

BIRMINGHAM CITY SCHOOLS

CODE OF STUDENT CONDUCT

BOARD POLICY #8111



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Birmingham, AL 35211

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P.O. Box 392
Shannon, AL 35142

April M. Williams
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1201 Bush Circle
Birmingham, AL 35208

The Birmingham Board of Education has approved the information in this book.

POLICY #8111

*****PLEASE REMEMBER*****

All students and their parents/guardians are required to sign the acknowledgement of the receipt of a copy of the Student Code of Conduct at the beginning of **EVERY** school year and or whenever your child enrolls in any Birmingham City School. The acknowledgement sheet is to be returned to the school where your child is enrolled.

It is the goal of the Birmingham Board of Education that our schools remain safe and drug free for all students and employees. The Board, therefore, has established policies and practices consistent with laws that promote a safe school environment - free of illegal drugs, alcohol, or weapons on a school bus or campus.

The Code of Student Conduct is revised annually in accordance with the State Department of Education guidelines. The Code of Conduct is your source of information about rules and guidelines necessary to maintain a safe and orderly environment conducive for learning. Please note that the highlighted information is new information for this year as you review the Code with your children.

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Craig Witherspoon, Ed.D.
Superintendent



August 2011

Dear parents and community members:

The mission of the Birmingham City Schools is to guide all students to achieve excellence in a safe, secure, and nurturing environment.

The Code of Student Conduct is a vital document in our schools because students' behavior plays a major role in the learning environment. The code explains the rules that we expect our students to follow and the consequences they will face if they violate them. It covers a number of issues, including:

- Alabama's attendance policy and law
- The Student Uniform Dress Policy
- Rights/responsibilities of parents and students
- Specific education-related laws

Please read all of the information provided and discuss the rules with your children to make sure they understand all of them. Under Alabama state law, parents are responsible for their children's behavior in school.

The administration, faculty and staff of the Birmingham City Schools not only appreciate the value and the importance of helping each child succeed but are thankful for the role parents play in their success. The school system offers programs to assist both parents and students. For information, contact your child's school.

Resources for parents also are available through the Family Involvement Program and Parent Resource Center at the Davis Center, 417 29th St. South.

We are looking forward to a great year, especially with the changes that are beginning in our high schools – including career academies and a new "modified bell" class schedule that means students will take seven classes all year long.

By working together, we can ensure that our children reach their fullest potential and are prepared for a productive future.

Sincerely,

A handwritten signature in black ink that reads "Craig Witherspoon".

Craig Witherspoon

P. O. Box 10007, Birmingham, Alabama 35202
Telephone 205-231-4600

PLEASE SIGN THE COPY OF THIS PAGE AT END OF THIS BOOK AND RETURN TO THE SCHOOL.

Student's Name (Please Print) _____ **Grade** _____

PARENT OR GUARDIAN AND STUDENT ACKNOWLEDGMENT

This code has been developed to help your son/daughter gain the greatest possible benefit from his/her school experience. The policies apply to all students and parents within the public schools, on school campuses, on school buses and at school-related activities and events.

The school needs your help and cooperation. When you have read and discussed this document with your son/daughter, sign this sheet and return it to the school. By school board policy, this form will be kept in your son/daughter's cumulative folder.

Parents or guardians have legal responsibility for the actions of their children and should be involved in the education of their children. Parents or guardians should take special notice of the weapons, controlled substances, and assault sections of this Student Code of Conduct as well as the suspension and expulsion provisions.

FAILURE TO RETURN THIS ACKNOWLEDGMENT WILL NOT RELIEVE STUDENTS, PARENTS, OR GUARDIANS FROM RESPONSIBILITY TO KNOW THE CONTENTS OF THE STUDENT CODE OF CONDUCT AND WILL NOT EXCUSE ANY STUDENT'S NON-COMPLIANCE WITH THE CODE OF STUDENT CONDUCT.

Parent/Guardian Signature

Date

Parent/Guardian Signature

Date

Student Signature

Date

INTRODUCTION

Schools function best when students attend school regularly and on time, respect other persons and their property, observe reasonable rules and regulations, respect the right to learn, exercise free speech, and participate in school programs and activities. Students have the right to learn, the right to exercise free speech at appropriate times and places, the right to work on school sponsored or approved publications, the right to assemble peacefully at appropriate times and places, and the right to have their student records maintained in a confidential manner.

Students need an environment that is safe and conducive to learning. To provide and maintain that environment, the Student Code of Conduct:

- Describes the standards for positive conduct for Birmingham City Schools;
- Explains the attendance policy for Birmingham City Schools students;
- Strives to standardize those procedures which the school will use in responding to conduct problems;
- Assures the rights of students when disciplinary action is taken;
- Specifies the rights and responsibilities of students.

The principal shall provide students, parents or guardians, and school staff with a copy of the current edition of the Student Code of Conduct for Birmingham City Schools. During the first two weeks of school, the principal will assign faculty members to teach the standards of behavior and consequences for improper behavior as described in the student code of conduct. The principal will also assign faculty members to teach the Code of Conduct to students who enroll throughout the school year. In addition, the principal will ensure that each student has been administered a quiz on the contents of the Code of Conduct and shall place that quiz on file annually; alternatively, the principal may file a letter from each teacher documenting when the Code of Student Conduct was taught and the fact that the quiz was administered to the students.

The Student Code of Conduct shall be modified as required by changes in federal, state and district laws/policies.

As students progress through school, differences in age and maturity are recognized in determining the type of disciplinary action to be taken. However, the procedures outlined in the Student Code of Conduct apply to all students enrolled in Birmingham City Schools.

The Student Code of Conduct is in force:

- During regular school hours;
- While students are being transported on a school bus;
- At such times and places where appropriate school administrators have jurisdiction over students including, but not necessarily limited to, school-sponsored events, field trips, athletic functions, and other activities;
- Whenever a student's misconduct away from school has a detrimental effect upon other students or on the orderly educational process.

RIGHTS AND RESPONSIBILITIES OF PARENTS OR GUARDIANS

Parents or guardians must recognize that under Alabama Law 16-28-2, discipline is their responsibility and that the influence of the home will be reflected in the conduct of the student while attending school. (See Appendix VII, page 40)

RIGHTS

Parents or guardians have the right to:

- Expect quality in the instructional program.
- **Expect students to be treated with dignity as individuals.**
- Be granted an opportunity for a public education for their students.
- Participate in appropriate school programs.
- **Be granted access to and explanation/clarification of school records, as appropriate.**
- Be granted procedural due process for their students.
- Request and be granted a conference with the teacher and/or principal within a reasonable amount of time.
- Request the assistance of the Building-Based Student Support Team (BBSST) for their child.
- Obtain regular official reports of students' progress.
- Be notified by the principal or a designee when their child has been taken from the school by the police department or the Department of Human Resources.

RESPONSIBILITIES

Parents or guardians have the responsibility to:

- Help foster an environment in and out of school that nurtures quality in education.
- Encourage students to respect the rights and individuality of others.
- Ensure students' prompt and regular compliance with attendance rules and other procedures necessary for the best possible orderly education.
- Work with the school in the best interest of the students.
- Comply with all provisions of Alabama's laws.
- Support the school by following the appropriate procedures.
- **Provide the school with the correct address, telephone number, and emergency contact information, especially if this information changes during the school year.**
- Ensure that the school can contact the home by removing phone blocks from school numbers.
- Attend necessary conferences each year.
- Attend PTA/PTSA/PTO/PTSO meetings regularly.
- Work with the school to see that students complete school assignments in order to achieve the highest possible performance rating.
- Talk with students about school activities, plan a time and place for schoolwork assignments, and provide necessary supervision.
- **Ensure that the student leaves for school in a complete and proper uniform every day.**
- **Ensure that the student has the supplies and assignments necessary for that school day.**
- **Have the student at school on time. School begins at 8:00 a.m. for grades K-8 and 8:30 for grades 9-12.**
- **Have the student picked up from school promptly or arrange for appropriate after school care. School ends at 3:00 p.m. for grades K-8 and 3:35 for grades 9-12.**
- **Accompany your student into the school building and sign the student into school personally if the student arrives late. The parent/guardian must also enter the building and sign the student out if the student must leave school early.**
- Send a written note to the school to verify your student's absence from school. A satisfactory note from a parent or guardian meets the following State guidelines for an excused absence:
 - ✓ illness;
 - ✓ death in the immediate family;

- ✓ inclement weather (as determined by the principal) which would be dangerous to the life and health of the child;
- ✓ legal quarantine;
- ✓ emergency conditions as determined by the principal; and
- ✓ prior permission of the principal and consent of the parent or guardian.

The note or doctor's excuse must be sent to school **within three (3) days** of the student's return to school to be counted as an excused absence. A written note from parents or guardians, as described above, will excuse absences for a maximum of ten (10) absences during the school year. **Further absences will require a written excuse from a medical professional or court official. All excuses must be presented within three (3) days of the absence.**

- **Avoid interruptions of the academic day by scheduling medical appointments and vacations at times that will not require the student to miss school. Students are required to remain at school for the entire school day. Dismissal time is 3:00 p.m. for students in Grades K-8 and 3:35 for students in Grades 9-12.** Excused absences for family vacations are strongly discouraged and will be permitted only if there are unusual circumstances that, within the principal's discretion, merit an excused absence. Further, an excused absence will not be granted unless the parent obtains permission from the principal before the absence.
- Parents or guardians of a student in **Grades K-8** who is absent eleven (11) or more times must present a medical professional's or court approved excuse to the school in order for the absence to be excused. In **Grades 9-12**, parent excuses are limited to ten (10) days per semester. Further absences will require a written excuse from a medical professional or court official. **All excuses must be presented within three (3) days** of the absence.
- Parents or guardians of any student having a chronic ailment that may cause the child to miss school during the year are required to provide the school with a medical professional's statement verifying the child's condition **at the beginning of the school year**. The statement shall reflect the nature of the child's illness, and state that the child may have to miss school from time to time due to this illness. Failure of parent/guardian to provide the school with a chronic ailment statement can result in unexcused absence accumulation and referral to Juvenile Court.
- Parents/Guardians/Designated Adults must provide a valid picture ID **and** be on the student's approved checkout list to remove a student from the school.

RIGHTS AND RESPONSIBILITIES OF STUDENTS

Students must recognize that rights bring on responsibilities. They must share an equal load in ensuring that our schools have an atmosphere for learning and achieving at the highest level.

RIGHTS

Students have the right to:

- An appropriate public education.
- Due process.
- Confidentiality of records.
- Equal treatment regardless of race, sex, creed, color, religion, national origin, or disability.
- Fundamental guarantees of free speech, press, and assembly as long as they do not infringe on the rights of others or interfere with the orderly operation of the school program.
- Fair and reasonable punishment with regard to the nature and seriousness of the offense.
- Receive all educational services provided by the system to enhance educational pursuits for which they qualify.
- Participate in student organizations authorized and sponsored by the school provided the student meets the established criteria.
- Privacy in their personal possessions, subject to the right of school officials to inspect and protect students and school property and to ensure the safe and orderly operation of the school.
- An explanation of any grades or progress reports given.
- A school environment conducive to effective and meaningful learning experiences.

RESPONSIBILITIES

Students have the responsibility to:

- Respect all school board employees and any other adults in authority.
- Respect the rights and privileges of others.
- Be informed of laws and local/school rules and policies regarding free speech, press, and assembly.
- Exhibit a sense of fairness, honest, loyalty, obedience, courtesy, pride, and trustworthiness.
- Neither take nor damage the property of other students, school personnel, or the Board of Education.
- **Obey rules and regulations** pertaining to personal safety as well as that of others.
- Strive for academic excellence.
- **Be punctual and regular in attendance for school and all classes.**
- Be knowledgeable of and follow the Student Code of Conduct.
- Behave in a manner that permits uninterrupted learning to take place.
- Avoid committing any act that will cause a disruption to the orderly operation of the school.
- Dress and be well groomed in accordance with the uniform dress code policy.
- Be prepared and on time every school day and every class period in order to maximize educational opportunities.
- Present a valid excuse for all absences from school or class within three (3) days of the absence and request make-up work after being absent.
- Follow proper check-in and checkout procedures.

RIGHTS AND RESPONSIBILITIES OF THE BIRMINGHAM CITY SCHOOLS

The Birmingham City Schools exist to educate school-age children whose parents or legal guardians reside in the city of Birmingham. Officials of the Birmingham City Schools are responsible for providing facilities, faculty, and programs designed to educate its students.

RIGHTS OF SCHOOL BOARD EMPLOYEES

Employees of the Birmingham City Schools have the right to:

- Work and teach in a safe setting where order and discipline are maintained.
- Use appropriate means of discipline as prescribed by the local board of education to maintain order.
- Be immune from harassment as well as civil and criminal liability for actions authorized by Section 16-29-A of the Alabama Code regarding student discipline and behavior.
- Confiscate items banned by law or this Code of Conduct and either retain the item until retrieved by the parent/guardian or turn the item over to the police.
Note: Neither the school nor school personnel accept liability for items confiscated.
- Act *in loco parentis* during the school day, or at any time when the school is responsible for the safety of students.

RESPONSIBILITIES OF SCHOOL BOARD EMPLOYEES

- School officials are responsible for notifying parents of their obligation to enroll their child in school, to compel them to attend school regularly, and to conduct himself or herself properly as a student.
- Local schools are responsible for making available to parents techniques and suggestions to enable them to better supervise the schoolwork and educational activities of their children.
- School employees are responsible for referring students with academic or behavior problems to the Building-Based Student Support Team (BBSST) and making every effort to utilize the plan developed by that team for student success.
- School employees are responsible for the implementation of a PBS program (Positive Behavior Support©) to ensure student success.
- School employees are responsible for following and enforcing this Code of Student Conduct and all other policies mandated by the Birmingham City Schools Board of Education.
- The Birmingham City Schools are responsible for providing:
 - Administrators
 - Teachers
 - School counselors
 - Intervention specialists
 - Attendance officers/hearing officers
 - School nurses
 - Social workers
 - Family and drug education programs for students and parents
 - Services for students with English as a Second Language/interpreter or translator
 - Special education and related services under section 504 of the Rehabilitation Act and IDEA
 - Tutoring and alternative programs to meet the educational needs of students. (Appendix VII provides more information on these services.)
- In addition to the above responsibilities, the principal or designee has the responsibility of notifying parents/guardians when the police or the Department of Human Resources has taken their child from the school.
- **School officials must verify that anyone desiring to check a student out of school has a valid picture ID and is listed on the student's approved list for checkout.**

RESPONSIBILITIES OF TEACHERS

- Teachers are responsible for the implementation of a PBS program (Positive Behavior Support©) to ensure student success.
- Teachers are responsible for following and enforcing this Code of Student Conduct and all other policies mandated by the Birmingham City Schools Board of Education.
- **Teachers shall be responsible for checking the rolls daily in their assigned classes and properly recording the students' attendance in Student information system.** This duty may not be delegated to a student.
- The school/teacher will make a concerted effort each day to contact the parent or guardian of any child who is absent. Every school will keep a log to verify attempts made to contact each parent or guardian.
- On the second (2nd) unexcused absence or upon the fifth (5th) unexcused tardy or early checkout, the principal or a designee will send a letter to the parent/guardian. If the return portion of the letter has not been received at the school within five (5) working days of the date of the letter, the principal shall request the attendance officer make contact.
- On the fifth unexcused absence or the tenth unexcused tardy or early checkout, principals must refer the student to the attendance officer for the Early Warning Truancy Program.

RESPONSIBILITIES OF ATTENDANCE OFFICERS

- No earlier than the third (3rd) unexcused absence or the tenth (10th) unexcused tardy or early checkout, the attendance officer, at the request of the principal or a designee, shall make contact with the parent/guardian by U.S. Mail, telephone or home visit. The purpose of this contact is to inform the parent/guardian of the student's academic/attendance status and possible consequences.
- Attendance officers will make referrals to the Early Warning Truancy Program no earlier than the fifth (5th) unexcused absence or the fifteenth (15th) unexcused tardy or early checkout of a student.
- Attendance officers may make referrals to Juvenile Court for prosecution in the following situations:
 - If the student was previously referred to the Early Warning Truancy Program, he/she may be referred to Juvenile Court for prosecution when there have been additional absences/tardies/checkouts since his/her referral to the Early Warning Truancy Program, depending on the circumstances.
 - If the student has six (6) or more unexcused absences.

RESPONSIBILITIES OF SCHOOL BOARD EMPLOYEES REGARDING THE UNIFORM POLICY:

1. Every school board employee is responsible for enforcement of the dress code policy throughout the school day.
2. Students should be met by an employee as they enter the building or classroom each day and reviewed for compliance with the policy.
3. Students found to be in violation of the dress code policy shall be disciplined in compliance with the above stated enforcement policy.
4. Employees who fail to enforce the dress code policy may have the following disciplinary measures taken:
 - a. A verbal warning from the principal or designated administrator.
 - b. An office conference with the principal or designated administrator.
 - c. Required to attend a class on enforcement of the dress code/uniform policy.
 - d. A written warning from the principal or designated administrator placed in the employee's file.
 - e. A short term suspension from employment without pay for insubordination.
 - f. Further disciplinary action as recommended by the principal and approved by the Board of Education.

CLASSIFICATION OF CODE OF STUDENT CONDUCT VIOLATIONS

Violations of the Code of Student Conduct are grouped into three categories:

- Class I or minor offenses,
- Class II or intermediate offenses, and
- Class III or major offenses.

Each classification is followed by a list of offenses and appropriate disciplinary actions that are to be carried out by principals and their designees. In each class of violations, it is understood that the principal (or designee) shall hear the student's explanation regarding the alleged violation before deciding the classification of a violation. The principal (or designee) may consult further with school personnel and others, if necessary, before deciding the classification of the violation.

THE ADMINISTRATOR MUST PROVIDE DUE PROCESS. NO STUDENT SHALL BE PUNISHED FOR ANY SUSPECTED VIOLATION UNTIL THE PERSON RESPONSIBLE FOR IMPOSING DISCIPLINE HAS HEARD THE STUDENT'S EXPLANATION OR MADE REASONABLE EFFORTS TO PROVIDE THE STUDENT WITH AN OPPORTUNITY TO PRESENT HIS/HER EXPLANATION.

Each classroom teacher is expected to correct general classroom disruption by:

- Developing and implementing a classroom management plan (PBS)
- Taking in-class disciplinary action
- Making a personal call to a student's parent(s) or guardian(s) when possible
- Scheduling conferences with other school staff, parent(s) or guardian(s)
- Referring student(s) experiencing behavior problems to the Building-Based Student Support Team
- Document all offenses involving this Code of Conduct

Only when actions taken by the teacher have proven ineffective, or the disruption is sufficiently severe should the student be referred to the principal (or designee). For example, failure to bring notebook, pencil, books or required materials and equipment to class is not cause for disciplinary referral. When a student consistently exhibits such work habits, the school should notify the student's parent(s) or guardian.

UNDER NO CIRCUMSTANCES SHOULD ACADEMIC GRADES BE USED FOR MAINTAINING ORDER IN A CLASSROOM, NOR SHOULD STUDENT BEHAVIOR BE INCLUDED IN CALCULATING ACADEMIC GRADES. AN ACADEMIC GRADE SHOULD REFLECT THE TEACHER'S MOST OBJECTIVE ASSESSMENT OF THE STUDENT'S ACADEMIC ACHIEVEMENT.

UNDER NO CIRCUMSTANCES SHOULD ATTENDANCE BE USED AS THE BASIS FOR A SUSPENSION. THE STUDENT SHOULD BE REFERRED TO THE ATTENDANCE OFFICER FOR ABSENCES, TARDIES, OR EARLY CHECKOUTS THAT CONSTITUTE TRUANCY.

SUSPENSION INFORMATION

Suspended students are removed from their regular school program for a period not to exceed six (6) days per semester. After the first suspension, the principal shall convene the Building Based Student Support Team (BBSST) for intervention assistance. Should the student require a second suspension, the BBSST should be reconvened to further address the student's behavior. Other school-based prevention/intervention assistance, including PBS, should be utilized as well to address student behavior. Students may be suspended for longer periods of time for commission of a Class III offense. **The names of all students suspended from school shall be reported in School Incident Report (SIR), Student information system and by the Attendance Department through its annual report to the District Attorney of the Juvenile Court. Students should be referred to the Attendance Officer and not suspended for unexcused absences or truancy.**

Days absent from school due to suspension are excused for coding purposes. Credit for daily work is given provided students complete their assignments while on suspension and turn it in upon reinstatement to school. **All students will be allowed to make up major tests, midterm and final examinations if suspended during such exam periods.**

Note: Federal law requires that all students participate in State assessments. If a student is serving an out of school suspension when a State assessment is administrated, arrangements must be made to allow the student to return to school for the assessment.

CLASS I -- MINOR OFFENSES

- 1.01** Distraction of other students -- Any conduct and/or behavior that is disruptive to the orderly educational process in the classroom or any similar grouping for instruction. *(SIR-11)*
- 1.02** Harassment or intimidation of other students – any minor uninvited annoyance, teasing or tormenting of another student. *(SIR-20)*
- 1.03** Violation of the Birmingham City Schools Uniform Dress Policy after two documented individual warnings (see Code of Student Conduct Student Uniform Regulations, pages 37-40 *(SIR-58)*)
- 1.04** Possession of gambling paraphernalia with the intent to use for gambling, items such as playing cards, dice or video gambling devices, etc. *(SIR-19)*
- 1.05** Tardiness – Repeatedly reporting late to school/class or leaving school early. When these behaviors warrant, the student will be referred to the Attendance Officer. *(SIR-36)*
School begins at 8:00 a.m. in Grades K-8 and at 8:30 a.m. in Grades 9-12.
- Any student who reports tardy should be accompanied by a parent or guardian, or present a written excuse from a medical or court professional.
 - A student leaves school EARLY if he or she exits the building before school is dismissed.
 - Tardy to class is defined as arriving in class after the bell has sounded.
 - A student attending the school on a transfer may have that transfer revoked at the end of a semester for excessive (more than five) tardies accumulated that semester.
- 1.06** Use of profane or obscene language or gestures. *(SIR-26)*
- 1.07** Disruption on a school bus.
Note: For disruption on school buses, principals (or designee) may revoke bus-riding privileges for 1-3 days without suspending the student from school. If a short period of revoked bus riding privileges is not effective, the principal or designee may suspend the student for a Class II offense. *(SIR- 11)*
- 1.08** Unauthorized absence from class.
Note: Repeated absences from school and/or class periods will result in a referral to the attendance officer. The attendance officer will follow established procedures for referral of the student to Family Court. *(SIR-36)*
- 1.09** Inappropriate public displays of affection. *(SIR-58)*
- 1.10** Bringing a water gun to school. *(SIR-58)*
Note: Does not include firearm replicas.
- 1.11** Littering school property. *(SIR-58)*
- 1.12** Any other violation that the principal (or designee) may reasonably deem to fall within this category. *(SIR-58)*

A COPY OF ALL SUSPENSIONS MUST BE FAXED TO THE ATTENDANCE DEPARTMENT.

If a student commits more than three (3) Class I offenses in a school year, further Class I offenses may be considered Class II offenses.

UNDER NO CIRCUMSTANCES SHOULD ACADEMIC GRADES BE USED FOR MAINTAINING ORDER IN A CLASSROOM, NOR SHOULD STUDENT BEHAVIOR BE INCLUDED IN CALCULATING ACADEMIC GRADES. AN ACADEMIC GRADE SHOULD REFLECT THE TEACHER'S MOST OBJECTIVE ASSESSMENT OF THE STUDENT'S ACADEMIC ACHIEVEMENT.

DISCIPLINARY ACTIONS FOR CLASS I VIOLATIONS

Grades K-12

All Offenses: Parental contact and in-school conference as warranted; in-school disciplinary actions such as probation OR detention OR the assignment of reports related to the offense OR work assignments before or after school OR supervised in-school suspension; OR suspension for one (1) to three (3) days at the discretion of the principal (or designee) OR referral to the prevention specialist OR referral to the BBSST.

English Language Learners (ELLs) are subject to the same regulations as regular students; however, if a disciplinary action might result in ELLs not receiving the appropriate services, the LEP Committee must meet to make an appropriate recommendation.

Students with Disabilities and students who are identified as eligible for services under the criteria of IDEA or Section 504 in Grades K-12. Strategies must be implemented and documented prior to the suspension of the student.

- 1. When a student commits a Class I offense, the principal (or designee) must consult with the student's case manager to document implementation of discipline procedures prescribed by the IEP team.**
2. The principal (or designee) should notify the student's Individualized Education Program (IEP) Team [IDEA] or 504/PEP Team [Sec. 504] to review/revise the IEP / PEP including the Functional Behavior Assessment (FBA) and Behavior Intervention Plan (BIP).
- 3. The IEP Team will complete the Checklist for Class I and II Offenses. This form must be completed during an IEP meeting.**
- 4. Strategies from the Checklist for Class I and II offenses must be implemented and documented prior to the suspension of the student.**
5. All revisions to the student's individual program including the FBA & BIP must be documented within the current written IEP.
6. **Only** the IEP Team may change the Least Restrictive Environment (LRE) of a student receiving special education services.
7. Proper notice to the parent(s) or guardian of the IEP team's decision is required.
8. The IEP must be written and subsequent implementation must be documented.

REMINDER: For students with disabilities IDEA/504: Students should not be removed in excess of ten (10) school days per school year without a Manifestation Determination (MD) which must be completed during an IEP/PEP meeting.

SECTION 504 Personalized Education Plan

The Personalized Education Plan (PEP) is a written document comprised of accommodations afforded to students who are eligible for 504 services under Section 504 of the Rehabilitation Act of 1973. A team consisting of parents/guardians, student's classroom teacher/classroom teachers, counselor, and principal writes the PEP.

CLASS I OFFENSES MAY NOT BE APPEALED BEYOND THE LOCAL SCHOOL LEVEL.

A COPY OF ALL CLASS I SUSPENSIONS MUST BE FAXED TO THE ATTENDANCE DEPARTMENT.

CLASS II -- INTERMEDIATE OFFENSES

- 2.01** Excessive and/or repeated disruption or distraction of other students (SIR-11)
- 2.02** Defiance of a School Board employee's authority - Any verbal or nonverbal refusal to comply with a lawful and reasonable directive of a School Board employee. (SIR-9)
- 2.03** Continued violation of the Birmingham City Schools Uniform Dress Policy after individual warning (see Code of Student Conduct Student Uniform Regulations, pages 37-40) (SIR-58)
- 2.04** Possession and/or use of tobacco products - Having and/or using tobacco products, including the possession of cigarette rolling papers, on the school premises. (SIR 32, 34)
- 2.05** Possession of cigarette lighters or matches. (SIR - 58)
Note: Use of these items on school premises may constitute a Class III offense.
- 2.06** Physical contact with another student – Hitting, pushing, shoving or striking another student against that student's will, and the student victim fails to respond with physical contact. (SIR-20)
- 2.07** Fighting – any physical conflict between two or more individuals. (SIR-17)
- 2.08** Stealing - Larceny - Petty Theft -- The intentional unlawful taking and/or carrying away of property valued at less than \$100 belonging to or in the lawful possession or custody of another. (SIR-24)
- 2.09** Possession of stolen property (valued at less than \$100) with the knowledge that it is stolen. (SIR-24)
- 2.10** Trespassing - Willfully entering or remaining in any structure, conveyance, or property without being authorized, licensed, or invited; or having been authorized or licensed, is warned by an authorized person to depart and refuses to do so. (SIR- 35)
Note: Trespassing on school property while suspended is a Class III offense.
- 2.11** Offensive touching of another student with sexual connotations, such as patting, pinching, or brushing against another's body. (SIR-28)
- 2.12** **Gang Affiliation** - The wearing of apparel, possession of writings or drawings, the performance of gestures or signals, or the altering of one's physical appearance which may indicate affiliation with a gang, secret organization, or other social group, whose presence on school grounds poses a threat to the educational environment. (SIR -8 and 3-contributing factor)
- 2.13** Sexual Harassment – Request for sexual favors, use of vulgar or sexually explicit comments, gestures or conduct, obscene or sexually explicit pictures; sexually oriented contact, "kidding," teasing, or practical jokes directed toward another student or offensive to a third party observer. (SIR-29)
- 2.14** Bullying, harassment, intimidation, threats, or hate crimes – Verbally, non-verbally, or by written or printed communication maliciously threatening injury to another student, property, or reputation of another; intent to extort money or any pecuniary advantage at all, or with the intent to compel the student so threatened, or any other student to do any act or refrain from doing any act against his/her will. Threatening words or actions, coupled with an apparent ability to carry out the threat, creating a fear in the other student. This includes instigation of a fight as defined by 2.07. (SIR-20)
- 2.15** False accusation of sexual harassment or any other offense. (SIR-58)
- 2.16** Directing obscene or profane language to a school board employee. (SIR- 26)

- 2.17** Leaving school grounds without permission. *(SIR-36)*
- 2.18** Violation of the Technology Resource Agreement, including but not limited to unauthorized use of a stand-alone computer system, computer network, Internet use or knowledge of restricted computer passwords; physical damage to any technology device or equipment. *(SIR-58, 16)*
- 2.19** Possession of radios, MP3 players, CD players, tape players, electronic games, cellular phones, pagers, and other paraphernalia disruptive to the educational process.
Note: On the first offense, the item should be confiscated and returned to the parent/guardian when requested and a form should be completed and signed by the student and parent/guardian indicating they understand the offense. This code should be used to suspend for the second offense. *(SIR-16 or 58)*
- 2.20** Disruption on a school bus or at a school bus stop.
Note: For disruption on school buses, principals (or designee) may revoke bus-riding privileges for 1-3 days without suspending the student from school. If a short period of revoked bus riding privileges is not effective, the principal or designee may suspend the student for a Class II offense. *(SIR-11)*
- 2.21** Intentionally providing false information to a school board employee including, but not limited to: giving false student information, forgery of school notes, and concealment of information directly related to school business. *(SIR 9 or 58)*
- 2.22** Excessive or repeated Class I offenses *(SIR 58)*
- 2.23** Any other violation that the principal (or designee) may reasonably deem to fall within this category. *(SIR-58)*

A COPY OF ALL SUSPENSIONS MUST BE FAXED TO THE ATTENDANCE DEPARTMENT.

If a student commits more than three (3) Class II offenses in a school year, further Class II offenses may be considered Class III offenses, provided required interventions have been made.

UNDER NO CIRCUMSTANCES SHOULD ACADEMIC GRADES BE USED FOR MAINTAINING ORDER IN A CLASSROOM, NOR SHOULD STUDENT BEHAVIOR BE INCLUDED IN CALCULATING ACADEMIC GRADES. AN ACADEMIC GRADE SHOULD REFLECT THE TEACHER'S MOST OBJECTIVE ASSESSMENT OF THE STUDENT'S ACADEMIC ACHIEVEMENT.

DISCIPLINARY ACTIONS FOR CLASS II VIOLATIONS

Grades K-12

All Offenses: Parental contact and in-school conference as warranted; in-school disciplinary actions such as probation OR detention OR the assignment of reports related to the offense OR work assignments before or after school OR supervised in-school suspension; OR suspension for two (2) to five (5) days at the discretion of the principal (or designee) OR referral to the Prevention Specialist OR referral to the BBSST

English Language Learners (ELLs) are subject to the same regulations as regular students; however, if a disciplinary action might result in ELLs not receiving the appropriate services, the LEP Committee must meet to make an appropriate recommendation.

Students with Disabilities and students who are identified as eligible for services under the criteria of IDEA or Section 504 in Grades K-12

Strategies must be implemented and documented prior to the suspension of the student.

1. When a student commits a Class II offense, it is the responsibility of the principal (or designee) to consult with the student's case manager to document implementation of discipline procedures prescribed by the IEP team.
2. The principal (or designee) should direct the student's Individualized Education Program (IEP) Team [IDEA] or 504/PEP Team [Sec. 504] to review/revise the IEP including the Functional Behavior Assessment (FBA) and Behavior Intervention Plan (BIP).
3. **The IEP Team will complete the Checklist for Class I and II Offenses. This form must be completed during an IEP meeting.**
4. **Strategies from the Checklist for Class I and II offenses must be implemented and documented prior to the suspension of the student.**
5. All revisions to the student's individual program including the FBA & BIP must be documented within the current written IEP.
6. **Only** the IEP Team may change the Least Restrictive Environment (LRE) of a student receiving special education services.
7. Proper notice to the parent(s) or guardian of the IEP team's decision is required.
8. The IEP must be written and subsequent implementation must be documented.

REMINDER: For students with disabilities IDEA/504: Students should not be removed in excess of ten (10) school days per school year without a Manifestation Determination (MD) which must be completed during an IEP/PEP meeting.

Section 504: Personalized Education Plan

The Personalized Education Plan is a written document comprised of accommodations afforded to students who are eligible for 504 services under the section 504 Rehabilitation Act of 1973. A team consisting of parents/guardians, student's classroom teacher/classroom teachers, counselor, and principal writes the PEP.

CLASS II OFFENSES MAY NOT BE APPEALED BEYOND THE LOCAL SCHOOL LEVEL

A COPY OF ALL CLASS II SUSPENSIONS MUST BE FAXED TO THE ATTENDANCE DEPARTMENT.

CLASS III - MAJOR OFFENSES

(Note: The commission of the following offenses may constitute violation of Federal and/or State criminal laws. Students found guilty of a Class III offense are subject to EXPULSION from all Birmingham City Schools.

The 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 school and refer the suspended student to a Hearing Officer in the Attendance Department.

3.01 Drugs - Unauthorized possession, transfer, distribution, procurement, use or sale of drugs; unauthorized consumption of drugs while at school including over the counter and prescription medications, or attending school under the influence of illegal drugs. *(SIR-13, 14 OR 15)*

Note: If a student needs medication – including an over the counter medication - while at school, even on a temporary basis, the parent should contact the school to obtain the necessary permission form for use of medication at school. See Appendix XI for the medication policy.

3.02 Alcoholic beverages - Possession, transfer, distribution, procurement, use or sale of alcoholic beverages; attending school under the influence of alcoholic beverages. *(SIR 1, 2 OR 3)*

3.03 Arson - The willful and malicious burning of any part of a building or its contents. *(SIR-4)*

3.04 Assault/Battery upon a school board employee –

- a) The actual unlawful touching or striking of a School Board employee intentionally
- b) The actual unlawful touching or striking of a School Board employee during the course of a physical altercation between students; or
- c) The causing of bodily harm to a School Board employee **during the course of a physical altercation between students.** *(SIR-20 OR 5)*

3.05 Aggravated assault/battery - Intentionally causing bodily harm, disability or permanent disfigurement; use of a deadly weapon. *(SIR-5)*

NOTE: The perpetrator must be arrested and/or the victim must seek medical attention for this code to apply.

3.06 Stealing - Larceny - Grand Theft

- a) The intentional unlawful taking and/or carrying away of property valued at \$100 or more belonging to or in the lawful possession or custody of another; or
- b) Any theft under duress. *(SIR-24, 25 OR 7)*

3.07 Illegal school entry - Breaking, entering or remaining in a Birmingham City School structure or conveyance without justification. *(SIR-35)*

3.08 Criminal mischief/**Vandalism** - Willful and malicious injury or damages at, or more than, \$200 to public property, or to real or personal property belonging to another. *(SIR-35)*

3.09 Possession of firearms - Discharge, possession, transfer or sale of any firearm (including a starter gun, BB gun, **cell phone gun** or pellet gun) which will, or 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 similar destructive device. *(SIR 37-45)*

Note: Possession of a firearm on school property **or within 1000 feet of a school campus** violates both federal and state laws. Such laws apply to all persons while on school property. It is the School Board's policy to require the expulsion or suspension from school for a period of not less than one calendar year for any student who is determined to have brought a firearm to school. See Appendix III.

3.10 Possession of weapons -- Possession of a knife, including, but not limited to, a switchblade knife; **box cutter**; metallic knuckles; laser pointer; tear gas gun; stun gun; Paintball gun; chemical weapon or device, including mace or pepper spray; or any other weapon, instrument, or object which is used in a threatening manner and is seen by the individual being threatened as capable of causing physical harm (includes firearm replicas.) *(SIR 46-57)*

3.11 Bomb threat -- Any such communication directed at any Birmingham Public School facility that has the effect of interrupting the educational environment. *(SIR-6)*

3.12 Explosives, Ammunition (bullets), or firecrackers -- Preparing, possessing or igniting on School Board property explosives likely to cause injury or property damage. *(SIR-46-48 or 58)*

3.13 Sexual Offenses/**Pornography**

- a) Acts of a sexual nature including, but not limited to repeated sexual harassment, sexual battery, intercourse, rape or attempted rape related to another student;
- b) offensive touching or sexual harassment of a school board employee;
- c) **Sexting**; or
- d) **Possession, transfer, distribution, procurement, use or sale of pornographic material.** *(SIR-28-30)*

3.14 **Gang Affiliation:** Any major disruption of the educational process caused by the wearing of apparel, possession of writings or drawings, the performance of gestures or signals, or **the altering of one's physical appearance** which **may** indicate affiliation with a gang, secret organization or other social group whose presence on school grounds poses a threat to the educational environment. **This will apply to any group not officially sanctioned and/or authorized by the school system and will require written documentation of a previous warning.** *(SIR-58 contributing factor 3)*

3.15 **Major Disruption of the Educational Environment**

- a) Inciting a major student disorder – Leading, encouraging or promoting a major disorder through words or actions; or
- b) **Any** participation in a major disorder involving **five or more** students that places students, staff or the educational process at risk, or results in destruction or damage to public or private property or causes personal injury to participants or others *(SIR 11, 12, 22)*

3.16 Unjustified activation of a fire alarm or fire extinguisher system *(SIR-18)*

3.17 Possession of a pocket pager or electronic communication device, such as a cellular phone, after documentation of written warning; use of a cellular phone, pager, or other electronic communication device on school grounds during the school day; **use of a cellular phone in the commission of a criminal act on school property or in violation of this Code of Conduct; use of a cellular phone for illegal or immoral purposes; use of a cellular phone in cyber-bullying; use of a cellular phone to take pictures or video of students or school employees unless specifically authorized by the principal; use of a cellular phone to cheat on school work or tests.** *(SIR – 58)*

Note: Alabama law allows each local board of education to develop a policy related to cell phones and other electronic communication devices. The Birmingham Board of Education has determined to prohibit possession of cell phones, pagers, and other electronic communication devices.

Cellular phones may be retained by the school administration if they are used to commit a criminal act or in violation of this Code of Conduct until such time as they are no longer needed as evidence.

3.18 Improper use or sabotage of a computer or computer system or any other communication system resulting in damage to any part of the unit, data modification, disclosure of restricted information, major disruption in the educational process, or the introduction of unauthorized software into the computer system. *(SIR-58)*

3.19 Repeated defiant or disruptive behavior **provided** there is written documentation of:

- all Class I and II suspensions and resultant parent conferences;
- the involvement of the school counselor,
- involvement of the school's assigned Prevention Specialist,
- implementation of a viable PBS program;
- at least two documented revisions of a BBSST plan or the IEP

or an accumulation of three (3) or more Class II offenses with documented interventions as noted above. (SIR-9, 10, 11 or 58)

3.20 Threat to a school board employee- A threat to do serious bodily harm or violence to a school board employee by word or act; a threat to kill, maim or inflict serious bodily harm; a threat to inflict harm involving the use of any weapon, explosive, firearm, knife, prohibited object, or other object which may be perceived by the individual being threatened as capable of inflicting bodily harm; any threat in the form of a "hit list," written statement or communication indicating a plan or intent to do violence to another; Cyber-bullying. (SIR-31)

3.21 Aggravated bullying, threat, harassment or intimidation of a student or hate crimes- A threat to do serious bodily harm or violence to another student by word or act; a threat to kill, maim or inflict serious bodily harm; a threat to inflict harm involving the use of any weapon, explosive, firearm, knife, prohibited object, or other object which may be perceived by the individual being threatened as capable of inflicting bodily harm; any threat in the form of a "hit list," written statement or communication indicating a plan or intent to do violence to another; Cyber-bullying. (SIR-31)

3.22 Gambling -- Any participation in games of chance including playing cards or dice games for money and/or other things of value. (SIR-19)

3.23 Trespassing on school property or at any school-sponsored event while on suspension. (SIR-35)

3.24 Continued violations of the Birmingham City Schools Uniform Dress Code Policy (5th and all subsequent violations) after documented warnings and a Class II suspension. (SIR-58)

3.25 Refusal by students to honor the lawful request made by the administration during a major student disruption. (SIR- 10)

3.26 Any other offense that the principal (or designee) may deem to fall within this category. (SIR-58)

A COPY OF ALL CLASS III SUSPENSIONS MUST BE FAXED TO THE ATTENDANCE DEPARTMENT.

UNDER NO CIRCUMSTANCES SHOULD ACADEMIC GRADES BE USED FOR MAINTAINING ORDER IN A CLASSROOM, NOR SHOULD STUDENT BEHAVIOR BE INCLUDED IN CALCULATING ACADEMIC GRADES. AN ACADEMIC GRADE SHOULD REFLECT THE TEACHER'S MOST OBJECTIVE ASSESSMENT OF THE STUDENT'S ACADEMIC ACHIEVEMENT.

DISCIPLINARY ACTIONS FOR CLASS III VIOLATIONS

Grades K-12

Commission of a Class III offense shall be reported immediately by the principal (or designee) to the following persons:

- The student's parent(s) or guardian(s)
- The Attendance Department
- The appropriate Assistant Superintendent

If serious bodily injury, property damage, drugs and/or firearms are involved, or in other cases deemed sufficiently serious, **contact the Birmingham Police Department (328-9311)** for assistance. **All drugs and/or firearms found or confiscated on school premises must be immediately turned**

over to police officers. Other unauthorized objects found in the possession of students may be returned to the parent upon a written request to the principal by the parent(s).

Note: In an emergency or if immediate police assistance is needed, dial 911 **before** following normal notification procedures.

The normal disciplinary punishment for the commission of a Class III offense is removal from school for the remainder of the school year or, if the offense occurs within the last 20 school days of the school year, removal from school for the rest of the school year and the next school year. The principal (or designee), after reviewing the allegations and evidence against a student and giving the student the opportunity to respond to the allegations, is initially responsible for deciding that a Class III offense has been committed. Once that determination has been made, the principal (or designee) will give the student a suspension notice containing a written statement of the charges (and a statement of mitigating or extenuating circumstances, if any) and shall suspend the student to the Hearing Officer. The principal (or designee) shall also MAIL a suspension notice to the parent(s) or guardian and notify the Director of Attendance.

If the Hearing Officer decides, based on facts developed at the hearing, that the student committed a Class III offense, the student shall be subject to expulsion. If, however, there are mitigating or extenuating circumstances, the Hearing Officer shall separately state those circumstances and may consider them in deciding appropriate disciplinary action. Mitigating or extenuating circumstances include, but are not limited to, the absence of severe personal injury, the absence of extensive property damage, identified disabilities, including lack of English proficiency, which may require the need to provide English as a Second Language services, interventions at the local school level, and no prior record of a Class III offense. **All students who are expelled or otherwise removed from school must schedule a reinstatement conference with a Hearing Officer before he/she can be enrolled in any Birmingham City School.**

SENIORS:

- Students assigned to the alternative program are not eligible to participate in any senior activities of the zoned school while enrolled at the alternative program, including but not limited to: the prom, senior picnic, honors and awards day, and the graduation ceremony.
- Students who are candidates for graduation who are found guilty of a Class III offense during their last grading period of study may be subject to exclusion from all senior activities, including but not limited to: the prom, senior picnic, honors and awards day, and the graduation ceremony.

One of the Hearing Officer's options is to allow the student to attend an alternative school under the conditions set forth by the Board of Education in order to earn admittance to the local school. Should the parent(s) or guardian be offered this opportunity and decline it, the Hearing Officer may recommend to the Superintendent that the student be expelled from all Birmingham City Schools.

English Language Learners (ELLs) are subject to the same regulations as regular students; however, if a disciplinary action might result in ELLs not receiving the appropriate services, the LEP Committee must meet to make an appropriate recommendation.

Students with Disabilities and students who are identified as eligible for services under the criteria of IDEA or Section 504 in Grades K-12

1. When a student with a disability is alleged to have committed a Class III violation, the principal will determine whether the student committed the violation; identify the proper classification of the offense; and establish whether severe personal injury or extensive property damage was involved.
2. If the principal declares the offense to be a Class III offense and refers to the Hearing Officer, follow the steps listed below:
 - The principal must notify the student's case manager of the Class III offense. School personnel must ensure that the student's suspensions have not exceeded ten (10) school days.

- The case manager must immediately schedule an Individualized Education Program (IEP)/Personalized Education Plan (PEP) meeting to be held not more than two (2) days after the offense occurs to conduct a Manifestation Determination. *Please refer to the Alabama Administrative Code. r. 290-8-9-.09(1)(e) for clarifications regarding the Manifestation Determination (MD).
 - The IEP team must review/revise the IEP to determine the student's LRE while at school, pending the hearing officer's decision. The Hearing Officer will conduct the hearing within ten (10) school days.
 - **If the behavior is determined to be a manifestation of the student's disability**, the principal must immediately contact the parent and notify the parent that the student should immediately return to school while awaiting the hearing officer's decision. The Hearing Officer and the IEP/PEP Team will collaborate to determine the consequences of the offense. Any change in the student's IEP or change in the Least Restrictive Environment (LRE) must be decided by the IEP team that includes the Hearing Officer.
 - **If the behavior is determined *not* to be a manifestation of the student's disability**, the Hearing Officer treats the students as a non-disabled peer would be treated.
3. Absent a dangerous weapon, drugs, or a "direct threat" to self or others, a student with disabilities must not be excluded from school in excess of ten (10) school days a calendar year. A student with a disability (IDEA), who is found to be in possession of a dangerous weapon or drugs, or who is considered a "direct threat" to self or others, may be placed in an interim alternative educational setting for up to 45 school days by the Director of Attendance or designee.

Please Note: The ten (10) school day exclusion does not apply to students who have been arrested and incarcerated for a violation(s) of State or Federal Laws/Ordinances. Students who are detained by law enforcement officers are under the jurisdiction of the law enforcement agency. If the student remains in a youth or adult detention facility, the school-based committee should forward a copy of the student's Education Plan to the facility upon request from the facility.

SECTION 504 Personalized Education Plan

The Personalized Education Plan is a written document comprised of accommodations afforded to students who are eligible for 504 services under the section 504 Rehabilitation Act of 1973. A team consisting of parents/guardians, student's classroom teacher/classroom teachers, counselor, and principal writes the PEP.

A COPY OF ALL CLASS III SUSPENSIONS MUST BE FAXED TO THE ATTENDANCE DEPARTMENT.

PROCEDURES FOR SUSPENSIONS BY PRINCIPAL OR DESIGNEE

A principal (or designee) may suspend a student for a total of no more than (6) school days per semester or less by complying with the following procedures:

- The principal (or designee) shall give the student oral and written notice of the charge or charges against the student. **(DUE PROCESS)**
- The principal (or designee) shall give the student the opportunity to admit or deny the charges. **(DUE PROCESS)**
- If the student denies the charges, the principal (or designee) shall explain the evidence against the student and give the student the opportunity to explain his/her version of the facts.
- The principal (or designee) may, but is not required to, call witnesses.

- If the principal (or designee) concludes that the student committed the offense and that suspension is appropriate, the principal (or designee) shall upon suspending the student, give the student a suspension notice to take to the student's parent(s) or guardian, mail a copy of the suspension notice to the parent(s) or guardian, and send a copy of the suspension notice to the Attendance Department.
- The parent(s) or guardian will be given a conference date and time with the principal (or designee) to discuss the student's behavior and the punishment. The parent(s) or guardian may request a conference before the reinstatement date.

NOTE: Students eligible for special education must be served in an interim alternative educational setting (IAES) when **total days of suspensions exceed ten (10) days per school year**. The student's IEP team must meet to develop an appropriate educational program. The IEP team must refer the student to the Director of Attendance or designee for assignment to an appropriate site.

PROCEDURES FOR ADMINISTRATION OF FORMAL DISCIPLINARY ACTION

DOCUMENTATION OF CLASS III OFFENSES

The conclusions of the hearing officer shall be based on the documented facts concerning the incident. The principal (or designee) is responsible for assembling appropriate documentation of the offense for use at the hearing. Documentation shall include all information available, to include the Administrator's Report and Teacher's Report, but not limited to, the following categories:

- Specific definition of the offense(s) committed and supporting facts.
- Names of all persons involved in the incident; suspect(s), victim(s), witness(es).
- Signed and dated statement(s) of persons referred above may be used instead of testimony presented at a hearing.
- List of special program(s), if any, in which student is enrolled or being considered for enrollment.
- Past disciplinary records of student involved.
- Academic record of student, which includes current grades, attendance, report card and specified reports from **STUDENT INFORMATION SYSTEM**, the front and back of the cumulative record; high school students should also have a current transcript.
- Extenuating circumstances.
- Actions taken at the school level before suspending for repeated disruptive behavior.
- IEP for previous behavior incidents and current IEP or 504 plans.
- Plans are to include functional behavior analysis, behavior intervention plan, and manifestation determination.
- Functional behavioral assessment and manifestation determination.

The hearing officer shall cite the above documentation in the hearing decision. If extenuating or mitigating circumstances exist, the hearing officer shall document the extenuating or mitigating circumstances and decide the appropriate disciplinary action to be taken.

PROCEDURES FOR FORMAL DUE PROCESS HEARINGS

A principal (or designee) may suspend a student for a Class III offense by complying with the procedures for suspension by a principal (or designee) and notifying the parent(s) that the student is suspended to a hearing officer. **Class III suspensions are to be immediately telephoned (231-7932 or 231-9304) and faxed (231-7616) to the Attendance Department.** Upon receipt of the suspension notice, the Hearing Officer shall comply with the following procedures in scheduling and conducting a hearing. **If the school has not received notice of the hearing within three days, the administrator should contact the Hearing Officer at 231-7932 or 231-9304.**

- 1. Generally, all hearings for students in Grades K through 8 will be held at the local school or an alternate central office location, absent extenuating circumstances.**
- 2. Hearings for groups of five or more students will generally be held at the local school or an alternative central office location.**
3. The Hearing Officer shall give the student and the student's parent(s) or guardian oral or written notice of the charge or charges against the student at least 48 hours before a hearing. The hearing officer will normally conduct a hearing within five (5) school days (or less) from the date of the suspension unless the student and the student's parent(s) or guardian request additional time or fail to cooperate.
- 4. The STUDENT MUST APPEAR IN "COMPLETE (belt, shoes, pants, shoestrings, etc.) UNIFORM" FOR THE HEARING. Failure to comply will result in the student being dismissed from the hearing. However, the hearing will proceed as scheduled.**
- 5. The student's parent or legal guardian must appear with the student at the hearing.** Rescheduling must be requested at least **one business day** before the hearing time; otherwise, hearings will be held as scheduled regardless of the attendance of the parent/guardian or student. Due to scheduling requirements, a delay of no more than 15 minutes can be allowed for a tardy parent/guardian/student.
- 6. A school hearing is an administrative proceeding and not a legal proceeding.** Representation by an attorney is not necessary. However, should the parent/legal guardian feel an attorney is needed, the Hearing Officer must be notified **two business days** before the hearing.
- 7. The Hearing Officer reserves the right to admit or deny the presence of any person in the hearing conference, other than the student and the student's parent or legal guardian.** Documentation of legal guardianship may be required.
- 8.** At the hearing, the hearing officer shall give the student an opportunity to admit or deny the charge or charges.
- 9.** If the student denies the charge or charges, he/she will be given an explanation of the evidence on which the charges are based and an opportunity to explain his/her version of the facts.
- 10.** The hearing officer **may** summon the accusers or witnesses to the disciplinary hearing and allow their examination by the student and/or permit the student to present his/her own witnesses. The hearing officer is not required to call or allow any accusers or witnesses to be present and the decision to do so shall rest in the discretion of the hearing officer.
- 11.** Appropriate behavior by the student and the parent/guardian is expected during the hearing procedure. The hearing officer may, at his/her discretion, stop the hearing at any point or have any party removed for failure to comply with a directive of the hearing officer.
- 12.** After following the above procedures, the hearing officer, based on all facts presented, written and oral, shall decide whether the student did or did not commit an offense, what offense, if any, was committed and the appropriate punishment. The hearing officer shall prepare a written decision that shall include the charges against the student; the time, date and location of the hearing; a summary of the evidence presented at the hearing; the conclusions drawn from the evidence; and the disposition of the case.
- 13.** The Hearing Officer may require restitution for damages to school board or personal property.

14. The hearing officer shall send a copy of the decision to the following persons:
 - the student's parent(s) or guardian
 - Attendance Department
 - the principal (or designee)
 - the principal of the alternative school (providing student is referred)
 - the Assistant Superintendent

15. A tape recording shall be made of the hearing and shall be kept in the Attendance Department for no less than one year from the date of the hearing. The parent may request a copy of the tape in writing from the Director of Attendance and by providing a blank tape.

PROCEDURES FOR APPEAL OF HEARING DECISION

If the parent(s) or guardian has additional information not provided to the Hearing Officer, the parent(s) or guardian may file an appeal with the Director of Attendance, (the superintendent's designee). The appeal procedures are as follows:

1. The student or the student's parent(s) or legal guardian must file a written request for an appeal.
2. The written request for an appeal must be addressed to and mailed to the Director of Attendance.
3. The written request for an appeal must be postmarked on a date no more than seven (7) calendar days after the date of the hearing decision or delivered to the Attendance Department no more than nine (9) calendar days after the date of the hearing decision. If the written request for an appeal is not made on time, the hearing decision will be final.
4. The Director of Attendance, upon receipt of a timely filed written request for an appeal, will schedule an appeal hearing.
5. The Director of Attendance will arrange for an appeal hearing following the same procedures provided for hearings.
6. Procedures for Formal Due Process Hearings, described on the previous page and above, will be in effect for the appeal hearing.
7. Within three (3) school days after the appeal hearing, the director of attendance shall submit to the superintendent written findings, conclusions, and recommendations made based on the evidence and matters presented at the appeal hearing.
8. The Director of Attendance's findings and conclusions shall be supported by substantial evidence.
9. The Director of Attendance shall send a copy of the recommended findings and conclusions to the following persons:
 - the student's parent(s) or legal guardian
 - the principal (or designee)
 - the Attendance Department
 - principal of alternative school (providing student is referred)
 - the appropriate Assistant Superintendent

PROCEDURES FOR SEARCH AND SEIZURE

1. When officials acting solely under the authority of the school or school system have reasonable grounds for believing that a search of a particular student will produce evidence of a violation of school disciplinary rules or of law, such school officials may, if circumstances warrant, (a) search the purse or the pockets of the student or (b) conduct a pat-down search of the person of the student. In weighing the circumstances to decide whether to conduct such a search and what specific search methods to employ, school officials should consider the seriousness of the suspected infraction, the level of intrusiveness of the search, and the age and sex of the student and the school official. A school official of the same sex as the student being searched will conduct such a search. Except in emergencies, such searches shall be conducted discretely out of public view.
2. School officials, when possible, should avoid frequent and unnecessary group searches (i.e., searches of two or more students where individualized suspicion is lacking). Group searches should be conducted only (a) when officials have reasonable grounds to believe that evidence of illegal or dangerous activities will be uncovered, (b) when the immediacy of the circumstances and the school's need to protect the safety and welfare of students is sufficient to justify such a search, and (c) when the invasiveness of the search method employed is minimal.
3. The school maintains control of student lockers and has the right to periodically inspect those lockers. Since students do not have exclusive possession of lockers, school officials may conduct locker searches at will. Drug-detecting dogs may be used in such locker searches at any time.
4. **Students who park on campus are required to provide a copy of a valid drivers ' license and proof of insurance. School officials may search a student's car or other motor vehicle located on school property when reasonable grounds exist for believing that the search will uncover evidence of an infraction of school disciplinary rules or of an in-school violation of the law.**
5. To provide and maintain a safe and secure environment for students, staff and authorized visitors, schools may employ the use of metal detectors. Stationary and/or mobile metal detectors may be used. School board employees shall conduct all metal detector searches. Any information obtained using metal detectors shall be used only for school disciplinary or law enforcement purposes.
6. To provide and maintain a safe and secure environment for students, staff and authorized visitors, schools may use video surveillance equipment on properties owned and/or maintained by the school system. These properties include buildings and grounds as well as vehicles owned and/or operated by the school system. All school personnel, students, and parents shall be informed that they are subject to being videotaped while in school buildings, on school grounds, at school events, and on system-owned/maintained vehicles. Any information obtained using surveillance equipment shall be used only for school disciplinary or law enforcement purposes.
7. No student searches shall be conducted by school officials with or at the request of law enforcement officers unless those officers are following appropriate police procedures and operating under a valid search warrant founded upon probable cause.
8. Provision of this Code of Conduct shall serve as notice of possible student search.

Unannounced Visits by Law Enforcement Agencies

To provide and maintain a safe and secure environment for students, staff and visitors, the Board supports the requirement of the Alabama Administrative Code, Section 290-030-010-06, to permit law enforcement agencies to make periodic, unannounced visits to any school within the Birmingham City Schools system. These visits will be unannounced to anyone except the local superintendent and building principal. Such visits shall be for the purpose of detecting the presence of illegal drugs and/or weapons.

LEGAL REFERENCE: Code of Alabama, Section 16-1-24-1; The Administrative Code, 290-030-010-06.

**ATTENDANCE POLICIES AND PROCEDURES
OF
THE BIRMINGHAM CITY SCHOOLS**

The Code of Alabama, Section 16-28-12, states the following:

Person *in loco parentis* responsible for child's school attendance and behavior; noncompliance; local boards to promulgate written behavior policy, contents, annual distribution, receipt to be documented; school officials required to report noncompliance; failure to report suspected violation; district attorneys vigorously to enforce provisions.

(a) Each parent, guardian, or other person having control or custody of any child required to attend school or receive regular instruction by a private tutor who fails to have the child enrolled in school or who fails to send the child to school, or have him or her instructed by a private tutor during the time the child is required to attend a public school, private school, church school, denominational school, or parochial school, or be instructed by a private tutor, or fails to require the child to properly conduct himself or herself as a pupil in any public school in accordance with the written policy on school behavior adopted by the local board of education pursuant to this section and documented by the appropriate school official which conduct may result in the suspension of the pupil, shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than one hundred dollars (\$100) and may also be sentenced to hard labor for the county for not more than 90 days. The absence of a child without the consent of the principal teacher of the public school he or she attends or should attend, or of the tutor who instructs or should instruct the child, shall be prima facie evidence of the violation of this section.

(b) Each local public board of education shall adopt a written policy for its standards on school behavior. Each local public school superintendent shall provide at the commencement of each academic year a copy of the written policy on school behavior to each parent, guardian, or other person having care or control of a child who is enrolled. Included in the written policy shall be a copy of this section. The signature of the student and the parent, guardian, or other person having control or custody of the child shall document receipt of the policy.

(c) Any parent, guardian, or other person having control or custody of any child enrolled in public school who fails to compel the child to properly conduct himself or herself as a pupil in accordance with the written policy on school behavior adopted by the local board of education and documented by the appropriate school official which conduct may result in the suspension of the pupil, shall be reported by the principal to the superintendent of education of the school system in which the suspected violation occurred. The superintendent of education or his or her designee shall report suspected violations to the district attorney within 10 days. Any principal or superintendent of education or his or her designee intentionally failing to report a suspected violation shall be guilty of a Class C misdemeanor. The district attorney shall vigorously enforce this section to ensure proper conduct and required attendance by any child enrolled in public school.

STATE OF ALABAMA ATTENDANCE POLICY

Alabama State Law 16-28-3, Code of Alabama, 1975 requires all children between the ages of six (6) and seventeen (17) to attend school regularly. Alabama State law states that each child who enrolls in a public school, whether or not the child is required by law to enroll, is subject to the school attendance and truancy laws of the state. Parents or guardians having control over school age children are responsible for their children's regular attendance and proper conduct. Failure to comply with the Compulsory School Attendance Law requires the Attendance Officer to file a complaint in the Jefferson County Family Court.

Truancy Definition: A parent, guardian or other person having charge of any child officially enrolled in Alabama public schools (K-12) shall explain in writing the cause of any and every absence of the child no later than three (3) days following return to school. A failure to furnish such explanation shall be evidence of the child being truant each day he is absent. The child shall also be deemed truant for any absence determined by the principal to be unexcused based on the State Department of Education's current School Attendance Manual. Seven (7) unexcused absences within a school year constitute a student being truant for the purpose of filing a petition with the Court.

Early Warning Truancy Program

Parents and students will be referred to the Early Warning Truancy Program on the fifth (5th) unexcused absence and on the fifteenth (15th) tardy to school or early check-out from school. Referral to the program includes the following steps:

1. The parent will receive official notification by U.S. Mail. The notice will require the parent and student to report to the Jefferson County Family Court.
2. The parent and student will meet with the attendance officer and a court official. The attendance officer will review the system's Attendance Policy; the Court Official will review the State of Alabama's Attendance Laws and consequences of breaking the laws.
3. If the parent and student fail to appear at the scheduled Early Warning Truancy Program, the parent may receive legal notice and a court referral.

Responsibility of Parent-Grades K-8

- Students are required to be on time for school. It is the responsibility of parents or guardians to make sure that their children arrive on time each day. **Arrival time for students in Grades K-8 is 8:00 a.m. Any student arriving after that time should be accompanied to the office by a parent or guardian.**
- **Students are required to remain at school for the entire school day. Dismissal time is 3:00 p.m.**
- Any time that a student is absent, the parent or guardian must send a written note to school satisfactorily explaining the absence. A satisfactory note from parent or guardian meets the following State guidelines:
 - illness;
 - death in the immediate family;
 - inclement weather (as determined by the principal) which would be dangerous to the life and health of the child;
 - legal quarantine;
 - emergency conditions as determined by the principal; and
 - prior permission of the principal and consent of the parent or guardian.

The note or doctor's excuse must be sent to school **within three (3) days** of the student's return to school to be counted as an excused absence.

- A written note from parents or guardians, as described above, will excuse absences for up to but not exceeding ten (10) absences during the school year. **Further absences will**

require a written excuse from a medical doctor or court official. All excuses must be presented within three (3) days of the absence.

- Parents or guardians of a student who is absent eleven (11) or more times must present a clinical/ doctor's or court approved excuse to the school in order for the absence to be excused.
- Parents or guardians of any student having a chronic ailment that may cause the child to miss school during the year are required to provide the school with a clinical or doctor's statement verifying the child's condition at the beginning of the school year. The statement shall reflect the nature of the child's illness, and state that the child may have to miss school from time to time due to this illness. Failure of parent/guardian to provide the school with a chronic ailment statement can result in unexcused absence accumulation, and referral to Juvenile Court.
- Excused absences for family vacations are strongly discouraged and will be permitted only if there are unusual circumstances that, within the principal's discretion, merit an excused absence. Further, an excused absence will not be granted unless the parent obtains **prior** permission from the principal.
- Students must attend one-half of the instructional day to be counted present. Tardies and early checkouts are strongly discouraged.

Responsibility of Parent – Grades 9-12

- Students are required to be on time for school. It is the responsibility of the parents or guardians to make sure that their student arrives on time each day.
- Arrival time for students in Grades 9-12 is 8:30 a.m. Any student arriving after that time should be accompanied to the office by a parent or guardian.
- Students are required to remain at school for the entire school day. Dismissal time is 3:35 p.m.
- Any time that a student is absent, the parent or guardian must send a written note to school satisfactorily explaining the absence. A note from a parent or guardian meets the following State guidelines for an excused absence:
 - illness,
 - death in the immediate family;
 - inclement weather (as determined by the principal) which would be dangerous to the life and health of the child;
 - legal quarantine;
 - emergency conditions as determined by the principal; and
 - prior permission of the principal and consent of the parent or guardian.
- The note or a doctor's excuse must be sent to school within 3 (three) days of the student's return to school to be counted as an excused absence. Excuses will not be accepted after three days. Please note that teachers are not obligated to provide make-up work for unexcused absences.
- Parent excuses are limited to ten (10) days per semester. Further absences will require a written excuse from a medical doctor or court official. All excuses must be presented within three (3) days of the absence.
- Parents or guardians of any student having a chronic ailment that may cause the student to miss school during the year are required to provide the school with a clinical or doctor's statement verifying the child's condition at the beginning of the school year. The statement shall reflect the nature of the child's illness, and state that the student may have to miss school from time to time due to this illness. Failure of parent/guardian to provide the school with a chronic ailment statement can result in unexcused absence accumulation, and referral to Juvenile Court.

HIGH SCHOOL CREDITS AS RELATED TO ATTENDANCE

1. Students in grades 9-12 must earn credit for promotion from grade to grade and to meet graduation requirements.
2. Students are responsible for reporting to school and to each class in accordance with their assigned schedules.
3. Each class period represents one unit of credit that may be earned by the student each semester.
4. In order to earn each class credit, the student must attend the class for a specific number of clock hours, established by the state, **and** pass the assigned work.
5. A student approved by the principal or his designee to participate in or attend a school-sponsored or other approved activity during the school day shall be coded as having an excused absence. Students are responsible for all assignments missed while participating in or attending said activities. The principal shall notify teachers in advance about students who will be attending approved activities and who will be coded as having an excused absence.
6. A written note from a parent or guardian, as described above, will excuse absences for up to but not exceeding ten (10) absences for any full credit course per term and not exceeding five (5) absences for any half credit course per term. Further absences will require a note from a doctor or court official in order to be considered excused.
7. **Combined (excused and unexcused) absences from a class period more than ten (10) times may result in a loss of credit.**
8. In cases of prolonged absence due to illness, the parent or guardian should seek assistance from the Homebound Program.
9. In cases where extreme emergencies exist and can be verified, the principal may extend the maximum number of unexcused absences per term that a student may accumulate before credit is withheld.
10. The principal may establish an alternative plan by which students may redeem their credits. This plan must include completion of assignments as well as a time requirement, such as Saturday School or before/after school time.
11. The parent or guardian may appeal a decision to withhold credit for an individual student based upon excessive unexcused absences to the Director of Attendance, setting forth the reasons for the absences and attaching any supporting documentation. The appeal is to be considered by a three-member panel. The committee can exercise one of the following:
 - Uphold the principal's decision and withhold credit.
 - Reject the principal's decision and award credit.
 - Approve or revise the principal's offer of an alternative plan.
12. Students over age seventeen (17) who accumulate more than ten (10) days of unexcused absences during a single semester may be withdrawn from school. Parents will be notified of pending withdrawal and given one (1) week to appear before the principal or attendance officer to show cause as to why the student should not be withdrawn from school. The Attendance Department working in cooperation with the Special Education Department must approve all withdrawals for special education students.
13. The principal shall develop and implement local school procedures necessary for the proper implementation of these procedures. Each teacher shall be provided a copy of the local school procedure. Included in these procedures will be written notification to parents outlining their right to appeal.

DEPARTMENT OF PUBLIC SAFETY

The Department of Public Safety shall deny a Driver's License or a Learner's Permit for the operation of a motor vehicle to any person under the age of 19 who does not, at the time of application, present a diploma or other certificate of graduation issued to the person from a secondary high school of this state or any other state, or documentation that the person:

- is enrolled and making satisfactory progress in a course leading to a general educational development certificate (GED) from a state-approved institution or organization, or has obtained the certificate;
- is enrolled in a secondary school by the State Superintendent of Education;
- is gainfully and substantially employed;
- is a parent with the care and custody of a minor or unborn child;
- has a physician certify that the parents of the person depend on him/her as their sole source of transportation; or
- is exempted from this requirement due to circumstances beyond his/her control as provided in this act or pursuant to Chapter 28 (commencing with Section 16-28-1) of Title 16 of the Code of Alabama 1975, as amended.

The attendance officer or the chief attendance administrator, upon request, shall provide documentation of enrollment status on a form approved by the Department of Education to any student 15 years of age or older who is properly enrolled in a school under the jurisdiction of the official, for presentation to the Department of Public Safety on application for, or renewal or reinstatement of, a Driver's License to operate a motor vehicle. Whenever a student 17 years or older withdraws from school, the attendance officer or chief attendance administrator shall notify the Department of Public Safety of the withdrawal. Withdrawal shall be defined as more than ten (10) consecutive or fifteen (15) days total unexcused absences during a single semester. The local Superintendent of Education with the assistance of the county or city school attendance director as the case may be, and any other staff or school personnel, or the appropriate school official of any private secondary school, shall be the sole judge of whether the withdrawal is due to circumstances beyond the control of the person. Suspension or expulsion from school or imprisonment in a jail or penitentiary is not a circumstance beyond the control of a person.

APPENDIX I

IMPORTANT TERMS AND PHRASES

ABSENCE (S)

If a high school student is absent from school in excess of ten (10) days, the student will not meet the minimum course attendance requirements. The student will receive zero (0) credit in the course for the semester. Students enrolled in elementary or middle schools may not be promoted for failure to complete assignments due to excessive absences from school.

ATTENDANCE

Students are expected to attend school regularly and to be on time for classes in order to receive the greatest benefit from the instructional program and to develop habits of punctuality, self-discipline, and responsibility. There is a direct correlation between poor attendance and class failure. Students who have good attendance generally achieve higher grades and enjoy school more.

BEHAVIOR INTERVENTION PLAN (BIP)

Part of an IEP for a special education student that describes inappropriate behavior exhibited by the students and prescribes the way such behavior will be modified.

BOOK BAGS/BACK PACKS

All students will use clear or mesh book bags/backpacks.

BUILDING-BASED STUDENT SUPPORT TEAM (BBSST)

This team is a designated school-based committee designed to meet the needs of general education students that are at risk of academic failure and/or chronic behavior challenges. The committee will develop, implement, and review a plan for each student's success. **Parents/guardians can request that BBSST meet and a plan be implemented regarding their student's academics or behavior before the child receives a failing grade in a particular class. Contact the local school principal or counselor.**

The purpose of BBSST is to:

- Decrease dropout rate; keep kids in school
- Improve academic achievement of failing students
- Improve individual behavior & school environment
- Reduce absenteeism; increase attendance
- Reduce discipline referrals
- Reduce referrals to inappropriate programs
- Give every student a chance to succeed
- Increase the graduation rate by responding to students' academic frustrations and challenges
- Promote greater parental involvement

BBSST is not a guarantee of:

- Promotion
- Making the honor roll
- Passing the graduation exam
- Higher SAT scores
- Graduating from high school

BBSST can be an opportunity for each student to be given every consideration and accommodation that staff can offer as an opportunity for success.

BULLYING

Bullying is an act of deliberate and persistent aggressive behavior against a target or victim, typically one who is weak and defenseless. This action of intimidation is designed to make a weaker person or group do something he/she or they would rather not do repeatedly over time.

COMMUNITY SERVICE PROGRAM

Students who are expelled from school may be required to perform community service as a requirement for reinstatement to school. Community service may also be offered as a requirement for some students who are allowed to remain in school, but need an added disciplinary measure. The parent may request assistance in finding a place to perform community service from the Community Education Department.

CYBER-BULLYING

Cyber-bullying is when the Internet, cell phones or other devices are used to send or post text messages or images intended to hurt or embarrass another person. Cyber-bullying can be as simple as continuing to send messages to someone who has said they want no further contact with the sender, but it may also include threats, sexual remarks, pejorative labels (i.e., hate speech), ganging up on victims by making them the subject of ridicule in forums, and posting false statements as fact aimed at humiliation.

Cyber-bullies may disclose victims' personal data (e.g. real name, address, or workplace/schools) at websites or forums or may pose as the identity of a victim for the purpose of publishing material in their name that defames or ridicules them. Some cyberbullies may also send threatening and harassing emails and instant messages to the victims, while others post rumors or gossip and instigate others to dislike and gang up on the target.

Cyber-bullying may be considered a felony or may create a civil cause of action against the perpetrator.

DISCIPLINARY PROBATION

Assignment for a specified time to a staff member who will help in monitoring the student's adjustment to the school environment.

DUE PROCESS

The process of informing a student of the charges that have been made against him/her and allowing the student to state his/her version of the incident.

EARLY CHECKOUTS

Leaving school before the end of the regular school day.

ENGLISH AS A SECOND LANGUAGE (ESL)

An educational approach in which limited English Language Learners are educated in the acquisition of English Language skills such as grammar, oral communication and vocabulary.

ENGLISH LANGUAGE LEARNERS (ELL)

Students who are in the process of acquiring the English language.

EXPULSION

Removal of the right and obligation of a student to attend a public school under conditions set by the Board of Education for the remainder of the school year, or in appropriate circumstances, for a longer time. The names of all students expelled from the school system will be reported to the District Attorney of the Juvenile Court and to the Department of Public Safety. Those persons will be subject to denial or revocation of the privilege of a driver's license or learner's license to operate a motor vehicle. (Reference: Code of Alabama, Amended 1975, Sections 16-28-12 and 16-28-40)

A Special Education student may be expelled only after IEP Committee action. A Special Education student who has been expelled from school is still entitled to special education services as determined by the IEP Committee.

An English Language Learner may be expelled only after LEP action. An ELL student who has been expelled from school is still entitled to ESL services as determined by the LEP committee.

Students assigned to alternative schools or expelled from other school systems will be denied admission to the Birmingham City Schools. Exceptions may be made under conditions specified by a Hearing Officer after a conference with the student and parent(s)/guardian(s). All conferences can be scheduled through

the Attendance Department. Attendance at such a conference offers no assurance of admission to a Birmingham City School. Such students may be required to attend an alternative program before being admitted to their zoned school.

Any students who has been expelled or otherwise removed from school must schedule a conference with a Hearing Officer before he/she is eligible to enroll in any Birmingham City School.

EXTRA-CURRICULAR ACTIVITY SUSPENSION

Denial of the privilege of participating in scheduled field trips or other extra-curricular activity based on repeated classroom and/or other school related misbehavior.

504 STUDENT

A student who receives services under section 504 of the Americans with Disabilities Act.

FUNCTIONAL BEHAVIOR ANALYSIS (FBA)

For a student with a disability, a functional behavior analysis may be completed by the IEP team. The team will determine what behaviors present a problem, their frequency, and when they occur.

HATE CRIMES

A hate crime is defined as an illegal act against a person or persons motivated by prejudice against a particular category of persons.

INDIVIDUALS WITH DISABILITIES EDUCATION ACT (IDEA)

A federal law that outlines the requirements for providing educational services for students with disabilities.

INDIVIDUAL EDUCATION PLAN (IEP)

The IEP is a written document which outlines the goals and objectives a special education student should complete during the school year, the conditions under which the student will perform, the degree to which the student will succeed, and how the student will be evaluated. The team is composed of (at the minimum) the special education teacher, a general education teacher, a representative of the school system, and a parent/legal guardian of the special education student

IN-SCHOOL SUSPENSION

Provision of tutorial and guidance services in a restricted environment.

LEP COMMITTEE

All decisions regarding the academic life of an English language learner MUST be made by the student's LEP Committee. The LEP Committee consists of the student's parent/legal guardian(s), the LEA representative, the ESL teacher, a classroom teacher, the counselor, and the ESL Director/Coordinator, who are knowledgeable of the student's language proficiency. The LEP Committee should consider the level of the student's language proficiency when deciding on participation in school activities/programs. Any decision made by the LEP Committee must be documented in the LEP Committee documentation records.

MANIFESTATION DETERMINATION

The IEP committee of a special education/504 student will meet **before** a hearing to determine if the student committed the act as a manifestation of his/her disability. The committee will determine if the student understands the Code of Conduct, understands the impact and consequences of the behavior exhibited, and if the student's disability impaired his/her ability to control the behavior subject to disciplinary action. A manifestation determination is also required if a special education student is suspended for more than ten (10) days in a school year.

PARENTAL CONFERENCES

Written summons by a school official to attend a discipline conference at a stated date and time.

PARENT PROJECT ©

A nationally recognized program that trains parents to fulfill their role in developing successful citizens. Participation in this program can be required by a hearing officer. Facilitators for the program are certified.

PAYMENT OF DAMAGES/RESTITUTION

The Birmingham City Schools shall be entitled to recover actual damages, plus necessary court costs, from the parent and/or guardian of any minor who maliciously and willfully damages or destroys property belonging to the school system. This action shall be in addition to all other actions that the school system is entitled to enforce.

PERSONALIZED EDUCATION PLAN (PEP)

The PEP is a written document which outlines the goals and objectives a student receiving 504 services should complete during the school year, the conditions under which the student will perform, the degree to which the student will succeed, and how the student will be evaluated. The team is composed of (at the minimum) the school counselor, a general education teacher, a representative of the school system, and a parent or legal guardian of the 504 student

POSITIVE BEHAVIOR SUPPORT (PBS)

Positive Behavior Support (PBS) is an empirically validated, function-based approach to eliminate challenging behaviors and replace them with prosocial skills. Use of PBS decreases the need for more intrusive or aversive interventions (i.e. punishment or suspension) and can lead to both systemic as well as individualized change.

SCHOOL BUS SUSPENSION

Denial of the privilege of riding a school bus, based on misconduct occurring while the student is being transported at public expense. Offenses committed while on a school bus will be classified according to the provisions of the Code of Student Conduct. Suspension from the school bus is not a suspension from the school or an excused absence from school.

SEXTING

Sexting is where a person takes a sexually-explicit digital photograph of him or herself or of someone else, and sends it as an MMS and SMS via a mobile phone. These images can then be posted on the internet or forwarded electronically to other people. Once posted on the internet these images can leave a permanent digital footprint and be accessed at any time in the future. It is illegal to take sexual photos or videos of children and young people.

SEXUAL HARASSMENT

Unwelcome sexual advances, requests for sexual favors and any other physical, verbal or visual conduct of a sexual nature is sexual harassment when such conduct creates an intimidating, hostile, or offensive educational environment. (See Appendix II.)

SPECIAL PROGRAMS

Placement in an alternative program or school.

SUSPENSION

Suspended students are removed from their regular school program for a period not to exceed six (6) days per semester. After the first suspension, the principal shall convene the Building Based Student Support Team (BBSST) for intervention assistance. Should the student require a second suspension, the BBSST should be reconvened to further address the student's behavior. Other school-based prevention/intervention assistance should be utilized as well to address student behavior. Students may be suspended for longer periods of time for commission of a Class III offense. The names of all students suspended from school shall be reported in School Incident Report (SIR), in the **student information system** and by the Attendance Department through its annual report, to the District Attorney of the

Juvenile Court. Students should be referred to the Attendance Officer and not suspended for unexcused absences or truancy.

Days absent from school due to suspension are excused for coding purposes. Credit for daily work is given provided students complete their assignments while on suspension and turn it in at the time of their reinstatement to school. All students will be allowed to make up major tests, midterm and final examinations if suspended during such exam periods.

Note: Federal law requires that all students participate in State assessments. If a student is serving an out of school suspension when a State assessment is administered, arrangements must be made to allow the student to return to school for the assessment.

TARDY

Arriving at school or to a classroom after the specified starting time.

TRUANCY

Any unexcused absence or tardy from school or class. Truancy is an unexcused absence and can cause a student to lose credit for the semester or school year.

TURNING POINT ACADEMY

Turning Point Academy (TPA) is a program designed to assist over-aged middle school (Grades 6 and 7) students to earn promotion to a more age-appropriate grade level. The goal of the program is to work with over-aged grade 6 or 7 students in an accelerated academic environment to bring them to their age-appropriate grade level. This program is for sixth and seventh grade students who have failed at least 2 grade levels only! No student who has failed one time, no eighth grade students, and no students with "late" birthdays will be enrolled. Eighth grade students who are 2 grade levels behind, but will be promoted to the ninth grade do not qualify. All students who have enrolled and successfully remain in the TPA program will be tracked, monitored, and supported until they complete high school. See Appendix VII for contact information.

VOLUNTARY WITHDRAWAL

Any student who is withdrawn from the Birmingham City School system or placed in another school system to avoid disciplinary action shall be withdrawn for the remainder of the current school year plus one additional year. Any student who is withdrawn from school or placed in another school system to avoid disciplinary action may request to return to the Birmingham City School system before the two-year withdrawal period only by scheduling a conference through the Attendance Department with a Hearing Officer. Following the conference students may be reinstated and must adhere to the requirements set forth by the Hearing Officer; however, attendance at such a conference offers no assurance of admission to a Birmingham City School.

The names of students who withdraw voluntarily from the Birmingham City Schools and do not enroll in another school system will be reported to the Department of Public Safety for possible denial or revocation of a driver's or learner's license to operate a motor vehicle.

WORK ASSIGNMENTS

Supervised activities related to the upkeep and maintenance of school facilities. Work assignments are not intended to interfere with any student's regular class schedule.

APPENDIX II**DRUG AND ALCOHOL POLICY*****Anti Drug and Alcohol Policy***

It is the goal of the Birmingham Board of Education to provide a quality education for all students. In furtherance of this goal and to protect and promote the health, safety and welfare of its students and employees, the Birmingham Board of Education is committed to maintaining a drug and alcohol free public school system.

The use of illicit drugs and the unlawful possession and use of alcohol is wrong and harmful. Therefore, it is the policy of the Birmingham Board of Education that the use of alcohol and the unlawful manufacture, distribution, dispensation, possession or use of illicit drugs is prohibited. Any student violating this policy will be subject to disciplinary actions.

Standards of Conduct

The unauthorized possession, use, transfer, sale or distribution of drugs is a Class III - Major Offense - violation of the Student Code of Conduct of the Birmingham City Schools.

The term "drugs" means any drug listed in 21 U.S.C. Section 812 and other federal regulations. Generally, these drugs have a high potential for abuse. Such drugs include, but are not limited to, marijuana, cocaine (including "crack"), methamphetamine (or "ice") and PCP. They also include unauthorized possession or use of over the counter or prescription drugs on school premises.

Unauthorized possession, transfer, distribution, procurement, use or sale of drugs or alcoholic beverages; unauthorized consumption of drugs, including over the counter and prescription medications, or alcoholic beverages while at school or attending school under the influence of illegal drugs or alcoholic beverages is also a Class III - Major Offense - violation of the Student Code of Conduct.

The normal disciplinary punishment for violation of the drug and alcohol policies is removal from school for the remainder of the year, or if the offense occurs within the last twenty (20) school days of the school year, removal from school for the remainder of the school year and the next school year.

The principal may report each violation of the drug and alcohol policies to the Youth Aid Unit of the Birmingham Police Department for possible investigation and prosecution.

NOTICE TO PARENTS AND STUDENTS: Compliance with these standards of conduct is mandatory.

Note: All drugs (including alcohol) and/or firearms found or confiscated on school premises must be immediately turned over to police officers.

AGENCIES THAT PROVIDE ASSISTANCE FOR DRUG/ALCOHOL ABUSE

Al-Anon and Al-A-Teen: 322-1500

Alcohol and Drug Abuse Council: 933-1213. Located at 1923 14th Avenue, South

Alcoholics Anonymous: 933-8964. Central Office is located at 2012 4th Avenue, South.
Primary Purpose Group at 879-6138. Located at 1728 Oxmoor Road, Homewood, Alabama.

Alcoholics Recovery Services: 923-6552

Alethia House, Inc. 324-6502

Bradford Health Services: 251-7753

Fellowship House: 933-2430

National Council on Alcoholism, Inc.: 1-800-NCA-Call. Call for referral service to help with alcoholism or other drug problems.

UAB Substance Abuse Programs: 917-3784

UAB Treatment Alternatives to Street Crime: 917-3780

Any changes in this list of community-based agencies that specialize in assistance to students with drug or alcohol problems is available from your local school or may be obtained from the Family Resource Center at Davis Center, located at 417 29th Street South.

APPENDIX III**POSSESSION OF WEAPONS AND FIREARMS BY STUDENTS****Weapons and Firearms**

No student shall be permitted to have any weapon or firearm on school property at any time.

Reference: Class III Offenses, Sections 3.09 and 3.10, Birmingham City Schools Code of Conduct, Policy # 8111.

Disciplinary Measures

If a student is found in possession of a weapon, firearm or reasonable facsimile of a firearm, and presents it as a real firearm, he/she shall be automatically referred to the Board for disciplinary action. If it is determined by the Board that the student was in possession of a real firearm on school property, to include property not owned by the school system but where an official school activity is held, said student shall be expelled from school for not less than one (1) calendar year, date to date. The Superintendent may modify such requirements for a student on a case-by-case basis. Such expulsion is in compliance with the requirements of Public Law 103-383; Improving America's Schools Act of 1994; Part F, Section 14601, Gun-Free Requirements and Alabama Legislative Acts.

Further, in accordance with Public Law 103-382; Improving America's Schools Act of 1994; Part F, Section 14601, Gun-Free Requirements, any student determined by the Board to have brought a weapon or firearm on school property as defined above shall be referred to the criminal justice or juvenile court system.

Suspension of Drivers' License for Firearm Possession

In accordance with Legislative Act 94-820, a student under 19 years of age may have his/her drivers' license suspended for the possession of a firearm on school premises.

Alabama Law

Possession of a weapon is a Class C Felony – In accordance with Legislative Act 94-817, the possession of a deadly weapon on school premises with intent to do bodily harm is a Class C Felony.

Special Education Students

Requirements for special education students for alternative educational programs will be met. (See Students with Disabilities section following Class III offenses.)

Legal References:

Section 1702 Gun Free School Zone Act of 1990, 18 U.S. Code 921

Public Law 103-382 Improving America's Schools Act of 1994; Part F, Section 14601, Gun-Free Requirements

Legislative Act 94-820, 94-817

APPENDIX IV**SEXUAL HARASSMENT POLICY*****Anti-Harassment Policy***

The Birmingham Board of Education is committed to maintaining an educational environment free of sexual harassment. In keeping with this commitment, the Board will not tolerate harassment of employees or students by anyone, including supervisors, teachers, students, vendors or other customers of the Board. Sexual harassment violates Title VII of the Civil Rights Act of 1964, as amended, and is unlawful and contrary to Board policy. Any Board employee or student who engages in sexual harassment violates this policy and the law.

Unwelcome sexual advances, requests for sexual favors and any other physical, verbal or visual conduct of a sexual nature is sexual harassment when such conduct creates an intimidating, hostile, or offensive educational environment.

Sexual harassment may include, but is not limited to, unwelcome sexual propositions; sexual innuendoes; suggestive remarks; vulgar or sexually explicit comments, gestures, or conduct; obscene or sexually explicit pictures; sexually oriented "kidding," teasing, or practical jokes; and physical contact, such as patting, pinching, or brushing against another's body. In third-party situations, sexual harassment may also be present if one individual is offended by the sexual interaction, conduct, or communications between others.

All Board employees are responsible for maintaining an educational environment free of sexual harassment and intimidation. In this role, the responsibilities of all Board supervisors and managers include, but are not limited to, the following:

- Ensure that students are not required to endure insulting, degrading or exploitative sexual treatment.
- Immediately report any complaints concerning sexual harassment received from students to the principal or appropriate school official.

Any student experiencing or witnessing sexual harassment should immediately notify the school secretary, any teacher, any assistant principal or the principal.

The confidentiality of all harassment complaints is guaranteed. Personnel violating confidentiality will be disciplined appropriately. Communications will be made to others only on a limited "need to know" basis. There will be no retaliation against a student for filing complaints of sexual harassment.

Sexual harassment offenses allegedly committed by adults against students will be promptly investigated within 30 days and/or will be reported to appropriate law enforcement officials.

Sexual harassment offenses allegedly committed by students may be classified as minor, intermediate, or major offenses under the provisions of the Code of Student Conduct. The Student Code of Conduct procedures will be followed in deciding the appropriate discipline for such offenses.

APPENDIX V

**BIRMINGHAM CITY SCHOOLS
UNIFORM DRESS POLICY
REVISED 2010**

- I. **Statement of Policy** All elementary, middle and high school students in Birmingham City Schools shall, within the parameters set forth below, follow the mandatory uniform policy beginning in August 1996.
- II. **Conditions of Policy** Students are required to dress in proper uniform attire. It will be the parents' responsibility to ensure compliance with the uniform policy. All students who attend Birmingham City Schools must be in uniform.
1. All students will wear the designated school system attire. The clothing may not be altered by slits, cuts, holes, shredded hems, slashes, etc.
 2. All students in grades K-12 are required to use clear or mesh book bags/back packs only.
 3. **ID cards issued by the school are part of the required uniform and must be worn in a visible location above the waist at all times.**
 4. **The designated uniform for all Birmingham City Schools students when in a school-owned building for any school related business shall be:**
 - **Solid white or light blue shirt with collar.** No logos, symbols, pictures or writing on the shirt other than the approved school logo. This must be a knit (polo) shirt, dress shirt, turtleneck, or mock turtleneck. **The shirt must be uniform style.** The shirt must be tucked in at all times and any pockets on the pants must be fully visible. The shirt must be buttoned appropriately so that no undergarments, including a tee shirt or tank top, are visible.
 - **Navy blue or black pants, skirts, Capri pants, jumpers, "walking" length shorts limited to 2" above the knee.** In addition, HIGH SCHOOL STUDENTS ONLY may wear khaki pants, skirts, Capri pants, jumpers, or "walking" length shorts as described above. **NO JEANS/DENIM** pants, skirts, Capri pants, jumpers or shorts.
 - **Sweaters/Sweatshirts - V-neck style pullover, crew neck style pullover, cardigan or sweater vest in solid colors - Navy blue, black or white and without a hood.** No logos, symbols, pictures or writing on the sweaters/sweatshirts other than approved school logo.
 - **Black, brown, navy or white shoes with accent markings in only one color with closed toes and heels and shoestrings of black, brown, navy or white that match the predominant color of the shoe. No "wheelies" or lights on shoes. No boots for males or females.**
 - **Socks in solid colors of navy, black or white, visible above the shoes.**
 - **Solid black, brown or navy belt with a regular buckle and no studs or designs.**
 - **Any shirts worn under the uniform shirt must be solid white and not visible.**
 - **Coats and jackets worn to school must be stored in lockers or other designated locations during the school day. Students sensitive to cold temperatures may include a sweater or sweatshirt as part of the uniform as described above.**
- 5. THESE ARTICLES OF CLOTHING OR STYLES OF DRESS ARE STRICTLY FORBIDDEN WHILE ON THE SCHOOL CAMPUS OR UNDER SCHOOL SUPERVISION:**
- JEANS/DENIM PANTS, SHIRTS, SHORTS, SKIRTS OR JACKETS
 - CARGO STYLE PANTS
 - OVER-SIZED PANTS OR SHIRTS

- PANTS WORN BELOW THE WAIST OR "SAGGING"
- VISIBLE CLEAVAGE
- OVERALLS OR COVERALLS
- SWEAT PANTS OR SWEAT SUITS, JOGGING PANTS/SUITS, WARM-UP PANTS/SUITS, ATHLETIC PANTS
- KNIT, NYLON, SPANDEX, BIKING OR GYM SHORTS/PANTS
- SPANDEX, NYLON OR KNIT TIGHTLY FITTED CLOTHES
- SKIN TIGHT DRESSES OR TOPS
- TANK TOPS, TUBE TOPS, HALTER TOPS, MESH TOPS, MIDRIFF TOPS
- SLEEVELESS TOPS
- SHIRTS WITH RUFFLES
- SHIRTS MADE OF SHINY MATERIALS
- TEE-SHIRTS OR TALL TEES
- HOODED JACKETS OR SWEATSHIRTS
- SUNGLASSES
- FOOTLESS LEGGINGS / FOOTIES
- THONGS / SLIPPERS / SANDALS / BARE FEET / FLIP-FLOPS / EXPOSED TOES OR HEELS
- JACKETS OR OTHER CLOTHING WITH OFFENSIVE, LEWD, VULGAR, OBSCENE LANGUAGE, SLOGANS OR PICTURES
- BUTTONS, JEWELRY OR OTHER ACCESSORIES CONTAINING LEWD, VULGAR, OBSCENE OR OFFENSIVE MESSAGES OR PICTURES OR WHICH ADVOCATE/ADVERTISE USE OF DRUGS OR ALCOHOL
- CLOTHING, BUTTONS, JEWELRY OR OTHER ACCESSORIES THAT ADVOCATE OR DEPICT WEAPONS OR ACTS OF VIOLENCE
- SECRET SOCIETY, FRATERNITY OR SORORITY SYMBOLS OR LETTERING
- ROLLERS, COMBS, OR COSMETOLOGY CLAMPS
- POUCHES
- SCARVES / HEAD RAGS /DOO RAGS / BANDANNAS/ SWEATBANDS / HATS / CAPS OR OTHER HEAD COVERINGS
- VISIBLE UNDERGARMENTS INCLUDING ANY SHIRTS WORN UNDER THE UNIFORM SHIRT
- CLOTHING ALTERED BY CUTS, SLITS OR HOLES OR THAT IN ANY WAY EXPOSES THE SKIN
- GOLD TEETH OR FANGS (UNLESS REQUIRED BY A DENTIST WITH WRITTEN DOCUMENTATION ON FILE)
- ANYTHING ELSE THE PRINCIPAL OR DESIGNEE DEEMS INAPPROPRIATE OR DISRUPTIVE OF THE EDUCATIONAL ENVIRONMENT.

III. No student shall be considered noncompliant with the policy in the following instances:

- When noncompliance derives from financial hardship
- When noncompliance derives from a disability.
- When wearing a uniform violates a student's sincerely held religious belief.

IV. If the parents or guardians desire not to have their child comply with the ***Birmingham City Schools Uniform Dress Policy*** for the reasons stated above or due to special extenuating circumstances related to an item listed above, the student's parents or guardians must secure an exemption form from their child's school. Approval for the exemption must be granted by the local school administrator according to the guidelines set forth in the exemption section of the ***Birmingham City Schools Uniform Dress Policy*** and in accordance with the information requested on the Exemption Form.

GUIDELINES FOR ENFORCEMENT OF STUDENT UNIFORM REGULATIONS

First Offense:

- The classroom teacher shall contact the parent.
- The parent shall be contacted for a conference.
- The parent shall be required to bring the student appropriate uniform attire/ID or take the student home to change clothes and return the student to school.

Second Offense:

- The student shall be taken to the school office or administrative designee.
- The parent shall be contacted for a conference.
- The parent shall be required to bring the student appropriate uniform attire/ID or take the student home to change clothes and return the student to school.

Third Offense:

- The student shall be taken to the school office or administrative designee.
- The student shall be suspended from school in accordance with this Code of Conduct, Section 1.03.
- The principal or his/her designee shall determine appropriate ways to enforce the dress code policy utilizing alternatives listed in the Code of Student Conduct.

Fourth offense:

- The student shall be taken to the school office or administrative designee.
- The student shall be suspended from school in accordance with this Code of Conduct, Section 2.03.
- The parent must return to school with the student following the suspension for a conference.

Fifth and all subsequent offenses:

- The student shall be taken to the school office or administrative designee.
- The student shall be suspended from school in accordance with this Code of Conduct, Section 3.24.
- The Hearing Officer, as outlined under Class III offenses, will schedule a hearing for the student.

Repeated violations of the Uniform Dress Policy may result in suspension for noncompliance or expulsion. Attorney General's Opinion No: 97-259.

APPENDIX VI

SUMMARY OF LAWS RELATED TO PARENTAL RESPONSIBILITY

The following is a summary of some education-related laws that apply to parents:

Section 16-28-2.2 of the Code of Alabama, 1975, as amended, provides as follows:

Local boards of education, pursuant to guidelines established by the State Board of Education, shall establish educational programs to inform parents of school children of their education-related responsibilities to their children. The programs shall include, but shall not be limited to, coverage of the following topics:

- The criminal liability and criminal sanctions parents may be subjected to under Section 16-28-12, for failing to compel their child to properly conduct himself or herself as a pupil, or for failing to ensure that their child attends school or enrolls in school.
- The necessity for a parent to monitor and supervise the schoolwork and educational activities of the child.
- An explanation of the responsibilities of teachers and the school system to a child, and an enumeration of those matters that are strictly the responsibility of the parent.
- Techniques and suggestions to enable a parent to best supervise the schoolwork and educational activities of the child.
- An explanation of the interrelationship of the family life of a child and the educational achievement of the child.

The State Board of Education and local boards of education shall develop strategies to ensure that parents of school children receive this information. These strategies may include provisions for weekend meetings, one-to-one conferences, telephone communications, and neighborhood meetings. (Refer to Appendix VI)

Local district attorneys and law enforcement officials shall, at the request of the local board of education, assist in the implementation and operation of this section.

SPECIFIC EDUCATION-RELATED LAWS

Section 16-28-2, provides that the purposes of Chapter 28 of the Code of Alabama, 1975, as amended, are to secure the prompt and regular attendance of pupils and to secure their proper conduct, and to hold the parent, guardian or other person in charge or control of a child responsible and liable for such child's attendance and improper conduct as a pupil, and to effect these purposes, the chapter shall be liberally construed and the courts and those charged with the enforcement of its provisions are vested with a wide discretion in its administration.

Section 16-28-12, provides that (a) Each parent, guardian or other person having control or charge of any child required to attend school who fails to have such child enrolled in school or who fails to send such child to school during the time such child is required to attend a public school or fails to require such child to regularly attend such school or fails to compel such child to properly conduct himself as a pupil, shall be guilty of a misdemeanor, and upon conviction shall be fined not more than \$100.00 and may also be sentenced to hard labor for the county for no more than 90 days. The absence of a child without the consent of the principal teacher of the school he attends or should attend shall be *prima facie* evidence of the violation of this section. (b) Any parent, guardian or other person having control or charge of any child enrolled in public school who fails to require the child to regularly attend the school or tutor, or fails to compel the child to properly conduct himself or herself as a pupil in accordance with a written policy on school behavior adopted by the local board of education and documented by the appropriate school official which conduct may result in the suspension of the pupil, shall be reported by the principal to the superintendent of education of the school system in which the suspected violation occurred. The superintendent of education or his or her designee shall report such suspected violations to the district attorney within 10 days. Any principal or superintendent of education or his or her designee intentionally failing to report such a suspected violation shall be guilty of a Class C misdemeanor. The

district attorney shall vigorously enforce this section to ensure proper conduct and required attendance by any child enrolled in public school.

Section 16-28-14, provides that, in case any child becomes an habitual truant, or because of irregular attendance or misconduct has become a menace to the best interest of the school that he is attending or should attend, and the parent, guardian or other person files a written statement in court as provided in section 16-28-13, stating that he is unable to control such child, the attendance officer must file a complaint before the judge of the juvenile court of the county, alleging the facts, whereupon such child must be proceeded against in the juvenile court for the purpose of ascertaining whether such child is a dependent, neglected or delinquent child.

Section 16-28-15, provides that, every parent, guardian, or other person having control or charge of any child required to attend public school shall as soon as practical explain the cause of any absence of the child under his control or charge that was without permission of the teacher, and a failure to furnish such explanation shall be admissible as evidence of such child being a truant with the consent and connivance of the person in control or charge of said child, unless such person can show to the reasonable satisfaction of the court that he had no knowledge of such absence and that he has been diligent in his efforts to secure the attendance of such child.

Section 16-28-16, provides that, every parent, guardian, or other person having control or charge of any child who enrolls in a public school, whether or not the child is required by law to enroll, is subject to the school attendance and truancy laws of the state.

Section 6-5-380 (a) provides that the parent or parents of any minor under the age of 18 years with whom such minor is living and who have custody of such minor shall be liable for the actual damages sustained to any school property for all damages proximately caused by the injury to, or destruction of, any property, real, personal or mixed, by the intentional, willful or malicious act or acts of such minor.

In summary, there is no limit on liability of parents for damages caused by minor children to school property. As amended by Act No. 94-819 - S.B. 73.

Section 2 (d) of Act No. 94-823 provides that it is the intent of the Legislature that it is the responsibility of the student, **and the student's parent or guardian**, to care for the textbooks and instructional supplies provided by the state in a manner so that the materials are not damaged to the point of being unusable.

Section 16-1-24.1(c) (2), provides that discipline plans of school systems shall include, but not be limited to, the following provisions:

- A parent, guardian or custodian of a minor child enrolled in a public school system is responsible financially for such child's destructive acts against school property or persons
- A parent, guardian or custodian of a minor child enrolled in a public school system may be requested to appear at school by an appropriate school official for a conference regarding acts of the child
- A parent, guardian or custodian of a minor child enrolled in a public school system who has been summoned by proper notification by an appropriate school official shall be required to attend such discipline conference.

Section 16-1-24.1 (c) (3), provides that any public school system shall be entitled to recover actual damages, plus necessary court costs, from the parent and/or guardian of any minor who maliciously and willfully damages or destroys property belonging to such school system. (This does not apply to parents whose parental control has been removed by court order or decree or to parents of exceptional children with specific mental and physical impairments if the damage is determined to result from such impairments.)

Section 16-1-27, states that no board of education shall permit any pupil to carry a pocket pager or electronic communication device in school except for health or other extraordinary needs upon approval by the board of education. Any student found violating these provisions shall be subject to suspension or expulsion from school.

Parental Notification of Civil Liabilities and Criminal Penalties

The following laws relate to civil liabilities and criminal penalties for violence or other misbehavior by students on school property or against school employees:

Attendance and Conduct (Act 94-782)

Each parent/guardian or other person having control or custody of a child required to attend school who fails to require the child to enroll, to regularly attend school, or to compel the child to properly conduct himself/herself as a pupil in accordance with the written policy on school behavior adopted by the local board of education shall be guilty of a misdemeanor (may be fined up to \$100 and may be sentenced to hard labor for up to 90 days).

Teacher Assault (Act 94-794)

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.

Drug Dealing (Act 94-783)

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 (Act 94-784)

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

Weapons in Schools (Act 94-817)

No person shall knowingly with intent to do bodily harm carry or possess a deadly weapon on the premises of a public school. Possession of a deadly weapon with the intent to do bodily harm on the premises of a public school or school bus is a Class C felony. (Note: The term "deadly weapon" means a firearm or anything manifestly designed, made, or adapted for the purpose of inflicting death or serious physical injury, and such term includes, but is not limited to a bazooka, hand grenade, missile, or explosive or incendiary device; a pistol, rifle, or shotgun; or a switch-blade knife, gravity knife, stiletto, sword, box cutter, razor blade or dagger; or any club, baton, billy, blackjack, bludgeon, or metal knuckles.)

Vandalism (Act 94-819)

The parents, guardian, or other person having control of any minor under the age of 18 with whom the minor is living and who have custody of the minor shall be liable for the actual damages sustained to school property, plus the court costs, caused by intentional, willful, or malicious acts of the minor.

Pistol Possession/Driver's License (Act 94-820)

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

Drop-Out/Driver's License (Act 94-820) which amended Act 93-368 as codified in § 16-28-40, Ala. Code, 1975)

The Department of Public Safety shall deny a driver's license or learner's permit to any person under 19 who is enrolled in school but has missed fifteen unexcused days out of school, who is not enrolled in school, or has not received a diploma or certificate of graduation. Exceptions are students who:

- Are enrolled in a GED program,
- Are enrolled in a secondary school with satisfactory attendance,
- Are participating in an approved job training program,
- Are gainfully employed, are a parent of a minor or unborn child, or
- Are the sole source of transportation for the parent.

Assault in the third degree Section 13A-6-22 (Acts 1977, No. 607, p. 812. Sec. 2103)

(a) A person commits the crime of assault in the third degree if:

1. With intent to cause physical injury to another person, there is physical injury to another person; or
2. There is recklessness causing physical injury to another person; or
3. There is criminal negligence causing physical injury to another person by means of a deadly weapon or a dangerous instrument; or
4. There is intent to prevent a peace officer from performing a lawful duty, causing physical injury to another person.

(b) Assault in the third degree is a Class A misdemeanor.

Menacing Section 13A-6-23 (Acts 1977, No. 607, p. 812. Sec 2103)

A person commits the crime of menacing if, by physical action, he/she intentionally places or attempts to place another person in fear of imminent physical injury.

Menacing is a Class B misdemeanor.

Compelling Streetgang Membership Section 13A-6-26

(a) For purposes of this section, the term "streetgang" means an combination, confederation, alliance, network, conspiracy, understanding, or other similar arrangement in law or in fact, of three or more persons that, through its membership or through the agency of any member, engages in a course or pattern of criminal activity.

(b) A person who expressly or by implication threatens to do bodily harm or does bodily harm to a person, a family member or friend of the person, or any other person, or uses any unlawful criminal means to solicit or cause any person to join or remain in a streetgang is guilty of the crime of compelling streetgang membership.

(c) The crime of compelling streetgang membership is a Class C felony.

(d) Notwithstanding subsection (c), the crime of compelling streetgang membership is a Class A felony if the defendant is over the age of 18 years and the other person is under the age of 18 years.

Student Harassment Prevention Act (in effect 10/01/2009)

It is the intent of the Legislature to prevent the harassment of students; specifically: student against student harassment, intimidation, violence, and threats of violence in the public schools of Alabama, grades prekindergarten through 12.

No student shall engage in or be subjected to harassment, intimidation, violence, or threats of violence on school property, on a school bus, or at any school-sponsored function by any other student in his or her school system. No person shall engage in reprisal, retaliation, or false accusation against a victim, witness, or other person who has reliable information about an act of harassment, violence, or threat of violence. Any student who is the object of harassment may file a complaint outlining the details of the harassment, on a form authorized by the local board, and submit the form to the official designated by the local board to receive complaints at the school. Each school shall develop plans or programs, including, but not limited to, peer mediation teams, in an effort to encourage students to report and address incidents of harassment, violence, or threats of violence.

This act shall not affect the freedom of speech and freedom of expression guaranteed each student under the Constitution of the United States and the Constitution of Alabama of 1901, and other applicable statutory law provided in the Code of Alabama 1975.

APPENDIX VII**SCHOOL-BASED RESOURCES FOR PARENTS**

The following are some resources within the Birmingham City School system to aid parents in fulfilling their education-related responsibilities to their children. Additional resources are available at the local schools.

Attendance Officers - assist with attendance and truancy problems – 231-7974 (or local school)

Hearing Officers- 231-7932

Child Nutrition Programs - free and reduced price breakfast and lunch programs – 231-7270

Community Schools and Summer Programs- 231-7299

ESL Program – 231-4744

Family Education Involvement Program- 231-7976

Drug Education Programs - D.A.R.E., Peer Mediation Programs, Parent and Student Drug Education Programs – 231-7956

Federal Programs - Title I Programs, Even Start Programs, 231-4614 or local school

Assistant Superintendent: Mrs. Rosalyn Childress - 231-2962

Assistant Superintendent: Dr. Larry Contri - 231-2974

Curriculum and Instruction Officer- 231-4758

Athletics- 231-2555

Psychometrists at Davis Center 231-7964

Transportation- 231-3736

Special Education Services - Child Find, Special Education classes - 231-4766

Visiting Health Teachers - assist with vision, hearing, and school health problems – 231-7950

Prevention/Intervention Specialists - help families contact social services or other agencies if needed for behavior or personal problems –231-7955

Birmingham City Schools Web Page: www.birmingham.schoolinsites.com

APPENDIX VIII

RULES FOR SCHOOL BUS RIDERS

- Form single lines while loading and unloading. Do not push or shove.
- Stay at least ten feet (five big steps) away from the bus at all times. Wait until the bus comes to a complete stop before moving toward the bus. Go directly to the door of the bus to load. Leave the door area when unloading and walk directly away from the bus.
- If the street must be crossed to get on or off the bus, go ten feet (five big steps) in front of the bus. Never go behind or under the bus. Make sure the driver sees you and you see the driver. Look left, then right, then left again and make sure traffic has stopped and that it is safe to cross the street.
- Middle school and high school students are required to have student identification cards to ride the bus.
- Remain properly seated while on the bus.
- Keep hands, arms, head, feet, and all parts of the body inside windows at all times.
- Do not throw or drop anything out of a window or vent at any time.
- Observe classroom conduct on the bus.
- Remain quiet and orderly. Talk in low voices.
- No horseplay on the bus. Do not fight, push, or shove.
- Be courteous. Do not use profane or vulgar language.
- No eating, drinking, or smoking is allowed on the bus.
- No knives or other weapons are allowed on the bus.
- Do not damage or tamper with the bus or equipment.
- Keep the bus clean. Put trash in trashcan.
- Do not open or exit through rear door except in emergencies.
- Do not open emergency exit windows or roof hatches except in emergencies.
- Ride assigned bus only. Get on and off the bus at the authorized stop only. A student's authorized stop is the stop nearest to their home of record. Students not authorized to ride the bus may not ride home with friends to visit.
- Do not leave books, coats, or other objects on the bus. The school system is not responsible for items left on the bus.
- Students must cooperate with and obey the bus driver.
- The bus driver is authorized to assign seats.
- Drivers are authorized to check identification cards and bus passes.
- Students must cooperate with and obey teachers and chaperones while on field trips.
- The bus aisles must be kept clear. Carry-on items must be kept in seats or under seats. Nothing can be stored in the front or rear doorways.
- Do not bring pets or live animals (including snakes or insects) on the bus.
- Do not bring flammable material or liquids on the bus.
- Students on school buses may be under video surveillance.

OFFENSES ON SCHOOL BUS OR AT SCHOOL BUS STOPS

Disruption on a school bus:

- Any disruption on a school bus endangers the safety of everyone on the bus. Disruptions cannot be tolerated.
- Continued disruptions may lead to suspension of school bus riding privileges.
- Suspension of bus riding privileges does not excuse the student from school. The parent is still responsible for the student getting to school regularly and on time.

All Offenses: Parental contact or in-school conference with parent and student; Principal or designee may suspend the privilege of riding the school bus for periods of one (1) to five (5) days. Student will not be suspended from school; the parent must provide transportation. If these disciplinary actions are not effective, the principal or designee may recommend to the Director of Attendance that the Hearing Officer take further actions.

APPENDIX IX

GUIDELINES FOR RELEASE OF STUDENT EDUCATION RECORDS

AND

DIRECTORY INFORMATION

The Birmingham City School System provides for the creation and maintenance of education records necessary for the education of students. Education records are those records, files, documents, and other materials that contain information directly related to a student and as further defined by the Family Educational Privacy Act. Education records are confidential and access to them is protected by federal law. The following guidelines apply to the release of student education records:

1. Parents or guardians shall be provided on request with a list of the types of records directly related to students that are maintained by the school system.
2. Parents or guardians have the right to view and to receive copies of any records or reports which are part of their child's education record. The school system will provide copies within a reasonable time not to exceed 15 working days of the request. Fees may be charged to cover the cost of providing such copies.
3. If any material or document in the education record of a student includes information on more than one student, the parents or guardians of one of such students shall have the right to inspect and review only such part of such material or document as relates to such student or to be informed of the specific information contained in such part of such material.
4. Parents or guardians have the right to challenge the content of educational records pertaining to their children and to request correction of any alleged inaccurate information contained in the records. Any such Challenge may be dismissed if not made within a reasonable time.

Student Directory Information

Federal law allows the school system to release directory information on all students. Directory information includes a student's name, address, telephone listing, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received and the most recent previous educational agency or institution attended by the student.

Parents or guardians have the right to request that such directory information on their children not be released. Any request that student directory information not be released must be made in writing to the Director of Attendance, 417 29th Street South, Birmingham, Alabama 35233. All such requests must be received within 30 days of the beginning of school or within 30 days of a student's admission if the student is admitted after the beginning of the school year.

The school system is not required to release student directory information to the public. The decision to authorize release of student directory information shall be discretionary with the superintendent or his designee. Any release of student directory information shall exclude information that has been requested by parents or guardians not to be released, provided the request has been made as provided above.

All of the rights listed above may be subject to certain restrictions or constraints. Such rights are transferred from parent or guardian to the student once the student has attained the age of eighteen or is attending an institution of postsecondary education.

For more information regarding the above, contact the Director of Attendance.

APPENDIX X

PROTECTION OF PUPIL RIGHTS AMENDMENT (PPRA), 20 U.S.C. § 1232h

GUIDELINES FOR PROTECTION OF STUDENT PRIVACY IN THE ADMINISTRATION OF PROTECTED SURVEYS AND THE COLLECTION, DISCLOSURE OR USE OF PERSONAL INFORMATION FOR MARKETING, SALES, OR OTHER DISTRIBUTION PURPOSES

PPRA affords parents/guardians and students who are 18 or emancipated minors ("eligible students") certain rights regarding the conduct of surveys, collection and use of information for marketing purposes, and certain physical exams. These include the right to:

1. Consent before students are required to submit to a survey that concerns one or more of the following protected areas if the survey is funded in whole or in part by a program of the U. S. Department of Education:
 - Political affiliations or beliefs of the student or student's parent
 - Mental or psychological problems of the student or student's family
 - Sex behavior or attitudes
 - Illegal, anti-social, self-incriminating, or demeaning behavior
 - Critical appraisals of others with whom respondents have close family relationships
 - Legally recognized privileged relationships, such as with lawyers, doctors, or ministers
 - Religious practices, affiliations, or beliefs of the student or parents
 - Income, other than as required by law to determine program eligibility
2. Receive notice and an opportunity to opt a student out of:
 - Any other protected information survey, regardless of funding
 - Any non-emergency, invasive physical exam or screening required as a condition of attendance, administered by the school or its agent, and not necessary to protect the immediate health and safety of a student, except for hearing, vision, or scoliosis screenings, or any physical exam or screening permitted or required under State law
3. Inspect, upon request and before administration or use
 - Protected information surveys of students
 - Instruments used to collect personal information from students for any of the above marketing, sales, or other distribution purposes
 - Instructional material used as part of the educational curriculum

Birmingham City Schools will directly notify parents and eligible students each school year of the specific or approximate dates of such activities and provide an opportunity to opt students out of participating in:

- Collection, disclosure, or use of personal information for marketing, sales or other distribution
- Administration of any protected information survey not funded in whole or in part by Department of Education
- Any non-emergency, invasive physical examination or screening as described above.

Parents/eligible students who believe their rights have been violated may file a complaint with, or use of personal information obtained from students for marketing or to sell or otherwise distribute the information to:

Family Policy Compliance Office
U. S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-4605

APPENDIX XI**MEDICATION POLICY
STUDENT SUPPORT****ADMINISTRATION OF MEDICATION GUIDELINES**

School personnel will not administer medication to a student unless the student's physician authorizes school personnel to administer the medication and the parents or legal guardians have signed the School Medication Prescriber/Parent Authorization. The parent or legal guardian is responsible for the annual renewal of the School Medication Prescriber/Parent Authorization. The parent or legal guardian is also responsible for having the School Medication Prescriber/Parent Authorization completed by the physician authorizing school personnel to administer the medication. The School Medication Prescriber/Parent Authorization should include:

- Student's name
- Diagnosis
- Name of medication
- Time or times to administer the medication
- Amount of medication
- Date to discontinue medication
- Physician's signature
- Additional physician authorization signed statements will be necessary if the dosage of medication is changed

In collaboration with the school principal, the licensed school nurse will designate the unlicensed school personnel to assist with medication administration in the school setting. Each delegated unlicensed person will be required to attend mandatory training sessions provided by the Department of Child Health. The principal must attend medication administration training sessions. The parent or legal guardian is responsible for getting the medication to the school. All medications must be in a proper container with a label from the pharmacy that states the following:

- Student's name
- Name of medication
- Time of administration
- Method of administration
- Prescription number
- Name of pharmacy

Medication must be stored in a securely locked clean container or cabinet unless the prescriber authorizes a different arrangement (e.g., asthma inhalers) for specific students. An Unusual Occurrence Report form will be available for school personnel to keep a record for the school nurse in the event of unusual circumstances surrounding medication administration.

BIRMINGHAM CITY SCHOOLS

APPROVED: _____

DATE: _____

Addendum to Medication Policy

Re: Provision of school health services involving invasive procedures

Many students attending our public schools require invasive health procedures during school hours. While parents may be trained by medical personnel to perform these procedures for their own children, it is a very different issue when non-medical school employees are asked to perform such procedures. The Alabama Board of Nursing (ABN), which has legal jurisdiction to regulate nursing practice in Alabama, prohibits anyone but a licensed nurse from performing certain invasive procedures.

When providing school health services, the safety of our students should always be our first priority. With this priority in mind, it is imperative that the following policy regarding invasive procedures be followed:

Invasive procedures, including but not limited to, tracheotomy care, gastrostomy tube feeding and medication administered by injection or rectal route shall be provided only by a registered nurse or by a licensed practical nurse under the supervision of a registered nurse and with written authorization from the physician and parent.

Some procedures including clean intermittent catheterization (CIC) may continue to be performed by non-medical personnel if the Alabama Board of Nursing guidelines for the performance of such procedures are strictly followed. However, the decision to permit such delegation for a specific child is the professional responsibility of the registered school nurse. Should the registered school nurse determine that a procedure could be appropriately delegated, he/she must train the non-medical person and periodically supervise the person performing the procedure.

Appendix XII

ANTI-BULLYING/ANTI-HARASSMENT/ANTI-VIOLENCE POLICY

The safety and well being of all Birmingham City School students is a major concern of the Birmingham Board of Education. Bullying, harassment, violence and threats of violence by any student against any other student or others shall not be tolerated.

Definitions:

(1) Harassment: A continuous pattern of intentional behavior that takes place on school property, on a school bus, or at a school-sponsored function including, but not limited to, written, electronic, cyber, verbal, or physical acts that are reasonably perceived as being motivated by any characteristic of a student, or by the association of a student with an individual who has a particular characteristic. Such characteristics may include, but are not limited to; sex, race; color, religion, national origin, age, disability (physical, mental, or educational), marital status, socio-economic background, ancestry, ethnicity, gender, gender identity or expression, linguistic preference, political beliefs, sexual orientation, or social family background. To constitute harassment, a pattern of behavior may do any of the following:

- a. Place a student in reasonable fear of harm to his or her person or damage to his or her 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 orderly operation of the school
- d. Have the effect of creating a hostile environment in the school, on school property, on a school bus, or at a school-sponsored function.
- e. Have the effect of being sufficiently severe, persistent, or pervasive enough to create an intimidating, threatening, or abusive educational environment for a student.

(2) Hostile Environment: The perception by an affected student or victim that the conduct of another student constitutes a threat of violence or harassment and that the conduct is objectively severe or pervasive enough that a reasonable person, under the circumstances, would agree that the conduct constitutes harassment, threat of assault, or assault.

(3) Intimidation: The act of making another student timid or fearful.

(4) Threat of violence: Any behavior that by its very nature could be interpreted by a reasonable person as an intent to cause physical harm to another individual.

General Statement of Policy:

No student shall engage in or be subjected to harassment, intimidation, violence, or threats of violence on school property, on a school bus, or at any school-sponsored function by any other student. In addition, no person shall engage in reprisal, retaliation, or false accusation against a victim, witness, or other person who has reliable information about an act of harassment, intimidation, violence, or threat of violence or who files a report regarding any such act. BCS prohibits bullying harassment, and violence in all BCS. The Code of Student Conduct also lists expected behaviors of students including "respecting the rights and responsibilities of students."

Complaints/Investigation:

Any student, or parent or guardian of the student, who is the object of or witness to harassment, intimidation, violence, threat of violence or threat of suicide may file a complaint outlining the details of the harassment on the

Student Complaint Form for reporting Bullying, Harassment and Threat of Violence ("Complaint Form"), which is available in the principal's office of every school. This form should be submitted to the school principal or his or her designee, or to the principal's office, and may be submitted in person or by mail. This form may also be utilized to report any act of intimidation, threat of suicide, violence or threat of violence. It is the sole responsibility of the affected student, or the parent or guardian of the affected student, to report incidences of harassment or other violations of this policy.

Students who believe they have been bullied, harassed, or have been involved in an act of violence on campus, by a fellow student are encouraged to promptly report such incidents to the campus principal, counselor, or other campus professional. To the greatest extent possible, complaints shall be treated as confidential. Limited disclosure may be necessary to complete a thorough investigation.

A student or parent/guardian who has a complaint alleging bullying, harassment, an act of violence may request a conference with the principal or the principal's designee. If the student or parent/guardian is not satisfied with the response from the campus staff, they may request a conference with the Assistant Superintendent or designee. Complaints will be documented and investigated in accordance with the guidelines listed in the Code of Student Conduct.

Complaint Procedure

- 1). Students and staff members will complete a Complaint Form available in the school's main office.
- 2) The Complaint Form will be submitted to the principal or designee immediately.
- 3) The principal or designee will investigate complaints by meeting separately with each student involved in the situation.
- 4) The principal or designee will conference with the victim and parent/guardian to discuss safety and community resources.
- 5) The principal or designee will conference with the alleged perpetrator and parent/guardian to discuss appropriate behaviors and consequences. With the prior consent of the victim, the principal may issue a School-Based Stay-Away Agreement to the alleged perpetrator during the parent/guardian conference.

Consequences for Violations of Policy:

Violations of this policy may be determined to be a Class I, II, or III violation of the Birmingham City Schools Code of Student Conduct, as determined by the principal or his or her designee. Consequences for violation(s) of the policy shall follow the consequences for a Class I, II, or III violation of the Code of Student Conduct, as appropriate. Punishment shall conform with applicable federal and state disability, antidiscrimination and educational laws. An anonymous report may not be the basis for imposing formal disciplinary action against a student.

Reprisal or retaliation against any person who reports an act of intimidation, violence; threat of violence or harassment is prohibited. Furthermore, deliberately and/or recklessly falsely accusing another of conduct prohibited by this policy is prohibited. Any violation of these prohibitions may be determined to be a violation of the Code of Student Conduct and may be punished in accordance therewith.

Local School Requirements:

Each Birmingham City School shall do all of the following:

(A) Develop and implement evidence-based practices to promote a school environment that is free of harassment, intimidation, violence, and threats of violence.

(B) Develop and implement evidence...based practices to prevent harassment, intimidation, violence, and threats of violence based, at a minimum, on the criteria established by this policy, and to intervene when such incidents occur.

(C) Incorporate into civility, citizenship, and character education curricula awareness of and sensitivity to the prohibitions of this policy against harassment, intimidation, violence, and threats of violence.

(D) Report statistics regarding actual violence, submitted reports of threats of violence and harassment to the Superintendent, who will report the same to the Birmingham Board of Education.

Board Action:

The Birmingham Board of Education will provide statistics for the Birmingham City Schools as a whole and for each individual school to the State Department of Education for posting on the website of the State Department of Education. The identity of any student involved shall not be included in the information submitted to the State Department of Education.

SUPPORTIVE SERVICES, Notification of Policy: 8207

For the 2011-2012 school year, this policy shall be included as an addendum to the Code of Student Conduct, which shall be distributed to all students. For all years subsequent to the 2011-2012 school year, this policy shall be included as part of the Code of Student Conduct, which shall be distributed to all students on an annual basis.

BIRMINGHAM CITY SCHOOLS APPROVED: 10/27/09

Student Anti-Harassment / Anti-Violence Reporting Form

There are forms available in every school to report alleged bullying, harassment, or intimidation that occurred on school property; at a school-sponsored activity or event off school property; on a school bus; or on the way to and/or from school in the current school year. ***Bullying, harassment, or intimidation are serious and will not be tolerated.***

Bullying, harassment, or intimidation means intentional conduct, including verbal, physical, or written conduct, or an intentional electronic communication, that creates a hostile educational environment by substantially interfering with a student's educational benefits, opportunities, or performance, or with a student's physical or psychological well-being and is:

- motivated by an actual or a perceived personal characteristic including race, national origin, marital status, gender, gender orientation, gender identity, religion, ancestry, physical attribute, socioeconomic status, familial status, or physical or mental ability or disability; or***
- threatening or seriously intimidating***

and

- occurs on school property, at a school activity or event, or on a school bus; or***
- substantially disrupts the orderly operation of a school.***

Electronic communication means a communication transmitted by means of an electronic device, including a telephone, cellular phone, computer, or pager.

**Student Anti-Harassment / Anti-Violence Reporting Form
Birmingham City Schools**

School: _____

Name of student victim: _____

Age: _____ **Grade:** _____

Date/Dates of Occurrence: _____

Indicate below name(s) of alleged offender(s) (if known):

Name	Age or Grade	School (If Known)	Is he/she a student?

Place an X next to the statement(s) that best describes what happened. (Choose all the apply)

- Any bullying, harassment, or intimidation that involves physical aggression
- Getting another person to hit or harm the student
- Teasing, name-calling, making critical remarks, or threatening, in person or by other means
- Demeaning and making the victim the brunt of jokes
- Making rude and/or threatening gestures
- Excluding or rejecting the student
- Intimidating (bullying), extorting, or exploiting
- Spreading harmful rumors or gossip
- Electronic Communication Specify: _____
- Drugs/Alcohol
- Weapons
- Other Specify: _____

Where did the incident(s) happen? (Choose all that apply)

- On school property
- At a school-sponsored activity or event off school property
- On a school bus
- On the way to/from school*

What did the alleged offender(s) say or do? (Please print)

Why did the bullying, harassment of intimidation occur? (Please print)

Did a physical injury result from this incident? Place an X next to one of the following:

- No
- Yes, but it did not require medical attention
- Yes, and it required medical attention

If there was a physical injury, do you think there will be permanent effects?

- Yes
- No

Was the student victim absent from school as a result of the incident?

- Yes
- No

If yes, how many days was the student victim absent from school as a result of the incident? _____

Did a psychological injury result from this incident? Place an X next to one of the following:

- No
- Yes, but psychological services have not been sought
- Yes and psychological services have been sought

Is there any additional information you would like to provide?

Signature: _____

Date: _____

Relationship to Victim:

- Student Victim
- Bystander
- Parent/Guardian of Victim
- School Staff
- Relative of Victim Specify: _____
- Other Specify: _____

Contact Number(s) and Email: _____

Attendance Department

Mrs. Josephine Hollins, Director of Attendance

Davis Center

417 – 29th Street South

Birmingham, Alabama 35233

Attendance Officers – Assigned Schools for 2011-2012

Ms. Hazel F. Jackson, Secretary
231-7928

Richmond Williams 231-7981	Virginia Thomas 231-7359	Lucy Silva Tidwell 231-7357	Mike Hicks 231-7356	Angela Smith 231-9303
Carver	Parker	Woodlawn	Huffman High	Wenonah High
Jackson-Olin	Washington K-8	Kennedy	Ramsay	Phillips K-8
Hudson K-8	Bush Hill Academy K-8	Whatley K-8	Christian K-8	Jones Valley K-8
Inglenook K-8	Bush Middle	O.W. Mitchell	Smith	Arrington
Daniel Payne	Wilkerson	Putnam	Huffman Middle	Green Acres
North Birmingham	Center Street	Avondale	Martha Gaskins	Central Park
Norwood	Minor	EPIC	Robinson	Brown
Lewis	Hill	Oliver	Huffman Academy K-5	West End K-5 Academy
South Hampton	Councill	Barrett	Sun Valley	Hemphill
	Glen Iris	Gibson	North Roebuck	Jackson
	Wylam K-8			Princeton Alternative

Attendance Department
Mrs. Josephine Hollins, Director of Attendance
 Davis Center
 417 – 29th Street South
 Birmingham, Alabama 35233

Hearing Officers – Assigned Schools for 2011-2012

Mrs. Deborah Irwin, Secretary
 231-7932

Ms. Monique Halford, Secretary
 231-9304

Dr. Ginger Hamilton 231-7926	Mr. Julian Todd 231-7944	Mr. Richard Watters 231-7958	Ms. Diane Womack 231-7279
Huffman High	Court Cases	Parker High	Carver High
Ramsay High	Hearings	Wenonah High	Jackson-Olin High
Woodlawn High	Appeals	Arrington Middle	Bush Hill Academy K-8
Martha Gaskins Middle		Center Street Middle	Bush Middle
Huffman Middle		Green Acres Middle	Daniel Payne Middle
O. W. Mitchell Middle		Jones Valley K-8	Wilkerson Middle
Putnam Middle		Washington K-8	Hudson K-8
Smith Middle		Brown Elementary	Inglenook K-8
Christian K-8		Central Park Elementary	Phillips Academy K-8
Huffman Academy K-5		Hemphill Elementary	Whatley K-8
Avondale Elementary		Jackson Elementary	Councill Elementary
EPIC Elementary		West End Academy K-5	Hill Elementary
Glen Iris Elementary		Minor Elementary	Lewis Elementary
Oliver Elementary		Princeton Elementary	North Birmingham Elementary
Gibson Elementary		Wylam K-7	Norwood Elementary
Barrett Elementary			Norwood Alternative
North Roebuck Elementary			
Robinson Elementary			
Sun Valley Elementary			
Kennedy Alternative			

Birmingham City Schools
2011-2012 School Year

Dr. Craig Witherspoon, Superintendent

Dr. Larry Contri
231-2974
Assistant Superintendent

Arrington Middle
Avondale Elementary
Barrett Elementary
Brown Elementary
Carver High
Councill Elementary
EPIC Elementary
Family Court
Gibson Elementary
Green Acres Middle
Hemphill Elementary
Hudson K-8
Inglennook K-8
Minor Elementary
Ossie Ware Mitchell Middle
Norwood Elementary
Princeton Elementary
Putnam Middle
Ramsay High
Robinson Elementary
Smith Middle
Sun Valley Elementary
Washington K-8
Wilkerson Middle
Wenonah High
Woodlawn High

Mrs. Rosalyn Childress
231-2962
Assistant Superintendent

Bush Middle
Bush Hill Academy K-8
Central Park Elementary
Center Street Middle
Christian K-8
Daniel Payne Middle
Martha Gaskins Middle
Glen Iris Elementary
Hill Elementary
Huffman Academy K-5
Huffman Middle
Huffman High
Jackson Elementary
Jackson-Olin High
Jones Valley K-8
Kennedy Alternative
Lewis Elementary
North Birmingham Elementary
North Roebuck Elementary
Oliver Elementary
Parker High
Phillips Academy K-8
South Hampton Elementary
West End Academy K-5
Whatley K-8
Wylam K-7

NOTES

This (Perforated) Page Should Be Signed on both sides and Returned to Your Child's School

**CODE OF STUDENT CONDUCT
2011 EDITION**

RECEIPT AND ACKNOWLEDGEMENT

Student's Name (Please Print)

Grade

PARENT OR GUARDIAN AND STUDENT ACKNOWLEDGMENT

This Code has been developed to help your son/daughter gain the greatest possible benefit from his/her school experience. The policies apply to all students and parents in the public schools, to school campuses, school buses and school-related activities and events.

The school needs your help and cooperation. When you have read and discussed this document with your son/daughter, it is requested that you sign this sheet and return it to school. This form will be kept in your son/daughter's cumulative folder.

Parents or guardians have legal responsibility for the actions of their children and should be involved in the education of their children. Parents or guardians should take special notice of the weapons and controlled substances sections of this Student Code of Conduct as well as the suspension and expulsion provisions.

The student's signature and the signature of the parent or guardian given in acknowledgement of this Code of Conduct shall serve as a release for student search.

FAILURE TO RETURN THIS ACKNOWLEDGMENT WILL NOT RELIEVE STUDENTS, PARENTS, OR GUARDIANS FROM RESPONSIBILITY TO KNOW THE CONTENTS OF THE STUDENT CODE OF CONDUCT AND WILL NOT EXCUSE ANY STUDENT'S NON-COMPLIANCE WITH THE CODE OF STUDENT CONDUCT.

Parent/Guardian Signature

Date

Parent/Guardian Signature

Date

Student Signature

Date

**TECHNOLOGY RESOURCES AGREEMENT
2011-2012**

*Every student, regardless of age, and the student's parent or legal guardian must read and sign below.
The signed agreement must be returned to the school before Internet access will be permitted.*

STUDENT: _____ **DATE OF BIRTH:** _____
SCHOOL: _____ **GRADE:** _____

I understand that, as an Internet user, I am responsible for my actions and that I am responsible to act considerately and appropriately, in accordance with the following rules. When using any Birmingham City Schools Technology Resources, including the Internet, I will not:

- send, display, or download offensive messages or pictures.
- use obscene language.
- harass, insult, or attack others.
- damage computers, computer systems, or computer networks (this includes changing workstation and printer configurations).
- violate copyright laws.
- use other users' passwords.
- trespass in other users' files, folders, or work.
- intentionally waste limited resources

I understand that any or all of the following sanctions could be imposed if I violate any of the policies and procedures regarding the use of Birmingham City Schools Technology Resources, including the Internet.

1. Loss of access
2. Additional disciplinary action to be determined at the individual school in line with existing practice regarding inappropriate language or behavior.
3. Legal action, when applicable.

_____ My child has my permission to access the Internet under the supervision of his/her teacher. (ELEMENTARY AND SECONDARY STUDENTS)

_____ My child has my permission to be an independent user (able to access resources and explore the Internet without teacher direction) of Internet resources provided by the Birmingham City Schools. (SECONDARY STUDENTS ONLY)

STUDENT'S AGREEMENT: I have read, understand and agree to abide by the terms of the foregoing Internet Safety Policy. Should I commit any violation or in any way misuse my access to the School District's computer network and the Internet, I understand and agree that my access privilege may be revoked and school disciplinary action and/or legal action may be taken against me. If I am signing this Policy when I am under 18, I understand that when I turn 18, this Policy will continue to be in full force and effect and agree to abide by this Policy.

PARENT'S OR GUARDIAN'S AGREEMENT: As the parent or legal guardian of the above student, I have read, understand and agree that my child or ward shall comply with the terms of the School District's Internet Safety Policy for the student's access to the School District's computer network and the Internet. I understand that access is being provided to the students for educational purposes only. However, I also understand that it is impossible for the School to restrict access to all offensive and controversial materials and understand my child's or ward's responsibility for abiding by the Policy. I am therefore signing this Policy and agree to indemnify and hold harmless the School, the School District and the Data Acquisition Site that provides the opportunity to the School District for computer network and Internet access against all claims, damages, losses and costs, of whatever kind, that may result from my child's or ward's use of his or her access to such networks or his or her violation of the foregoing Policy. Further, I accept full responsibility for supervision of my child's or ward's use of his or her access account if and when such access is not in the School setting. I hereby give permission for my child or ward to use the building-approved account to access Birmingham City Schools' computer network and the Internet.

STUDENT SIGNATURE

PARENT/GUARDIAN SIGNATURE

Please read, sign, and return this form to your school's Principal.
Legal Reference: Children's Internet Protection Act of 2000 (H.R. 4577, P.L. 106-554)