

# ALBERTVILLE CITY SCHOOLS

## STUDENT CODE OF CONDUCT

The Albertville Advantage: A Superior Education Today - Tomorrow - Together



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# TABLE OF CONTENTS

<b>STUDENT CODE OF CONDUCT OVERVIEW</b> .....	<b>1</b>
<b>STATEMENT OF JURISDICTION</b> .....	<b>2</b>
<b>STUDENT DISCIPLINE INVESTIGATIONS</b> .....	<b>3</b>
<b>DISCIPLINARY HEARING PROCEDURES (SECONDARY ONLY)</b> .....	<b>4</b>
General:.....	4
Superintendent-Initiated Expulsion.....	4
Principal-Initiated Expulsion .....	4
Procedures for Hearings.....	5
<b>DISTRICT EXPULSION APPEAL PROCESS</b> .....	<b>7</b>
Appeal of Disciplinary Committee Decision for Expulsion.....	7
Appeal of Superintendent’s Decision for Expulsion .....	7
Length of the Expulsion.....	8
<b>SCHOOL LEVEL DISCIPLINARY APPEAL PROCESS</b> .....	<b>9</b>
Alternative Placement Appeal .....	9
Appeal Conditions.....	9
<b>DISCIPLINE RESPONSE CODES</b> .....	<b>10</b>
<b>LEVEL I</b> .....	<b>10</b>
Level I Offenses.....	10
Level I: Consequences .....	11
<b>LEVEL II: Discipline Response Code</b> .....	<b>12</b>
Level II: Offenses .....	12
Level II: Consequences .....	13
<b>LEVEL III: Discipline Response Code</b> .....	<b>14</b>
Level III: Offenses .....	14
Level III: Consequences .....	16
<b>LEVEL IV: Discipline Response Code</b> .....	<b>17</b>
Level IV: Offenses .....	17
Level IV: Consequences .....	20
<b>Appendix A- Student Dress Code</b> .....	<b>21</b>

## STUDENT CODE OF CONDUCT OVERVIEW

The following section provides the disciplinary offenses and potential consequences of students for behavior that occurs on Albertville City Schools (ACS) property; on ACS transportation; during school-sponsored activities, including, but not limited to distance learning, field trips, athletic functions, and similar activities; and if appropriate, any other area as permitted by Alabama Statutes and/or State Board of Education Rules.

Student disciplinary offenses and the responses to them are divided into four levels. Each level represents progressively more serious offenses and responses to them become progressively more severe. Some offenses require consultation with law enforcement if the offense is deemed to be a violation of state or federal laws.

ACS promotes a safe and supportive learning environment in schools, to protect students and staff from conduct that poses a serious threat to school safety. School based administrators shall provide consistent school-based discipline, where appropriate, and authorized by policy and this Code. In addition, a good faith effort shall be made by the principal or designee to employ parental assistance or other alternative measures prior to suspension, except in the case of emergency or disruptive conditions which require immediate suspension or in the case of a serious breach of conduct as defined by the Board and this Code.

## STATEMENT OF JURISDICTION

A school district may impose discipline on students for offenses committed off-campus if the conduct in question has a sufficient connection to the school or educational environment. This may include conduct that occurs at a school-sponsored event or activity or conduct that creates a substantial disruption to the school environment or the education of other students.

It is important to note that while a school district may have jurisdiction to impose discipline for certain off-campus conduct, it may also be subject to limitations imposed by state and federal law, including the First Amendment and the Due Process Clause of the Fourteenth Amendment. In all cases, the school district should carefully weigh the need for discipline against the rights of the student and the potential consequences of the discipline.

## STUDENT DISCIPLINE INVESTIGATIONS

ACS is responsible for investigating all allegations of student misconduct within its jurisdiction using the preponderance of the evidence legal standard. Therefore, ACS employees are authorized to interview students and obtain witness statements from students involved in offenses of the Code. However, any student may refuse to participate in an investigation. It is important to note that if the behavior is believed to be criminal and a violation of Alabama Statutes, the school resource officer, or law enforcement officer, if the school resource officer is not available, may participate in the investigation.

Parents/guardians may request their student not participate in student discipline investigations without authorization from the parent/guardian by submitting the request, in writing, to the school administration. Refusal to participate in the investigation does not prohibit ACS from continuing with the investigation and administering an appropriate disciplinary consequence. In addition, refusal does not prohibit the school resource officer, or law enforcement officer, from continuing the criminal investigation and imposing criminal penalties if warranted.

After the discipline investigation is complete, the parent/guardian may request a copy of all documentary evidence upon which the proposed disciplinary consequence is based subject to requirements of FERPA.

If the discipline investigation is conducted due to allegations of a threat or threatening behavior, the investigation will be submitted to the Superintendent or Superintendent designee(s).

In accordance with the Alabama State Compulsory Attendance Law, the Albertville City Board of Education makes the final disposition of any expulsion recommendation. A student may be expelled for any act that is classified as a Class IV offense. The school principal is initially responsible for determining that an offense has been committed for which expulsion may be warranted. Any student who has been determined eligible for special education may be expelled, but all procedural safeguards must be adhered to as set forth in the Individuals with Disabilities Education Improvement Act of 2004 and as outlined in the Albertville City Board of Education Policy Manual.

Any student who is the subject of an expulsion action shall be granted the following rights to due process: a hearing, the right to counsel, the right to hear the alleged charge(s), the right to question all evidence, the right to speak and offer evidence in his/her own behalf and the right to have a full explanation of the applicable Board policy used to charge the student.

## DISCIPLINARY HEARING PROCEDURES (SECONDARY ONLY)

### General:

If a student is suspended pending an expulsion hearing, the school will follow the suspension policy and procedure, and on the Suspension Notice Form will identify that the suspension is pending an expulsion hearing.

When a student's misbehavior warrants a Level 4 Response, the principal immediately must notify the Student Services Department and, if the student has a disability, Special Education Services Department. If a suspected controlled substance is involved, Albertville Police Department must be notified.

### Superintendent-Initiated Expulsion

The Superintendent may recommend that a student be expelled without prior recommendation from the principal. In such cases, the Superintendent will follow the Principal-Initiated Expulsion procedures below.

### Principal-Initiated Expulsion

The principal/designee will review the allegations and evidence against a student, advise the student of the reason(s), and allow the student to tell what occurred. After doing so, the principal/designee is responsible initially for determining that the behavior warrants an expulsion and taking reasonable steps to notify the student's parent.

1. The principal will notify the designated Disciplinary Committee Chair by submitting a completed Due Process Packet within five (5) school days after the date of the commission of the offense.
2. This Due Process Packet shall consist of, at least, the following:
  - a. Copy of the completed Suspension Notice, stating the reasons in writing.
  - b. Specific description of the student's behavior, including date, time, and place and supporting facts.
  - c. A written report giving the suspected student's version of what occurred (Accused Student Statement Form).
  - d. Names, addresses, and telephone numbers of persons involved in the incident: suspect(s), victim(s), and witness(es).
  - e. Signed and dated statement(s) of persons involved in the incident, if possible.
  - f. Paper copy of any contraband.
  - g. Current school year academic and disciplinary record.
  - h. Details of extenuating circumstances, if any.
  - i. Date(s) of principal's conference(s) and names of those present.

## Procedures for Hearings

Prior to expulsion, students are entitled to a hearing conducted by a hearing panel using the following procedures:

1. The parent shall be given verbal or written notice of the reason(s) against the student and the time, date, and place of the hearing prior to a hearing. At the time that the notice of an expulsion is made, ACS will provide the student and the parent/guardian with the following: copies of evidence supporting the expulsion; the rules governing the hearing; and notice that the student may have a parent/guardian or family member and an advocate of his or her choosing present to participate in the expulsion hearing. The student may present witnesses or provide statements on their behalf and ask rebuttal questions of witnesses presented by ACS at the expulsion hearing.
2. The hearing panel normally conducts a hearing within 14 school days after the date of the commission of the **Level 4** behavior. However, it may be longer than 14 days if there are extenuating circumstances.
3. The principal or designee shall present the case for expulsion of the student. Witnesses for the proponent of the expulsion will be notified to be present by the school.
4. At the hearing, the hearing panel shall give the student an opportunity to admit or deny the reason(s). If the student denies the reason(s), the principal/designee will provide an explanation of the evidence, and the student will be given an opportunity to tell what occurred.
5. The case may be presented by statements made by the witness(es). The hearing panel may permit witness(es) by the proponent of the expulsion but is not required. Additionally, student witnesses, including accusers, may provide evidence by written statement which may be redacted to ensure student privacy. The decision as to these issues shall rest in the discretion of the hearing panel. The student is permitted to present adult witnesses, but if a witness's testimony is redundant or not relevant, the hearing panel can decide not to hear that witness.
6. The student's parent must give the hearing panel notice, 24 hours prior to the hearing, of the decision to have an attorney. Failure to do so will result in the rescheduling of the hearing, and, if the student's parent fails to provide notice after a hearing has been rescheduled, the hearing panel may deny the participation of the attorney in the hearing.
7. After following the above procedures, the hearing panel, based on all facts presented, shall determine whether the student did or did not commit an offense, what offense, if any, was committed and whether the recommendation of the principal to expel is accepted or overruled. The hearing panel shall prepare a written decision, which shall include the reasons 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. If extenuating or mitigating circumstances exist, the hearing panel shall document these circumstances.
8. If the decision to recommend expulsion is made by the Disciplinary Committee and is upheld by the Superintendent, the parent/guardian shall be notified by letter of the time and place of an expulsion hearing before the Albertville City Board of Education. The student shall remain under suspension until the hearing is held. This notice shall be given a minimum of five calendar days before the hearing is held.
9. If a student with disabilities is alleged to have committed an offense expellable under the Student Code of Conduct, the hearing panel determines the guilt or innocence only. The decision regarding an appropriate placement is determined by the IEP Committee.

10. The following persons shall be notified of the committee decision:
  - a. The student's parent or guardian by certified mail or at the time proceeding hearing.
  - b. The Student Services Department.
  - c. The Principal.
  - d. The Special Education Services Department (for students with disabilities) and
  - e. The Superintendent.
11. A recording shall be made of the hearing and shall be kept for no less than six (6) months from the date of the hearing.
12. The written record of the hearing shall be kept for two (2) years.
13. Failure of the parent/guardian and/or student to attend shall not nullify the process.
14. The Superintendent will review all testimony, facts, and accounts provided by the Committee and Student. The determination will then be sent through certified mail to the parent or guardian and committee notified.



## DISTRICT EXPULSION APPEAL PROCESS

### Appeal of Disciplinary Committee Decision for Expulsion

If the student's parent or legal guardian is dissatisfied with the decision of the hearing panel in cases in which the hearing panel upholds the recommendation for expulsion, the parent may file an appeal by using the following procedures:

1. The student's parent must mail or deliver a written request for an appeal to the Superintendent.
2. The written request for an appeal must be postmarked or hand delivered on a date no more than ten (10) calendar days after
  - a. the postmarked date of the written notification of the hearing panel's decision, or
  - b. date of hand delivery of the written notification of the hearing panel's decision, or
  - c. if the above are not able to occur, then verbal notification of the hearing panel's decision. If the written request for an appeal is not made on time, the hearing decision will be final.
3. The Superintendent, upon receipt of a timely filed written request for an appeal, will request the documented evidence of the case including the findings, conclusions, disposition, and audio recording if used.
4. The Superintendent or designee shall review the case based on the record. No new evidence shall be admissible.
5. After receipt of the appeal, the Superintendent will make a written decision to adopt, modify, or disapprove all or any part of the hearing panel's findings, conclusions, or disposition.
6. A copy of the Superintendent's decision shall be sent to the following persons:
  - a. The student's parent (by certified mail).
  - b. The Student Services Department.
  - c. The Principal.
  - d. The Special Education Department (for students with disabilities).
  - e. The Superintendent's Office.
7. If the parent is dissatisfied with the Superintendent's decision to uphold the recommendation for expulsion, the parent may file an appeal to the Board of Education using procedures described below.

### Appeal of Superintendent's Decision for Expulsion

If after the hearing before the hearing panel and an appeal to the Superintendent, a parent is dissatisfied with the Superintendent's decision for expulsion, the parent may file an appeal to the Board of Education using the following procedure:

1. The student's parent must mail or deliver a written request for an appeal to the Albertville City Board Secretary.
2. The written request for an appeal must be addressed to and mailed or given to the Board of Education, with a copy to the Superintendent.
3. The written request for an appeal must be postmarked or hand delivered on a date no more than **ten (10)** calendar days after the postmarked date or date of hand delivery of the written notification of the Superintendent's decision. **If the written request for an appeal is not made on time, the Superintendent's decision will be final.**
4. Upon receipt of a timely filed written request for an appeal, the Board shall set a hearing date. To comply with applicable student privacy laws, the hearings will be closed to the public.

5. The student's parent must give the Board notice, at least 48 hours prior to the hearing, of the decision to have an attorney. Failure to do so may result in the rescheduling of the appeal hearing, and, if the student's parent fails to provide notice after a hearing has been rescheduled, the Board may deny the participation of the attorney in the hearing.
6. At the scheduled hearing, the Board will use the following procedures:
  - a. A representative of the Superintendent, school, and/or counsel for the Board will present to the Board the information supporting the recommendation for expulsion and may examine any witnesses provided by the student or his or her counsel.
  - b. The student, or his or her counsel, will be entitled to present evidence in support of his or her position and to examine any witnesses presented at the hearing.
  - c. The student, or his or her counsel, may make other arguments in support of their position.
  - d. At the conclusion of the evidentiary presentation, the Board may deliberate in executive session prior to voting whether to uphold the recommendation for expulsion.
7. The Board shall render a decision based upon the evidence presented.
8. The following persons shall be notified of the Board's decision:
  - a. The student's parent/guardian (by certified mail).
  - b. The Principal.
  - c. The Student Services Department.
  - d. The Superintendent and
  - e. If applicable, the Special Education Department.

### Length of the Expulsion

If a student is found to have committed the behavior warranting an expulsion, the length of the student's expulsion may be for any length of time up to the end of the current school year or one (1) calendar year. The Superintendent shall, by letter, notify the parent/guardian of the Albertville City Board of Education's decision within ten days after it is made.

If a student is assigned to alternative school in lieu of expulsion, the student must begin attending the alternative school within 7 days of being assigned to alternative school. Failure to do so will result in the student being expelled. While attending alternative school, the Board will count only those days the student attends the alternative school. If a student is placed in alternative school, the student must attend for the number of days assigned; however, the alternative school may create a plan for the student, the successful completion of which, will allow the student to complete his or her assignment early.

When a student returns to school after expulsion, the re-admission must be preceded by a conference with the principal or his/her designee during which the student is given a readmission slip to return to class.

# SCHOOL LEVEL DISCIPLINARY APPEAL PROCESS

## Alternative Placement Appeal

A student assigned to the alternative program by the Disciplinary Review Committee may appeal by providing written notice to the Superintendent within three (3) school days of the disciplinary action. The written notice must state the reason for the appeal and propose a resolution. A hearing will then be scheduled with the Superintendent or his/her designee. If the parent or legal aged student is not satisfied with the decision of the Superintendent or his/her designee, the decision may be appealed to the Board of Education by submitting written notice to the Superintendent within three (3) school days of the Superintendent's or his/her designee's decision. Again, the written notice must state the reason for the appeal and propose a resolution. A hearing will then be held with the Board of Education. The decision of the Board will be final and cannot be appealed further. There is no appeal from a Board placement in the alternative program.

A student that has multiple Code of Conduct violations can be assigned Alternative Placement at the discretion of the school Principal for no more than a period of 10 days total within a single school year. The conditions for appeal also apply for Principal level placement.

## Appeal Conditions

The following conditions are applicable to the appeal of any disciplinary action:

- At each level of appeal, the parent must provide written notice stating the reason[s] for the appeal and a proposed resolution.
- The initial disciplinary action will not be stayed or delayed while the appeal is pending.
- No issue or evidence may be presented on appeal that was not presented at the time of the initial disciplinary decision, unless it could not have been discovered, through reasonable inquiry, at that time.
- At each level of appeal, the judgment of the person/body hearing the appeal can be substituted for the underlying decision. For example, the appellate decision may void the initial disciplinary action, affirm it without change, enter a less severe sanction, or enter a more severe sanction, including expulsion.

# DISCIPLINE RESPONSE CODES

## LEVEL I

Level I offenses are minor acts of misconduct that interfere with the orderly operation of the classroom, a school function, extracurricular/co-curricular program, or approved transportation.

The ACS employee involved should intervene in the misconduct. If further action is necessary, the employee should refer the student to the school administrator for disciplinary action. After hearing the student's explanation, consulting with staff members and other students, and doing any other investigation necessary, the administrator will decide on disciplinary action. Suspension is not an available disciplinary response for Level I violations.

### Level I Offenses

- A. **Cheating-** Willful or deliberate unauthorized use of the work of another person for academic purposes, or unauthorized use of notes or other material in the completion of an academic assignment or test. In addition to disciplinary responses, the student may receive no credit for the assignment, test, or exam at the discretion of the teacher.
- B. **Disruptive Conduct-** Conduct or behavior that interferes with or disrupts the orderly process of the teaching/learning process, school environment, a school function, or extracurricular/co-curricular activity.
- C. **Disrespect-** Conduct or behavior that lacks regard, civility, politeness, and/or courteous consideration towards a student, ACS employee, volunteer, or contracted personnel. This offense may include, but is not limited to, speech or behavior that is insulting or rude.
- D. **Dress Code-** Non-conformity to established dress code.
- E. **False and/or Misleading Information-** Intentionally providing false or misleading information to an ACS employee, contracted personnel, or volunteer.
- F. **Profane, Obscene, or Abusive Language/Materials-** The use of either oral or written language, or gestures, which are disrespectful or socially unacceptable and are not directed at another person. This section does not include threatening or intimidating language.
- G. **Electronic Device Violation-** The misuse of electronic devices, which are not educational in nature, and may include, but is not limited to, cellphones, smartphones, smart watches, MP3 players, iPods, e-readers, tablets, laptops, and other electronic devices.
- H. **Tardiness-** Repeated late arrival to school.
- I. **Unauthorized Absence from School-** A student arrives at school and then leaves campus, has temporary unauthorized absences from class, or fails to attend specific classes.
- J. **Unsubstantiated Bullying-** After a complete investigation and follow up of a reported bullying incident, the administrator determines that there is not enough evidence to substantiate that the incident meets the criteria of a prohibited act under the definition of bullying as listed in the Jamari Terrell Williams Bullying Prevention Act (Ala. Code § 16-28B-1). This offense is for documentation purposes only and discipline consequences are not given.
- K. **Unsubstantiated Harassment-** After a complete investigation and follow up of a reported harassment incident, the investigator determines that there is not enough evidence to substantiate that the incident meets criteria of a prohibited act under the definition of harassment as listed in the Jamari Terrell Williams Bullying Prevention Act (Ala. Code § 16-28B-1). This offense is for documentation purposes only and discipline consequences are not given.

- L. **Forgery (Non-criminal)**- To create or reproduce the signature or document of another for fraudulent purposes. This offense may include, but is not limited to, signing a document with your parent's signature without permission.
- M. **Harassment Level I**- Any threatening, insulting, dehumanizing gesture, use of data or computer software, or written, verbal, or physical conduct that:
  - a. Places an ACS student or school employee in reasonable fear of harm to his/her person or damage to his/her property, has the effect of substantially interfering with a student's educational performance, opportunities, or benefits.
  - b. Has the effect of substantially disrupting the orderly operation of a school.
  - c. Any course of conduct directed at a specific person that causes substantial emotional distress.

This offense may include, but is not limited to, teasing, name calling, gossiping, spreading, or starting rumors, and/or purposefully embarrassing or humiliating another person.
- N. **Other Misconduct**- Any other act of misconduct which may interfere with the orderly operation of the classroom, the school program, a school activity, an extracurricular/co-curricular program, or approved transportation and cannot be coded as another Level I offense.

### Level I: Consequences

1. **Counseling and/or direction\***
2. Possible Parent/guardian contact by Administrator or Teacher
3. Verbal reprimand
4. Special work assignment
5. Withdrawal of privileges
6. Detention to include lunch detention
7. In-school suspension
8. Suspension from bus (1-10 days)
9. Confiscation of unauthorized materials, objects, or contraband
10. Assigned seat
11. Supervision plan
12. Guidance referral
13. Schedule change
14. Warning of referral to Level II for multiple Level I Offenses

*\*Mandatory Consequences (Consequences can be single or combination)*

## LEVEL II: Discipline Response Code

Level II offenses are more serious acts of misconduct than Level I offenses. Level II includes repeated acts of misconduct from Level I and acts directed against people or property that do not seriously endanger the health or safety of others.

The misconduct must be reported to the appropriate school administrator for further investigation. After hearing the student's explanation, consulting with staff members and other students, and doing any other investigation necessary, the administrator will follow the procedure designated for Level II violations in investigating the matter and deciding on the progressive disciplinary action.

### Level II: Offenses

- A. **Destruction of Property/ Vandalism (under \$100)**- The willful or malicious destruction of school property or the property of others.
- B. **Disrespect**- Repeated conduct or behavior that lacks regard, civility, politeness, and/or courteous consideration towards a student, ACS employee, volunteer, or contracted personnel. This offense may include, but is not limited to, inappropriate language directed towards another that is not profane.
- C. **Horseplay**- Intentional physical contact or altercation between two or more students such as pushing, shoving, or altercation that stops upon verbal command.
- D. **Gambling**- Any unlawful participation in games (or activities) of chance for money and/or other things of value.
- E. **Insubordination/Open Defiance**- Verbal or non-verbal refusal to comply with school rules or directions from an ACS employee, contracted personnel, or volunteer without causing a disruption or committing any further acts.
- F. **Intimidation/ Threats**- Any direct or indirect threat to do harm to the property of another student, ACS employee, contracted vendor, or ACS volunteer. Or any direct or indirect harm to hit, fight, or beat up another student or a threat to another student's life if the threat to life is vague, said out of anger or frustration, an expression of humor or rhetoric and can be easily resolved. The content of the threat suggests the person is unlikely to carry it out. This section does not include threats made to ACS employees, contracted vendors, or ACS volunteers; these threats are a Level III or IV.
- G. **Stealing (Under \$100)**- Taking the property of another without permission of the person.
- H. **Unauthorized Publications**- Possession and/or distribution of unauthorized publications, including misuse of electronic messages or computers which interfere with the orderly process of the school environment, a school function, or extracurricular/co-curricular activity.
- I. **Bullying**- A bullying offense includes repeatedly being cruel to other students, ACS employees, volunteers, or contracted personnel, on or off ACS property if it adversely impacts the educational environment at school for students or staff. This offense may include, but is not limited to, repeated teasing, name calling, and/or minor physical contact.
- J. **Other Serious Misconduct**- Any other act of misconduct that is more serious, harmful, or is a more disruptive example of any of the offenses described in Level I, which may interfere with the orderly operation of the school, school transportation, or school activity and cannot be coded as another Level II offense.
- K. **Gang Related**- The possession, use, or displaying of items associated with gang activity that include, but is not limited to, clothing and accessories, gang related insignias, writings, signs, or symbols that promote gang affiliation and/or involvement.

- L. **Harassment Level II-** Any threatening, insulting, dehumanizing gesture, use of data or computer software, or written, verbal, or physical conduct that places an ACS student or school employee in reasonable fear or harm to his/her person or damage to his/her property, has the effect of substantially interfering with a student's educational performance, opportunities, or benefits, and has the effect of substantially disrupting the orderly operation of a school including any course of conduct directed at a specific person that causes substantial emotional distress in such a person and serves no legitimate purpose. This offense may include, but is not limited to, name calling with profanity, and/or minor physical contact.
- M. **Electronic Device Violation-** The repeated misuse of electronic devices, which are not educational in nature; unauthorized access to programs or files not expected or intended for student use on an electronic device or ACS network (i.e. gaming); sharing another person's username and password; or intentionally providing access to another person to use the student's device while the student is logged in.
- N. **Sexual Harassment-** Any minor slur, innuendo, gesture, or other written or verbal conduct reflecting on an individual's gender which has the purpose of creating an offensive educational environment. This offense may include, but is not limited to, unpleasant distasteful comments, jokes, or gestures that are sexual in nature; however, this does not include acts involving physical contact.
- O. **Horseplay-** Any rough uncontrolled play or prank that involves two or more students and there is risk of injury because of the horseplay.
- P. **Dress Code-** Non-conformity to the dress code (second and subsequent offenses).

## Level II: Consequences

1. **Counseling and/or direction\***
2. Possible Parent/guardian contact by Administrator or Teacher
3. Special work assignment
4. Detention
5. Guidance referral
6. Confiscation of unauthorized materials
7. In-school suspension
8. Suspension from bus (1-10 days)
9. Suspension from school (1-10 days)
10. Schedule change
11. Temporary removal or participation in extracurricular/co-curricular programs or activities
12. Warning of referral to Level III for multiple Level II Offenses

***\*If consequence results in suspension, Administrator will ensure Parent or Guardian is contacted***

***\*Mandatory Consequences (Consequences can be single or combination)***

## LEVEL III: Discipline Response Code

Level III offenses are major acts of misconduct that disrupt the orderly operation of the school, school activity, or school transportation that threatens the health, safety, and property of others. Level III offenses may include repeated acts of misconduct from Level II.

The misconduct must be reported right away to the school administrator for further investigation. After hearing the student's explanation, consulting with staff members and other students, and doing any other investigation necessary, the administrator will follow the procedure designated for Level III violations in investigating the matter and deciding on the progressive disciplinary action, which may result in the removal of the student from the school or activity immediately.

### Level III: Offenses

- A. **Physical Attack**- An actual and intentional striking of another student against his/her will, without injury. This section does not include injury that is a result of fighting if students are mutual combatants.
- B. **Destruction of Property/ Vandalism (Above \$100, but less than \$1,000)**- The willful or malicious destruction of ACS property or the property of others.
- C. **Disrespect**- Conduct or behavior that lacks regard, civility, politeness, and/or courteous consideration towards a student, ACS employee, volunteer, or contracted personnel. This offense may include, but is not limited to, language and/or gestures that are abusive and/or profane directed towards another person.
- D. **Extortion/Blackmail**- The willful or malicious threat of harm, injury, or violence to the person, property, or reputation of another with the intent to obtain money, information, services, or items of material worth.  
This offense may include, but is not limited to, threatening to accuse another of a minor offense or crime to obtain lunch money.
- E. **Fighting**- When two or more persons mutually participate in the use of force or physical violence that requires: (1) physical intervention; or (2) results in injury requiring first aid or medical attention.  
**Note: If a student is unable to leave the area of a pending attack, a student may use self-defense. Self-defense is an action taken that is necessary to protect oneself or others from serious bodily harm. Self-defense may include asking an adult for help, restraining, or blocking the attacker, shielding oneself or others from being hit, or pushing to get away from the attacker. However, retaliating by striking or hitting (i.e. punching, slapping, kicking) a person back, or choosing not to leave after you are able to get away, may be considered as fighting.**
- F. **Firecrackers/ Fireworks**- Unauthorized possession, sale, or storage of unlit fireworks or firecrackers on ACS property, at a school function, or extracurricular/co-curricular activity.
- G. **Gross Insubordination/Open Defiance**- Willful refusal to submit to or comply with authority; exhibiting contempt or open resistance to a direct order; challenging the authority of an ACS employee, contracted personnel, or volunteer in the presence of others which causes a disruption.
- H. **Illegal Organizations**- Establishing or participating in a secret society on ACS property, at a school function, or at an extracurricular activity.
- I. **Possession of Contraband Material**- Possession, use, and/or distribution of materials or items, other than weapons or firearms, which are forbidden. The parent/guardian will decide to pick



up the object from the school, if applicable. At no time shall ACS be responsible for theft, loss or damage to contraband items brought onto its property.

- J. **Smoking/Vaping and Other Use of Tobacco/Nicotine Products-** The possession or use of tobacco/vaping nicotine products, or items represented to be of said nature.
- K. **Stealing (\$100-\$500)-** The taking of the property of another without the permission of the person.
- L. **Trespassing-** To enter or remain on school grounds/campus, school transportation, or at a school-sponsored event/off campus, without authorization or invitation and with no lawful purpose for entry.
- M. **Violation of Curfew-** Breaking of curfew regulations during an extracurricular/co-curricular activity.
- N. **Bullying-** The offense must include repeatedly inflicting physical hurt or psychological distress on one or more ACS students, employees, volunteers, or contracted personnel that is severe or pervasive enough to create an intimidating, hostile, or offensive environment, or unreasonably interfere with the individual's school performance or participation, on or off ACS property if it adversely impacts the educational environment at school for students or staff. This offense may include, but is not limited to, repeated name calling with threat, physical contact with minor injury, distribution or sharing of written texts/pictures/video to multiple recipients.
- O. **Other Serious Misconduct-** Any other act of misconduct that is more serious, harmful, or is a more disruptive example of any of the offenses described in Level II, which may interfere with the orderly operation of the school, school transportation, or school activity and cannot be coded as another Level III offense. This offense may include, but is not limited to, sexting that is not intended to extend beyond the sender/receiver; body piercing; providing false/misleading information to staff members which causes a disruption to the school, language intended or reasonably calculated to insult and/or incite another person; filming or photographing Code of Conduct violations; sharing in the activation of a fire alarm that was not the result of a willful or malicious act.
- P. **Physical Aggression on an Employee or Contracted Personnel-** The willful use of force upon employee or contracted personnel that does not result in bodily injury.
- Q. **Sexual Harassment-** Any slur, innuendo, gestures, or other written, verbal or physical contact reflecting on an individual's gender which has the purpose of creating an intimidating, hostile, or offensive educational environment. These acts are sexual in nature and may include, but are not limited to, mooning, sharing/sending/showing images or video that have no bodily exposure but are taken in a private area, and/or minor physical contact that is sexual in nature.
- R. **Intimidation/ Threats to a Person-** Repeated Level II threats or any direct or indirect threat to another student's life if the threat has some details and information obtained suggests that some thought was given to how the threat will be carried out, but there is no clear indication that the student has taken preparatory steps. This section also includes threats of harm or violence towards an ACS employee, contracted vendor or ACS volunteer without any further acts of aggression or where there is no intent to carry out the threat.
- S. **Gang Related-** Conduct or behavior that tends to promote gang activity, provoke violence, or seriously disrupt the orderly operation of the school program, any school activity or transportation services, including but not limited to the possession, use or displaying of gang paraphernalia, jewelry, tattoos, clothing, or other insignias and writings that promote gang affiliation/involvement/the use of gang related signs or symbols or any other gang associated behavior.
- T. **Harassment Level III-** Any threatening, insulting, or dehumanizing gesture, use of data or computer software, or written, verbal, or physical conduct that places an ACS student or school

employee in reasonable fear of harm to his/her person or damage to his/her property, has the effect of substantially interfering with a student's educational performance, opportunities, or benefits and has the effect of substantially disrupting the orderly operation of a school including any course of conduct directed at a specific person that causes substantial emotional distress in such a person and serves no legitimate purpose. This offense may include, but is not limited to, name calling with threat, physical contact with minor injury, distribution or sharing of written texts/pictures/video to multiple recipients.

- U. **Hazing-** Any action or situation that endangers the mental or physical health or safety of a student at a school with any of grades 6 through 12 for purposes of initiation or admission into or affiliation with any school-sanctioned organization. This offense may include, but is not limited to, false imprisonment not resulting in medical attention, verbal or physical behavior resulting in minor injury, or any other act that creates a substantial risk of physical injury.
- V. **Electronic Device Violation-** The continual misuse of electronic devices, which are not educational in nature; the unauthorized modification of software/hardware configuration on an electronic device (i.e. factory reset of district device); unauthorized access to programs and/or files not expected or intended for student use on an electronic device or ACS network. This section does not include images, videos, messages, etc. that can be classified as another offense (i.e. threats, images/videos containing nudity).
- W. **Horseplay-** Any rough uncontrolled play or prank that involves two or more students and there is injury because of the horseplay. Any horseplay that results in serious injury where medical attention is needed may result in a Level IV offense.

### Level III: Consequences

1. ***Parent/guardian contact mandatory\****
2. ***Counseling and direction\****
3. Special work assignment
4. Return of property
5. In-school suspension
6. Suspension from bus (1-10 days)
7. Suspension from school (1-10 days)
8. Detention
9. Temporary or permanent removal from participation in extracurricular/co-curricular programs or activities
10. Referral to intervention program
11. Confiscation of unauthorized materials, objects, or contraband
12. Schedule change
13. Guidance referral
14. Warning of referral to Level IV for multiple Level III Offenses

***\*If consequence results in suspension, Administrator will ensure Parent or Guardian is contacted***

***\*Mandatory Consequences (Consequences can be single or combination)***

## LEVEL IV: Discipline Response Code

Level IV offenses are the most serious acts of misconduct and are grounds for expulsion. Level IV offenses may include repeated acts of misconduct from Level III. Any Level IV act shall result in suspension from school pending Disciplinary Review Panel determination.

Major acts of misconduct must be reported right away to the school administrator for further investigation. After hearing the student's explanation, consulting with staff members and other students, and doing any other investigation necessary, the administrator will follow the procedure designated for Level IV violations in investigating the matter and refer the Level IV to District Disciplinary Review Panel for further review.

Students who commit a Level IV offense may be referred to local authorities for further investigation.

### Level IV: Offenses

- A. Alcohol-** The possession, use, distribution, transmission, sale, purchase, solicitation, or being under the influence of alcoholic beverages. Distribution or transmission of alcohol is defined as delivery of alcohol to another person without the intent of communal or collective consumption. Use means the person is caught in the act of using, admits using or is discovered to have used during an investigation.
- B. Arson-** The willful and/or malicious burning of or attempt to burn ACS property, contents in or on the property, or personal property of others.
- C. Intimidation/ Threats to a Person-** Repeated Level III threats. Or any direct or indirect threat to hit, fight or beat up an ACS employee, contracted vendor, or ACS volunteer with an aggressive act to carry out the threat. Or any direct or indirect threat, which threatens the life of another student, ACS employee, contracted vendor, or ACS volunteer, and the threat to life appears to pose an imminent or a danger to the safety of others. The threat is specific, detailed, and plausible. Information obtained suggests steps may have been taken to carry out the threat, and/or there is a strong concern about the student's potential to act.  
This offense includes, but is not limited to, threats made verbally or nonverbally by act, through social media, or by text, or threats/threatening behavior with a weapon or other dangerous object or the attempted use of a weapon or other dangerous object without injury.
- D. Battery-** An actual or intentional touching or striking of a student, ACS employee, contracted personnel, or volunteer against his/her will, causing more serious injury, such as: great bodily harm; permanent disfigurement; permanent disability; use of a deadly weapon; or where the attacker knew or should have known the victim was pregnant. The harm must be documented through medical evaluation. The attack must be serious enough to warrant reporting to law enforcement.  
This section includes the use of a weapon or other dangerous object that results in more serious injury, however, this section does not include injury that is a result of fighting if the students are mutual combatants.
- E. Threats to the School-** Any direct or indirect threat that may harm the school or may disrupt the function of the school campus or school sponsored activity including, but not limited to, threats made verbally or nonverbally by act, through social media, or by text. All threats are taken seriously, regardless of intent. Threats to the school may include, but are not limited to, bomb threats, threats to use firearms in a violent manner, and/or threats to conduct a mass shooting or an act of terrorism.

- F. Drugs: Possession/Use-** The possession, solicitation, use or being under the influence of any drugs, narcotics, controlled substances, or any other substance when used for chemical intoxication, or the possession or use of any substance represented to be of said nature. Use means the person is caught in the act of using, admits using or is discovered to have used during an investigation. The possession, solicitation, use, or being under the influence of over-the-counter medication or prescription medication more than the manufacturer’s prescribed limits are included in this section. Also included in this section is any amount of THC or any other cannabinoids.
- G. Drugs: Transmission/ Distribution/ Selling/Buying-** The manufacture, cultivation, transmission, distribution, buying, selling, or intending to sell any drug, narcotic, controlled substance or any substance represented to be a drug, narcotic, or controlled substance. This includes any form of payment for any drug or contraband substance.
- H. Tobacco: Vaping/Nicotine Selling/Distribution-** The distribution or sale, intention of selling, or buying of tobacco/vaping nicotine products, or items represented to be of said nature. This offense may include, but is not limited to, electronic cigarettes, CBD oil, Juuls, pods, vapors and hookah pens that do not contain THC or any other illegal controlled substance.
- I. Firearms/ Weapons-** The possession or control of any firearm, weapon, and/or destructive device (“weapons”) whether operable or inoperable, loaded or unloaded.  
*A firearm means any weapon, which will, is designed to, or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of any such weapon; any firearm muffler or firearm silencer; any destructive device; or any machine gun.*  
*A weapon means any dirk, knife (blade length is 2.5 inches or more), metallic knuckles, slungshot, billie, tear gas gun, chemical weapon or device, or other deadly weapon. A destructive device means any bomb, grenade, rocket, missile, pipe bomb, or similar, or any combination of parts to make a destructive device, which is designed or constructed to explode.*
- J. Major Disruption on Campus-** Major disruption of all or a significant portion of campus activities, school-sponsored events, and/or school bus transportation. Disruptive behavior that poses a serious threat to the learning environment, or the health, safety, or welfare of others. This offense may include, but is not limited to, inciting a riot, initiating a false fire alarm, incidents that result in closing the cafeteria, fights involving multiple participants that disrupt the campus, and/or incidents that prevent students from proceeding to the next Level.
- K. Larceny/Theft (\$500 or over) -** The act, participating in the act, or attempted act of taking, carrying, riding away with, or concealing of property from the possession or constructive possession of another person, including motor vehicle, without threat of violence or bodily harm. This offense may include, but is not limited to, pocket picking, theft from a building, theft from a motor vehicle, theft from a vending machine, theft of a golf cart, motor vehicle, or anything that is self-propelled or motorized.
- L. Other Dangerous Objects-** The possession, sale, or control of any instrument or object, other than a firearm or weapon, which could be used to inflict harm on another person or to intimidate any person. This offense includes, but is not limited to, BB guns or pellet guns, air soft guns, paintball guns and replicas of any gun or weapon, water/gel bead gun, common pocket knives (blade length is less than 2.5 inches), chains, pipes, common household tools, razor blades, box cutter/utility knife, ice picks, other pointed instruments, nun chucks, Chinese stars, pepper spray, Taser, items used for self-defense (i.e. Kubaton), ammunition, firearm clips, firearm cartridges. This offense also includes igniting fireworks/firecrackers.
- M. Repeated Misconduct of a More Serious Nature-** Repeated misconduct which tends to substantially disrupt the orderly conduct of a school, school function, or extracurricular/co-

curricular program or activity. Recommendations for expulsion relative to repeated misconduct must be based on documented referrals and a variety of intervention strategies.

- N. Robbery/Extortion-** The taking, participation in taking, or attempting to take anything of value that is owned by another person or organization, under the confrontational circumstances of force, or threat of force or violence and/or by putting the victim in fear. This offense may include the taking of objects such as purses, phones, clothing etc.
- O. Sexual Battery-** Any sexual act or attempt directed against another person, forcibly, and/or against the person's will. The category includes rape, indecent liberties, child molestation, and sodomy.
- P. Sexual Harassment-** Unwanted verbal or physical behavior with sexual connotations that is severe or pervasive enough to create an intimidating, hostile or offensive educational environment, cause discomfort or humiliation or unreasonably interfere with the individual's school performance or participation. Any sexual harassment of an ACS employee, contracted vendor, or volunteer that is physical is included in this offense. These acts are sexual in nature and may include, but are not limited to, sharing/sending/showing/taking images or video of other students or ACS employees, contracted vendors, or volunteers that have bodily exposure; fondling or groping of another against their will.
- Q. Sexual Offenses-** Any willful and/or deliberate act, behavior, or conduct intended to result in sexual gratification or furthering acts lewd or lascivious in nature. This offense includes, but is not limited to, consensual sexual acts, and/or exposure of nude body parts in the presence of others or by sending through electronic means.
- R. Violation of Early Re-entry Plan-** Any act or series of acts which violates or has the practical effect of violating an early re-entry plan from full exclusion/expulsion.
- S. Vandalism (\$1000 or over)-** The willful or malicious destruction, damage, or defacement of public or private property including the act of defacing with graffiti, keying, or scratching a car or trashing a room resulting in damages.
- T. Other-** Any other intentional or wanton act which is clearly beyond the bounds of acceptable and tolerable student conduct in the community, which cannot be coded in another Level IV offense. This offense may include, but is not limited to: possession of images or videos that contain nudity or any situation meant to cause emotional harm or act of cyber-bullying; extortion; hate crimes; any false accusation made by a student that jeopardizes the professional reputation, employment, or professional certification of any ACS employee; any speech on the basis of race, sex, national origin, religion, or disability that does or would be likely to cause a substantial disruption to the educational environment; possession/sale of drug paraphernalia.
- U. Bullying-** Repeatedly inflicting physical hurt, or psychological distress on one or more students, ACS employees, volunteers, or contracted personnel, that is severe or pervasive enough to create an intimidating, hostile, or offensive environment; or unreasonably interfere with the individual's school performance or participation on or off ACS property if it adversely impacts the educational environment at school for students or staff. This offense may include, but is not limited to, repeated name calling with threats, stalking/cyber stalking, distribution or sharing of written texts, picture/video to multiple recipients, posting picture or video to social media for public view, and/or physical contact with serious bodily injury.
- V. Harassment Level IV-** Any threatening, insulting, or dehumanizing gesture, use of data or computer software, or written, verbal, or physical conduct that places an ACS student or school employee in reasonable fear of harm to his/her person or damage to his/her property, has the effect of substantially interfering with a student's educational performance, opportunities, or benefits and has the effect of substantially disrupting the orderly operation of a school including any course of conduct directed at a specific person that causes substantial emotional distress in

such a person and serves no legitimate purpose. This offense may include, but is not limited to, stalking/cyber stalking, placing another in reasonable fear of death or serious injury.

- W. Hazing-** Any action or situation that endangers the mental or physical health or safety of a student at a school with any of grades 6 through 12 for purposes of initiation or admission into or affiliation with any school-sanctioned organization. This offense may include, but is not limited to, false imprisonment resulting in medical attention, verbal or physical behavior resulting in injury that requires medical attention, forcing indecent exposure of another, or any other act that creates a substantial risk of death or serious injury.
- X. Physical Attack-** An actual and intentional striking of a student, ACS employee, volunteer, or contracted personnel against his/her will, resulting in less serious bodily harm. Less serious bodily harm does not include a substantial risk of death, extreme physical pain, permanent disfigurement, or permanent disability. The injury must be documented.  
This offense includes the use of a weapon or dangerous object that results in less serious bodily harm, however, this section does not include injury that is a result of fighting if the students are mutual combatants.
- Y. Sexual Assault-** An incident that includes a threat of rape, fondling, indecent liberties, or child molestation. Both male and female students can be victims of sexual assault.
- Z. District Technology Violation-** Use of unauthorized access to programs and/or files not expected or intended for student use on an electronic device or ACS network; or any use that violates Board policies, local, state, and/or federal laws and regulations.  
This offense may include, but is not limited to, gaining access to the ACS network with intent to do harm or alter records, or having images, videos, messages, etc., on a district issued device that are not shared with others (i.e. images/videos containing nudity).
- AA. Burglary-** Unlawful entry into or remaining in a dwelling, structure, or conveyance with the intent to commit a crime therein or cause damage. This offense is more severe than trespassing.
- BB. Homicide-** The unjustified killing of one human being by another.
- CC. Kidnapping-** Forcibly, or by threat, confining, abducting, or imprisoning another person against his/her will and without lawful authority.

## Level IV: Consequences

### School Level Consequences

1. ***Parent/guardian contact mandatory\****
2. ***Counseling and direction\****
3. ***Up to a 10-day suspension pending the District for Disciplinary Committee Meeting\****
4. Temporary or permanent removal from participation in extracurricular/co-curricular programs or activities, e.g., to include, but not limited to, senior graduation
5. Schedule change
6. Supervision plan

### District Level Consequences

1. Expulsion from the school district
2. Assignment to an alternative school
3. Referral to an intervention program
4. Bus expulsion

***\*If consequence results in suspension, Administrator will ensure Parent or Guardian is contacted***

***\*Mandatory Consequences (Consequences can be single or combination)***

## Appendix A- Student Dress Code

The Albertville City Board of Education recognizes the effect which students dress and grooming have upon student behavior and commitment to learning. It further recognizes the role of parents in assisting their children in making appropriate choices regarding clothing, accessories, and personal appearance. To maintain an atmosphere conducive to learning, the Board requires that all students exercise good taste regarding their personal appearance. Attire considered disruptive or that could present a health or safety problem is not appropriate. Prohibited dress violations are listed below, but this list is not all inclusive nor is a violation of the dress code limited to the following:

1. Any clothing that is explicitly gang related is prohibited, or colors that would lead school administration to believe the student to be wearing gang colors.
2. Any article of clothing that advertises alcoholic beverages, tobacco products, illegal drugs, adornment that displays vulgar or abusive words, pictures, designs, lettering or messages that may be offensive to a particular racial, ethnic, or religious group or unusually large displays on vehicles driven to school by the student that potentially disrupt the educational process.
3. Dresses, shirts or tops that are low cut in the front or back are prohibited.
4. All tops must have straps that measure at least 1" wide and cover both shoulders. No spaghetti strap tops may be worn without a blouse to cover it.
5. All shirts or blouses that expose the midriff at any time are not permitted. Halter type dresses or tops and tube tops or clothing that does not cover undergarments is prohibited.
6. No "see through" clothing is allowed unless the clothing that can be seen meets the dress code. No muscle shirts, skin-tight shorts (such as bicycle shorts) or sleeveless T-shirts designed to be undergarments are allowed.
7. No hats, bandanas, athletic headbands, sunglasses, visors, or any headwear not otherwise required, may be worn in the building during the regular school day (unless medically required).
8. Bare feet and any type of footwear that is detrimental to the floor or floor-coverings, i.e., boots and shoes with cleats, is prohibited. Any other footwear that is distracting to the learning process, i.e., house shoes, is not acceptable.
9. For safety reasons, oversized or long coats may not be worn out of season. Students should not wear heavy metal chains, metal spiked apparel, or other accessories that can be used as weapons. No chains will be allowed on students except for necklaces and bracelets that are for cosmetic purposes.
10. Facial piercing disruptive to the learning environment is not permitted (Earrings cannot be excessive or create safety or health hazard and shall not be worn during sports & PE activities). Principal may use discretion for final determination.
11. All shorts, culottes, skirts, and dresses are to be halfway between the knee and groin area. The principal may use discretion for final determination. Pants or shorts with holes or cuts must not show skin above the allowed area.
12. No athletic sweatpants that are tight fitting and unsuitable for school attire are permitted. Clothing with writing on the seat of the garment is not allowed.
13. Students are to wear clothing in the manner it was designed to be worn, i.e. clothing worn backwards or inside out, or suspenders/overalls undone are not allowed. Specifically, pajama pants, pants worn too low, too long, or excessively large are not permitted. Pants are to be worn at the natural waistline with a belt if needed. Excessively large clothing of any kind is not permitted.

14. Appropriate attire must be always worn over leggings. Garments worn over leggings must be at least fingertip length or longer.
15. Neither hairstyles nor hair color should be disruptive of the learning environment.

Students who violate the rules and/or intent of the Dress Code will be subject to punitive action in accordance with the ACS Student Code of Conduct. If any type of dress is questionable and does not fall under the Dress Code, the school administration has the final authority in determining whether the dress is acceptable.