

STUDENT CODE OF CONDUCT: CLASSIFICATION OF VIOLATIONS

Violations of the student code of conduct are grouped into three classifications of MINOR, INTERMEDIATE, and MAJOR offense. Each classification is followed by a disciplinary procedure to be implemented by the principal or his or her designees. In addition, The Board of Education authorizes the administration at the local school to develop specific, local school rules and regulations which will assist in enforcing the student Code of Conduct.

CLASS I VIOLATIONS – MINOR OFFENSES

- 1.01 Excessive distraction of other students – any conduct and/or behavior which is disruptive to the orderly educational process.
- 1.02 Membership or participation in organizations not recognized by the school.
- 1.03 Threat, harassment, or intimidation of student—the intentional, unlawful threat by word or act to do violence to another, student, coupled with an apparent ability to do so, and doing some act which creates a well-founded fear in the person that such violence is imminent.
- 1.04 Gambling – Any participation in games of chance for money and/or other things of value.
- 1.05 Use of profane or obscene language.
- 1.06 Nonconformity to dress code.
- 1.07 Minor disruption on school bus.
- 1.08 Inappropriate public display of affection
- 1.09 Intentionally providing false information to a school board employee including, but not limited to, giving false student information data, forgery of school notes, and concealment of information directly relating to school business.
- 1.10 Unauthorized absence from class (cutting).
- 1.11 Any other violation which the principal may reasonably deem to fall within this category.

DISCIPLINARY ACTIONS

Elementary Students

First Offense:	In-school conference and parental contact when warranted
Second Offense	Parental contact and/or disciplinary action.
Subsequent Offenses:	In-school disciplinary action as probation, detention, extra academic assignments, work assignments, punishment, or suspension at the discretion of the principal or designee. Special circumstances may warrant a recommendation to the Superintendent for disciplinary hearing.

Secondary Students

First Offense:	In-school conference and parental contact when warranted. Specific circumstances may warrant disciplinary action as outlined under subsequent offenses.
Subsequent Offenses:	In-school disciplinary action as probation, detention, extra academic assignments, work assignments, punishment, or suspension at the discretion of the principal or designee. Special circumstances may warrant a recommendation to the Superintendent for disciplinary hearing.

CLASS II VIOLATIONS – INTERMEDIATE OFFENSES

- 2.01 Defiance of Board employee's authority – Refusal to comply with a lawful and reasonable direction or order of a School Board employee.
- 2.02 Possession and/ or use of tobacco products.
- 2.03 Vandalism – Intentional and deliberate action resulting in injury or damages of less than \$200 to public property or the real property or personal property of another.
- 2.04 Possession of stolen property with the knowledge that it is stolen
- 2.05 Threats – extortion – Verbally or by a written or printed communication, maliciously threatening an injury to the person, property, or reputation of another, with the intent to extort money or any pecuniary advantage whatsoever; or with intent to compel the person so threatened, or any person, to do any act or refrain from doing any act against his/her will. NOTE: Completion of the treat, either by the victim, constitutes a Class III offense.

- 2.06 Trespassing – Willfully entering or remaining in any structure, conveyance, or property without being authorized, licensed, or invited; or having been authorized, licensed, or invited, is warned by an authorized person to depart and refuses to do so.
- 2.07 Possession and/or igniting fireworks or firecrackers
- 2.08 Offensive touching of another person
- 2.09 Written or verbal propositions to engage in sexual acts
- 2.10 Use of obscene manifestation (verbal, written gesture) toward other persons.
- 2.11 Directing obscene or profane language to a Board employee.
- 2.14 Carrying and/or using electronic communication device or pocket pagers (except for health or other extraordinary needs upon approval by the board of education) DVD player (Digital Video Disk) or any other electronic game or device not for educational purposes in school, in accordance with the Code of Alabama 16-127, such behavior is in violation of state law.
- 2.15 Any other violation, which the principal may reasonably deem to fall within this category.

DISCIPLINARY ACTIONS

Elementary Students

- First Offense: Confiscation of phone, parental contact, and disciplinary action
- Second Offense: Parental contact and/or disciplinary action.
- Subsequent Offenses: In-school disciplinary action as probation, detention, extra academic assignments, work assignments, punishment, or suspension at the discretion of the principal or designee. Special circumstances may warrant a recommendation to the Superintendent for disciplinary hearing.

Secondary Students

- First Offense: In-school conference and parental contact when warranted. Specific circumstances may warrant disciplinary action as outlined under subsequent offenses.
- Subsequent Offenses: In-school disciplinary action as probation, detention, extra academic assignments, work assignments, punishment, or suspension at the discretion of the principal or designee. Special circumstances may warrant a recommendation to the Superintendent for disciplinary hearing.

Secondary Students - Cell Phone Policy

- First Offense: Confiscate phone, contact parent, parents will have to pick up phone and a contract will be entered into by the parent, the student and the school, return phone to parent.
- Second Offense: School/parent contract will be made on the 2nd offence
- Third Offense: Confiscate phone, return phone to parent in 30 – 45 school days, student will be sent to ISS for 3 Days.
- Fourth Offense: Confiscate phone, return phone to parent in no more or less than 90 school days. Develop a contract between parent and school to ensure phone is left at home.

CLASS III VIOLATIONS – MAJOR OFFENSES

- 3.01 Leaving School Grounds** without permission.
- 3.02 Drugs** – Unauthorized possession, transfer, distribution, procurement use or sale of drugs unauthorized consumption of drugs while at school, including over the counter and prescription medications, or attending school under the influence of illegal drugs, and the possession of drug paraphernalia. 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 the use of medication at school.
- 3.03 Alcoholic Beverage** – Possession, transfer, distribution, procurement, use or sale of alcoholic beverages: attending school under the influence of alcoholic beverages.
- 3.04 Arson** – The willful and malicious burning of any part of a building or its contents and other public or private property. In accordance with Legislative Act 94-819, parents are liable for damages to school property caused by their children.

- 3.05 **Battery Upon School Board Employee** – The actual unlawful and intentional touching or striking of a School Board employee against his/her will, or the intentional causing of bodily harm to a School Board employee. In accordance with Legislative Act 97-794, it is a felony to assault teachers or employees of the Board.
- 3.06 **Aggravated Battery** – Intentionally causing bodily harm, disability or permanent disfigurement: use of deadly weapon.
- 3.07 **Robbery** – The taking of money or other property which may be the subject of larceny from the person or custody of another by force, violence, assault, or putting in fear of same.
- 3.08 **Stealing-Larceny-Grant Theft** – 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.
- 3.09 **Illegal School Entry** – Breaking, entering or remaining in a structure or conveyance without justification during or after school hours.
- 3.10 **Criminal Mischief** – Willing and malicious injury or damage at or in excess of \$200 to public property, or to real or personal property belonging to another.
- 3.11 **Possession of Firearms** – Any firearm (including a starter gun, BB gun or pellet gun) which will, or is designed to, or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of such weapon; any firearm muffler or firearm silencer; and similar destructive device or device or object resembling one.
- 3.12 **Discharging of any pistol, rifle, shotgun, air gun, or any other device.**
- 3.13 **Possession of Weapons – Possession of any dangerous instrument, object or device that can be defined as a weapon** including, but not limited to, a switchblade knife, metallic knuckles, laser pointer, tear gas gun; stun gun; chemical weapon, instrument, or object which is used in a threatening manner as is seen by the individual being threatened as capable of causing physical harm (including firearm replicas). In accordance with Legislative Act 94-817, the possession of a deadly weapon on school premises with intent to do bodily harm is a Class C felony.
- 3.14 **Bomb Threats** – Any such combination(s) directed at a School Board employee which has the effect of interrupting the educational environment.
- 3.15 **Explosives, Ammunition (bullets), or Firecrackers** – Preparing, possessing or igniting on school board property explosive likely to cause serious bodily injury or property damage.
- 3.16 **Sexual Acts** – Acts of sexual nature including, but not limited to repeated sexual harassment, battery, intercourse, attempted rape or rape.
- 3.17 **Any major disruption of the educational process** caused by the wearing of apparel, possession of writings or other social group whose presence on school grounds poses a threat to the educational environment.
- 3.18 **Inciting or participating in major student disorder** – Leading, encouraging or assisting in (major) disruptions that place students, staff and the educational process at risk, which result in destruction or damage of private or public property or personal injury to participants or others.
- 3.19 **Unjustified activation of a fire alarm system.**
- 3.21 **Improper use or sabotage of a computer system or any other communication system** resulting in damage to any part of the unit, data modification, disclosure or restricted information, major disruption in the educational process, or the introduction of unauthorized software into the computer system.
- 3.22 **Repeated disruptive and defiant behavior** despite school-based intervention (written documentation of intervention required including RtI Intervention, or IEP revisions).
- 3.23 **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 objects 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.
- 3.24 **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.
- 3.25 **Gambling** – Any participation in games of chance including playing cards or dice for money and/or other things of value.
- 3.26 **Any other offense which the principal may reasonably deem to fall within this category.**
- 3.27 **Fighting** – Any physical conflict between (2) or more individuals.

Section 16-1-24...Reporting of property damage and physical assaults on students and school personnel, legislative intent, penalties.

Disciplinary Actions for Class III Violations – Grades K-12

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

- The student's parent or legal guardian.
- At-Risk Coordinator
- The Superintendent of Education

If serious bodily injury, property damage, drugs and/or firearms are involved, or in other cases deemed sufficiently serious, contact 911 for assistance. All drugs and/or firearms found or confiscated on school premises must be immediately turned over to police officers. Other unauthorized objects found in the possession of students may be returned to the parent upon a written request to the principal by the parent(s).

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

The normal disciplinary punishment for the commission of a Class III offense is removal from school for the remainder of the school year or, if the offense occurs within the last 20 days of the school year, removal from the student's parent school for the rest of the school year and the next school year.

The principal (or designee), after reviewing the allegations and evidence against a student and giving the student the opportunity to respond to the allegations, is initially responsible for deciding that a Class III offense has been committed. Once that determination has been made the principal (or designee) will give the student a suspension notice containing a written statement of charges (and a statement of mitigating or extenuating circumstances, if any) and shall refer the student to the Truancy/Hearing Officer. The principal (or designee) shall also MAIL a suspension notice to the parent(s) or legal guardian and notify the Truancy/Hearing Officer.

If the Hearing Officer decides, based on the facts developed at the hearing, that the student committed a Class III offense, the student shall be subject to expulsion. If, however, there are mitigating or extenuating circumstances, the Hearing Officer shall separately state those circumstances and may consider them in deciding the 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, interventions at the local school level, and no prior record of Class III offense.

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

Students with Disabilities who are identified as eligible for services under the criteria of IDEA and Section 504

- When a student with a disability is alleged to have committed a Class III violation, the principal shall determine whether the student committed the violation, identify the proper classification of the offense; and whether severe personal injury or extensive property damage was involved.
- If the principal declares the offense to be Class III offense and refers to the Hearing Officer, the program committee for the student (IEP Team (IDEA) or 504 team (Section 504), shall conduct a manifestation determination IEP/PEP meeting within three (3) days. Within ten (10) days of the suspension, the Hearing Officer will conduct a hearing.
- The Hearing Officer and the IEP/PEP Team will collaborate to determine the consequence(s) of the offense. Any change in the student's educational program or change in the placement must be decided by the program committee.
- Absent a dangerous weapon, drugs, or a "direct threat" to self or others, a student with disabilities must not be excluded from school in excess of ten (10) school days a calendar year. A student with a disability (IDEA), who is found to be in possession of a dangerous weapon or drugs, or who is considered a "direct threat" to self or others, may be placed in an interim alternative educational setting (Greene County Learning Center, other school supported programs) for up to 45 calendar days by the Hearing Officer or his/her designee.
- **Please Note:** The ten (10) school day exclusion does not apply to students who have been arrested and incarcerated for a violation(s) of State or Federal Laws/Ordinances. Students who are detained by law enforcement officers are under the jurisdiction of the law enforcement agency.
- If a student remains in a youth or adult detention facility, the school-based committee should forward a copy of the Student's Educational Plan to the facility upon request from the facility.

Procedures for Administration of Formal Disciplinary Action

Documentation of Class III Offenses

The conclusion of the Truancy/Hearing Officer shall be based on the documented facts concerning the incident. The principal (or designee) is responsible for assembling appropriate documentation of the offense for use at the hearing. Documentation shall include all information available, including but not limited to, the following:

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

The Truancy/Hearing Officer shall include, or refer to, the documentation in the hearing decision. If extenuating or mitigating circumstances exist, the Hearing Officer shall document the extenuating or mitigating circumstances and decide the appropriate disciplinary action to be taken.

Procedures for Due Process Hearings

A principal (or designee) may suspend a student for a Class III offense by complying with the procedures for suspension by the principal (or designee) and also by notifying the parent(s) or legal guardian(s) that the student is suspended to a Truancy/Hearing Officer. Class III suspensions are to be faxed to the Truancy/Hearing Officer's office. Upon receipt on the suspension notice, the Truancy/Hearing Officer shall comply with the following procedures in scheduling and conducting a hearing:

1. The Truancy/Hearing Officer shall give the student and the student's parent(s) or legal guardian(s) oral or written notice of the charge or charges against the student at least forty-eight (48) hours before a hearing. The Truancy/Hearing Officer will normally conduct a hearing within five (5) days (or less) from the date of the suspension unless the student and student's parent(s) or legal guardian(s) request additional time or fail to cooperate.
2. At the hearing, the Truancy/Hearing Officer shall give the student an opportunity to admit or deny the charge or charges.
3. If the student denies the charge or charges, he/she will be given an explanation of the evidence on which they are based and an opportunity to explain his/her version of the facts.
4. The Truancy/Hearing Officer may summon the accusers or witnesses to the disciplinary hearing and allow an examination by the student and/or permit the student to present his/he own witnesses. The Truancy/Hearing Officer is not required to call or allow any accusers or witnesses to be present and the decision to do so shall rest in the discretion of the Truancy/Hearing Officer.
5. After following the above procedure the Truancy/Hearing Officer, based on all facts presented, shall decide what offense, if any, was committed and what the punishment, if any, should be. The Truancy/Hearing Officer shall prepare a written decision that shall include the charge or 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 student.
6. The Truancy/Hearing Officer shall send a copy of the decision to the following persons:
 - The student
 - The student's parent(s) or legal guardian(s)
 - The principal (or designee)
 - The director of the Greene County Learning Center (provided the student is referred)
 - And all appropriate individuals

Minutes of the hearing shall be kept in the office of the Truancy/Hearing Officer for no more than one year from the date of the hearing.

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

NOTE: The Board will hear all proposed expulsion hearings.

Procedures for Appeal of Hearing Decision

If the parent(s) or legal guardian(s) are dissatisfied with the decision of the Truancy/Hearing Officer, the parent(s) or legal guardian may file an appeal with the Supervisor of the Truancy/Hearing Officer. The appeal procedures are as follows:

- The student or the student's parent(s) or legal guardian(s) must file a written request for an appeal.
- The written request for an appeal must be addressed to and mailed to the Supervisor of the Truancy/Hearing Officer.
- 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 Supervisor of the Truancy/Hearing Officer no more than nine (9) calendar days after the date of the Hearing Decision. If the written request for an appeal is not made on time, the Hearing decision will be final.
- The Supervisor of the Truancy/Hearing Officer upon receipt of a timely filed written request for an appeal, will schedule an appeal hearing.
- The Supervisor of the Truancy/Hearing Officer will arrange for an appeal hearing following the same procedures provided for the hearing.
- Within two (2) school days after the appeal hearing, the Supervisor of the Truancy/Hearing Officer shall submit to the Superintendent written findings, conclusions, and recommendations made based on the evidence and matters presented at the appeal hearing.
- The Supervisor of the Truancy/Hearing Officer finding shall be supported by substantial evidence.
- The Supervisor of the Truancy/Hearing Officer shall send a copy of the recommended finding and conclusions to the following persons:
 - a. The student's parent(s) or legal guardian(s)
 - b. The principal (or designee) of the school that student attends
 - c. The principal (or designee) in which the incident occurred
 - d. The principal/director of the alternative school (providing the student is referred)
 - e. All other appropriate individuals

Administrative responses for CLASS III VIOLATIONS include but are not limited to:

- Out-of-school suspension not to exceed 10 days(not exceed a cumulative total of 10 days per semester for non-special education students and 10 days per academic year for special education students)
- Expulsion
- Legal action

NOTE: Due to the serious nature of Class III violations, it may be necessary to remove a student immediately from school property. In such event, procedures in the out-of-school suspension policy should be followed.

EXPULSION

Expulsion is defined as any denial of school attendance for a period longer than 10 days (defined as 10 days per semester for non-special education students and 10 days per year for special education students). The authority to expel a student is vested only in the Board. The Board shall have the duty to review the evidence advanced by the principal, other school system personnel, and other interested parties in support of the recommendation for an expulsion and to hear and review any rebuttal advanced by the student, parent(s) or guardian(s), or representative.

Expulsion may be for the remainder of the school year or for a definite period of time extending beyond the remainder of the school year, or it may be permanent.

The Board may require that at the end of an expulsion period, the student and his or her parents or guardians appear before the Superintendent and/or Board to determine if changes in behavior on the part of the student have occurred which indicate a willingness and ability to function in the school setting. Moreover, the Board may require that the expelled student participate in activities, which would reasonably be assumed to change their behavior in a positive direction as condition for re-admittance to school.

THE ALTERNATIVE PROGRAM

The Alternative Program is designed primarily as an alternative-learning placement for students who exhibit disruptive behavior and/or problems associated with Class III Violations. The major goal of the Alternative Program is to provide a curriculum designed to meet the individual needs, abilities, and interests of students referred for alternative placement.

The Alternative Program is staffed with certified personnel and support staff. Students may be referred to the Alternative Program in grades 6-12 or based on extenuating circumstances. Acceptance to the Alternative Program is based upon the recommendation of the Truancy Officer and Supervisor of the Truancy Officer.

Parents are responsible for providing daily transportation for students admitted to the Alternative Program. A waiver may be obtained for special students with documented hardships.

Upon successfully completing placement in the Alternative program, the students are placed back into the regular school setting and monitored for progress.

All students placed in the Alternative Program must abide by the policies of the Greene County Board of Education including the rules listed in the Student Code of Conduct and additional rules developed specifically to facilitate a speedy transition back to the parent school.

INTERROGATIONS BY LAW ENFORCEMENT OFFICIALS (AT THE REQUEST OF SCHOOL OFFICIALS)

When the principal or his or her designee has evidence and/or reasonable cause to believe that a crime has been committed on-campus by one or more students, law enforcement officials, to include juvenile authorities, may be requested to come to the school to investigate the incident.

Such investigations may include interrogation of students. In the event a student is to be interrogated about a crime committed on-campus, the law enforcement official must read the Miranda rights pertaining to the student being interviewed. The juvenile Miranda rights are distinguished from the adult Miranda Rights based on the student's right to contact a parent or guardian through the provided reasonable means. The decision to contact a parent or guardian is solely up to the student to be interviewed. A waiver of the Miranda rights is available to the student who agrees to an immediate interview.

School officials have no duty to notify the parent or guardian of any student to be interviewed. If the parent/guardian cannot be contacted by the student through reasonable means or cannot be present with reasonable time, the law enforcement official may proceed with the interview in the absence of the parent (Attorney General Ruling, December 9, 1974) on the ground that the parent cannot be reached. A school official must be present at the interview, but cannot refuse law enforcement officer permission to conduct the interview.

AT THE REQUEST OF LAW ENFORCEMENT OFFICIALS

When law enforcement officers make it known that they wish to talk to a student concerning an off-campus crime while under the supervision of the school, the student will be called to the office of the principal. The law enforcement officer must read the student the juvenile Miranda rights from which the student becomes aware of the distinguished right to notify a parent or guardian of the impending investigation. Neither the law enforcement officer nor the school principal nor his or her designees have the duty to contact the student's parent/guardian. The decision to communicate with a parent/guardian is a decision to be made only by the student to be interviewed. The student may exercise the right to communicate with a parent or guardian through provided reasonable means. If the parent/guardian cannot be contacted through the provided reasonable means or cannot be present with a reasonable time, the law enforcement officials may proceed with the interview (Attorney General Ruling, December 9, 1974). The student may sign a waiver to the Miranda rights and agree to an immediate interview with a law enforcement officer. If the parent wants to be present, then the law enforcement officer can take the student in custody and conduct the interview with the parents present.