



BIRMINGHAM
CITY SCHOOLS
BUILDING LEADERS. IMPACTING THE WORLD.

CODE OF STUDENT CONDUCT

2015 PARK PLACE NORTH
BIRMINGHAM, ALABAMA 35203
WWW.BHM.K12.AL.US

*****Highlighted Sections have been updated to reflect current law and or board policy.

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BIRMINGHAM BOARD OF EDUCATION

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Our Mission, Vision and Core Values

Our Mission

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

Our Vision

Birmingham City Schools will be a recognized leader in public education, meeting the needs of a diverse student population prepared to succeed in a global society.

Our Core Values

- Diversity
- Integrity
- Respect
- Excellence
- Compassion
- Teamwork

CHARACTER COUNTS

Character education is the deliberate effort of Birmingham City Schools to help our students understand, care about and act on core ethical principles. An intentional and comprehensive character education initiative provides opportunities for consistent character development. Birmingham City Schools Code of Student Conduct incorporates the six pillars of character(*) listed below, which provide a framework that supports our school system and community structures.

TRUSTWORTHINESS

- Be honest - Don't deceive, cheat, or steal
- Be reliable – Do what you say you'll do
- Be loyal – Stand by your family, friends, and country
- Have the courage to do the right thing
- Build a good reputation

RESPECT

- Treat others with respect – Treat others how you would like to be treated
- Be tolerant of differences - Value the differences of others
- Use good manners
- Use good language
- Be considerate of the feelings of others
- Don't threaten, hit, or hurt anyone
- Deal peacefully with anger, insults, and disagreements

RESPONSIBILITY

- Do what you are supposed to do
- Persevere
- Always do your best
- Use self-control
- Be self-disciplined
- Think before you act – consider the consequences
- Be accountable for your choices

FAIRNESS

- Play by the rules
- Take turns and share
- Be open-minded
- Listen to others
- Don't take advantage of others
- Don't blame others carelessly

CARING

- Be kind
- Be compassionate and show you care
- Express gratitude
- Forgive others
- Help people in need

CITIZENSHIP

- Volunteer for community service; do your share to make your school and community better
- Cooperate
- Get involved in community affairs
- Stay informed; vote
- Be a good neighbor
- Obey laws and rules
- Respect authority
- Protect the environment

**Josephsen Institute*

INTRODUCTION

Schools function best when students attend school regularly and on time, respect other persons and their property, observe rules and regulations, respect the right to learn, as well as 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. The Code of Student Conduct is our guide to that purpose. The Code of Student Conduct:

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

Students, parents/guardians, and school staff will be provided with a copy of the current edition of the Code of Student Conduct. Faculty members will review standards of conduct and consequences for improper behavior as described in the Code of Student Conduct. The Code of Student 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 Code of Student Conduct apply to all students enrolled in Birmingham City Schools.

The Code of Student Conduct is applicable to students:

- During regular school hours;
- On a bus stop; 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, walking to and from school, 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.

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 school administrators (or designees). In each class of violations, it is understood that the administrator (or designee) shall hear the student's explanation regarding the alleged violation before deciding the classification of a violation. The administrator (or designee) may consult further with school personnel and others, if necessary, before deciding the classification of the violation.

RIGHTS AND RESPONSIBILITIES OF PARENTS OR GUARDIANS

Alabama Law 16-28-2 states that student discipline is the parent or guardian's responsibility and that the influence of the home will be reflected in the conduct of the student while attending school.

RIGHTS

Parents or guardians have the right to:

- Expect quality in the instructional program and be involved in appropriate school programs.
- Expect students to be treated with dignity as individuals.
- Be granted access to and offered confidentiality, explanation, and clarification of school records.
- Be granted procedural due process for their students.
- Request and be granted a conference with the teacher and/or administrator within a reasonable amount of time.
- Request the assistance of the PROBLEM SOLVING TEAM (PST) for their child.
- Obtain regular official reports of student progress.
- Be notified by the administrator or a designee when their child has been suspended, taken from the school by the police department, or taken into custody by the Department of Human Resources-if applicable.
- Receive information from school staff about ways to improve their child's academic or behavioral progress, including but not limited to counseling, tutoring, after-school programs and other related services with the Birmingham City Schools and the community.

RESPONSIBILITIES

Parents or guardians have the responsibility to:

- Ensure that their child arrives on time each day. School begins for students in Grades K-8 at 8:00 am and 8:30 am for Grades 9-12. Students **MUST** be at school and seated in the classroom at the appropriate grade level designated time. Any student arriving after the designated time **MUST** be accompanied to the office by a parent or guardian.
- Students are required to remain at school for the entire day. Dismissal time is 3:00 pm (K-8) and 3:40 pm (9-12).
- 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.
- Comply with all provisions of Alabama's laws.
- Support the school by adhering to all rules, policies and procedures of the district
- 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.

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:

- Attend school and receive a free and appropriate public education as provided by law.
- 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, due process, including being told, orally and in writing, the reason(s) for any disciplinary decisions.
- Receive all educational services provided by the system to enhance educational pursuits for which they qualify in a conducive learning environment.
- 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, assessments or progress reports given.
- Have school staff or an administrator present when police are called, and have a parent or guardian notified of the nature and other details as appropriate, unless the situation involves child abuse or neglect (including any DHR issue).

RESPONSIBILITIES

Students have the responsibility to:

- Respect all school board employees and any other adults in authority, as well as others in the school community.
- Exhibit a sense of fairness, honesty, loyalty, obedience, courtesy, pride, and trustworthiness.
- Strive for academic excellence.
- 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.

RIGHTS AND RESPONSIBILITIES OF BIRMINGHAM CITY SCHOOLS

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

RIGHTS

School Administrators and School Staff have the right to:

- Work and teach in a safe setting where order and discipline are maintained. Be treated courteously, fairly and respectfully by students, parents or guardians, and other school staff.
- Use appropriate means of student management and discipline, as prescribed by the local board of education.
- Act in *“loco parentis”* (in place of the parent) during the school day, or at any time when the school is responsible for the safety of students.

RESPONSIBILITIES

School Administrators and School Staff have the responsibility to:

- Make available to parents techniques and suggestions to enable them to better supervise the schoolwork and educational activities of their children.
- Refer students with academic or behavior problems to the PROBLEM SOLVING TEAM (PST) to ensure student success.
- Implement a Positive Behavior Intervention Supports (PBIS) program to ensure student success.
- Follow and enforce this Code of Student Conduct and all other policies mandated by Birmingham City Schools Board of Education.
- Develop well-planned, creative, and engaging instructional lessons every day.
- Maintain safe and orderly schools by using prevention and intervention strategies.
- Be respectful and courteous to students, parents or guardians, serving as role models for students.
- Communicate policies, expectations, and concerns.
- Respond to complaints from students and parents/guardians in a timely manner.
- Make sure that students are referred to the appropriate committees, departments, offices, divisions, agencies and organizations when outside support is necessary.
- Keep parents and guardians informed of students' academic progress and behavior.
- Adhere to and follow all applicable laws and procedures pertaining to academics and discipline, including the Individuals with Disabilities Education Act (IDEA).
- Provide makeup work for students with lawful absences, including those students who are absent for disciplinary reasons.
- Notify parents/guardians of student suspensions and/or when the police or the Department of Human Resources has taken their child from the school – only when applicable.



RESPONSIBILITIES OF DISTRICT OFFICE EMPLOYEES

Birmingham City Schools' district office employees have the responsibility to:

- Create and implement policies and procedures that encourage safe and orderly schools for all students, school staff, and administrators.
- Protect the legal rights of school staff, administrators, students, and parents or guardians.
- Be courteous, respectful and fair with students, parents/guardians, school staff and administrators.
- Provide a broad-based and varied curriculum to meet individual school needs.
- Inform the community, students, parent/guardians, school staff and administrators of all policies.
- Ensure the protection of legal rights of students with disabilities.
- Provide faculty and staff trained to meet the needs of students.
- Provide support and professional development training to administrators and school staff to help support students.
- Support administrators and school staff in the fulfillment of their disciplinary responsibilities as defined by Birmingham City Schools Student Code of Conduct.
- Seek opportunities to involve parents in the total educational process of their child.



SOCIAL MEDIA

Birmingham City Schools respects the right of its' students to use social media and networking sites, message boards and forums, as well as personal websites and blogs, but it is important that the student's personal use of these sites do not damage the student's reputation, pose risk to their safety or the safety of others, and/or lead to criminal prosecution. Students should refrain from using social media to commit bullying; to post illegal activity or threatening messages; or to cheat or plagiarize. Students should also avoid posting confidential information. Parents and students should note that any such acts may lead to disciplinary action. Parents are strongly encouraged to closely monitor the student's internet presence and should understand that the student is ultimately responsible for any statements disseminated from their individual social media account.

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 (*Respect, Responsibility*)
- 1.02 Harassment or intimidation of other students** – any minor uninvited annoyance, teasing, and/or tormenting of another student (*Caring, Respect*)
- 1.03 Violation of the Birmingham City Schools Dress Policy** - (*see Code of Student Conduct Student Uniform Regulations*). (*Respect, Responsibility*)
- 1.04 Possession of gambling paraphernalia with the intent to use for gambling** - items such as playing cards, dice or video gambling devices, etc. (*Citizenship, Trustworthiness*)
- 1.05 Tardiness** – repeatedly reporting late to school/class (*Responsibility, Citizenship*)
- Any student who reports to school tardy, should be accompanied by a parent or guardian, and present a written excuse from a medical or court professional.
 - 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 ten or more unexcused absences or tardies.**
- 1.06 Use of profane language or gestures** (*Respect, Caring*)
- 1.07 Unauthorized absence from class** (*Citizenship, Responsibility*)
- 1.08 Inappropriate public displays of affection** (*Respect*)
- 1.09 Bringing a water gun to school** (*Responsibility, Citizenship, Trustworthiness*)
Note: Does not include firearm replicas
- 1.10 Littering school property** (*Citizenship, Respect, Responsibility*)
- 1.11 Use of a cell phone during school hours – This includes school bus transportation** (*Responsibility*)
Note: On the first offense, student will be directed to put the phone away (not seen or heard). On the subsequent offense, the item should be confiscated and returned to the parent/guardian by scheduled appointment. A form *must* be completed and signed by the student and parent/guardian indicating they understand the offense.
- 1.12 Any other violation** that the principal (or designee) may reasonably deem to fall within this category.

IF THE STUDENT HAS DISABILITIES, THE SUSPENSION MUST BE SCANNED AND EMAILED TO THE SPECIAL EDUCATION DEPARTMENT.

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

UNDER NO CIRCUMSTANCES SHOULD ATTENDANCE BE USED AS THE BASIS FOR A SUSPENSION. THE STUDENT SHOULD BE REFERRED TO THE ATTENDANCE OFFICER FOR ABSENCES THAT MAY CONSTITUTE TRUANCY.

DISCIPLINARY RESPONSES FOR CLASS I VIOLATIONS

GRADES K-12

For Class I violations, the following MAY be implemented: parental contact and in-school conference assigned 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 Problem Solving Team (PST).

Additional administrative responses *(This list contains options that may be used by the administration in addressing student conduct. This is not intended to be an exhaustive list):*

- Parent contact
- Conference (any combination of parent/student/school official/counselor/teacher)
- Verbal warning
- Peer mediation
- Social restriction
- Afterschool or Saturday school
- Behavior contract
- Community service
- Conflict resolution program
- Referral to school-based IEP/504 teams
- Warning of referral to Class II (referral to Class II will be made for repeated violations)

Positive Behavior Intervention and Support (PBIS) Framework

Positive Behavioral Interventions and Supports (PBIS) is based on a problem-solving model and aims to prevent inappropriate behavior through teaching and reinforcing appropriate behaviors (OSEP Technical Assistance Center on Positive Behavioral Interventions & Supports, 2007). Positive Behavioral Interventions and Supports (PBIS) is a process that is consistent with the core principles of Response to Intervention (RTI). PBIS offers a range of interventions that are systematically applied to students based on their demonstrated level of need, and addresses the role of the environment as it applies to development and improvement of behavior problems. (OSEP Technical Assistance Center on Positive Behavior Intervention & Support, 2007).

PBIS Guidelines

Recommended Team Members: Administrator(s), General Education Teacher, Special Education Teacher, Counselor, and Other Support Coaches/Interventionist.



The PBIS team will identify three to five behavioral expectations to promote a consistent positive school environment. In other words, rather than telling students what not to do, the school environment will focus on the preferred behaviors through modeling and instruction. Lastly, PBIS goals must be (a).measureable outcomes, (b).evidence based, (c).implemented and (d.) data driven.

STEP I: Identification.

- Identify three to five behavioral expectations for the school (PBIS Team)
- Generate universal approval of behavior expectations from faculty/staff
- Target specific areas/environments for behavioral expectations

STEP II. Teaching and Learning

- Develop matrix of behavioral expectations for specific areas/environments
- Determine how behaviors will be taught in classroom/non-classroom settings (i.e. lesson plans)
- Student “roll-out” to include positive reinforcements
- Differentiate Instruction
- Intervention Strategies (minimum of 9-12 weeks)
- Ongoing progress monitoring of behaviors utilizing formative assessments
- Data review (i.e. office referral, suspensions, alternative placements, SIR Report, etc.)
- Analyze (Who) (i.e. grade level meeting, department meeting, curriculum meeting, etc.)
- Reflect (Why) (i.e. grade level meeting, department meeting, curriculum meeting, etc.)

STEP III: Intensive Intervention Strategies

- Refer to **PST** (documentation from Step II)
- Intensive Intervention (minimum of 8 weeks)
- Recommended Intensive Intervention (i.e. one-on-one counseling, behavior contract, interventionist, specific social skills training, etc.)

Additional Resources:

OSEP Technical Assistance Center on Positive Behavior Intervention & Support: www.pbis.org

BCS Curriculum and Instruction

CLASS II - INTERMEDIATE OFFENSES

- 2.01 Excessive and/or repeated disruption or distraction of other students** *(Respect, Responsibility)*
- 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 *(Respect, Responsibility)*
- 2.03 Continued violation of the Birmingham City Schools Dress Policy** - after documented Class I violations *(Respect, Responsibility)*
- 2.04 Possession and/or use of tobacco products** - having and/or using tobacco products (including the possession of cigarette rolling papers, e-cigarettes, etc.) on the school premises *(Responsibility, Citizenship)*
- 2.05 Possession of lighters or matches** *(Responsibility, Caring, Citizenship)*
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. *(Respect)*
- 2.07 Fighting** – any physical conflict/participation between two or more individuals *(Responsibility, Fairness, Respect)*
- 2.08 Stealing - Larceny - Petty Theft** - 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 *(Citizenship, Responsibility, Respect)*
- 2.09 Possession of stolen property** (valued at less than \$100) with the knowledge that it is stolen *(Respect, Responsibility)*
- 2.10 Offensive touching** of another student with sexual connotations, such as patting, pinching, or brushing against another's body *(Respect, Caring)*
- 2.11 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 *(Respect, Caring)*
- 2.12 False accusation of sexual harassment** or any other offense. *(Responsibility)*
- 2.13 Bullying, harassment, intimidation, threats, or hate crimes** – verbal, non-verbal, or written/printed communication maliciously threatening injury to another student, property, or reputation of another; intent to extort money or any pecuniary advantage 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. *(Citizenship, Respect)*
- 2.14 Gang Affiliation** - 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 *(Responsibility, Caring, Fairness)*
- 2.15 Directing obscene or profane language** to a school board employee *(Respect, Citizenship)*
- 2.16 Leaving school grounds without permission** - PARENT SHOULD BE NOTIFIED AND CONTACT SHOULD BE DOCUMENTED. *(Citizenship, Responsibility)*
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- 2.17 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 *(Responsibility)*
- 2.18 Possession of electronic devices (when not a part of the academic planning/processes of the school)** – including but not limited to cell phones, iPads, radios, MP3 players, CD players, tape players, electronic games, 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 by scheduled appointment. A form *must* be completed and signed by the student and parent/guardian indicating they understand the offense. *(Responsibility)*
- 2.19 Disruption on a school bus** or at a school bus stop *(Citizenship, Responsibility, Respect)*
Note: For disruption on school buses, administrator (or designee) may revoke bus-riding privileges without suspending the student from school. If a short period of revoked bus riding privileges is not effective, the administrator or designee may suspend the student for a Class II offense and/or revoke bus privileges permanently.
- 2.20 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 *(Trustworthiness, Citizenship, Responsibility)*
- 2.21 The use of a cell phone during school hours - This includes school bus transportation** *(Responsibility)*
Note: Students bring cell phones to school at their own risk. School Board employees are not responsible for phones that are lost, stolen, damaged, etc.
- 2.22 Excessive or repeated Class I offenses** *(Responsibility)*
- 2.23 ANY OTHER VIOLATION** that the school administrator (or designee) may reasonably deem to fall within this category. *(Responsibility, Citizenship)*

IF THE STUDENT HAS DISABILITIES, THE SUSPENSION MUST ALSO BE SCANNED AND EMAILED TO THE SPECIAL EDUCATION DEPARTMENT.

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

UNDER NO CIRCUMSTANCES SHOULD ATTENDANCE BE USED AS THE BASIS FOR A SUSPENSION. THE STUDENT SHOULD BE REFERRED TO THE ATTENDANCE OFFICER FOR ABSENCES THAT MAY CONSTITUTE TRUANCY.

DISCIPLINARY RESPONSES FOR CLASS II VIOLATIONS

GRADES K-12

For Class II violations, the following MAY be implemented: parental contact and in-school conference assigned as warranted; in-school disciplinary actions such as probation OR detention OR the assignment of reports related to the offense OR work assignments before/after school OR supervised in-school suspension OR suspension from school at the discretion of the principal (or designee) **AND** referral to the Prevention Specialist OR referral to the Problem Solving Team (PST) for three or more violations.

Additional Administrative Responses: *(This list contains options that may be used by the administration in addressing student conduct. This is not intended to be an exhaustive list):*

- Parental contact and in-school conference as warranted (any combination of parent/student/school official/counselor/teacher)
- In-school disciplinary assignment that may include:
 - Assignment to an Accelerated Step Program – K-8 and Middle Schools
 - Assignments to a Success Learning Center (SLC)- High Schools
 - Probation from classes or activities
 - Detention
 - Assignment of reports related to the offense
 - Assignment of work before or after school or supervised in-school suspension
- Out of School Suspension - Requires written notice and parent contact must be attempted
- Suspension from bus (for bus related offenses)
- Peer mediation
- Social restriction
- Alternative room assignment
- Temporary or permanent removal from extracurricular/co-curricular programs or activities
- Referral to the Prevention Specialist
- Referral to the Problem Solving Team (PST)
- Conflict resolution
- Mentoring Program
- Referral to school-based IEP/504 teams
- Warning of referral to Class III (referral to Class III will be made for repeated violations)

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. **RESTITUTION MAY BE REQUIRED.**

The administrator shall notify appropriate law enforcement officials when a student 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 school administrator (or designee) is authorized to sign the appropriate warrant. The local school system shall immediately suspend that person from school and refer the suspended student to a Hearing Officer.

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 *(Responsibility, Citizenship)*

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.

3.02 ALCOHOLIC BEVERAGES - possession, transfer, distribution, procurement, use or sale of alcoholic beverages; attending school under the influence of alcoholic beverages *(Responsibility, Citizenship)*

3.03 ARSON - willfully and/or maliciously burning any part of a building or its contents *(Responsibility, Respect)*

3.04 ASSAULT/BATTERY upon a school board employee – *(Respect, Responsibility, Citizenship)*

a) The actual unlawful touching or striking of a School Board employee

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.

NOTE: The school board employee is required to press charges and sign a warrant for the student's arrest for this violation.

3.05 AGGRAVATED ASSAULT/BATTERY - Intentionally causing bodily harm, disability or permanent disfigurement; use of a deadly weapon. *(Respect, Responsibility, Citizenship)*

NOTE: The perpetrator must be arrested and the victim must seek medical attention for this violation.

3.06 STEALING - LARCENY - GRAND THEFT *(Respect, Responsibility, Citizenship)*

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.

3.07 ILLEGAL SCHOOL ENTRY - breaking, entering or remaining in a Birmingham City School structure or conveyance without justification *(Responsibility, Respect, Citizenship)*

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 *(Responsibility, Respect, Citizenship)*

3.09 POSSESSION OF FIREARMS OR REPLICAS (Including individual components or fragments or bullets) - discharge, possession, transfer or sale of any firearm; the frame or receiver of any such weapon; any firearm muffler or firearm silencer; any similar destructive device *(Responsibility, Respect, Citizenship)*

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. **The expulsion or suspension from school for a period of not less than one calendar year is mandated for all violations of this code.**

- 3.10 POSSESSION OF WEAPONS** - including, but not limited to, a switchblade knife; box cutter; metallic knuckles; laser pointer; tear gas gun; BB gun; stun gun; cell phone gun; paintball gun; pellet 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.) *(Responsibility, Respect, Citizenship)*
- 3.11 BOMB THREAT** - any such communication directed at any Birmingham Public School facility that has the effect of interrupting the educational environment *(Responsibility)*
- 3.12 EXPLOSIVES, AMMUNITION (BULLETS), OR FIRECRACKERS** - preparing, possessing or igniting explosives. *(Respect, Citizenship, Responsibility)*
- 3.13 SEXUAL OFFENSES/PORNOGRAPHY** – *(Respect, Caring)*
- Acts of a sexual nature including, but not limited to repeated sexual harassment, sexual battery, intercourse, rape or attempted rape related to another student;
 - offensive touching or sexual harassment of a school board employee;
 - Sexting; or
 - Possession, transfer, distribution, procurement, use or sale of pornographic material.
- 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.
- Note:** This offense **REQUIRES** written documentation of the previous Class II suspension, **EXCEPT** when physical contact/violence has occurred. *(Respect, Citizenship, Responsibility)*
- 3.15 MAJOR DISRUPTION OF THE EDUCATIONAL ENVIRONMENT** - any participation in a major disorder involving **three or more**. **This violation MUST** place students, staff or the educational process at risk, or result in destruction or damage to public or private property or causes personal injury to participants or others *(Respect, Responsibility, Citizenship)*
- Inciting a major student disorder – Leading, encouraging or promoting a major disorder through:
 - Words or actions;
 - Videoring a fight;
 - Breaking-up a fight;
 - Refusal to comply;
 - Any other offense that may fall within this category.
- 3.16 UNJUSTIFIED ACTIVATION OF A FIRE ALARM OR FIRE EXTINGUISHER SYSTEM** *(Responsibility)*
- 3.17 THE USE OF A CELL PHONE DURING SCHOOL HOURS - This includes school bus transportation** *(Responsibility)*
- This violation includes, but is not limited to the following:
- Illegal or immoral purposes;
 - Cyber-bullying;
 - Taking pictures/videos of students and school employees; and
 - Placing pictures/videos on computer websites without authorization;
 - Cheating on school work or test.
- 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, to include pornography, hate crimes and any other offense that may fall within this category *(Responsibility)*

- 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 PBIS program;
 - Behavior Intervention Plan (IEP/504)
 - AND at least two documented revisions of a PST plan or the IEP/PEP OR an accumulation of three (3) or more Class II offenses with documented interventions as noted above. *(Respect)*
- 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. *(Respect, Responsibility, Citizenship)*
- NOTE:** The school board employee is required to press charges and sign a warrant for the student’s arrest for this violation.
- 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 *(Respect, Responsibility, Citizenship)*
- NOTE:** This offense REQUIRES written documentation of a previous Class II suspension.
- 3.22 GAMBLING** - any participation in games of chance including playing cards or dice games for money and/or other things of value *(Respect, Responsibility, Citizenship)*
- 3.23 TRESPASSING** - entering or remaining in any structure, conveyance, or property without being authorizing, licensed, or invited; or having been authorized or licensed, is warned by an authorized person to depart and refuses to do so *(Responsibility, Citizenship)*
- NOTE:** Students are prohibited on school property, or at any school-sponsored event, or any after-school event, while on suspension from their zoned school, the alternative school, and while expelled. PROOF OF NOTIFICATION TO PARENT IS REQUIRED.
- 3.24 CONTINUED VIOLATIONS OF THE BIRMINGHAM CITY SCHOOLS DRESS CODE POLICY** (5th and all subsequent violations) after documented warnings and a Class II suspension. *(Responsibility)*
- 3.25 INTERFERENCE WITH SCHOOL PERSONNEL IN THE PERFORMANCE OF THEIR DUTIES IN AN UNSAFE SITUATION** *(Respect, Responsibility, Citizenship)*
- a) refusal to comply to the lawful request of school officials;
 - b) breaking up fights; and
 - c) using cell phones to contact peers, family members about the altercation.
- 3.26 ANY OTHER OFFENSE THAT THE PRINCIPAL (OR DESIGNEE) MAY DEEM TO FALL WITHIN THIS CATEGORY.** *(Responsibility)*

DISCIPLINARY RESPONSES FOR CLASS III VIOLATIONS

GRADES K-12

The disciplinary response for the commission of a Class III offense may be removal from school. This may include the remainder of the school year and/or the next school year. This determination is made as a part of the student hearing process.

The school administrator (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 administrator (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 a hearing officer. If the hearing officer determines, based on facts and evidence presented at the hearing, that the student committed a Class III offense, the student may 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 an alternative program are not eligible to participate in any senior activities, including but not limited to: the prom, senior picnic, honors and awards day, and graduation ceremony.
- Students who are candidates for graduation and 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.

Students may be allowed 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, a hearing officer may recommend to the Superintendent that the student be expelled from all Birmingham City Schools.

Note(s): Students will be assigned (by Hearing Officer) to the Alternative School/Program for a minimum of 25 days. A student *MAY* serve a total time of up to one (or the remaining of a) full academic year. The total time served will be determined by the administration of the Alternative School/Program (a minimum of 25 days of service is mandatory).

If a student is removed (expelled) from school as a result of a Class III hearing, the student *MUST* be reinstated to an alternative school/program for a period of time (determined by Hearing Officer) before transitioning to his/her regular zoned school. The student must report to a Hearing Officer for Reinstatement.

If a student has been released from a juvenile detention center/facility, the student *MUST* be reinstated to the alternative school/program for a period of time (determined by Hearing Officer) before transitioning to his/her regular zoned school. The student must report to a Hearing Officer for Reinstatement.

PROCEDURES RELATING TO DISCIPLINARY ACTION OR RE-ENTRY

PROCEDURES FOR SHORT-TERM SUSPENSIONS

A student accused of misconduct, which in the opinion of the administrator (designee) would require a short-term suspension from school, shall be afforded the procedure below. A student must be given an opportunity to complete assignments, and take major tests or exams missed during the period of suspension (within three days of returning from suspension). Details of the process are as follows:

Step 1: The student must be told by the administrator/designee of the reason for the consideration of suspension.

Step 2: The student must be given the opportunity to have an informal hearing with the administrator to present their version of events and to identify witnesses to the incident. The informal hearing will typically occur immediately after the student is informed of the charges, but may be delayed if the student's continued presence on the campus is a safety concern.

Step 3: The administrator/designee shall make a determination as to whether or not a student is guilty of the misconduct, and if so, what disciplinary response will be imposed. Initial notices to impose suspension may be communicated orally to the parent; written notification must follow.

Step 4: The administrator/designee shall report each suspension in writing to the student's parent/guardian. This report shall be sent to the parent by email, regular mail or other reliable means by the end of the day of the suspension. Otherwise, it must be sent no more than 24 hours later. Reasonable effort shall be made prior to the start of the suspension. If parents or guardians cannot be reached prior to the start of the suspension, the administrator/designee may determine the start of suspension, but continued reasonable efforts shall be made.

Step 5: At the discretion of the principal/designee, a written behavior contract may be required upon the return of the student to the school.

PROCEDURES FOR FORMAL DUE PROCESS HEARINGS

An administrator (or designee) may suspend a student for a Class III offense by complying with the procedures for suspension as well as notifying the parent(s) that the student is suspended to a hearing officer. Class III suspensions are to be immediately scanned and emailed to the Hearing 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.

1. 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 ten (10) school days (or less) from the date of the suspension.
2. The STUDENT MUST APPEAR IN ACCORDANCE WITH BCS DRESS CODE POLICY" (*belt, shoes, pants, shoestrings, etc.*) FOR THE HEARING. **Failure to comply will result in the student being dismissed from the hearing. However, the hearing will proceed as scheduled.**
3. The student's **parent or legal guardian** must appear with the student at the hearing. Rescheduling must be requested **at least five (5) business days** 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.
4. 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 at least five (5) business days before the hearing.
5. 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 will be required.
6. At the hearing, the hearing officer shall give the student an opportunity to admit or deny the charge or charges.
7. 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.
8. The hearing officer must allow all parties to call witnesses. The witnesses have a right to privacy. A witness also has the right to refuse to testify.
9. 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.
10. 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.
11. The hearing officer may require restitution for damages to school board or personal property.

12. The hearing officer shall send a copy of the decision to the following persons:

- Parent(s) or Guardian
- Director of Student Success
- School Principal (or designee)
- Alternative School/Program Principal (providing student is referred)
- Instructional Superintendent

13. A recording shall be made of the hearing and shall be kept in the Department of Student Success for no less than one year from the date of the hearing. The parent may request a copy of the recorded hearing for a minimal fee from the Director of Student Success.

PROCEDURES FOR APPEAL OF HEARING DECISION

If the parent(s) or guardian has **additional (NEW) information NOT** provided to the Hearing Officer, the parent(s) or guardian may file an appeal with the Director of Student Success. 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 and mailed to the Director of Student Success.
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 Director of Student Success no more than seven (7) 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 Student Success, upon receipt of a timely filed written request for an appeal, will schedule an appeal hearing.
5. The Director of Student Success 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 five (5) school days after the appeal hearing, the Director of Student Success 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 Student Success findings and conclusions shall be supported by additional substantial evidence.
9. The Director of Student Success shall send a copy of the recommended findings and conclusions to the following persons:
 - Parent(s) or Guardian
 - Hearing Department
 - School Principal (or designee)
 - Alternative School/Program Principal (providing student is referred)
 - Instructional Superintendent

PROCEDURES FOR SEARCH AND SEIZURE

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.

1. 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.
2. 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.
3. Students who park on campus are required to provide a copy of a valid driver's 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.
4. 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.
5. 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.
6. 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.
7. Provision of this Code of Conduct shall serve as notice of possible student search.
8. **LEGAL REFERENCE:** Code of Alabama, Section 16-1-24-1; The Administrative Code, 290-030-010-06.

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.

APPENDIX I

SPECIAL EDUCATION

Any student who has been identified as being eligible under the Individuals with Disabilities Education Act 2004 is subject to the provisions of the Code of Conduct and may be suspended or expelled. However, disciplinary decisions affecting disabled students shall be made with reference to and in compliance with state and federal laws, rules, and regulations governing disciplinary practices and procedures.

School personnel under 34 CFR 300.530 may remove a child with a disability who violates a code of student conduct from his or her current placement to an appropriate interim alternative educational setting, another setting, or suspension, **for not more than ten consecutive school days** (to the extent those alternatives are applied to children without disabilities), and for additional removals of not more than ten consecutive school days in that same school year for separate incidents of misconduct (as long as those removals do not constitute a change of placement under 34 CFR 300.536).

When a disciplinary action involving a change of placement for more than 10 consecutive or cumulative school days in a school year is contemplated for a classified student because he/she engaged in behavior that violated any rule or code of conduct of the district that applies to all children, then a Manifestation Determination Meeting will be held.

- a. The parents shall be notified of that decision and of all procedural safeguards accorded, not later than the date on which the decision to take that action is made;
and
- b. Immediately, if possible, but in no case later than 10 school days after the date on which the decision to take that action is made, a review shall be conducted of the relationship between the child's disability and the behavior subject to the disciplinary action.

Who carries out the manifestation review and what must be considered?

The district representative, the parent, and relevant members of the IEP Team (as determined by the parent and the district representative) shall review all relevant information in the student's file, including the child's IEP, any teacher observations, and any relevant information provided by the parents to determine--

- a. if the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability;
or
- b. if the conduct in question was the direct result of the local educational agency's failure to implement the IEP.

When must the IEP team consider a behavior as a manifestation of the student's disability?

If the district representative, the parent, and relevant members of the IEP Team determine that either the conduct in question **was**:

- a. caused by, or had a direct and substantial relationship to, the child's disability;
or
- b. the direct result of the district's failure to implement the IEP.



When must the IEP Team determine that the behavior of the child was not a manifestation of such child's disability?

If the district representative, the parent, and relevant members of the IEP Team determine that either the conduct in question **was not**:

- a. caused by, or had a direct and substantial relationship to, the child's disability;
- or
- b. the direct result of the local educational agency's failure to implement the IEP.

What happens if the manifestation review determines that the student's misbehavior was a manifestation of their disability?

The IEP Team shall--

- a. conduct a functional behavioral assessment, and implement a behavioral intervention plan for such child, provided that the local educational agency had not conducted such assessment prior to such determination before the behavior that resulted in a change in placement;
- b. in the situation where a behavioral intervention plan has been developed, review the behavioral intervention plan if the child already has such a behavioral intervention plan, and modify it, as necessary, to address the behavior; and
- c. return the child to the placement from which the child was removed, unless the parent and the local educational agency agree to a change of placement as part of the modification of the behavioral intervention plan.

What happens if the manifestation review determines that the student's misbehavior was not a manifestation of their disability?

- a. The relevant disciplinary procedures applicable to children without disabilities may be applied to the child in the same manner in which they would be applied to children without disabilities.
- b. If the district initiates disciplinary procedures applicable to all children, the district shall ensure that the special education and disciplinary records of the child with a disability are transmitted for consideration by the person or persons making the final determination regarding the disciplinary action.

What happens if a classified student commits a crime?

School officials can report crimes committed by children with disabilities to appropriate law enforcement authorities to the same extent as they do for crimes committed by non-disabled students.

For additional information, please contact the Director of Special Education at 205-231-4730.

Relevant Special Education Information

The Individuals with Disabilities Education Improvement Act of 2004, often referred to as “IDEA,” provides FAPE (Free Appropriate Public Education) for eligible students with disabilities. In order to be eligible to receive services under IDEA, a student must be determined to be a child with a disability impacting educational progress including:

- autism;
- deaf-blindness;
- deafness;
- emotional disturbance;
- hearing impairment;
- intellectual disability;
- multiple disabilities;
- orthopedic impairment;
- other health impairment;
- specific learning disability;
- speech or language impairment;
- traumatic brain injury; or
- visual impairment (including blindness),

and to need special education and related services (each as defined under IDEA). The District complies with the requirement to identify and evaluate students who may have disabilities, to determine the eligibility of such students, to develop individualized education programs, to place students in appropriate settings, to follow certain procedural safeguards (including in connection with disciplinary actions), and to protect the confidentiality of student records. Congress made changes to IDEA in 2004, and the U.S. Department of Education revised the regulations on August 14, 2006, and December 1, 2008.

“Appropriate” under FAPE:

The meaning of the term **appropriate** will depend on the unique needs of the individual student. Under IDEA, an appropriate education to a student with a disability is provided when:

- District personnel comply with Alabama Administrative Code (AAC), applicable federal law, and procedural requirements; and
- the individualized education program developed for the student is reasonably calculated to enable the student to receive educational benefit.

The federal regulations implementing IDEA define an appropriate education as the provision of general or special education and related aids and services that:

- 
- are designed to meet individual educational needs of persons with disabilities as adequately as the needs of persons without disabilities are met; and
 - are based on adherence to procedures that satisfy the requirements for evaluation.

The District is not required to provide the best possible education for a student with a disability. However, the District must provide a program that is designed to provide some educational benefit to the student. These educational benefits must be more than minimal, meaning that the program must be designed to result in some tangible gain in the student's abilities.

Child Find

The Child Find Project seeks to create public awareness of special education programs, to advise the public of the rights of eligible children and parents, and to alert community residents of the need to identify, locate, and assess qualified children who are suspected of having a disability or developmental delay, and needing special education and/or related services. Children may be referred to Child Find by parent, state or community agencies, private agencies, medical providers or facilities, private or parochial schools, preschool or day care centers or others concerned with the child's needs. After the referral is initiated and the decision to evaluate is made, procedures for initial evaluation are followed.

To make a referral, contact 205-231-4777.

GIFTED EDUCATION

Intellectually gifted children and youth are those who perform or who have demonstrated the potential to perform at high levels in academic or creative fields when compared with others of their age, experience, or environment. These children and youth require services not ordinarily provided by the regular school program. Children and youth possessing these abilities can be found in all populations, across all economic strata, and in all areas of human endeavor.

Who May Refer:

A student may be referred for consideration for gifted services by teachers, counselors, administrators, parents or guardians, peers, self, and other individuals with knowledge of the student's abilities. Standard referrals may occur at any time for students six years of age and older. Parents must be informed when students are referred.

Method of Evaluation:

For each student referred, information is obtained in the areas of Aptitude, Characteristics, and Performance. The information is entered on a matrix where points are assigned according to established criteria. The total number of points earned determines whether the student qualifies for gifted services. Any person wishing to make a referral, may contact your local school or the Central Office Special Education Department at 231-4600.

Source: Alabama Administrative Code



APPENDIX II
SECTION 504 OF THE REHABILITATION ACT OF 1973

Section 504 of the Rehabilitation Act of 1973 (Section 504) is a civil rights statute that prohibits discrimination/harassment on the basis of a disability in any program or activity receiving federal financial assistance. In particular, Section 504 provides that:

No otherwise qualified individual with a disability in the United States...Shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance...

29 U.S.C. § 794(a) (1973)

Students who receive 504 services may not be subjected to a disciplinary action for more than 10 school days - unless it has been determined, by the 504 Team, that the behavior(s) causing the disciplinary action IS NOT related to the student's disabled condition(s). Disciplinary action(s) that may result in 10 or more school days must follow the 504 *Manifestation Determination/Evaluation* prior to any outcome.

Disciplinary action(s) less than 10 days DO NOT require the *504 Manifestation Determination/Evaluation*. However, a review of the 504 Plan may be needed.

Note:

Students who receive 504 services must adhere to the district's Code of Student Conduct.

For additional information please contact the 504 Coordinator at 205-231-4600.

APPENDIX III

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.

Responsibility of Parents:

Any time that a student is absent, the parent or guardian must provide 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. 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 each year;
- To provide the school with a clinical or doctor's statement verifying the child's condition at any time the student enrolls in any school in the district during the beginning, middle, or end 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.

In cases of prolonged absences due to illness, the parent or guardian should seek assistance from the Homebound Program. 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. The principal may establish an alternative plan by which students may redeem credits. This plan must include completion of assignments as well as a time requirement, such as Saturday School or before/after school time.

For high school students, excuses are limited to ten (10) per semester for a full credit course and five (5) for a half-credit course. Combined (excused and unexcused) absences from a class period more than ten (10) times a semester may result in a loss of credit.



The parent or guardian may appeal a decision to withhold credit for an individual student based upon excessive unexcused absences to the Coordinator 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, which will include the Academic Officer of Birmingham City Schools. The committee can exercise one of the following:

- Uphold the principal's decision and withhold credit;
- Reject the principal's decision and award credit; or
- Approve or revise the principal's offer of an alternative plan.

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 must be notified of pending withdrawal and given one (1) week to appear before the principal 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.

NOTE: Before a student is withdrawn from school an exit interview must be conducted.

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.

EARLY WARNING TRUANCY PROGRAM

Parents and students will be referred to the Early Warning Truancy Program on the seventh (7TH) unexcused absence . 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.

APPENDIX IV

DRESS CODE POLICY

All students in Birmingham City Schools shall, within the parameters set forth below, follow the dress code policy. Students are required to dress in proper dress code attire. It will be the parents' responsibility to ensure compliance with the dress code policy. All students who attend Birmingham City Schools must comply with the dress code policy.

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. All purses must not be larger than 4x6 crossover bag.
3. ID cards issued by the school are a part of the required uniform and must be worn in a visible location above the waist at all times. (If applicable)

Appropriate Expectations for School Attire

Students are allowed to wear pants, jeans (without holes), capri pants and walking shorts.

Walking Shorts lengths are limited to 2" above the knee.

Any style enclosed shoe can be worn with the exception of:

shoes with open toes, boots with chains, steel toes, metal reinforcement decorations, 3-inch heels or wedges, or any other shoes the principal deems unsafe.

Gloves, coats and hooded jackets worn to school must be stored in lockers or other designated locations during the normal school day. Students sensitive to cold temperatures may include a sweater or sweatshirt.

These articles of clothing or styles of dress are strictly forbidden while on the school campus or under school supervision:

Hoods (including jackets and/or sweatshirts), masks or coverings over the face

Cargo style pants or shorts with excessive pockets; overalls or coveralls

Over-sized pants or shirts; pants worn below the waist or "sagging"

Male students are required to wear belts with pants.

Pajamas, leggings, knit, nylon, spandex or skin tight/tightly fitted clothes dresses, tops, or bottoms

Tops, dresses or t-shirts with visible cleavage or tight fitted

Tank tops, tube tops, halter tops, mesh tops, midriff tops without a cover-up shirt

Sunglasses, buttons, jewelry, accessories, or any clothing with offensive, Lewd, vulgar, obscene language, slogans or pictures which advocate/advertise use of drugs or alcohol or depict weapons or acts of violence

Rollers, combs, or cosmetology clamps, sweatbands, hats, caps or other head coverings

Visible undergarments clothing altered by cuts, slits or holes or that in any way exposes the skin

Gold teeth covers 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.

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, repeated Class I Offense.

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

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, Class II Offense.

The parent must return to school with the student following the suspension for a conference.

Repeated violations of the Dress Code Policy may result in out of school suspension for noncomp

APPENDIX V

ELECTRONIC DEVICE POLICY

Employees of Birmingham City Schools are not in any way responsible for the repair, replacement of any electronic device a student may bring to school. A student's, possession, use, transfer of any electronic device during the school day or any other school event, it is at their own risk.

The Birmingham City Schools policy on electronic devices is designed to ensure that the use of such devices does not interfere with teaching and learning during the school day.

Electronic devices include but are not limited to, cell phones, digital cameras, camcorders, iPods, PDA's, MP3 players, headphones, jump drives and memory sticks. Some of these devices may be used as part of the instructional process, with prior administrative and teacher authorization. Otherwise, these devices must not be visible or audible during the instructional day.

1. Students are allowed to possess electronic devices on campus. However, all electronic devices must be turned off during the school day.
2. Electronic devices must not be visible and or audible during the school day. They should be stored in a secure location (vehicle, locker).
3. If cell phones are visible and/or audible during the administering of Tests, the test(s) may be deemed invalid.
4. At all times, possession of electronic devices is strictly forbidden in private areas, such as locker rooms, restrooms, dressing areas, classrooms, and offices. Electronic device policy violations will be treated as Class II or Class III offenses. Such use may also be in violation of state and federal law.
5. Students participating in field trips, extracurricular activities, and athletic events must get permission from their teacher, coach, or sponsor before using electronic devices during such events.
6. Any phone communication during the instructional day will take place on school telephones as authorized by administrative personnel with the exception of emergency situations deemed by the principal. Parents should continue to call the school for any emergency situation.
7. Possession of an electronic device is a privilege that may be forfeited by any student not abiding by the terms of this policy. Students shall be personally and solely responsible for the security of their electronic devices. Neither the Birmingham city Schools nor its employees shall assume any responsibility for theft, loss, transfer use or damage of any electronic device or its unauthorized use.

APPENDIX VI

RULES FOR SCHOOL BUS RIDERS

- Form single lines while loading and unloading. Do not push or shove.
- 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.
- Be courteous. Do not use profane or vulgar language.
- No eating, drinking, or smoking is allowed on the bus.
- Do not damage or tamper with the bus or equipment.
- 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 bus at the authorized stop only. Students not authorized to ride the bus may not ride home with friends to visit.
- 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.
- Students on school buses may be under video surveillance.
- The Electronic Device Policy extends to bus riders. School bus pick up and drop out is considered as a part of the school day.

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.
-

APPENDIX VII

JAMARI TERRELL WILLIAMS STUDENT BULLYING PREVENTION ACT

The Jamari Terrell Williams Student Bullying Prevention Act has been signed into law by Governor Kay Ivey; it became effective on June 1, 2018. This new Act replaces the Anti-Harassment Policy that had previously been adopted by school systems throughout the state of Alabama beginning with the 2010-11 school year.

The major change in this new Act is that it expands the current law to include student against student bullying, intimidation, violence, and threats of violence that occur off school property. In addition, the new Act specifically includes cyberbullying, which may also occur off school property.

[Jamari Terrell Williams Student Bullying Prevention Act](#)

There are forms available in every school to report alleged bullying, harassment, or intimidation that occurred on or off of school property; at a school-sponsored activity (on or 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 or off of 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 or computer.

APPENDIX VIII

STUDENT ANTI-HARASSMENT/ANTI-VIOLENCE/ ANTI-BULLYING 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*
- Other: _____

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

Why did the bullying, harassment or 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: _____

*** Upon completion, return to your school principal (or designee)

APPENDIX IX
STUDENT BEHAVIOR CONTRACT

Student _____

School _____ Grade _____

Administrator _____

Description of the unacceptable behavior: _____

Description of the desired replacement behavior: _____

Strategies that will be used to teach the replacement behavior: _____

Reinforcement /rewards for appropriate behavior: _____

Consequences for violation of this Behavior Contract: _____

My administrator has reviewed with me the code of Student Conduct and the behavior expectations of my school. I agree to abide by the terms of the code of Student conduct and any additional behavior guidelines developed by my school. Most importantly, I will not engage in the inappropriate behavior listed above. When I feel that I am unable to adhere to the behavior standards discussed today, I will seek the assistance of a staff member. I understand the consequences for violating this Behavior Contract.

Date: _____

Student Signature: _____

Parent /Guardian Signature: _____

Administrator Signature: _____

APPENDIX X

FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA)

The Family Educational Rights and Privacy Act (FERPA) (20U.S.C. 1232g; 34CFR Part 99) is a Federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education.

FERPA gives parents certain rights with respect to their children's education records. These rights transfer to a student when he or she reaches the age of 18 or attends a school beyond the high school level. Students to whom rights have transferred are "eligible students".

- Parents or eligible students have the right to inspect and review the student records maintenance at the school. Schools are not required to provide copies of records unless, for reasons such as great distance makes it impossible for parents or eligible students to review these records. Schools may charge a fee for copies.
- Parents or eligible students have the right to request that a school correct records that they believe to be inaccurate or misleading. If the school decides not to amend the record, the parent or eligible student has the right to a formal hearing. After the hearing, if the school still decides not to amend the record, the eligible student has the right to place a statement with the record setting forth his or her view about the contested information.
- Generally, schools must have written permission from the parent or eligible student in order to release information from a student's education record. However, FERPA allows schools to disclose those records without consent, to the following parties or under the following conditions (34 CFR 99.31).
 - School officials with legitimate educational interest;
 - Other schools to which a student is transferring;
 - Specified officials for audit or evaluation purposes;
 - Appropriate parties in connection with financial aid to a student;
 - Organizations conducting certain studies for or on behalf of the school;
 - Accrediting organizations;
 - To comply with a judicial order or lawfully issued subpoena;
 - Appropriate officials in cases of health and safety emergencies; and
 - State and local authorities, within a juvenile justice system; pursuant to specific State law.

Schools may disclose, without consent, "directory" information such as a student's name, address, telephone number, date and place of birth, honors and awards, and dates of attendance. However, schools must tell parents and eligible students about directory information and allow parents and eligible students a reasonable amount of time to request that the school not disclose directory information about them. Schools must notify parents and eligible students annually of their rights under FERPA. The actual means of notification (special letter, inclusion in a bulletin, student handbook or newspaper article) is left to the discretion of each school.

APPENDIX XI

ADMINISTERING MEDICINES TO STUDENTS

Oral Medication in Schools

If under exceptional circumstances a child is required to take oral medication during school hours and the parent cannot be at school to administer the medication, the school nurse or principal's designee trained in administration of medication will administer the medication in compliance with the regulations that follow:

A. Written instructions signed by a physician will be required and must include:

1. Child's name
2. Name of medication
3. Time to be administered
4. Dosage
5. Possible side effects
6. Termination date for administering the medication
7. Special storage instructions

A medical form for this purpose may be obtained from each school's office.

B. Over the counter medications (example: Tylenol, Advil, aspirin) must be prescribed by the physician or licensed health care provider to be given on an "as needed" basis for chronic illness. Over the counter medication will not be given for acute illnesses.

ALL medications for students require a physician's signature.

C. The medication must be brought to school in a container labeled by the pharmacist according to the prescription.

D. Students will not be permitted to carry medication to and from school. All medication that will be administered at school must be brought to the school office by the parent/guardian of the student. When the medication is completed, out-of-date, or at the end of the school year, parents will be advised in writing to pick up any unused medicine. Medications not picked up by parents (by the last day of school) will be destroyed.

Self - Administered Medications

Students who have conditions such as asthma, diabetes, and hypersensitivity to bee stings/insects may require self-administration of medications. The student may self - medicate when the following criteria are met:

A. Written consent by parents on the medical form

B. Written instructions signed by a physician are also included on the medical form

C. Certain medications (i.e., inhalers) may be kept on the student's person if the physician deems necessary and provides instructions. This must be discussed with and approved by the school's principal and school nurse.

D. The student must be trained in the procedure to manager his/her condition.

School's Responsibility

The school nurse or principal's designee trained in the administration of medication will:

1. Inform appropriate school personnel of the medication
2. Keep a record of the administration of medication
3. Keep medication in a locked cabinet
4. Return unused medication to the parent/guardian only

The school system retains the discretion to reject requests for administration of medication in the schools.

Parent's Responsibilities

The parents of the child must assume responsibility for having the medication form properly completed and returned to the school. The parents of the child must assume responsibility for informing the school of a change in the child's health or change in medication.

Illness

Many parents are concerned about when to keep children who have been ill home from school. These are a few of the most common symptoms parents should consider when determining to keep a child at home.

- Your child should stay at home if he/she has a fever of 100 degrees (orally) or more and should remain home for about 24 hours after the fever has gone.
- Your child should stay home if he/she has vomited or has diarrhea (more than 1 loose stool) within 2 hours prior to the start of school. (Be alert of stress induced vomiting – some children throw up when worried about something.)
- Conjunctivitis (pinkeye) can be very contagious. If the white of your child's eye is red and has any type of drainage, you should keep your child at home.
- Other conditions that merit keeping your child home include, but are not limited to: head lice, chicken pox, and strep throat.

Remember that a doctor's note must accompany any medications that are to be given during school hours. We appreciate your help in preventing the spread of disease in school and in limiting the number of days children miss due to illness.

REFERENCES

Policies:

Birmingham City Board of Education (Policies of the Board of Education are available on the BCS website located at www.bhm.k12.al.us.)

Alabama Legal References in COSC:

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

Alabama State Law 16-28-3, Code of Alabama, 1975

Children's Internet Protection Act of 2000 (H.R. 4577, P.L. 106-554)

Attorney General's Opinion No: 97-259.

Other References

- Title IX of the 1972 Education Amendments
- Section 504 of the Rehabilitation Act
- Title II of the Americans with Disabilities Act of 1990 (ADA)
- Individuals with Disabilities Education Improvement Act 04 2004 (IDEA)
- Family Educational Rights and Privacy Acts (FERPA)