24 hours of the decision that a violent criminal offense has occurred followed by written confirmation. The State Department of Education will assist the LEA in resolving all safety issues. At a minimum, an LEA that has one or more schools identified as persistently dangerous must:

- a) Step 1 Notify parents/guardians of each student attending the school within 10 working days that it has been identified as a transfer option school and offer students the opportunity to transfer to a safe public school within the LEA if another school is available.
- b) Step 2 Complete the transfer for those students who opt to do so within 20 working days.
- c) Step 3 Develop a corrective action plan to be submitted to the SDE for approval within 20 working days of the LEA's receipt of status.
- d) Step 4 Implement the corrective action plan.

Once a school has been identified as a transfer option school, it can return to safe status by (1) completing Steps 1-4 above and (2) completing two consecutive years with less than one percent of the student population or five students (whichever is greater) expelled for violent criminal offenses as defined in its policy.

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Statutory Authority: Const. Of Ala. 1901, Amend No. 284, Code of Ala. (1975), 16-1-1, 16-2-2, 16-3-11 through 1, 16-3-14, 16-8-35 through 36, 16-12-8, 16-26-1 through 3, 1982 Acts of Ala. No. 82-482, No Child Left Behind Act of 2001, Public Law 107-110, Title IX, Sec. 9532 (a) and (b).

History: Adopted ER effective March 13, 2003; adopted ER as regular rule May 8, 2003, effective June 12, 2003.