

## **CLASS 1 – MINOR OFFENSES**

### **1.01 Disruption on a School Bus**

### **1.02 Distraction of Other Students**

### **1.03 Failure to Carry Home or Return Signed Correspondence**

### **1.04 Failure to Follow Directives from School Faculty**

### **1.05 Illegal Organizations**

Any on-campus participation in fraternities, sororities, secret societies, or other unauthorized clubs

### **1.06 Inappropriate Display of Affection**

Including, but not limited to embracing/kissing

### **1.07 Inappropriate Display of Behavior**

In the school hall, classroom, lunchroom, gym, school bus, or during any school-sponsored function including but not limited to horseplay, shoving, tripping, rudeness.

### **1.08 Littering of School Property**

### **1.09 Non-Conformity of Dress Code**

### **1.10 Non-Direct Use of Profane Language or Obscene Manifestations**

### **1.11 Refusal to Complete Class Assignment(s)**

Including continued failure to bring materials to class

### **1.12 Unauthorized Food or Drink Items**

Chewing gum, food items, beverages, and beverage containers. (See individual school rules)

### **1.13 Unauthorized Possession or Use of Audio, Communication, and/or Video Devices**

Can include other similar devices/materials such as CD equipment, MP3, headphones, electronic games, radios, and wireless communication devices such as cell phones, smart watches, tablets, eReaders, or other electronic communication devices that are prohibited during school hours or while being transported on a school bus without specific authorization by school officials.

### **1.14 Unauthorized Use of School/Personal Property**

### **1.15 Unexcused Check-ins AND/OR Check-outs**

Three is a warning- Discipline will be assigned at five, seven, ten, and per three thereafter.

### **1.16 Unexcused Tardiness to Class AND School**

Three is a warning- Discipline will be assigned at five, seven, ten, and per three thereafter.

### **1.17 Any Other Minor Violation**

Of which the school administration may deem reasonable to fall within this category after investigation and consideration of extenuating circumstances.

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## **Class 1 Disciplinary Sanctions**

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Parent/guardian notification is required. The principal's discretion for the following sanctions will include but not be limited to the following:

- Conference with the student
- Verbal reprimand
- Withdrawal of privilege(s) (i.e. driving, etc.)
- Parents/guardians conference(s)
- Temporary removal from class (including prohibiting the student from attending special events, i.e. field trips, etc.)
- Detention
- In-School Suspension
- Saturday School (Gr. 1-12) – See Saturday School
- Disciplinary probation
- School bus suspension (Less than 10 days)
- Other sanction(s) as approved by the St. Clair County Board of Education
- **Any combination of three or more Class 1 offenses MAY result in a Class 2 offense.**
- **THERE ARE NO APPEALS FOR CLASS 1 OFFENSES.**

**CLASS 2 – INTERMEDIATE OFFENSES****2.01 Criminal Mischief/Vandalism, Minor**

Willful and malicious injury or damages less than \$50.00 to public property or to real or personal property belonging to another. Restitution shall be required.

**2.02 Dishonesty, Cheating, or Plagiarism**

Includes providing false information to an employee of the St. Clair County School System

**2.03 Disobedience**

Minor violations of the Code of Student Conduct, as determined by the school administrator, that disrupts the orderly conduct of a school function.

**2.04 Engaging in Any Act That is Deemed Harmful**

Including but not limited to practical jokes

**2.05 Gambling**

Any participation in games of chance (flipping coins, matching, etc.) for money and/or other things of value.

**2.06 Improper Use of a Computer System**

Using a computer system while being logged in as oneself that is in violation of the Internet Usage Agreement.

**2.07 Possession of and/or Use of Matches or Lighters****2.08 Theft of Property Less Than \$50**

The intentional unlawful taking and/or carrying away of property belonging to an individual or the school system, valued at \$50 or less, or possessing such property that has been stolen, with knowledge that it has been stolen. Found property should be turned into school officials immediately.

**2.09 Any Other Intermediate Violation**

Of which the school administration may deem reasonable to fall within this category after investigation and consideration of extenuating circumstances. (i.e. at least three Class 1 offenses, etc.)

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## **Class 2 Disciplinary Sanctions**

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Parent/guardian notification is required. The principal's discretion for the following sanctions will include but not be limited to the following:

- Temporary removal from class (including prohibiting the student from attending special events, i.e., field trips, etc.)
- Detention
- In-School Suspension
- Out-of-School suspension (Parents/ guardians contact required before suspension)
- Referral to outside agency, including the criminal justice system
- Saturday School (Gr. 1-12) – See Saturday School
- School bus suspension (more than 10 days)
- Restitution of property and damages where appropriate
- Other sanction(s) as approved by the St. Clair County Board of Education
- **Any combination of three or more Class 2 offenses MAY result in a Class 3 offense.**
- **THERE ARE NO APPEALS FOR CLASS 2 OFFENSES.**

## CLASS 3 – MAJOR OFFENSES

### 3.01 Class 3 Prohibited Item

Possession, Sale, Use, Giving or Furnishing of a Class 3 Prohibited Item. Such items include, but are not limited to, knives with blades two inches or smaller, similar instrument that would not normally be considered a weapon, imitation controlled substances, or other items that interfere or detract from the educational environment and that are not expressly included in Class 4 violations.

- A. Possession of Class 3 prohibited item
- B. Sale of Class 3 prohibited item
- C. Use of Class 3 prohibited item
- D. Giving/Furnishing of Class 3 prohibited item

### 3.02 Criminal Mischief/Vandalism, Major

Willful and malicious injury or damages more than \$50.00 to public property or to real or personal property belonging to another. Restitution shall be required.

### 3.03 Defiance

Willful disobedience of a direct order of instruction of, refusal to comply with directions of, or verbal and non-verbal conduct and/or behavior that is rude or discourteous to a school employee or other adult in the school in an official capacity.

### 3.04 Direct Use or Repeated Non-Direct Use of Profane Language/Obscene Manifestation

Verbal, written, electronic, gestures directed toward another person.

### 3.05 Disorderly Conduct

Any act which substantially disrupts the orderly conduct of the school learning environment or a school function or poses a threat to the health, safety, and/or welfare of students, staff, or others, including but not limited to making unreasonable noises, disrupting any lawful assembly or meeting, or obstructing vehicular/pedestrian traffic.

### 3.06 Disruptive Behavior

Inappropriate behavior that interferes with the functioning and flow of the school learning environment or school function. Including but not limited to yelling, using profanity, waving arms or fists, verbally abusing others, and refusing reasonable requests for identification.

### 3.07 Fighting Without a Weapon

Fighting on school grounds, school bus, school building, or at school-related functions/events.

### 3.08 Harassment or Aggressive Contact (First Offense)

With intent to harass, annoy, intimidate, or alarm whether socially, physically, or emotionally, a student:

- strikes, shoves, kicks, or otherwise touches a person or subjects him/her to physical contact.
- directs abusive or obscene language or makes an obscene gesture towards another person.
- makes a threat, verbal or non-verbal, that will cause the student who is the target of the threat to fear for his/her own safety.
- uses any form of written or electronic communication in a manner likely to harass or cause alarm.
- uses speech or other expression intended to insult or stigmatize others based on the sex, race, color, handicap, religion, sexual orientation, or national origin; or touches another with sexual connotations or makes written or verbal propositions to engage in sexual acts.

### 3.09 Insubordination or Disrespect to the School Faculty's Authority

Verbal/non-verbal refusal to comply with lawful directive of the School Faculty

### 3.10 Theft of Property More Than \$50 and Under \$200

The intentional unlawful taking and/or carrying away of property belonging to an individual or the school system, valued at more than \$50 but less than \$200, or possessing such property that has been stolen, with knowledge that it has been stolen. Found property should be turned into school officials immediately.

### 3.11 Threatening Language and/or Harassment That is Not Consistent with Criminal Activity

With intent to harass, annoy, intimidate, or alarm, to employees or students of the St. Clair County School System or their family or property, including extortion (the act of obtaining service, money, or information using threats)

**3.12 Tobacco**

Possession, Sale, Use, Furnishing, or Giving of Tobacco products or Tobacco-like Products. Such items include, but are not limited to, tobacco products and tobacco facsimiles, such as an electronic cigarette (e-cig or e-cigarette), personal vaporizer (PV), electronic nicotine delivery system (ENDS), or smokeless cigarettes.

A. Possession of tobacco products or tobacco-like products

B. Sale of tobacco products or tobacco-like products

C. Use of tobacco products or tobacco-like products

D. Giving/Furnishing of tobacco products or tobacco-like products

**3.13 Unauthorized Absence from School and/or Class****3.14 Unauthorized/Inappropriate Taking of and/or Distribution of Photographs and Videotaping**

Including selfies or video on School Board property

**3.15 Unsafe/Unlicensed Driving**

Unsafe/unlicensed driving on school property or other violations of the school parking/driving rules

**3.16 Any Other Major Violation**

Of which the school administration may deem reasonable to fall within this category after investigation and consideration of extenuating circumstances.

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### **Class 3 Disciplinary Sanctions**

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Parent/guardian notification is required. The principal's discretion for the following sanctions will include but not be limited to the following:

- Temporary removal from class (including prohibiting the student from attending special events, i.e., field trips, etc.)
- Detention
- In-School Suspension
- Out-of-School suspension (Parents/ guardians contact required before suspension)
- Referral to outside agency, including the criminal justice system
- Saturday School (Gr. 1-12) – See Saturday School
- School bus suspension (more than 10 days)
- Restitution of property and damages where appropriate
- Other sanction(s) as approved by the St. Clair County Board of Education
- Principal shall notify law enforcement and JPO, if appropriate
- **Any combination of three or more Class 3 offenses MAY result in a Class 4 offense.**
- **THERE ARE NO APPEALS FOR CLASS 3 OFFENSES.**

## CLASS 4 – SEVERE OFFENSES

### 4.01 Class 4 Weapon or Prohibited Item

Possession, Sale, Use, Furnishing, or Giving of a Class 4 Weapon or Prohibited Item. Such items include but are not limited to firearm facsimiles, stun gun facsimiles, bb/air guns, metallic knuckles, martial arts devices, projectiles, knives with blades in excess of 2 inches, archery equipment, other devices designed to expel projectiles at a high rate of speed, and any device or instrument, regardless of its normal use and purpose, that is used or intended to be used in such a manner as to inflict bodily harm or physically intimidate a person. In accordance with Code of Alabama 1975 §16-1-24.1(b)(c), the school administration shall notify (within 72 hours) the appropriate law enforcement officials when any student violates board policy concerning physical harm or threatened physical harm against another student or employee of the St. Clair County Schools. (See Gun Free School Act)

- A. Knife-Possession
- B. Knife-Sale/Furnishing/Giving
- C. Knife-Use
- D. Other Weapon-Possession
- E. Other Weapon-Sale/Furnishing/Giving
- F. Other Weapon-Use
- G. Other/Unknown Weapon-Possession
- H. Other/Unknown Weapon-Sale/Furnishing/Giving
- I. Other/Unknown Weapon-Use

### 4.02 Arson

The willful and malicious burning of school property. In accordance with the Code of Alabama 1975 §16-1-24.1(e) (2), parents/guardians are liable for damages to school property caused by their child/children.

### 4.03 Assault or Battery of Another Person

In accordance with the Code of Alabama 1975 §13A-6-21, it is a Class C Felony to cause physical injury or threaten to cause physical injury to teachers or other employees of the Board of Education. In accordance with the Code of Alabama 1975 §16-1-24(b)(c), the principal shall notify appropriate law enforcement officials when a student violates board policy concerning physical harm or threatened physical harm against another student or employee of the St. Clair County School System.

- A. Physical attack with a weapon
- B. Physical attack with a firearm/explosive
- C. Physical attack without a weapon

### 4.04 Bomb Threat

Any such communication concerning school board property that has the effect of interrupting the educational environment. Any student found to have made a bomb threat or to have falsely reported such a threat that is related to any school system facility, operation, or activity is subject to immediate expulsion procedures. Any student, who counsels, advises, persuades, encourages, or dares another person to make a bomb threat or to falsely report such a threat that is related to any school system facility, operation, or activity is subject to immediate expulsion procedures.

### 4.05 Burglary/Breaking and Entering

Unlawful entry into a building, other structure, or school board vehicle with the intent to commit a crime, or breaking, entering or remaining in a building, structure, or school board vehicle without justification during the hours the premises are closed to the public.

### 4.06 Criminal Mischief/Vandalism, Severe

Willful and malicious injury or damages more than \$200.00 to public property or to real or personal property belonging to another. Restitution shall be required.



**4.07 Deadly Weapon**

Possession, Sale, Use, Furnishing, or Giving of a Deadly Weapon. A student shall not possess, sale, use, furnish, or give a deadly weapon, during or after regulation school hours, on school grounds, on school buses, or at a school-sponsored event. A deadly weapon shall be defined as anything manifestly designed, made, or adapted for the purpose of inflicting death or serious physical injury.

In accordance with Code of Alabama 1975 §16-1-24.1(b)(c), the school administration shall notify (within 72 hours) the appropriate law enforcement officials when any student violates board policy concerning physical harm or threatened physical harm against another student or employee of the St. Clair County School System. (See Gun Free School Act)

- A. Deadly Weapon-Possession
- B. Deadly Weapon-Sale/Giving/Furnishing
- C. Deadly Weapon-Use

**4.08 Drugs/Drug Paraphernalia, Medication, Alcohol**

Drugs/Drug Paraphernalia, Medication, Alcohol Unlawful sale, purchase, use/being under the influence of, furnishing/giving or possession of Non-Prescription/Over-the-Counter Drugs, Illegal Drug Paraphernalia, or Alcoholic Beverage.

In accordance with Code of Alabama 1975 §16-1-24.1(b) (c), the principal shall notify the appropriate law enforcement officials when any student violates board policy concerning drugs and/or alcohol.

- A. Alcohol-Possession
- B. Alcohol-Sale
- C. Alcohol-Use/Being Under the Influence Of
- D. Alcohol-Furnishing/Giving
- E. Non-Prescription/Over-the-Counter Drugs-Possession
- F. Non-Prescription/Over-the-Counter Drugs-Sale
- G. Non-Prescription/Over-the-Counter Drugs-Use/Being Under the Influence Of
- H. Non-Prescription/Over-the-Counter Drugs-Furnishing/Giving
- I. Illegal Drug Paraphernalia-Possession
- J. Illegal Drug Paraphernalia-Sale
- K. Illegal Drug Paraphernalia-Use/Being Under the Influence Of
- L. Illegal Drug Paraphernalia-Furnishing/Giving

**4.09 Explosive Device**

Possession, Sale, Use, Furnishing, or Giving of an Explosive Device likely to cause serious bodily injury or property damage. Explosives or explosive devices likely to cause serious bodily injury or property damage include, but are not limited to live projectiles, tear gas, pepper spray, or other chemical weapons or devices.

In accordance with Code of Alabama 1975 §16-1-24.1(b)(c), the school administration shall notify (within 72 hours) the appropriate law enforcement officials when any student violates board policy concerning physical harm or threatened physical harm against another student or employee of the St. Clair County School System. (See Gun Free School Act)

- A. Firearm Component-Possession
- B. Firearm Component-Sale/Giving/Furnishing
- C. Firearm Component-Use
- D. Explosive/Incendiary/Poison Gas-Possession
- E. Explosive/Incendiary/Poison Gas -Sale/Giving/Furnishing
- F. Explosive/Incendiary/Poison Gas -Use

**4.10 Fighting with a Weapon**

Fighting on school grounds, school bus, school building or at school-related functions/events

- A. Fighting with a weapon
- B. Fighting with a firearm/explosive

**4.11 Firearm**

Possession, Sale, Use, Furnishing, or Giving of a Firearm. Every kind of firearm is prohibited, including, but not limited to, handguns, pistols, rifles, shotguns, starter guns, and other destructive devices or components of such devices that may be readily converted or assembled. Possession of any firearm, with intent to do bodily harm on school system property, including a school bus, is a Class C Felony.

In accordance with Code of Alabama 1975 §16-1-24.1(b)(c), the school administration shall notify (within 72 hours) the appropriate law enforcement officials when any student violates board policy concerning physical harm or threatened physical harm against another student or employee of the St. Clair County School System. (See Gun Free School Act)

**A.** Handgun-Possession

**B.** Handgun-Sale/Giving/Furnishing

**C.** Handgun-Use

**D.** Rifle/Shotgun/Long Gun-Possession

**E.** Rifle/Shotgun/Long Gun -Sale/Giving/Furnishing

**F.** Rifle/Shotgun/Long Gun -Use

**4.12 Hazing**

Any willful action taken, or situation created, whether on or off the school premises, which recklessly or intentionally in connection with initiation into or affiliation with any organization or group, endangers the mental or physical health of any student. Infractions in this category may include, but are not limited to, such examples as striking, beating, bruising, maiming, threatening to strike, beat, bruise or maim, or threatening or attempting to do physical violence to any student in connection with initiation into or affiliation with any organization or group. The term hazing as defined herein does not include customary athletic events or similar contests or competitions and is limited to those actions taken and situations created in connection with an initiation into or affiliation with or compelling membership into any organization or group.

**4.13 Homicide****4.14 Inciting Others**

Inciting, promoting, publicizing, participating in, leading, encouraging or assisting in a major disturbance which results in destruction or damage to private or public property, personal injury, substantial disruptions to the orderly learning environment, or which poses a threat to the health, safety and/or welfare of students, employees or others.

**4.15 Kidnapping****4.16 Pornography**

Possession, sale, transfer, distribution, or Use of obscene, pornographic, or sexually explicit material.

**4.17 Prescription Drugs**

Possession, use, or being under the influence of a Prescription Drug by a student with a valid prescription in violation of the Medication at School policy or in violation of the dosage and usage recommendations of the student's prescription. For purposes of this section, a Prescription Drug means any non-over-the-counter drug for which the student has a current, valid prescription from a health care provider authorized to prescribe medications in the State of AL.

**4.18 Prescription Drugs, Controlled Substances, or Illegal Drugs**

Possession, Sale, Use, Being Under the Influence Of, Furnishing, or Giving of Prescription Drugs, Controlled Substances, or Illegal Drugs.

In accordance with Code of Alabama 1975 §16-1-24.1(b) (c), the principal shall notify the appropriate law enforcement officials when any student violates board policy concerning drugs and/or alcohol. For purposes of this section, a controlled substance shall mean any drug categorized under the Controlled Substances Act (21 U.S.C § 812). For purposes of this section, a Prescription Drug means any non-over-the-counter drug that requires a prescription from a health care provider to be validly dispensed in the State of Alabama.

- A student possessing a Prescription Drug pursuant to a current, valid prescription from a health care provider authorized to prescribe medications in the State of Alabama does not violate this section.
- A student using or being under the influence of a Prescription Drug pursuant to a current, valid prescription from a health care provider authorized to prescribe medications in the State of Alabama does not violate this section.

**A.** Prescription Drugs, Controlled Substances, or Illegal Drugs-Possession

**B.** Prescription Drugs, Controlled Substances, or Illegal Drugs-Sale

**C.** Prescription Drugs, Controlled Substances, or Illegal Drugs-Use/Being Under the Influence Of

**D.** Prescription Drugs, Controlled Substances, or Illegal Drugs-Furnishing/Giving

**4.19 Repeated Harassment or Bullying**

With intent to harass, annoy, intimidate, or alarm whether socially, physically, or emotionally, a student repeatedly:

- strikes, shoves, kicks, or otherwise touches a person or subjects him/her to physical contact.
- directs abusive or obscene language or makes an obscene gesture towards another person.
- makes a threat, verbal or non-verbal, that will cause the student who is the target of the threat to fear for his/her own safety.
- uses any form of written or electronic communication in a manner likely to harass or cause alarm.
- uses speech or other expression intended to insult or stigmatize others based on the sex, race, color, handicap, religion, sexual orientation, or national origin; or
- touches another with sexual connotations or makes written or verbal propositions to engage in sexual acts.

**A.** Bullying/Harassment based on sex

**B.** Bullying/Harassment based on race

**C.** Bullying/Harassment based on disability

**D.** Bullying/Harassment based on sexual orientation

**E.** Bullying/Harassment based on religion

**F.** Other Bullying/Harassment offenses not related to A-E

**4.20 Robbery**

Taking or attempting to take anything of value that is owned by another person or organization under confrontational circumstances by force or violence and/or by putting the victim in fear. Restitution shall be required.

**A.** Robbery with a weapon

**B.** Robbery with a firearm/explosive

**C.** Robbery without a weapon

**4.21 Serious Unauthorized Use of a Computer System**

The unauthorized use of a computer or computer system which results in, but is not limited to, the following:

- Unauthorized access to a computer system resulting in data modification or disclosure of restricted information.
- Computer tampering which causes a major disruption in the educational or administrative process. Student must also pay restitution for the cost of repairs.
- Distribution of restricted computer passwords.
- Using a computer system that is logged in as another identity; or, Introduction of unauthorized software into a computer system.

<p><b>4.22 Sexual Battery</b>  Forcible offenses including rape, attempted rape, and/or offensive touching of a sexual nature against another's will or when the victim is incapable of giving consent.</p> <ul style="list-style-type: none"> <li>A. Rape</li> <li>B. Sexual Battery (all acts other than Rape)</li> </ul>
<p><b>4.23 Sexual Harassment</b>  Unwelcome, repeated, verbal or physical sexual behavior that is offensive and objectionable to the recipient, causes discomfort or humiliation, or interferes with school performance. Sexual harassment may consist of, but is not limited to, such acts as leering, pinching, grabbing, touching, suggestive comments, jokes or behaviors; pressure to engage in sexual activity; using the computer or any type of electronic device to send sexual messages, spreading sexual rumors; or pulling others' clothing to expose body parts. (Refer to the St. Clair County Schools policy on sexual harassment in the Code of Student Conduct for further clarification.)</p>
<p><b>4.24 Sexual Offenses or Lewd Behavior</b>  Acts of a sexual or lewd nature including, but not limited to, indecent exposure, which may be defined as exposing body parts under circumstances in which the conduct is likely to cause affront or alarm in a public place or to be seen by others from private premises, or sexual contact, sexual intercourse, or other behavior or conduct intended to result in sexual gratification which is not taken by force or threat of force and where the conduct is consensual.</p>
<p><b>4.25 Terroristic Threat</b>  A threat by any means (verbal or otherwise) to commit an act of violence or to damage any person or property, which causes the terrorizing of another person, the disruption of school activities, the evacuation of a building, bus, or facility, or other interruption in the educational environment. Any student found to have made a terroristic threat or to have falsely reported such a threat that is related to any school system facility, operation, or activity is subject to immediate expulsion procedures. Any student who counsels, advises, persuades, encourages, or dares another person to make a terroristic threat or to falsely report such a threat that is related to any school system facility, operation, or activity is subject to immediate expulsion procedures.</p>
<p><b>4.26 Theft of a Motor Vehicle</b></p>
<p><b>4.27 Theft of Property Greater Than \$50</b>  The intentional unlawful taking and/or carrying away of property belonging to an individual or the school system, valued greater than \$50, or possessing such property that has been stolen, with knowledge that it has been stolen. Found property should be turned into school officials immediately. Restitution shall be required.</p>
<p><b>4.28 Threat/Intimidation of School Board Employee</b>  A threat to do bodily harm or violence to a school board employee or any other adult at the school in an official capacity by word or act. Any threat, whether made on or off campus, in the form of a hit list, writing, statement, or communication evidencing a plan or intent to do violence to another may also be included in this category.</p> <ul style="list-style-type: none"> <li>A. Threat of a physical attack with a weapon</li> <li>B. Threat of a physical attack with a firearm/explosive device</li> <li>C. Threat of a physical attack without a weapon</li> <li>D. Any other threat not related to a physical attack</li> </ul>
<p><b>4.29 Threat/Intimidation of Student</b>  A threat to do serious bodily harm or violence to another student by word or act, cyber bullying, or intimidation that may reasonably induce fear into another. Incidents under this infraction may include, but are not limited to, the following examples: a threat to kill, maim or inflict serious harm; a threat to inflict harm involving the use of any weapon, explosive, firearm, knife, prohibited object, or other object which may be reasonably perceived by the individual being threatened as capable of inflicting bodily harm. Any threat, whether made on or off campus, in form of a hit list, writing, statement, or communication evidencing a plan or intent to do violence to another may also be included in this category.</p> <ul style="list-style-type: none"> <li>A. Threat of a physical attack with a weapon</li> <li>B. Threat of a physical attack with a firearm/explosive device</li> <li>C. Threat of a physical attack without a weapon</li> <li>D. Any other threat not related to a physical attack</li> </ul>

**4.30 Trespassing**

Entering or remaining on a school campus, facility, or other school property without authorization or invitation and with no lawful purpose for entry, or to enter and remain on a school campus, facility, or other school property without supervision during the hours the premises are closed to the public.

**4.31 Unjustified Activation of Fire Alarm/Fire Extinguisher****4.32 Any Other Major Violation**

Of which the school administration may deem reasonable to fall within this category after investigation and consideration of extenuating circumstances.

NOTE:

**Repeated referrals to Alternative School**

**Two or more alternative school placements within the same school year may rise to a Class 4 violation.**

**Repeated Class 4 Violations**

**Two or more class 4 violations within a 2-year period may result in expulsion.**

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## Class 4 Disciplinary Sanctions

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A student who commits a Class 4 violation may be recommended for expulsion from the St. Clair County School System. In addition, Class 4 violations may result in the notification of law enforcement officials as appropriate and required by law (see *Civil Liabilities and Criminal Penalties*). A student who commits a Class 4 violation shall be suspended from attending classes until a due process hearing is held. Administrators should refer to Due Process Guidelines to preserve the constitutional rights of the student. The following procedure shall apply for a student who commits a Class 4 violation:

- Step #1 Principal shall notify law enforcement and JPO. JPO shall notify the district attorney's office of suspension/alternative education placement and provide information relative to this and previous suspensions/alternative education placements.
- Step #2 Principal shall contact parent or legal guardian; parent or legal guardian shall be notified, in writing, of the pending charge. The student shall remain suspended at home pending an administrative hearing.
- Step #3 Principal shall notify the Hearing Officer of the offense. The Hearing Officer shall establish a time, place, and date of the pending hearing. Parent or legal guardian shall be notified of the time, date, and place of the hearing. If anyone other than the student and parent or legal guardian is to attend the hearing, Hearing Officer must be given a 24-hour notice; if not given notice, Hearing Officer may elect to reschedule hearing.
- Step #4 A formal hearing shall take place within five (5) business days unless otherwise stated by the Hearing Officer. Principal (or designee) shall furnish Hearing Officer evidence of the alleged offense, as well as pertinent information regarding the student's overall conduct, attendance, and academic record. The purpose of this hearing is to determine the appropriate disciplinary action for the infraction, as determined by the Hearing Officer. A student served under IDEA or Section 504 shall have a manifestation determination meeting with his or her respective IEP/504 committee at the local school. If it is determined the infraction is a manifestation of their disability, the committee will determine the appropriate discipline. If determined it is not a manifestation of their disability, a regular class 3 hearing will be held before the hearing officer.
- Step #5 Parent or legal guardian may receive the disciplinary disposition at the time of the hearing OR the Hearing Officer may notify the parent or legal guardian, in writing, within three (3) business days of the hearing. If the Hearing Officer determines the appropriate discipline for the student is assignment in the Ruben Yancy Alternative School (RYAS) for a period of 45 days or less, that decision shall be final. And no appeal shall be available from the Hearing Officer's disciplinary determination. If the Hearing Officer determines the appropriate discipline for the student is the assignment in RYAS for a period of greater than 45 days or recommends the expulsion of the student from the St. Clair County School System, the parent/guardian may appeal the discipline determination to the Superintendent by filing a written request to appeal with the Superintendent specifying the reasons for appeal within five (5) business days of notification of the Hearing Officer's decision. Any appeal to the superintendent shall consist of the Superintendent reviewing the recording of the hearing held by the Hearing Officer and reviewing the documents and information presented during that hearing. Any appeal to the Superintendent shall not involve a new hearing or proceeding. The Superintendent shall render a decision in any appeal in a reasonable time. There shall be no appeals from the decision of the Superintendent, except if the Superintendent recommends expulsion. In such an event, a parent/guardian shall have the right to appeal the Superintendent's recommendation for expulsion. During the pendency of any discipline appeal, the student shall be placed at RYAS pending resolution of the appeal. All written notices of appeal shall be filed at the Board's Central Office located at 410 Roy Drive, Ashville, AL 35953. Upon receipt of a written request to appeal the Superintendent's recommendation of expulsion, an appeal hearing shall be scheduled with the Board of Education and written notice of that appeal hearing shall be provided to the parent/guardian. That notification shall contain:
- a. Date, time, and place of the appeal hearing before the board.
  - b. The student's right to be represented by an advocate of his/her choice, including legal counsel.

c. The student's right to present evidence, call witnesses, and cross-examine adverse witnesses.

Step # 6

The Board's hearing relative to expulsion shall fully comply with the applicable due process criteria. The Superintendent, or his/her designee, shall notify, in writing, the student and his or her parent or legal guardian of the action taken by the Board.

A student that is expelled from the St. Clair County Board of Education may apply for readmission to the Superintendent after serving the applicable expulsion period. The Superintendent may impose limitation or requirements on the student as a condition to the reenrollment, including, but not limited to, the requirement that the student attend a transition program at RYAS before returning to the student's assigned school.