



# **CODE OF STUDENT CONDUCT 2023-2024**

2015 PARK PLACE NORTH  
BIRMINGHAM, ALABAMA 35203  
[WWW.BHM.K12.AL.US](http://WWW.BHM.K12.AL.US)

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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

### **Statement of Non-Discrimination**

Birmingham City Schools does not discriminate on the basis of race, ethnicity, color, religion, national origin, sex, disability, age, or homeless status in its programs, activities or employment and provides equal access to the Boy Scouts and other designated youth groups. The following persons have been designated to handle inquiries regarding non-

discrimination policies: Ms. Maria Lyas, 504 Coordinator, 2015 Park Place N. Birmingham, AL 35203, (205)231-9874, [myoung2@bhm.k12.al.us](mailto:myoung2@bhm.k12.al.us); and Mrs. Amanda Cross, Esq., Title IX Coordinator & ADA Coordinator, 2015 Park Place N. Birmingham, AL 35203, (205)231- 4308, [titleIX@bhm.k12.al.us](mailto:titleIX@bhm.k12.al.us) (Title IX); [across@bhm.k12.al.us](mailto:across@bhm.k12.al.us) (ADA).

## SIX Pillars of Character

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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

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The Birmingham City Schools (BCS) Code of Student Conduct (CSC) supports our schools in maintaining safe, nurturing, participatory, and productive learning environments. In order to maximize learning time and promote positive behaviors, every school must establish multi-tiered systems of support for students' social, emotional, and behavioral needs. This includes developing clear expectations, teaching social-emotional competencies, and fostering positive relationships among all members of the school community. BCS is committed to an instructive, corrective, and restorative approach to behavior. If behavior incidents arise that threaten student safety or severely disrupt the educational process, the response should minimize the impact of incident, repair harm, and address the underlying needs behind student behaviors. In accordance with the code of student conduct all disciplinary responses must be applied respectfully, fairly, consistently, and protect student's rights to instructional time whenever possible. 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 four categories:

- Classroom Managed
- Class I: Minor offense or Behavioral Misconduct
- Class II: Intermediate offenses or Disruptive Misconduct, and
- Class III: Major offenses or Criminal Misconduct

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 AND GUARDIANS**

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**Alabama Law 16-28-2 states that the parent or guardian is ultimately responsible for the proper conduct and regular attendance 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 48 hours of a written request
- 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.
- Attend PTA/PTSA/PTO/PTSO meetings regularly.
- Support the school by adhering to all rules, policies and procedures of the district
- Attend necessary conferences each year.
- 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**

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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 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**

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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, attendance, 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
- Adhere to the responsibilities set forth in this Code of Conduct. Failure to do so may result in disciplinary action.

## **RESPONSIBILITIES OF DISTRICT OFFICE EMPLOYEES**

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### **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 the 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 the Birmingham City Schools Student Code of Conduct.
- Seek opportunities to involve parents in the total educational process of their child.

## **SOCIAL MEDIA AND INTERNET USAGE**

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Birmingham City Schools (BCS) 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 monitor the student's internet presence closely, and should understand that the student is ultimately responsible for any statements disseminated from their individual social media account.

## POSITIVE BEHAVIOR INTERVENTION AND SUPPORT (PBIS) FRAMEWORK

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Positive Behavior Intervention Support is a mandated framework for Birmingham City Schools. This approach to behavior prevention is designed to improve school safety and promote positive behavior. It guides schools to decide appropriate responses to child behaviors using a preventative approach.

The main principles of PBIS are:

1. Every child can learn proper behavior.
2. Early prevention can prevent serious behavior problems.
3. Each child is unique, and schools must provide differentiated behavior supports.
4. Research and science is the foundation of the school's approach to teaching behavior expectations.
5. Noting and rewarding a child's behavior progress is important.
6. Gathering data and using data to make informed decisions about behaviors.

Additionally, BCS will use a restorative justice model to approach discipline; a practice that focuses on teaching replacement behaviors and guiding students into making better choices rather than focusing solely on punishment.

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).

If a student is unsuccessful with PBIS interventions, he/she should be referred to the Problem-Solving Team (PST). According to the Alabama Administrative Code, the PST is a model to guide general education intervention services for all students who have academic and /or behavioral difficulties. The PST is central to the school's successful implementation of the Response to Instruction (RtI) framework. Decisions regarding the number of PSTs needed by a school should be determined at the school level; however, a minimum of one PST per school is required to review data-based documentation regarding students' progress regularly, advise teachers on specific interventions matched to student needs, and communicate with parents regarding student intervention needs being provided. The Problem Solving Teams will analyze screening and progress-monitoring data to assist teachers in planning and implementing appropriate instruction and evidence-based interventions for all students with academic and/or behavioral difficulties, including those students who exhibit the characteristics of dyslexia. The PST should include at least one classroom teacher, a special educator, a counselor or social worker, and the building administrator.

### PBIS GUIDELINES

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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.**

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| <ul style="list-style-type: none"><li>• Identify three to five behavioral expectations for the school (PBIS Team)</li><li>• Generate universal approval of behavior expectations from faculty/staff</li><li>• Target specific areas/environments for behavioral expectations</li></ul> |
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## **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](http://www.pbis.org)

## LEVEL OF OFFENSE, DESCRIPTIONS, INTERVENTIONS, AND CONSEQUENCES

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### CLASSROOM/TEACHER MANAGED

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Classroom/Teacher Managed Infractions are defined as those behaviors which adversely affect a student's educational progress; however, these infractions should be handled by the classroom teacher and are not processed through a formal referral for disciplinary actions from administration. These infractions should be documented by the teacher. Cases of multiple or chronic offenses may require administrative/guidance action (assistance) and referral for interventions.

- C.01 Cheating-** Providing, receiving, or viewing answers to assignments, quizzes, or tests; accessing academic materials without permission (with or without the use of electronic devices) (*Trustworthiness*)
- C.02 Dress Code Violation-** Noncompliance with the District and/or school dress code (*Respect, Responsibility*)
- C.03 Excessive Noise-** Any loud sound that is unnecessary or interferes with the learning environment or activity; senseless shouting or outcry (*Respect*)
- C.04 Failure to Complete Work-** The act of not completing assigned written, oral, or physical work (*Responsibility*)
- C.05 Hall Pass Violation-** To be in a hallway without written permission; to alter or change a hall pass from its original intent (*Responsibility*)
- C.06 Horseplay-** Rough play or pranks that disrupt the learning environment (*Respect*)
- C.07 Inappropriate Affection-** Unsuitable or improper physical contact, action or gestures, display of public affection; an extreme feeling or emotion towards another person (*Respect*)
- C.08 Inappropriate Behavior-** Actions or gestures of conducting oneself in a disruptive or disrespectful manner to include tone, attitude, and body language that is negative or abrasive towards another student or adult (*Citizenship*)
- C.09 Inappropriate Language-** Words that are demeaning and directed to another student or adult (*Respect*)
- C.10- Littering-** Purposely leaving trash to cause a nuisance or health concern (*Citizenship*)
- C.11- Running-** Running in the classroom, hallway, cafeteria, or any other area inside the school (not including gym or PE) (*Responsibility*)
- C.12- Tardy-** Arriving late to school or class (multiple tardies will result in a Level 1 referral) (*Responsibility*)
- 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 official start of school (elementary/middle 8:00 am and high school 8:30 am)
  - **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.**
- C.13 Throwing Objects-** To propel or cast in any way anything that is visible or tangible (*Respect*)
- C.14 Violation of Class Rules-** Intentional behavior that interferes with the standard operating procedures of the classroom and school environment (*Citizenship*)

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### DISCIPLINARY RESPONSES FOR CLASSROOM MANAGED BEHAVIOR VIOLATIONS

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#### GRADES K-12

The greatest opportunity for students to demonstrate self-esteem, self-discipline, and respect for others occurs in the classroom under the direction of the classroom teacher. Teachers shall implement effective instructional strategies and best practices in classroom management.

Continual teaching, combined with feedback of positive student behavior, will decrease unnecessary discipline and promote a culture of productivity, safety, and learning.

When a student shows a lack of respect for established rules, teachers shall assist the student in recognizing the inappropriate actions, identifying the rule the student is breaking, and developing a plan for making more appropriate choices. Specific teacher management and consequence options for classroom managed behaviors include:

Interventions	Consequences
Teacher/Student Conference	Verbal Warning
Seat Change	Written Warning
Problem Solving Worksheet	Written or Verbal Reflection
Teach/Re-teach expectations	Parent/Teacher Contact
Reinforcement of appropriate behaviors	Parent/Teacher Conference
Behavior Contract	Confiscation of Items
Clarifications of expectations	Letter of Apology
Alternate assignment	Loss of Privilege
Restorative Conversation	Detention
	In class exclusion

Classroom management will prioritize a learning environment that is safe and supportive for all students and faculty.

Teachers shall apply logical, appropriate consequences for student misbehavior, including, but not limited to, immediate intervention, student conferences, parent/guardian conferences, loss of free time, and before and after school detention. A classroom managed infraction must be reported to the parent before resulting in a Class I Offense. In order for it to result in a Class I violation, more than 3 interventions or consequences must be documented.

## CLASS I MINOR OFFENSES

Class I offenses are considered Behavioral Misconduct and are defined as those activities engaged in by student(s) which tend to impede orderly classroom procedures or instructional activities, orderly operation of the school, or the frequency or seriousness of which disturb the classroom or school. The provisions of this regulation apply not only to within-school activities, but also to student conduct on school bus transportation vehicles and during school-sponsored activities.

- 1.01 Excessive and/or repeated disruption or distraction of other students** (*Respect, Responsibility*)
- 1.02 Possession of gambling paraphernalia with the intent to use for gambling** - items such as playing cards, dice or video gambling devices, etc. (*Citizenship, Trustworthiness*)
- 1.03 Unauthorized absence from class** (*Citizenship, Responsibility*)
- 1.04 Bringing a water gun to school** (*Responsibility, Citizenship, Trustworthiness*)  
**Note:** Does not include firearm replicas
- 1.05 Harassment or intimidation of other students** – any minor uninvited annoyance or teasing of another student (*Caring, Respect*)
- 1.06 Excessive or repeated classroom managed behaviors.** In order to qualify, more than three interventions/consequences should be attempted. (*Responsibility*)
- 1.07 Any other violation** that the principal (or designee) may reasonably deem to fall within this category. (*Responsibility, Citizenship*)

**Special Education Procedures for a Class I and/or Class II offenses:**

1. When a student commits a Class I and/or Class II offense, the principal (or designee) shall consult with the student's case manager to document implementation of discipline procedures prescribed by the IEP Team.
2. The IEP Team will meet to review/revise the IEP including the Functional Behavior Assessment (FBA), Behavior Intervention Plan (BIP), and the total number of days suspended for the school year.
3. The IEP Team will complete the Special Education Checklist for Class I and Class II Offenses form within five (5) days of the suspected offense. The form shall be completed during an IEP meeting.
4. The IEP Team will document at least two (2) revisions of the IEP to include previous interventions.

All revisions to the student's individual program, including the FBA & BIP, shall be written into the current IEP Plan.

**NOTE:** 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 more than 3 interventions have been made and documented and the school has implemented a viable PBIS program.

**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.**

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**DISCIPLINARY RESPONSES FOR CLASS I VIOLATIONS**

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**GRADES K-12**

Consequences for inappropriate conduct may include, but are not limited to, the following and should be matched to severity of infraction:

<b>Interventions</b>	<b>Consequences*</b>
All interventions from Classroom Managed Level	All Consequences from Classroom Managed Level
Referral to School Counselor	Temporary removal from class
Referral to Problem Solving Team/Multi-Tiered Systems of Support (MTSS) Team	In School Suspension (no more than 5 days)
	Warning of Referral to Class II

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**CLASS II INTERMEDIATE OFFENSES**

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Class II offenses are considered disruptive misconduct and are defined as those activities engaged in by student (s) which are directed against persons or property, and the consequences of which tend to endanger the health or safety of oneself or others in the school. The provisions of this regulation apply not only to within-school activities, but also to student conduct on school transportation vehicles, and during other school sponsored activities.

- 2.01 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*)
- 2.02 Possession and/or use of tobacco products** - having and/or using tobacco products (including the possession of cigarette rolling papers, e-cigarettes, hookah, vaping and/or vaping products, etc.) on the school premises (*Responsibility, Citizenship*)

- 2.03 Possession of lighters or matches** (*Responsibility, Caring, Citizenship*)  
**Note:** Use of these items on school premises may constitute a Class III offense.
- 2.04 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*)
- 2.05 Fighting** – any physical conflict/participation between two individuals (*Responsibility, Fairness, Respect*)
- 2.06 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*)
- 2.07 Possession of stolen property** (valued at less than \$100) with the knowledge that it is stolen (*Respect, Responsibility*)
- 2.08 Offensive touching** of another student with sexual connotations, such as patting, pinching, or brushing against another’s body (*Respect, Caring*)
- 2.09 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*)
- 2.10 False accusation of sexual harassment** or any other offense. (*Responsibility*)
- 2.11 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*)
- 2.12 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*)
- 2.13 Directing obscene or profane language** to another student or school board employee (*Respect, Citizenship*)
- 2.14 Leaving school grounds without permission** - PARENT SHOULD BE NOTIFIED AND CONTACT SHOULD BE DOCUMENTED. (*Citizenship, Responsibility*)
- 2.15 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*)
- 2.16 Gambling**-any participation in games of chance including playing cards or dice games for money and/or other things of value (*Respect, Responsibility, Citizenship*)
- 2.17 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. Refer to Appendix VI.
- 2.18 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*)
- 2.19 Failure to serve school-based discipline assignment** such as detention, Saturday school, etc.
- 2.20 Excessive or repeated Class I offenses** (*Responsibility*)\*
- 2.21 ANY OTHER VIOLATION** that the school administrator (or designee) may reasonably deem to fall within this category. (*Responsibility, Citizenship*)

**IF THE STUDENT HAS A DISABILITY, THE SUSPENSION MUST BE SCANNED AND EMAILED TO THE CASE MANAGER OF THE STUDENT. THE CASE MANAGER MUST BE NOTIFIED OF SUSPENSION.**

If a student commits a Class II offense, the IEP Team must:

- Schedule an IEP meeting to complete the Special Education Checklist for Class I and Class II Offenses form to review/revise as needed
- Develop/Review/Revise Behavior Intervention Plan (BIP) as appropriate during the IEP meeting
- Initiate a referral to BCS Special Education Behavior Specialist for assistance (MTSS)
- Document at least two (2) revisions of the IEP to include previous interventions

**\*\*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 the following interventions have been made:**

- All Class I and II suspensions and resultant student/parent conferences have been documented
- The student has been seen by the school counselor
- The student has been seen by the network's Prevention Specialist
- The school has implemented a viable PBIS program
- A Behavior Intervention Plan has been developed and documented for the student
- At least two documented revisions of a PST (MTSS) plan, 504, IEP or an accumulation of more than (3) Class II offenses with documented interventions have been put in place

**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.**

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**DISCIPLINARY RESPONSES FOR CLASS II VIOLATIONS**

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**GRADES K-12**

Consequences for inappropriate conduct may include, but are not limited to, the following and should be matched to severity of infraction:

<b>Interventions</b>	<b>Consequences*</b>
All interventions from classroom managed and Class I offenses.	All consequences from classroom managed and Class I offenses.
Referral to Outside Agency	Restitution
Functional Behavior Assessment Completed and Behavior Intervention Plan Completed	Long term In School Suspension (no more than 10 days per infraction, unless approved by Instructional Superintendent and written into the behavior plan)
Referral to Prevention Specialist	Out of School Suspension (no more than 5 days)
	Warning of Referral to Class III

Whenever possible interventions and consequences that do not exclude the student from his/her regular educational schedule should be attempted first.

## CLASS III CRIMINAL OR MAJOR OFFENSES

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(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 Principal (or designee), in consultation with the Instructional Superintendent, must 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 but not limited to over the counter and prescription medications, amphetamines, marijuana, cocaine, fentanyl, mind altering drugs or substances, synthetic narcotics, edibles such as gummies, baked goods and candies. *(Responsibility, Citizenship)*

*Notification of Law Enforcement - The appropriate law enforcement authority, which may include the city police, county sheriff, and local district attorney, will be notified by the principal of violations of this policy.*

**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 that results in personal injury. – *(Respect, 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:** Principal (or Designees), in consultation with the Instructional Superintendent, must thoroughly investigate the allegation, and if there is credible evidence that an assault occurred, he/she must complete a physical assault report and submit to police.

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

**NOTE:** Principal (or Designees), in consultation with the Instructional Superintendent, must thoroughly investigate the allegation, and if there is credible evidence that an assault occurred, he/she must complete an aggravated assault report and submit to police. 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)*

**NOTE: Principal (or Designees), in consultation with the Instructional Superintendent, must complete a property damage report and submit to the Instructional Superintendent.**

**(Ala. Code §16-5-380)** The parents, guardian, or other person having control of any minor under the age of 18 with whom the minor is living and who have custody of the minor shall be liable for the actual damages sustained to school property, plus the court costs, caused by intentional, willful, or malicious act of the minor.

**3.09 POSSESSION OF FIREARMS (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)*

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

**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 and intervention plan **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)*

- a) Inciting a major student disorder – Leading, encouraging or promoting a major disorder through:
  - Words or actions;
  - Videoing 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 MISUSE OR ABUSE OF A CELL PHONE AND/OR ELECTRONIC DEVICES DURING SCHOOL HOURS THAT HAS THE POTENTIAL TO CAUSE GREAT HARM TO PERSON OR PROPERTY OR SERIOUSLY DISRUPT THE EDUCATIONAL PROCESS.** - This includes school bus transportation *(Responsibility)*

This violation includes, but is not limited to the following:

- Illegal purposes;
- Cyber-bullying;

- Taking pictures/videos of students and school employees;
- Placing pictures/videos on computer websites without authorization; and
- Sexting; pornography

**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 consequences 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
- 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 must file an incident report.

**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 may require written documentation of a previous Class II suspension and intervention plan, and/or coupled with compelling evidence.

**3.22 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.

**3.23 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.

**3.24 ANY OTHER CRIMINAL OFFENSE THAT THE PRINCIPAL (OR DESIGNEE), IN CONSULTATION WITH THE INSTRUCTIONAL SUPERINTENDENT, MAY REASONABLY DEEM TO CAUSE GREAT HARM TO PERSON OR PROPERTY OR SERIOUSLY DISRUPT THE EDUCATIONAL PROCESS.** (*Responsibility*)

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## DISCIPLINARY RESPONSES FOR CLASS III VIOLATIONS

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### GRADES K-12

The disciplinary response for the commission of a Class III offense may be removal from school or an assignment to an alternative location. Please note that if a student is assigned to an alternative location, the parent may be responsible for transportation to and from that location. The removal from his zoned school may include the remainder of the school year and/or the next school year (not to exceed 180 days). 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** 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.

#### ALTERNATIVE SCHOOL ASSIGNMENT:

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. All grades earned at the alternative school should be transferred to the student's zoned school upon re-admittance. 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):** Consequences for a Class III offenses MAY include, but are not limited to the following, and should be matched to the severity of the infraction:

- 1<sup>st</sup> OFFENSE: 45 days
- 2<sup>nd</sup> OFFENSE: 90 days
- 3<sup>rd</sup> OFFENSE: 180 days

MAY EXTEND IF STUDENT IS NONCOMPLIANT

The student **MUST** serve the days assigned. If a student is absent or suspended, those days will not count towards the days served.

A student *MAY* serve a total time of up to one (or the remaining of a) full academic year.

If a transfer 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.

**Special Education Procedures for Class III Criminal/Major Offenses:**

If a student with a disability (IEP or 504) commits a class III offense, a manifestation determination MUST be conducted (this also applies to students who have received more than 10 days of consecutive/cumulative class II suspensions.)

**Who conducts the manifestation review?**

The Manifestation Determination IEP (504) Team must consist of the district representative, school LEA, the parent, and relevant members of the IEP (504) Team.

**What information/data must be reviewed by the team?**

- Copy of the IEP (504), including the FBA/BIP if applicable
- Eligibility Report
- Attendance Report
- Parent Special Education Rights Under IDEA (504)
- Blank IEP (504) Signature Page
- Discipline write-ups
- All supporting data, i.e. medical, behavior logs, data sheets, etc.
- Notice of Proposal or Refusal to Take Action

**If patterns exist of documented incidents of misbehavior in relation to the student via discipline records and/or IEP (504) documents, the educational team must address the needs of the student through an IEP (504) meeting. If this has not been done, then the team must consider the incident a “manifestation of the student’s disability”.**

When the IEP (504) Team determines that the behavior **IS NOT** a manifestation of the student’s disability, the following questions must be considered:

- a. Was the conduct in question caused by or does it have a direct and substantial relationship to the student’s disability?  
YES ( ) NO ( )
- b. Was the conduct in question a direct result of the LEA’s failure to implement the IEP (504)?  
YES ( ) NO ( )

**What happens if the manifestation review determines that the student’s misbehavior IS a manifestation of their disability?**

The IEP (504) 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;
- 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 IS 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 student, identified under IDEA, 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 205-231-4600.**

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**PROCEDURES FOR SHORT TERM SUSPENSIONS**

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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. If the student has been suspended for more than five days (cumulatively or consecutively), a written behavior intervention plan should be put in place to prevent further suspensions.

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**PROCEDURES FOR STUDENTS RETURNING FROM A LONG TERM JUVENILE DETENTION CENTER/FACILITY**

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**To prevent at-risk youth from dropping out of school, as well as, to provide dropouts and children and youth returning from correctional facilities or institutions for neglected or delinquent children and youth with a support system to ensure their continued education, the following procedures should be implemented:**

Upon release, schools are required to enroll students released from correctional/detention facilities immediately, provided he/she has the required registration documentation and has been cleared by the hearing office.

Upon returning to school, the PST Team (if the student is a regular education student), IEP Team (if the student has a current IEP in place) or the 504 Team (if the student has a current 504 in place) must convene to develop a transition plan for the student, which may include a threat assessment or safety plan. A prevention specialist or mental health counselor and the Principal or certified designee must be present at each of the meetings.

\*\*\* The PST meeting must not delay student enrollment; however, the PST meeting should be held as soon as reasonably possible.

If a person is found to have violated the local board of education policies concerning drugs, alcohol, weapons, physical harm to a person, or threatened physical harm to a person, the person may not be readmitted to the public schools until any criminal charges or offenses arising from the conduct have been disposed of by appropriate authorities and the student has been re-instated by the Hearing Officer.

## PROCEDURES FOR FORMAL DUE PROCESS HEARINGS

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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 scanned and emailed to the Hearing Department within 48 hours of the incident. If the school has not received notice of the hearing within three days of submission, the administrator may contact the hearing officer. Hearing Officers will not be allowed to accept a Class III suspension if they are not notified within this time period. Upon receipt of the suspension notice, the hearing officer shall comply with the following procedures in scheduling and conducting a hearing:

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 within 48 hours of receipt of the Class III suspension. 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 COMPLIANCE WITH THE BCS DRESS CODE 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 Hearing Department 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.

## **PROCEDURE FOR APPEAL OF HEARING DECISION**

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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 Hearing Department 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

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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 discreetly 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**

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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.

## **MANDATORY REPORTING OF SUSPECTED CHILD ABUSE OR NEGLECT (CODE OF ALA. § 26-14-3(F))**

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According to Alabama laws, all ... nurses, school teachers and officials, peace officers, law enforcement officials, social workers, day care workers or employees, mental health professionals, as defined in Rule 505 of the Alabama Rules of Evidence, or any other person called upon to render aid or medical assistance to any child shall report or cause to report incidents where a child below the age of 18 is known or suspected to be a victim of child abuse or neglect.

## APPENDIX I: SPECIAL EDUCATION

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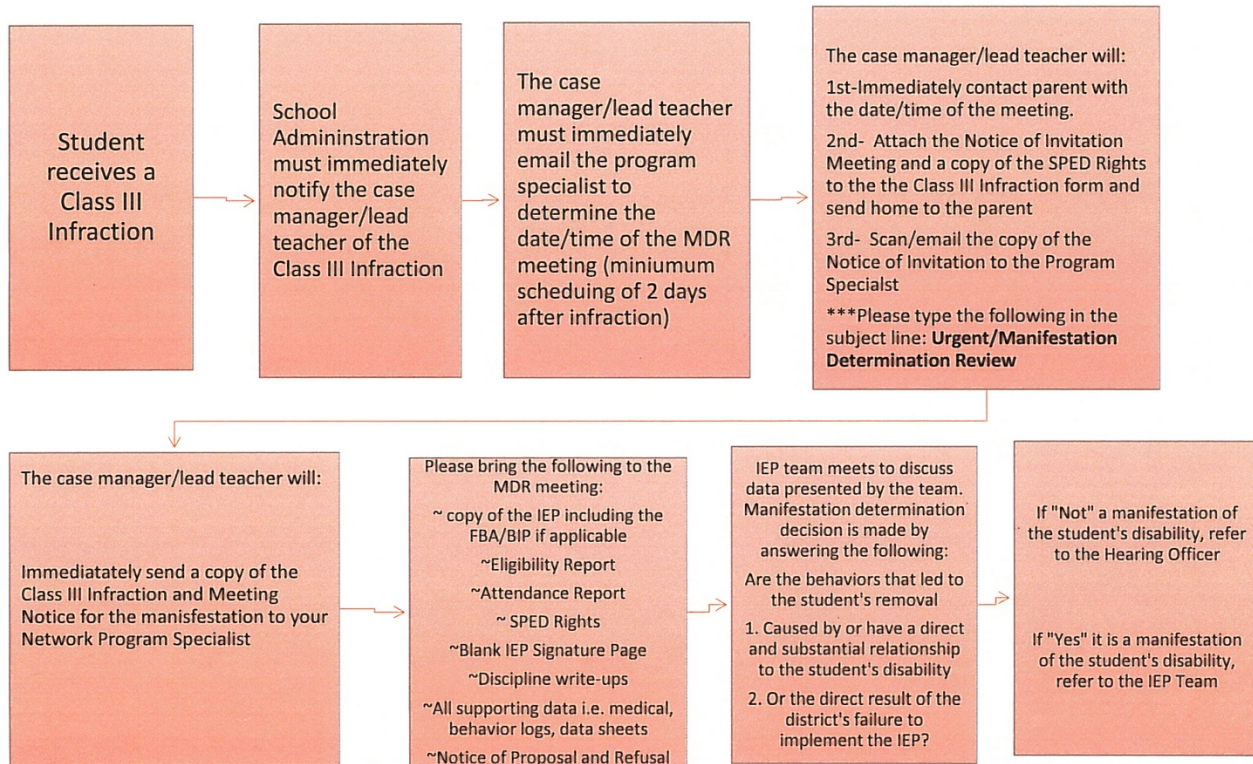
Any student who has been identified as being eligible or is suspected of having a disability under the Individuals with Disabilities Education Act 2004 is subject to the provisions of the Code of Conduct and may be suspended or expelled. **However, disciplinary decisions affecting disabled students shall 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 cumulative or consecutive school days** (to the extent those alternatives are applied to children without disabilities). and for additional removals of not more than ten consecutive/cumulative 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 2 school days after 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.

## Manifestation Determination Review (MDR)



Monday, January 7, 2019

## 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 205-231-4633.

### **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

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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)

504 Child Find is designed to: identify, refer and evaluate individuals who are in need of minimal accommodations for critical life skills due to physical or mental impairments that substantially limit major life activity.

#### Disciplinary Procedures for Student under a Section 504 Plan

Students who receive 504 services must adhere to the district's Code of Student Conduct and **may not** be subjected to a disciplinary action for more than 10 (consecutive/cumulative) 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 (cumulative/consecutive for the year) **DO NOT** require the 504 *Manifestation Determination/Evaluation*. However, a review of the 504 Plan may be needed.

### **Section 504 Complaint Procedure**

When a parent/guardian or student disagrees with the Section 504 Team's decisions regarding their child's identification, evaluation, educational program, or placement, they have the right to challenge the decisions by filing a grievance, requesting a mediation meeting, or requesting an impartial due process hearing. A parent/guardian or student who is disabled may also file a civil rights complaint with the Office for Civil Rights (OCR) if they believe they are being retaliated against because of their efforts to obtain an appropriate education for the student. In the event the parent/guardian and student Section 504 complaint is found credible, the District will take steps to prevent recurrence of any discrimination and to correct discriminatory effects on the complainant and others, if appropriate.

For more specific information concerning Section 504 and its provisions contact your local school or Maria Lyas, 504 Coordinator of Birmingham City Schools, 2015 Park Place North, Birmingham, AL 35203; Telephone: 205-231-9874; Email address: myoung2@bhm.k12.al.us.

## APPENDIX III: SECLUSION AND RESTRAINT FOR ALL STUDENTS

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### Alabama Administrative Code §290-3-1-.02(1)(f)

The Birmingham City School District supports a positive approach to behavior that uses proactive strategies to create a safe school climate that promotes dignity, creates authentic student engagement, increases instructional time, and improves student achievement for all students. Unfortunately, students sometime display behaviors which place them or other students in immediate danger. School programs must implement proactive strategies and interventions to reduce the likelihood of these incidents and must have clearly identified responses to address them when they occur.

In December 2011, the Alabama State Board of Education adopted Rule 290-3-1.02(1)(f) regarding the use of seclusion and restraint for all students and the Birmingham City School Board has adopted a policy consistent with this Rule. The Rule prohibits the use of seclusion as defined herein and limits the use of physical restraint to those situations in which students are in immediate danger to themselves or others.

Definitions from Alabama Administrative Code:

**Chemical Restraint is prohibited in Birmingham City Schools and educational programs.** It is defined as any medication that is used to control violent physical behavior or restrict the student's freedom of movement that is not a prescribed treatment for the student.

**Physical Restraint is** direct physical contact from an adult that prevents or significantly restricts a student's movement. The term physical restraint does not include mechanical restraint or chemical restraint. School employees may provide limited physical contact and/or redirection to promote student safety or prevent self-injurious behavior, provide physical guidance or prompting when teaching a skill, redirect attention, provide guidance to a location, provide comfort, or provide limited physical contact as reasonably needed to prevent imminent destruction to school or another person's property. **Physical Restraint that restricts the flow of air to the student's lungs, including any method (face-down, face-up, or on your side) of physical restraint in which physical pressure is applied to the student's body that restricts the flow of air into the student's lungs, is prohibited in Birmingham City Schools and educational programs.**

**Mechanical Restraint is prohibited in Birmingham City Schools and educational programs.** It is defined as the use of any device or material attached to or adjacent to a student's body that is intended to restrict the normal freedom of movement and which cannot be easily removed by the student, is prohibited. School employees may use adaptive or protective devices when recommended by a physician or therapist to promote normative body positioning, physical functioning, and/or to prevent self-injurious behavior. Seat belts and other safety equipment can be used to secure students during transportation.

**Seclusion is prohibited in Birmingham City Schools and educational programs.** It is defined as a procedure that isolates and confines the student in a separate, locked area until he or she is no longer an immediate danger to himself/herself or others, is prohibited. The seclusion occurs in a specifically constructed or designated room or space that is physically isolated from common areas and from which the student is physically prevented from leaving. Seclusion does not include situations in which a staff member trained in the use of de-escalation techniques or restraint is physically present in the same unlocked room as the student, time-out as defined below, in-school suspension, detention, or a student-requested break in a different location in the room or in a separate room.

**Time-Out** refers to a behavioral intervention in which the student is temporarily removed from the learning activity. Time-out is appropriately used when:

- (1) The non-locking setting used for time-out is appropriately lighted, ventilated, and heated or cooled;
- (2) The duration of the time-out is reasonable in light of the purpose of the time-out and the age of the student, but should not exceed 45 minutes per time-out;
- (3) The student is reasonably monitored and in line of sight by an attending adult; and
- (4) The time-out space is free of objects that unreasonably expose the student or others to harm.

### **Requirements of the Seclusion and Restraint Rule:**

The use of physical restraint is prohibited in Alabama public schools and educational programs **except** in those situations in which the student is an immediate danger to himself or others and the student is not responsive to less intensive behavioral interventions including verbal directives or other de-escalation techniques. Notwithstanding the foregoing, physical restraint is prohibited in Alabama public schools and educational programs when used as a form of discipline or punishment or as a means to obtain compliance. All physical restraint must be immediately terminated when the student is no longer an immediate danger to himself or others or if the student is observed to be in severe distress.

### **Procedures Regarding Restraint:**

The following procedures will apply to the use of restraint in Birmingham City Schools' schools and education programs:

#### **Staff Training Procedures**

##### **Selecting Staff for Training**

All school staff that reasonably would be expected to be involved in an incident of physical restraint of a student will participate in training provided by the District on the "MANDT" system of preventing, de-escalating, and if necessary, intervening when the behavior of an individual poses a threat of harm to themselves or others. The District's Executive Director of Student Services/designee will be responsible for designating the staff to be trained in the MANDT system. In addition, training will be provided on the proper use of physical restraint, should it be necessary, to prevent harm to a student or others.

##### **Documentation of Training**

All school staff who are trained in the "MANDT" program will be required to sign in by using the sign-in sheet provided at the training by the District's Director of Social/Emotional Learning/designee. A list of all participants in each training session will be maintained by the Director of Social Emotion Learning and all records related to the training will be made available to the Alabama Department of Education or any member of the public upon request.

##### **Reporting and Documenting Incidents of Physical Restraint**

In the rare instance that the use of physical restraint is deemed necessary, the District will follow the following reporting and documentation requirements related to each incident of physical restraint:

##### **Written parental notification**

No later than one (1) school day after the incident of physical restraint occurs, the parent(s)/ guardian(s) of the student must be notified, in writing, of the incident. The form to be used for parental notification can be found as Appendix IV hereto. Sending of the written notice will be documented on form "School's Documentation of Required Action Taken After Incident of Physical Restraint," Appendix V, and a copy of the written notice will be sent to the District's Director of Social Emotional Learning. If the student involved is not a special education student, the Director of Social Emotional Learning will advise the appropriate district-level administrator of the incident.

No later than one ( 1) school day after the incident of physical restraint occurs, the staff person(s) involved in the incident will complete an Incident Report, Appendix VI hereto. The Incident Report will be provided to and reviewed by the School Principal/designee and a copy will be sent to the District's Director of Social Emotional Learning. Completion of these tasks must also be documented on the appropriate form, Appendix V no later than five (5) school days after the incident of physical restraint occurred, the Principal/designee will convene all staff who participated in or supervised the restraint. This session will be for the purpose of debriefing and for developing preventative strategies to reduce reoccurrence of the behaviors that led to the need to use restraint. The Director of Social Emotional Learning will create monthly summary reports of the incidents of physical restraint and ensure that those are used for the preparation and submission of required annual reports to the School Board and to the Alabama Department of Education. These reports will also be reviewed periodically to assess the need for additional training, consultation with behavioral experts, revision of services for students, etc.

## APPENDIX IV: WRITTEN NOTIFICATION OF INCIDENT OF PHYSICAL RESTRAINT

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(to be provided to parent/guardian no later than **one school day** after the incident)

Today's Date: \_\_\_\_\_

Date of Incident: \_\_\_\_\_

Dear Parent(s) or Guardian(s) of \_\_\_\_\_ (student's name)

As required by Alabama rules, this is to notify you that physical restraint was used with your child at school on \_\_\_\_\_ at \_\_\_\_\_ (date/time). Additional attempts to contact you by phone or email have also been made so that we can arrange a meeting to discuss the incident.

If you have any questions, please do not hesitate to contact your child's school.

Sincerely,

Principal/Designee

cc: Director of Social Emotional Learning, Birmingham City Schools

## APPENDIX V: SCHOOL'S DOCUMENTATION OF REQUIRED ACTION TAKEN AFTER INCIDENT OF PHYSICAL RESTRAINT

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All items to be completed for each incident of physical restraint

Name of Student: \_\_\_\_\_

Date of Restraint: \_\_\_\_\_

(Check items as they are completed and fill in additional information as required):

\_\_\_\_\_ Written Notification of Incident to Parent/Guardian Within One School Day of Incident:

\_\_\_\_\_ Incident Report Completed Within One School Day of Incident:

\_\_\_\_\_ Date Incident Report Completed: \_\_\_\_\_

\_\_\_\_\_ Incident Report reviewed by School Principal/Designee

\_\_\_\_\_ Incident Report placed in school file

\_\_\_\_\_ Copy of Incident Report provided to the Director of Social Emotional Learning

Debriefing Session Convened by School Principal/Designee with all Staff Involved in Incident **Within Five School Days of Incident:**

\_\_\_\_\_ Date debriefing session held: \_\_\_\_\_

When completed, send copy of this Document to the District's Director of Social Emotional Learning.

Date Sent: \_\_\_\_\_

## APPENDIX VI: INCIDENT REPORT OF USE OF PHYSICAL RESTRAINT

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Name of Student: \_\_\_\_\_

Date of Restraint: \_\_\_\_\_ Date of Report: \_\_\_\_\_

Student's: Ethnicity: \_\_\_\_\_ Gender: \_\_\_\_\_ Disability: \_\_\_\_\_

(Check items as they are completed and **fill** in additional information as required):

Location where Restraint Occurred: \_\_\_\_\_

Precipitating behavior or antecedent:

\_\_\_\_\_  
\_\_\_\_\_

De-escalation efforts made prior to need for restraint:

\_\_\_\_\_  
\_\_\_\_\_

Type of restraint used: \_\_\_\_\_

Description of student's behavior and physical status during the restraint:

\_\_\_\_\_  
\_\_\_\_\_

Any injuries to the student or staff related to the restraint:

\_\_\_\_\_  
\_\_\_\_\_

Total time student was restrained: \_\_\_\_\_

Name/position of staff involved/observing the restraint and signatures:

Name: \_\_\_\_\_ Position: \_\_\_\_\_

Name: \_\_\_\_\_ Position: \_\_\_\_\_

Name: \_\_\_\_\_ Position: \_\_\_\_\_

**Provide completed Report to School Principal/designee for review and maintenance in school file.**

**Principal will provide copy to the District's Director of Social Emotional Learning.**

## APPENDIX VII: THREAT ASSESSMENT PROTOCOL

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The purpose of this protocol is to establish a procedure for members of the Birmingham City School System and community to work together to recognize and assess threats of violence in a school setting and, if possible, to prevent acts of violence from occurring. The protocol is intended to help school administrators and law enforcement officials identify credible threats of violence, establish procedures for addressing them, and develop guidelines for follow-up once a threat has occurred.

**Threatened Act of Violence:** Any threat or action that suggests the possibility that serious physical injury or death may be caused to another.

**Procedure:** The following procedure is separated into several sections to highlight the responsibilities of different members of the school community.

1. Any student, parent or guardian, or school staff member, upon receiving information that a person is threatening to commit an act of violence, shall:
  - Assume the threat is serious;
  - Immediately report the threat to a school administrator or law enforcement officer;
  - Take measures to preserve the evidence;
  - Be available and cooperative in providing a statement of information, with the understanding that the information source will remain anonymous to the greatest extent possible.
2. Any school administrator, upon receiving information that a person is threatening to commit an act of violence, shall:
  - Assume the threat is serious
  - Arrange for threat assessment interviews to be conducted
3. The SRO/police officer, upon receiving information that a person is threatening to commit an act of violence or upon notification from a school administrator that a threat to commit an act of violence has occurred, shall:
  - Assume the threat is serious;
  - Immediately notify a school administrator and provide complete information;
  - Work with the school administrator to make arrangements for the threat assessment interviews to be completed.

**Threat Assessment Interviews:** The primary purpose of the interviews are to engage in an assessment of the available information in an attempt to determine the veracity of the threat in order to decide what level of follow-up action is needed and appropriate.

1. The school administrator will make arrangements for the threat assessment interview to be conducted at the time of the threat or as closely to the time of the threat as possible.
2. Administrators will work with law enforcement personnel to determine an appropriate time to conduct the assessment if law enforcement determines there is need/cause for immediate removal of the student from the school campus.
3. Once the assessment is complete, the SRO/police officer and school administrator shall convene privately to discuss the threat and consider options for further assessment and follow-up action. If the result of the threat assessment indicates that the threat is credible, school administrators will follow standard procedures regarding disciplinary actions for the student, notification of the parent, etc. Birmingham City Schools will cooperate with law enforcement and diligently seek criminal prosecution for any incident involving threats of violence.

4. If the result of the threat assessment indicates that the threat is not credible, the school administrator will determine if any further action is necessary and contact the parents/guardians of the students involved in the incident.

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## APPENDIX VIII: ATTENDANCE POLICY

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Regular attendance is essential for a student's successful academic progress. The right to attend school and arrive on time is the responsibility of both the student and the parent (in the case of children under seventeen years of age).

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.

### **Excused Absences**

Absences may be excused for the following reasons:

- personal 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 upon request of the parent or legal guardian of the child.

### **Written Excuses:**

A written excuse from the parent/guardian explaining the absence or a doctor's note stating the reason for the absence must be provided to the school ***within three (3) days*** of the student's return to school to be counted as an excused absence. The written statement must include:

1. The date(s) of absence
2. The reason for absence
3. The parent's signature

A written excuse 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.

### **Unexcused Absences:**

Any absence that does not fall under the category of Excused Absence is recorded as an Unexcused Absence. Any student with seven (7) unexcused absences during the school year may be referred to Early Warning Court.

### **What to Expect for Excessive Unexcused Absences:**

- 3<sup>rd</sup> unexcused absence: warning letter from school
- 5<sup>th</sup> unexcused absence: parent conference with school officials
- 6<sup>th</sup> unexcused absence: parent meeting with district attendance staff
- 7<sup>th</sup> unexcused absence: parent and/or student may be referred to Early Warning Truancy Program
- 10<sup>th</sup> unexcused absence: petition may be filed in Jefferson County Family Court against parent or student for truancy or educational neglect

### **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 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.

### **Absence Due to Chronic Ailment:**

Parents or guardians of any student having a chronic ailment that may cause the student to miss school are required to provide the school with a clinical or doctor's statement verifying the child's condition. The clinical or doctor's statement must be provided when a student enrolls or at the time of diagnosis (if already enrolled). An updated doctor's statement should be provided at the beginning of each school year. The written statement must include:

1. The nature of the child's illness
2. A statement from the doctor 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.

A written excuse from the parent/guardian must be submitted to the school for each absence explaining the reason for absence is due to the chronic ailment.

In cases of prolonged absences due to illness, the parent or guardian should seek assistance from the Homebound Program.

### **Absence Due to Extreme Emergency:**

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.

### **Loss of Credit and Appeal:**

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 Director of Student Success, 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 Chief Academic and Accountability 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.
- School Attendance Designee, Grade Level Counselor, and Assistant Principal must conduct an exit interview where the student and student's parents or legal guardian meet with designated school staff and are advised of the negative effects of withdrawal such as unemployment, decreased future earning potential, driver license revocation.
- The student and parent or legal guardian also be provided with GED information and discuss other classes or opportunities available to the student.
- The completed exit interview should be placed in the student's cumulative file. The Director of Student Success working in cooperation with the Special Education Department and Executive Director of Student Support Services must approve all withdrawals for special education students.

### **Education Thrives When You Keep It Under Five Days Absent**

#### **Consequences of Missing School**

- Drop-out—Students who are chronically absent typically fall behind in grade level and drop out of school.
- Negative Behaviors—Students who are chronically absent are at-risk for other behaviors, such as alcohol and drug abuse, teenage pregnancy, and violence.
- Low Academic Performance—Students who are chronically absent usually receive lower grades and perform poorly on standardized tests.

#### **Chronic Absenteeism**

As defined by the Alabama State Department of Education, chronically absent students are those students who miss 15 or more days of school for any reason- including excused or unexcused absences. According to the OCR, an absent student is one who misses 50 percent of the instructional day for any reason and regardless of whether the absence is excused or unexcused. In other words, students who are absent for any reason - including suspension, illness, and death in the family - AND miss 15 or more days of the school year will be considered chronically absent.

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**Interview Participants:**

Name: _____	Position: _____	Signature: _____
Name: _____	Position: _____	Signature: _____
Name: _____	Position: _____	Signature: _____
Name: _____	Position: _____	Signature: _____

For a student who failed to return to school or did not officially withdraw, describe attempts to contact the student and his/her parent or guardian (Must present artifacts):

Principal	Name	Signature	Date
-----------	------	-----------	------

**I acknowledge that an exit interview was conducted and the student and the student's parent or legal guardian have been advised that withdrawal from school shall likely reduce the student's future earning potential and increase the student's likelihood of being unemployed in the future.**

Principal	Name	Signature	Date
-----------	------	-----------	------

Other School Official	Name	Signature	Date
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\*\*\*Once complete, schools must place in cumulative file and code student as withdrawn and reason for dropout.

If a parent would like to appeal the decision to be withdrawn, please contact the Director of Student Success at 205-231-9853

## **APPENDIX X: K-12 DRESS CODE POLICY**

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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. 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, Capri pants and walking shorts. Holes in all clothing items must fall below the tips of the fingers when arms are fully extended to the sides.

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

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

boots with chains, steel toes, metal reinforcement decorations, 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 unless used for health reasons

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 noncompliance.

## **APPENDIX XI: ELECTRONIC DEVICE POLICY**

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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, 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, Airpods, 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 unless authorized by the teacher for academic instruction.
2. If cell phones are visible and/or audible during the administering of tests, the test(s) may be deemed invalid.
3. 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.
4. 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.
5. 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.
6. 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 personal electronic device or its unauthorized use.

## **APPENDIX XII: SCHOOL BUS CONDUCT AND SAFETY REGULATIONS**

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BCS students are afforded the privilege of bus transportation to and from their home schools daily. Appropriate behavior by students is essential to maintaining safe transportation. Students are expected to behave in a manner, similar to that of a classroom environment. Inappropriate conduct on the school bus may result in a bus conduct referral. Continued violation of school bus rules may result in permanent removal from the school bus.

- Observe appropriate school bus conduct
- Be courteous and use appropriate language
- Comply with reasonable directives of BCS staff, including sitting in assigned seats
- Do not eat or drink, except for water
- Do not use tobacco products, smoke, or use electronic cigarettes
- Do not damage or tamper with bus or bus equipment
- Do not bring weapons on the bus
- Keep the bus clean
- Keep all body parts and objects inside the bus
- Always remain seated
- There shall be no physical contact with another person
- Do not bring pets on the bus
- Do not bring flammable and/or hazardous materials on the bus
- Do not touch/open emergency exits or hatches except in the case of an emergency

**Note:** Students on school buses may be under video surveillance.

School bus pick up, transport, and drop-off are all considered part of the school day. BCS Code of Conduct is applicable to all components of school bus transport. The BCS Electronic Device Policy is to be followed during these times.

### **Transportation Infractions**

If a student is not properly observing bus rider safety regulations, the Campus Principal/Director of Transportation (subject to the degree of the offense) may initiate the following steps:

**1st Notice** – Parents receive a call alerting them of the infraction and notifying them that this is the first offense; a phone conference or face-to-face conference is mandatory. The student is warned and given this form to take home for signature and to return the next school day.

**2nd Notice** – Parent/ Student Conference with campus administrator; student subject to (3-5) days suspension of bus privileges. A phone conference or face-to-face conference is mandatory. Parent must contact the school office within (1) school day of when the notice was issued.

**3rd Notice** - Student is subject to a maximum of (10) school days suspension of bus privileges. Student is provided with a written notice; parents are contacted directly via telephone. Notice of bus suspension is mailed to the parents.

**4th Notice** – Student is denied riding privileges for the remainder of the semester, the remainder of the school year, or indefinitely. Parents and students are provided with written notice.

## **APPENDIX XIII: JAMARI TERRELL WILLIAMS STUDENT BULLYING PREVENTION POLICY**

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### **Section 1: Bullying, Intimidation, Violence, and Threats of Violence Prohibited.**

No student shall engage in nor should any be subjected to bullying, violence, threats of violence or intimidation by any other student that is based on any of the specific characteristics set forth in this policy. Students who violate this policy will be subject to appropriate disciplinary sanctions as specified in the Student Code of Conduct, subject to the investigating school administrator's authority and decision.

### **Section 2: Definitions**

In this policy, these terms shall have the following meanings:

- (a) "Bullying" means a continuous pattern of intentional behavior (or a single incident which is particularly egregious) that takes place on or off of school property, on a school bus, or at a school-sponsored function including, but not limited to, cyberbullying or written, electronic, verbal, or physical actions that are reasonably perceived as being motivated by any characteristic of a student, or by the association of a student with an individual who has a particular characteristic, if the characteristic falls into one of the categories of personal characteristics contained in this policy. To constitute bullying, a pattern of behavior may include any of the following:
  - Place a student in reasonable fear of harm to his or her person or damage to his or her property.
  - Have the effect of substantially interfering with the educational performance, opportunities, or benefits of a student.
  - Have the effect of substantially disrupting or interfering with the orderly operation of the school.
  - Have the effect of creating a hostile environment in the school, on school property, on a school bus, or at a school-sponsored function.
  - Have the effect of being sufficiently severe, persistent, or pervasive enough to create an intimidating, threatening, or abusive educational environment for a student.
- (b) When harassing conduct is sufficiently severe, persistent, or pervasive that it creates a hostile environment, it can violate a student's rights. A hostile environment may exist even if there are no tangible effects on the student where the harassment is serious enough to adversely affect the student's ability to participate in or benefit from the educational program.
- (c) "Violence" means the unjustified infliction of physical force by a student with the intent to cause injury to another student or damage to the property of another student.
- (d) "Threat" means a statement of an intention to inflict pain, injury, damage, or other hostile action to cause fear of harm. The intention may be communicated through an electronic, written, verbal, or physical act to cause fear, mental distress, or

interference in the school environment. The intention may be expressly stated or implied and the person communicating the threat has the ability to carry out the threat.

- (e) "Threat of violence" means an unjustified expression of intention to inflict injury or damage that is made by a student and directed to another student.
- (f) "Intimidation" means an unjustified threat or other action that is intended to cause fear or apprehension in a student.
- (g) "Student" as used in this policy means a person who is enrolled in Birmingham City Schools.

### Section 3: Description of Behavior Expected of Students

- (a) Students are expected to treat other students with courtesy, respect, and dignity and comply with the Code of Student Conduct. Students are expected and required (1) to comply with the requirements of law, policy, regulation, and rules prohibiting bullying, violence, or intimidation; (2) to refrain from inflicting or threatening to inflict violence, injury, or damage to the person or property of another student, and (3) to refrain from placing another student in fear of being subjected to violence, injury, or damage when such actions or threats are reasonably perceived as being motivated by any personal characteristic of the student that is identified in this policy.
- (b) Bullying, intimidation, violence, or threats of violence are prohibited and will be subject to appropriate disciplinary consequences and/or sanctions if the perpetrator of such action is found to have based the prohibited action on one or more of the following personal characteristics of the student:
  - ☐ Race
  - ☐ Sex
  - ☐ Religion
  - ☐ National origin
  - ☐ Disability

### Section 4: Consequences for Violations

A series of graduated consequences for any violation of this policy will be those outlined in the Code of Student Conduct or any rule or standard adopted under authority of this policy. Punishment shall conform with applicable federal and state disability antidiscrimination and educational laws. An anonymous report may not be the basis for imposing formal disciplinary actions against a student, unless said anonymous report is found to be credible.

### Section 5: Reporting, Investigation, and Complaint Resolution Procedures

- (a) Any student, or parent or guardian of the student, who is the object of or witness to bullying, harassment, intimidation, violence, threat of violence, or threat of suicide may file a complaint outlining the details of the harassment. Complaints alleging violations of this policy may be made on the Board approved complaint form (Appendix XIV) available in the handbook, on the website, or at the school's office. The complaint must be delivered to the principal or the principal's designee by mail or personal delivery. Incidental or

minor violations of the policy may be presented and resolved informally. It is not the sole responsibility of the affected student or the parent or guardian of the affected student, to report incidences of harassment or other violations of this policy, but rather District staff who are made aware of such incidents shall report said matters as well.

- (b) The complaint form developed to report violations of this policy includes a provision for reporting a threat of suicide by a student. If a threat of suicide is reported, the principal or the principal's designee is authorized to inform the student's parent or guardian of the report unless at the discretion of the school principal or the principal's designee the apparent cause of the threat of suicide is child abuse or other significant harm from a parent or guardian.
- (c) Within 15 working days of the complaint being submitted, the principal or designee will conduct an impartial investigation thereby affording full due process to the complainant, this process shall include but is not limited to, meeting separately with each student and/or employee involved in the situation, as well as any witnesses that may have knowledge of the matters alleged. During the process, the complainant shall have the right to present witnesses and any other evidence related to the complaint.
- (d) As a part of this investigation, the principal or designee will conference with the victim and parent/guardian to discuss safety and community resources.
- (e) Additionally, the principal or designee will conference with the alleged perpetrator (and the parent/guardian of the alleged perpetrator if he/she is a student) to discuss appropriate behaviors and consequences. With the prior consent of the victim, the principal may issue a School-Based Stay-Away Agreement to the alleged perpetrator during the parent/guardian conference.
- (f) The investigation shall be completed within 15 working days and after reviewing all of the evidence presented, the principal (or designee) shall make a determination regarding the merits of the alleged bullying, harassment, etc. The investigation will entail the gathering of relevant facts and evidence taking into account the circumstances of the complaint. If the investigation establishes a violation, appropriate disciplinary sanctions may be imposed on the offending student(s). Other measures that are reasonably calculated to prevent a recurrence of the violations(s) may also be imposed by the principal or the school system.
- (g) All parties shall be provided with the written decision/findings of the principal within 15 working days after the complaint was filed.
- (h) Acts of reprisal or retaliation against any student who has reported a violation of this policy or sought relief provided by this policy are prohibited, and are themselves a violation of this policy. Any confirmed acts of reprisal or retaliation may be subject to disciplinary sanctions that may include any sanction, penalty, or

consequence that is available to school officials under the Code of Student Conduct. A student who deliberately, recklessly, and falsely accuses another student of a violation of this policy may be subject to disciplinary sanctions as outlined in the Code of Student Conduct.

- (i) In addition, the local school shall take steps to prevent recurrence of any harassment (if such harassment was found to occur) and to correct discriminatory effects on the complainant and others, if appropriate.

#### Section 6: Promulgation of Policy and Related Procedures, Rules, and Forms

This policy and any procedures, rules and forms developed and approved to implement the policy will be published on the BCS website, and shall be available at each school office.

#### Section 7: Common Forms of Bullying (Please note that this is not intended to constitute an exhaustive list)

- (a) Verbal Bullying
- Teasing Name-calling
  - Inappropriate sexual comments
  - Taunting
  - Threatening to cause harm
  - Other pervasive, ongoing pattern intended to intimidate, harass or shame a student
- (b) Social Bullying
- Exclusion – intentionally excluding a student
  - Telling other students not to be friends with someone
  - Spreading rumors about someone
  - Embarrassing someone in public
  - Other pervasive, ongoing pattern intended to intimidate, harass or shame a student
- (c) Physical Bullying – the victim's personal boundaries are violated
- Hitting/kicking/pinching
  - Spitting/ tripping/pushing
  - Taking or breaking someone's things
  - Making mean or rude hand gestures
  - Other pervasive, ongoing pattern intended to intimidate, harass or shame a student
- (d) Cyberbullying
- Intimidating text messages or e-mails
  - Rumors by email or social networking sites
  - Embarrassing pictures and videos
  - Trolling
  - Other pervasive, ongoing patterns intended to intimidate, harass or shame a student

helpful resources: "Best Practices in Bullying Prevention," found at <http://stopbullyingnow.hrsa.gov>.

### **How to Differentiate Between Bullying and Other Peer Conflicts and Teasing**

**What is Bullying?** Bullying is defined as a deliberate, repeated act with intention to hurt, insult or threaten another person in school, on school grounds, in school vehicles, or at school events. Bullying consists of an imbalance of power.

<b>Friendly Teasing</b>	<b>Hurtful Teasing</b>	<b>Peer Conflicts</b>	<b>Bullying</b>
Equal power Neutral	Unequal power Sensitive topic	Equal power Occurs occasionally	Imbalance of power Occurs repeatedly
Purpose is to be playful	Purpose is to upset	Accidental	Intentional and serious
Joins relationships	Excludes	Negotiations and options	Seeks to gain power
Funny to both parties	Sarcastic	Withdrawing and options	Victim is vulnerable
		Relationship is valued	No remorse
		Effort to resolve	No effort to resolve
<b>Friendly Teasing:</b> One student comments to another student that he should turn his/her jersey inside out because his favorite team lost last night.	<b>Hurtful Teasing:</b> One girl comments to another girl that she looks chubby in the outfit she is wearing.	<b>Peer Conflicts:</b> Two students have a disagreement on the playground about which one will be the pitcher in kickball.	<b>Bullying:</b> One student repeatedly threatens another student that if he walks down a specific hallway he will get “beat up”. Another example is one student repeatedly calling another student a name regarding his sexual orientation.

**Three questions guide BCS school officials to determine when a behavior constitutes bullying.**

1. Was the alleged bullying behaviors repeated and deliberate?
2. Did the alleged bullying behaviors inflict harm or suffering?
3. Is there an imbalance of real or perceived power between the alleged victim and alleged author of the behavior?

## APPENDIX XIV: JAMARI TERRELL WILLIAMS ANTI-BULLYING/ANTI- VIOLENCE AND ANTI-HARRASSMENT REPORTING FORM

School: \_\_\_\_\_ Name of student victim: \_\_\_\_\_

Age: \_\_\_\_\_ Grade: \_\_\_\_\_

Date/Dates of Occurrence: \_\_\_\_\_

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

<u>NAME</u>	<u>Age or Grade</u>	<u>School (If known)</u>	<u>Is he/she a student?</u>

Describe in detail what happened

\_\_\_\_\_  
\_\_\_\_\_  
other paper) (may attach

Where did the incident(s) happen?

**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

**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?**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Birmingham City Schools' Student Bullying Prevention Policy defines bullying as a continuous pattern of intentional behavior (or a single incident which is particularly egregious) that takes place on school property, on a school bus, or at a school-sponsored function including, but not limited to, cyberbullying or written, electronic, verbal, or physical acts that are reasonably perceived as being motivated by any characteristic of a student, or by the association of a student with an individual who has a particular characteristic, if the characteristic falls into one of the categories of personal

characteristics contained in the policy adopted by the local board. To constitute bullying, a pattern of behavior may do any of the following:

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

**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:**

\_\_\_\_\_

Please note that the submission of a complaint does not automatically substantiate that misconduct has occurred. The school administration has the prerogative to investigate any allegations of wrongdoing.

After completing this form, please give to the Principal (or designee).

## APPENDIX XV: STUDENT BEHAVIOR CONTRACT

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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: \_\_\_\_\_

\_\_\_\_\_

Person Responsible for Teaching/Observing Strategies: \_\_\_\_\_

Reinforcement /rewards for appropriate behavior: \_\_\_\_\_

\_\_\_\_\_

Person Responsible for implementing Reinforcement/rewards:

\_\_\_\_\_

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 XVI: FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA)**

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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 maintained 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 XVII: ADMINISTERING MEDICINES TO STUDENTS**

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### **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 manage 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.

## APPENDIX XVIII: STUDENT SEXUAL HARASSMENT

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**Sexual Harassment Prohibited** – Sexual harassment in any form that is directed toward students is prohibited. Persons who violate the policy will be subject to the full range of disciplinary consequences up to and including termination (for employees) and expulsion (for students) as dictated by the nature and severity of the violation and other relevant considerations. If appropriate, the circumstances constituting the violation may be reported to law enforcement agencies or child welfare agencies for further investigation and action.

**Definition** – Title IX regulations define sexual harassment to include one or more of the following:

- An employee conditioning the provision of an aid, benefit, or service of the school/school district on an individual's participation in unwelcome sexual conduct (i.e., quid pro quo sexual harassment);
- Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the school/school district's education program or activity; or
- Sexual assault, dating violence, domestic violence, or stalking, as each of those terms is defined by federal statutes enumerated in the Title IX regulations, 34 C.F.R. § 106.30(a).

**The following are examples of conduct that may constitute sexual harassment, depending on the circumstances:**

- Verbal harassment or abuse of a sexual nature, including graphic comments, the display of sexually suggestive objects or pictures, and sexual propositions;
- Repeated unwelcome solicitations of sexual activity or sexual contact;
- Unwelcome, inappropriate sexual touching;
- Demands for sexual favors accompanied by implied or overt promises of preferential treatment or threats with regard to the student's educational status.

**Initial Confrontation of Accused Harasser Not Required** – A student who invokes the harassment complaint procedure will not be required to present the complaint to the accused or suspected harasser for resolution. Students will be permitted to report allegations of suspected harassment to any appropriate Board administrator, teacher, counselor, or employee, and such persons have a duty to promptly refer such allegation to the Title IX Coordinator or to take such action as may be required by the procedures established under "Sexual Harassment Complaint Procedures Authorized" above. In no case will any employee who is the subject of a complaint be permitted to conduct, review, or otherwise exercise decision making responsibility in connection with the processing of the complaint.

For detailed information regarding Title IX reporting (including formal complaint procedures, supportive measures, available relief, appeal rights, or for any other information regarding Title IX, please visit [www.bhamcityschools.org/Titleix](http://www.bhamcityschools.org/Titleix), or contact Amanda Cross, Esq., Title IX Coordinator, at 205-231-4308, [titleIX@bhm.k12.al.us](mailto:titleIX@bhm.k12.al.us).

# **PLEASE SIGN THIS PAGE AND RETURN TO SCHOOL**

**Please Note: Your ‘electronic’ signature captured during online registration also serves as acknowledgement and receipt.** *Signed and Returned to Your Child’s School*

## **RECEIPT AND ACKNOWLEDGEMENT**

\_\_\_\_\_  
**Student’s Name (Please Print)**

\_\_\_\_\_  
**School**

\_\_\_\_\_  
**Grade**

### **PARENT OR GUARDIAN AND STUDENT ACKNOWLEDGMENT**

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

The school needs your help and cooperation. When you have read and discussed this document with your son/daughter, it is requested that you sign this sheet and return it to school.

Parents or guardians have legal responsibility for the actions of their children and should be involved in the education of their children.

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

This document will also serve as a ‘Receipt’ of a court required Legal Notice – if applicable.

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

\_\_\_\_\_  
**Parent/Guardian (PLEASE PRINT)**

\_\_\_\_\_  
**Parent/Guardian Signature**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Student (PLEASE PRINT)**

\_\_\_\_\_  
**Student Signature**

\_\_\_\_\_  
**Date**

## TECHNOLOGY RESOURCES/DEVICE USE AGREEMENT

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

STUDENT: \_\_\_\_\_ DATE OF BIRTH: \_\_\_\_\_

SCHOOL: \_\_\_\_\_ GRADE: \_\_\_\_\_

1. **BCS virtual/remote students are subject to the Code of Student Conduct while using any BCS platform, including, but not limited to Clever, Google Classroom, Schoology, Zoom, Clever).**
2. **All students who receive a BCS issued device are subject to the Code of Student Conduct while using that device (whether off or on campus).**

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

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

I understand that any or all of the following sanctions could be imposed if I violate any of the policies and procedures regarding the use of Birmingham City Schools Technology Resources, including the Internet, BCS Platforms, and School Issued Devices: 1. Loss of access; 2. Additional disciplinary action to be determined at the individual school in line with existing practice regarding inappropriate language or behavior; 3. Legal action, when applicable.

\_\_\_\_\_ My child has my permission to access the Internet under the supervision of his/her teacher (ELEMENTARY AND SECONDARY STUDENTS) while at school, and my child has permission to use his/her school issued device while at home and school. I understand that my child must follow the Technology Resources Agreement while using the school issued device both on and off campus, and I will monitor my child's usage while off campus.

\_\_\_\_\_ My child has my permission to be an independent user (able to access resources and explore the Internet without teacher direction) of Internet resources provided by the Birmingham City Schools. (SECONDARY STUDENTS ONLY) while at school, and my child has permission to use his/her school issued device while at home and school. I understand that my child must follow the Technology Resources Agreement while using the school issued device both on and off campus, and I will monitor my child's usage while off campus.

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

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

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STUDENT SIGNATURE

PARENT/GUARDIAN

SIGNATURE DATE

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## RESOURCES

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### **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](http://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)