



# Student Code of Conduct

Approved: June 11, 2024

# CODE OF STUDENT CONDUCT

## A. INTRODUCTION

The Lee County Board of Education believes that instruction should occur in an environment that is conducive to learning. Effective instruction requires good order and discipline.

As students progress in our school system, it is reasonable to assume that an increase in age and maturity will result in students assuming greater responsibility for their actions. It is recognized that differences in age and maturity require different types of disciplinary action; however, the procedures described for violations of responsibilities shall apply to students in Grades K-12. To assist school personnel, parents, and students in maintaining an environment conducive to learning, the Code of Student Conduct is designed to accomplish the following:

1. Describe the responsibilities of the school personnel, parent(s)/guardian(s), and students.
2. Standardize procedures for administering formal disciplinary actions using a progressive discipline model by the principal and/or assistant principal.
3. Identify types of violations and describe alternative procedures for disciplinary actions by the principal and/or assistant principal.
4. Explain due process procedures relative to disciplinary action.
5. Explain attendance requirements.

## B. JURISDICTION OF THE SCHOOL BOARD

Students enrolled in Lee County Schools are subject to the policies of the Lee County Board of Education and to the rules and regulations of the schools. In addition, the authority of the school officials to control student conduct off school grounds and outside school hours is well settled in the law.

When students are engaged in school-sponsored activities held off-campus and/or after school hours, the authority of school officials is the same as if such activities took place during school. This authority applies to all school-sponsored activities on school property or at other establishments used by the school or school organization, including but not necessarily limited to the following: transportation on school bus or by private automobile; field trips; athletic functions; club and organization meetings; school-sponsored social events; school groups representing the school system in educational events; and all activities where appropriate school personnel have jurisdiction over students. Similarly, all school regulations and prohibitions shall apply to automobiles driven or parked on school property or at establishments used for school activities. Jurisdictional control over the student shall also be extended to the immediate vicinity of the school when the conduct of the student is detrimental to school property or to the health, safety, and welfare of school

personnel and students.

In addition, upon approval by the Superintendent, the school may exercise jurisdiction to discipline students for off-campus conduct unrelated to school activities under appropriate circumstances. Disciplinary actions, up to and including suspension, alternative placement, or expulsion may be imposed for serious misconduct away from campus, whether or not school is in session when such conduct occurs, if after investigation by school officials such off-campus activity may be **reasonably interpreted to directly threaten the ability of the district to maintain a safe, orderly, and disciplined educational environment**. This policy is not limited to school-related events.

### **C. ROLES OF SCHOOL PERSONNEL, PARENTS, AND STUDENTS**

In order for there to be effective instruction, there must be a cooperative relationship between the Board of Education, Superintendent, administration, teachers, parents, students, school personnel, and the school community. This relationship is described as:

#### **SCHOOL PERSONNEL WHO:**

- provide a comfortable, safe learning environment
- provide books, materials, and supplies in accordance with Alabama law
- adopt and implement policies for all phases of school life
- allow for suggestions, constructive criticism, and conferences by/with students and parents
- establish channels of communication that are clearly understood by students and parents
- identify and implement instructional objectives for each grade level and subject area
- inform parents of educational programs, events, and activities that complement the instructional program
- encourage parents to visit the schools and support their involvement in their children's education
- provide appropriate supervision of students
- arrive on time for classes and other school-related activities for which they have responsibility
- plan, prepare, and present lessons appropriate to grade level of students and subject matter being taught
- exhibit consistency in enforcing rules and regulations

#### **PARENTS OR GUARDIANS WHO:**

- maintain regular communication with the school concerning their child's progress and conduct
- ensure that their child is in daily attendance and promptly report and explain any absence or tardiness to the school

- provide their child with the resources needed to complete class work and other assignments
- assist their child in being healthy, neat, and clean
- inform proper school authorities of any problem or condition which affects their child or other children in the school
- discuss report cards and work assignments with their child
- provide up-to-date home, work, and emergency telephone numbers to proper school authorities
- assume leadership roles and/or participate in school organizations
- attend all scheduled parent/teacher conferences
- document their understanding of the Code of Student Conduct
- ensure that their child is free of contagion before returning to school following an illness or health-related condition
- reimburse the school for damages caused by the purposeful behavior of their child.

#### **STUDENTS WHO:**

- attend all classes daily and are punctual in attendance
- are prepared in each class with appropriate supplies and assignments
- show respect for all individuals and property
- refrain from profanity or inflammatory statements and obscene gestures
- conduct themselves in a safe, responsible manner
- are neat and clean, and dress appropriately
- abide by rules and regulations contained within the Code of Student Conduct, the student handbook, and other policies adopted by the school.

#### **D. CLASSIFICATION OF VIOLATIONS**

Violations of the Code of Student Conduct are generally grouped into categories of increasing severity: Classroom Offenses, Class I, Class II, Class III, and Class IV offenses. Since the Code of Student Conduct applies to all students in Lee County Schools, Kindergarten through 12<sup>th</sup> grade, administrators determine the level of the offense and disciplinary consequences based on multiple factors, including but not limited to the age of the student, and have the discretion to apply the disciplinary process accordingly using a progressive discipline ladder. The progressive discipline ladder is used to ensure consistency throughout the entire school system. **There are multiple steps in the disciplinary ladder and once a consequence is used, it will not be used again.** Any additional offense will result in harsher consequences, regardless of the level of offense. It is important to note that some offenses are severe and steps will be skipped on the discipline ladder to match the offense.

Some disciplinary issues are best handled by classroom personnel without resorting to the more formal procedures contained within this Code of Student Conduct. Accordingly, each classroom teacher may deal with general classroom disruption by taking in-class

disciplinary action, by making an oral or written contract with the child's parent or guardian when feasible, and by scheduling conferences with parents, guardians, and other school staff. If the action taken by the teacher is ineffective or the disruption is severe, the student will be referred to the principal or his/her designee.

If a student is referred to the principal or his/her designee, the administrator will determine the nature and classification of the offense committed by the student. Each student will be provided due process to provide an explanation – to admit or refute any charges – prior to any final disciplinary action taken. It should be noted that some offenses carry the possibility of involving local law enforcement.

Parents and students should be reminded that in addition to mandatory compliance with school rules, students are also subject to the laws of the State of Alabama including the Criminal Code. Students are subject to arrest and prosecution for violation of Alabama laws while under the jurisdiction of the LCS Code of Student Conduct.

## **CLASSROOM OFFENSES**

The following are classified as Classroom Offenses and are prohibited by the LCBOE.

1. Non-compliance with a reasonable request by school personnel and other similar violations such as:

- a) lack of preparedness for class
- b) refusal to follow established classroom rules
- c) refusal to follow directions or to attempt assigned class work

2. Any other behavior that may reasonably be determined as a classroom offense.

## **DISCIPLINARY ACTION FOR CLASSROOM OFFENSES**

The teacher will use a variety of strategies to help the student comply with rules and directions, including but not limited to redirection, student conference, and/or parental contact.

Subsequent classroom offenses and/or specific circumstances **shall warrant parental contact** and may include referral to the administrator for other possible disciplinary action.

## **VIOLATIONS OR OFFENSES WARRANTING LESSER FORMAL DISCIPLINE**

Violations or Offenses which constitute violations of law, policy, or this Code of Conduct require more serious disciplinary consequences and students alleged to have committed such offenses are entitled to additional due process. For offenses, for which recommended discipline is Suspension for ten (10) school days or less, or Alternative School Placement for fifteen (15) school days or less, minimal due process is required. Offenses for which such lesser disciplinary recommendations may be appropriate are generally those included as

Class I and Class II offenses set out in this Code of Conduct. However, more serious discipline may be appropriate for repeated Class I or Class II offenses and some instances of Class II offenses.

Suspension, for ten (10) school days or less, and/or Alternative School Placement for fifteen (15) school days or less, also may be imposed on students awaiting a due process hearing as required by law, when charges of more serious violations of law, policy, or this Code of Conduct are pending consistent with the guidelines for such hearings as provided herein below.

### **DISCIPLINARY ACTIONS FOR LESSER OFFENSES**

Before being punished for violation of board policies or school regulations, for which lesser formal discipline is recommended, a student shall have the right to the following minimum due process procedures:

1. The student shall be given oral and written notice of the charges against him/her.
2. The evidence against the student shall be explained.
3. The student shall be given an opportunity to present his/her own version of the facts concerning the charges.

### **DUE PROCESS GUIDELINES FOR MORE SERIOUS STUDENT DISCIPLINE**

The following due process guidelines are adopted consistent with the provisions of Ala. Act #2024-262 related to proposed expulsion, suspension from school for more than ten (10) days, or placement in Alternative School for more than fifteen (15) days. The guidelines for these types of more serious disciplinary consequences do NOT apply to lesser discipline administered by the principal or other school administrators for offenses under this Code of Conduct.

1. Out-Of-School Suspension. When appropriate, the principal will generally impose out-of-school suspension on a progressive discipline basis. If a student repeats the behavior, the principal should gradually increase the length of the suspension or increase to a more serious consequence consistent with the Code of Conduct. Notwithstanding the general use of discipline on a progressive basis, some offenses may warrant longer suspension or more serious discipline on the first occurrence.

A student that is suspended out-of-school for ten (10) school days or less for a violation of the Code of Conduct must only receive minimal due process that includes an informal discussion with the student where the student is told what he or she is accused of doing, the basis for the allegation, and be provided an opportunity to tell his or her side of the story.

“Long-Term Suspension” is defined as an exclusion of a student from his or her regular school environment for more than 10 and less than 90 (11 to 89) school days

per incident for disciplinary purposes. The due process procedure for a Long-Term Suspension is explained below under the heading Student Discipline Due Process.

2. Alternative School. The District's Alternative Education Program ("Alternative School") exists to serve the unique academic, social, and emotional needs of students who would otherwise not be allowed to continue their education due to disciplinary issues. A student must serve his or her assigned time in a satisfactory manner before he can return to any school in the Lee County School System. In order for a student to be placed in an Alternative School, he/she must be referred by the school administrator or hearing officer.  
"Long-Term Alternative School Placement" is defined as the placement of a student in alternative school for more than 15 school days per incident for disciplinary purposes. The due process procedure for a Long-Term Alternative School Placement is explained below under the heading Student Discipline Due Process.
3. Expulsion. An expulsion is defined as the exclusion of a student from his or her regular school environment for more than 90 and less than 180 (91 to 179) school days per incident for disciplinary purposes. Expulsion may result from multiple Class II violations, a Class III violation, or any violation of policies related to drugs, alcohol, guns, other dangerous weapons, or credible threat to personnel, school, or student. The due process procedure for an Expulsion is explained below under the heading Student Discipline Due Process. A student will be suspended immediately pending a hearing consistent with the Student Discipline Due Process procedure below.
4. Student Discipline Due Process. The following Student Discipline Due Process procedure is applicable to any Long-Term Suspension, Long-Term Alternative School Placement, or Expulsion. **These procedures are not applicable to out-of-school suspensions of ten (10) school days or less, or alternative school placement for fifteen (15) school days or less.**
  - a. Following an alleged student disciplinary incident, the principal, or his or her designee, may consider all of the following factors before recommending or initiating a Long-Term Suspension, Long-Term Alternative School Placement, or Expulsion:
    - 1) The age of the student.
    - 2) The disciplinary history of the student.
    - 3) The seriousness of the violation or behavior.
    - 4) Whether a lesser intervention would appropriately address the behavior of the student.
  - b. After considering the above and if the principal deems Long-Term Suspension, Long-Term Alternative School Placement, or Expulsion to be appropriate, the principal will notify the Superintendent of the principal's recommended discipline.
  - c. The student and his or her parent/guardian will be given reasonable written notice, delivered to them personally or by mail. Email notification may be given in addition to personal delivery or mail. The notice should be given at least seven (7) school days before the scheduled hearing date, whenever reasonably possible. The Notice must contain:
    - 1) A statement of the time, date, and place, and nature of the hearing;

- 2) A short and plain statement detailing the alleged conduct, the provision of the Code of Student Conduct allegedly violated, and any recommended discipline;
- 3) A statement of the rights of the student at the hearing, including the following: the right of the student to be represented at the hearing by legal counsel or another advocate of the student's choice at the student's expense; the right of the student, commencing at least five (5) calendar days before the scheduled date of the hearing, to review any audio or video recording of the incident and any information or evidence that is expected to be presented at the hearing (consistent with federal and state student record privacy laws and regulations); the right to present a defense, question adverse witnesses who are present at the hearing (excluding students under 14 years of age), and offer evidence and oral testimony at the hearing; that, to the extent possible, the anonymity of witnesses will be protected, and witnesses may not be compelled to attend or testify in the disciplinary hearing; and
- 4) An optional waiver of the disciplinary hearing indicating the parent or guardian's assent to the alleged violation or violations and to the recommended discipline.

**\*NOTE – A response from the parent(s) or student shall be due at least forty-eight (48) hours before the scheduled date and time of the hearing. If no timely response is delivered by a parent or guardian, the hearing will be waived, and the student will receive the consequence recommended by the principal.**

- d. The student will be provided with a disciplinary hearing before a hearing officer designated by the Board of Education upon the recommendation of the Superintendent. If a timely response to the notice of hearing is received, the hearing officer will normally conduct a hearing within ten (10) school days after the initial suspension of the student from school pending a hearing. However, the hearing date may be extended for good cause as determined by the hearing officer or upon agreement of the parties. The purpose of the hearing is to determine whether the alleged Code of Student Conduct violation occurred.
- e. The student's parent may choose to have an attorney present and/or present the student's defense through evidence and examination of witnesses. The principal or principal's designee may also be represented by an attorney to assist in presentation of the case in support of disciplinary action. The student's parent must give the hearing officer notice, 48 hours prior to the hearing, of the decision to have an attorney represent the student at the hearing. Any attorney for the student will be at the parent or student's expense. Failure to provide the required notice of legal representation may result in rescheduling the hearing.
- f. Upon request, at least five (5) calendar days before the hearing the student,



parent or guardian, legal counsel, and/or advocate may review any audio or video recording of the incident, and, where consistent with the Family Educational Rights and Privacy Act ("FERPA"), the Individuals with Disabilities Education Act ("IDEA"), and other relevant state and federal laws, any records, documents, or other information expected to be presented as evidence at the hearing.

- g. At the hearing, the hearing officer shall give the student an opportunity to admit or deny the conduct and violation in question. If the student admits to the conduct in question, no presentation of evidence shall be required, or received, regarding any admitted conduct. If the student also accepts the proposed discipline, the hearing will be concluded, and the student will receive the recommended consequence. If the student denies the alleged conduct, or any portion of it, and/or challenges the appropriateness of the proposed discipline, the principal or other person designated by the principal may offer evidence at the hearing to support contested allegations that the student violated the Code of Student Conduct, or the appropriateness of the proposed consequences. The case may be presented through evidence (documentary, audio, video) and by testimony or statements made by witness(es). Additionally, student witnesses, including accusers, may provide evidence by one or more written statements which may be redacted to protect anonymity, sensitive personal information, or protected information under state or federal laws related to privacy of student records or personal information. The decision as to all contested issues shall rest in the discretion of the hearing officer.
- h. Next, the student, parent or guardian, legal counsel, or advocate may present a defense on behalf of the student. The student, parent or guardian, legal counsel, or advocate may question adverse witnesses who are present at the hearing and offer evidence and testimony in person, including oral testimony from witnesses (excluding students under 14 years of age), written statements, and other documentary evidence and audio or video recordings at the hearing.
- i. The student and the principal are permitted to present adult witnesses and student witnesses over 14 years old to testify in person. However, if a witness' testimony is redundant or not relevant, the hearing officer may decide not to hear that witness. Witnesses cannot be compelled to attend or testify in the disciplinary hearing. If witnesses elect to participate, their anonymity will be protected to the extent reasonably possible.
- j. After following the above procedures, the hearing officer, based on all facts and evidence 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 shall be approved or rejected. The hearing officer shall prepare a written decision which will be provided to the student and parent or guardian within five (5) school days after the hearing. The written decision will include:
  - 1) The basis for the decision including a reference to the provision of the

Student Code of Conduct or state law that the student is accused of violating;

- 2) A statement detailing the information that shall be included in the official record of the student; and
  - 3) A statement detailing the right of the student to appeal the decision and notice of the procedures necessary to file an appeal.
- k. The following persons shall be notified of the hearing decision:
- 1) The student's parent or guardian (by certified mail and verbal notification);
  - 2) The Principal;
  - 3) The Special Education Director (for students with disabilities); and
  - 4) The Superintendent.
- l. 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. The written record of the hearing shall be kept for two (2) years. Each party to the hearing, upon request, will receive an electronic or written record of the hearing from the local board of education.
5. Appeal of the Hearing Officer's Decision. If the student's parent or guardian is dissatisfied with the decision of the hearing officer in cases in which the hearing officer upholds the recommendation for discipline, the parent or guardian may file an appeal by using the following procedures:
- a. The student's parent(s) must file a written request for an appeal that is addressed to the Superintendent and delivered to an email or physical address designated in the hearing officer's decision, or if none is provided, then to the Superintendent at the physical address of the Central Office. The written request for an appeal must be postmarked or delivered on a date no more than ten (10) calendar days after the earlier of:
    - 1) the postmarked date of the written notification of the hearing officer's decision, or
    - 2) the date of hand delivery of the written notification of the hearing officer's decision, or
    - 3) the date of documented verbal notification of the hearing officer's decision.

**NOTE - If the written request for an appeal is not made on time, the hearing officer's decision will be final.**

- b. 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 tape recording.
- c. The Superintendent shall review the case based on the record of the hearing held by the hearing officer. No new evidence shall be admissible.
- d. Within ten (10) working days after receipt of the appeal, the Superintendent will make a written decision to adopt, modify, or disapprove all or any part of the hearing officer's findings, conclusions, or disposition.

- e. A copy of the Superintendent's decision shall be sent to the following persons:
  - 1) The student's parent or guardian (by certified mail);
  - 2) The Principal;
  - 3) The Special Education Department (for students with disabilities); and
  - 4) The Superintendent's Office.
- 6. Appeal of Superintendent's Decision for Expulsion. An appeal of a Superintendent's decision is only available for an expulsion of a student. An appeal to the Board of Education is not available for any other consequence. If, after the decision of the hearing officer and the Superintendent on appeal, a parent is dissatisfied with the Superintendent's decision to expel the student, the parent may file an appeal to the Board of Education using the following procedure:
  - a. The student's parent must file a written request for an appeal and it must be addressed to and mailed or given to the Board of Education, with a copy to the Superintendent. The written request for appeal may be emailed to an email or physical address designated in the Superintendent's decision, or if none is provided, then to the Superintendent at the physical address of the Central Office.
  - b. The written request for an appeal must be postmarked or hand delivered on a date no more than ten (10) calendar days after the earlier of the postmarked date of the written notification of the Superintendent's decision, the date of hand delivery of the written notification of the Superintendent's decision or documented verbal notification of the Superintendent's decision.

**NOTE - If the written request for an appeal is not made on time, the Superintendent's decision will be final.**

- c. 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. The student and his or her parent/guardian will be provided written notice at least five (5) calendar days before a hearing that is delivered to them personally or by mail. The student's parent must give the Superintendent notice, at least 48 hours prior to the hearing, of the decision to have an attorney represent the student at the hearing. Any attorney for the student will be at the parent or student's expense. Failure to provide the required notice of legal representation may result in rescheduling the hearing.
- d. At the hearing, the Board shall give the student an opportunity to admit or deny the conduct and violation in question. If the student admits to the conduct in question, no presentation of evidence shall be required, or received, regarding any admitted conduct. If the student also accepts the proposed discipline, the hearing will be concluded, and the student will receive the recommended discipline. If the student denies the alleged conduct, or any portion of it, and/or challenges the appropriateness of the proposed discipline, the Superintendent, or other person designated by the Superintendent may offer evidence at the hearing to support contested

allegations that the student violated the Code of Student Conduct, or the appropriateness of the proposed discipline. The case may be presented through evidence (documentary, audio, video) and by statements made by the witness(es). Additionally, student witnesses, including accusers, may provide evidence by written statement which may be redacted. The decision as to these issues shall rest in the discretion of the Board.

- e. Next, the student, parent or guardian, legal counsel, or advocate may present a defense on behalf of the student. The student, parent or guardian, legal counsel, or advocate may question adverse witnesses who are present at the hearing and offer testimony (excluding students under 14 years of age), and offer evidence, including oral testimony from witnesses, written statements, and other documentary evidence and audio or video recordings at the hearing.
- f. The student and the principal are permitted to present adult witnesses and student witnesses over 14 years old to testify in person. However, if a witness' testimony is redundant or not relevant, the Board may decide not to hear that witness. Witnesses cannot be compelled to attend or testify in the disciplinary hearing. If witnesses elect to participate, their anonymity will be protected to the extent reasonably possible.
- g. After following the above procedures, the Board, based on all facts and evidence presented, shall determine by majority vote whether the recommendation of the Superintendent for expulsion is accepted or overruled. The Board shall deliberate in executive session to make its determination on whether to uphold or overrule the recommendation for expulsion. The Board will then provide written notice of its decision.
- h. The following persons shall be notified of the hearing decision:
  - 1) The student's parent or guardian (by certified mail and verbal notification);
  - 2) The Principal;
  - 3) The Special Education Director (for students with disabilities); and
  - 4) The Superintendent.
- i. 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. The written record of the hearing shall be kept for two (2) years. Each party to the hearing, upon request, will receive an electronic or written record of the hearing from the board of education.

**NOTE: Notwithstanding any provision of these procedures, students whose education is governed by an Individualized Education Plan (IEP) will not have educational services discontinued for more than ten school days in any school year without a determination in a Manifestation Hearing that the student's alleged conduct is not a manifestation of the student's disability.**

## **CLASS I OFFENSES**

The following are classified as CLASS I Minor Offenses and are prohibited by the LCBOE:

- 1.01 Failure / refusal to complete discipline assigned for Classroom Offenses.
- 1.02 Theft of property or possession of stolen property (Minor)- knowingly taking, receiving or possessing property that belongs to another valued less than \$50. Restitution is required.
- 1.03 Minor violations of cell phones/devices and other audio/video devices policy as outlined in this Code of Conduct.
- 1.04 Unauthorized absence from class – student purposefully skips class without permission or the student is out of the assigned area.
- 1.05 Minor distraction of other students - any behavior that distracts others in a non-malicious manner (i.e. being silly, making noises)
- 1.06 Inappropriate Display of Behavior within the hallway, classroom, lunchroom, gym, school bus, or during any school-sponsored function including but not limited to horseplay, shoving, tripping, & rudeness.
- 1.07 Profanity / vulgarity – possession or indirect use of profane or vulgar language (written or spoken), vulgar drawings or pictures, or obscene gestures. This includes intentional accessing or downloading of such materials on the computer. (Indirect profanity)
- 1.08 Inappropriate display of affection.
- 1.09 Violation of Check-Out/Check-In Policy.
- 1.10 Third (3rd) or subsequent violation of Tardy Policy to school or per class within the current grading period (tardies reset after each grading period)
- 1.11 Minor disruption on a school bus.
- 1.12 Repeated minor violations of classroom/grade level discipline plan as documented on referral form by the teacher.
- 1.13 Dress Code - Third (3rd) or subsequent dress code violation.
- 1.14 Miscellaneous violations of the Student Acceptable Use Agreement not otherwise covered by the Code of Student Conduct.

- 1.15 Any other behavior that the principal may reasonably determine is to be a Class I violation.

### **POSSIBLE DISCIPLINARY ACTION FOR CLASS I VIOLATIONS**

The school administrator's discretion for Class I violations will include but not be limited to the following:

- Student conference and/or parent conference or contact
- Suspension of on campus driving privileges (HS Only)
- Restitution of property or damages where appropriate
- After School Detention
- Disciplinary work assignment during school
- Saturday School
- In-School Suspension (ISS)
- Out of School Suspension (OSS) for ten (10) school days or less
- School bus suspension
- Other sanctions approved by the Superintendent, excluding Long-Term Suspension, Long-Term Alternative School Placement and Expulsion, unless imposed after a hearing consistent with due process guidelines above, for a pattern of repeated Class I offenses
- Any combination of multiple or an accumulation of Class I offenses MAY result in a Class II offense
- **THERE ARE NO APPEALS FOR DISCIPLINE ADMINISTERED FOR CLASS I VIOLATIONS EXCEPT WHEN LONG-TERM SUSPENSION, LONG-TERM ALTERNATIVE SCHOOL PLACEMENT AND/OR EXPULSION IS PROPOSED.**

### **CLASS II OFFENSES**

Class II Offenses are classified as intermediate offenses by the LCBOE and are prohibited and may necessitate the involvement of legal agencies:

- 2.01 Theft of property or possession of stolen property- knowingly taking, receiving or possessing property that belongs to another valued at more than \$50.00 but less than \$200.00. Restitution is required.
- 2.02 Criminal Mischief/Vandalism—deliberate action resulting in damages of less than \$200 to public or personal property. Restitution is required.
- 2.03 Fireworks - possession of fireworks.
- 2.04 Group disorder—inciting or participating in a group (5 or more) that disrupts the operation of the school and/or programming
- 2.05 Direct use of obscene, profane language or gestures toward peers

- 2.06 Unauthorized organization—any attempt to use the school day for unauthorized activities that are not school-related or school-sponsored
- 2.07 Academic Dishonesty / Cheating / Plagiarism / Altering School Documents
- 2.08 Tobacco/Vaping—possession or use of tobacco products, electronic cigarettes or other nicotine vapor delivery systems
- 2.09 Fighting without a weapon—mutual participation in a violent physical confrontation where there are two participants on school grounds, school-authorized vehicles, or at school events
- 2.10 Possession of gang-related writings, drawings, or symbols, as identified or verified by a law enforcement agency
- 2.11 Causing physical injury- incidental harm to another person through carelessness or rough play.
- 2.12 Unauthorized possession of any object or device that may reasonably be considered as a dangerous implement or weapon, but which is not deemed to be a —“deadly weapon” or —“firearm” as defined in other sections of this Code. (Note: Threatened or actual use of the object as a weapon will constitute a more serious violation.).
- 2.13 Disorderly Conduct:
  - (A) Any conduct that disturbs the peace, order, or discipline at school
  - (B) Any conduct that obstructs the teaching and learning process of others within the classroom
- 2.14 Minor Violation of Medication Policy. (possess OTC non-prescription meds)
- 2.15 Gambling
- 2.16 Intermediate violations of cell phones and other audio/video devices policy as outlined in this Code of Conduct. (examples include, but aren’t limited to, inappropriate pictures or videos taken during school operating hours; posting to social media; making phone calls)
- 2.17 Intentionally providing false information to school personnel, such as forgery of parents' names, changing grades on papers, or any similar dishonesty.
- 2.18 Repeated Class I violations.
- 2.19 Any other intermediate behavior that the principal may reasonably determine to be a Class II violation.

## **POSSIBLE DISCIPLINARY ACTION FOR CLASS II VIOLATIONS**

The administrator's discretion for Class II violations will include but not be limited to the following:

- Student conference and/or parent conference or contact
- Suspension of on campus driving privileges (HS Only)
- After School Detention
- Disciplinary work assignment during school
- Saturday School
- In-school Suspension (ISS)
- Out of School Suspension (OSS)(ten (10) school days or less)
- Long-Term Out of School Suspension (11-89 school days)
- School bus suspension
- Restitution of property and damages where appropriate
- Alternative School Placement for up to fifteen (15) school days at LC2 (determined by Director of Student Services)
- Long-Term Alternative School Placement for more than 15 school days (after the required due process hearing)
- Referral to outside agency, including the criminal justice system
- Other sanctions approved by the Superintendent
- Any combination of multiple or accumulation of Class II offenses MAY result in a Class III offense
- **THERE ARE NO APPEALS FOR DISCIPLINE ADMINISTERED FOR CLASS II VIOLATIONS EXCEPT WHEN LONG-TERM SUSPENSION, LONG-TERM ALTERNATIVE SCHOOL PLACEMENT AND/OR EXPULSION IS PROPOSED.**

## **CLASS III OFFENSES**

Class III Offenses are classified as major offenses by the LCBOE and are prohibited and may necessitate the involvement of legal agencies:

- 3.01 Major Violation of Medication Policy. (possess own prescription meds)
- 3.02 Unauthorized videotaping / photography / social media use that causes emotional harm to students and/or disrupts the school.
- 3.03 Insubordination - Deliberate defiance of school personnel or any school board employee.
- 3.04 Using obscene profane language or gestures toward school personnel
- 3.05 Bullying / intimidation of students—constant, habitual, and intentional behavior intended to intimidate or humiliate others, including the making of



threats or of repeated statements that ridicule or cause emotional injury.

- 3.06 Trespassing - willfully entering or remaining in/on any structure, conveyance or property without being authorized to do so.
- 3.07 Theft of property or possession of stolen property- knowingly taking, receiving or possessing property that belongs to another valued at more than \$200.00. Restitution is required.
- 3.08 Sexual acts—engaging in a consensual sexual act, including intimate touching.
- 3.09 Indecent exposure--exposing one's private body parts (genitalia, etc.) publicly or causing the exposure of another intending to cause offense, alarm, or embarrassment.
- 3.10 Fire alarms and Extinguishers—the unjustified activation of the fire alarm system or extinguisher. (If school is disrupted, it will be considered a Class IV violation).
- 3.11 Threat to school personnel—a threat, whether spoken or written, to cause bodily injury to school personnel when made directly to such personnel, or when made outside the victim's presence so as to cause alarm or disruption of school operations.
- 3.12 Possession of any object or device realistically resembling a weapon that is perceived to cause harm or intimidate others.
- 3.13 Harassment / discriminatory treatment—speech or written expression tending to insult or stigmatize others on the basis of their sex, race, color, disability, religion, sexual orientation, ethnic group, or national origin or to promote extremist or hate groups that stigmatize or infringe upon the rights of others. Written expressions may include symbols or drawings.
- 3.14 Sexual Harassment – is unwelcome conduct of a sexual nature. Sexual harassment can include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature.
- 3.15 Group violence—conflict involving five or students that results in physical harm.
- 3.16 Assault- The actual and intentional touching or striking of another person against his or her will with the intent to cause bodily harm.
- 3.17 Threat to cause serious physical harm—any substantial threat, whether spoken or written, to inflict serious bodily injury when made with the

apparent ability to carry out the threat or under circumstances where the threat is likely to cause fear of serious physical injury; OR any intentional display of force that gives the victim a reason to fear or expect serious physical harm.

- 3.18 Fighting that causes a major school disruption—mutual participation in a violent physical confrontation where there are two participants that causes a major school disruption (including loss of instructional time, reschedule of classes or events, or causing change to bus operations).
- 3.19 Oral or written communication related to or involving an attempt to sell, purchase, or otherwise transfer drugs or other illicit substances.
- 3.20 Major Criminal Mischief/Vandalism—deliberate action resulting in damages of more than \$200 to public or personal property. Restitution is required.
- 3.21 Leaving school grounds without permission - student purposefully leaves school campus without permission.
- 3.22 Fireworks - Unauthorized igniting fireworks
- 3.23 Repeated Class II violations.
- 3.24 Major disruption on a school bus
- 3.25 Any other behavior that the principal may reasonably determine to be a Class III violation.

#### **POSSIBLE DISCIPLINARY ACTION FOR CLASS III VIOLATIONS**

The administrator's discretion for Class III violations will include but not be limited to the following:

- Suspension of on campus driving privileges (HS Only)
- After School Detention
- In-school Suspension (ISS)
- Out of School Suspension (OSS)(ten (10) school days or less)
- Long-Term Out of School Suspension (11-89 school days)(after required due process hearing)
- School bus suspension
- Restitution of property and damages where appropriate
- Alternative School Placement at LC2 (determined by Director of Student Services)
- Long-Term Alternative School Placement for more than 15 school days (after required due process hearing)
- Expulsion (91-179 school days)(after required due process hearing)
- Referral to outside agency, including the criminal justice system

- Loss of extracurricular privileges (including athletics, clubs, dances, prom, graduation, etc.)
- Placement in Virtual Learning for a specified amount of time (includes loss of extracurricular privileges)
- Other sanctions approved by the Superintendent
- Any combination of multiple or accumulation of Class III offenses MAY result in a Class IV offense
- **THERE ARE NO APPEALS FOR CLASS III VIOLATIONS OR LC2 PLACEMENT UNLESS EXPULSION IS RECOMMENDED (APPEALS ARE HEARD BY THE BOARD DURING A DISCIPLINARY HEARING)**

#### **CLASS IV OFFENSES**

Class IV Offenses are classified as severe offenses by the LCBOE and are prohibited and WILL necessitate the involvement of legal agencies:

- 4.01     Drugs - Involvement with any type of drug, controlled substance, narcotic, paraphernalia, etc. on school property or at school-sponsored events. Involvement includes unauthorized possession, transfer, use, purchase, distribution or sale of drugs, drug paraphernalia, or other substance with a potential for abuse which might create a hazard to the user's health or the safety of another, including attendance at school or school events while affected by or under the influence of such drugs. This includes having used any quantity of such drugs prior to school activities. This policy may apply to legal substances if misused in an effort to become intoxicated / high or when represented by the student to be a controlled substance. *NOTE: Students are advised that law enforcement agencies make periodic, unannounced visits to local schools for the purpose of detecting the presence of illegal drugs.*
- 4.02     Alcohol – Involvement with alcoholic beverages on school property or at school-sponsored events. Involvement includes possession, transfer, use, distribution, or sale, including attendance at school or school events while affected by or under the influence of alcohol. This includes having consumed any quantity of alcohol during or prior to attendance at school or school activities.
- 4.03     Arson - the willful and malicious burning of/or attempting to burn public and/ private properties.
- 4.04     Assault and battery or attempted battery
- 4.05     Robbery - the taking of money or other property from another by force, violence, assault, or intimidation.
- 4.06     Firearms - possession, discharge, transfer, or sale of any firearm including,

but not limited to, starter guns, and pellet guns.

- 4.07 Deadly weapons - possession of any object that is designed, made, or adapted for the purpose of inflicting serious physical injury or death.
- 4.08 Threat or Intimidation- the intentional demonstration of the ability to carry out a malicious threat or act creating considerable fear in the person threatened or attacked.
- 4.09 Bomb threat or terroristic threat - any communication, plan, or documentation of such threat (*or being an accessory to*) that has the effect of interrupting the educational environment.
- 4.10 Explosives - possession of explosive substances capable of causing serious bodily injury or property damage.
- 4.11 Sexual assault or sexual violence - refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent. A number of different acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, and sexual coercion. All such acts of sexual violence are forms of sexual harassment covered under Title IX.
- 4.12 Indecent exposure - exposing one's private body parts (genitalia, etc.) publicly or under circumstances in which the conduct is intended to cause offense or alarm.
- 4.13 Aggravated assault - intentionally causing serious bodily harm, disability, or permanent disfigurement by use of a weapon.
- 4.14 Gang activity - active participation in recruiting, initiation, or other active conduct associated with gang activity as identified /verified by local law enforcement agencies.
- 4.15 Pornography – possession or distribution of pornographic materials or images. This includes accessing or downloading such materials on any personal or school owned electronic devices.
- 4.16 Hazing – any action taken or situation intentionally created that causes embarrassment, harassment, or ridicule **and** risks emotional and/or physical harm to members of a group or team regardless of the person's willingness to participate.
- 4.17 Breaking, entering, or remaining in a structure or conveyance during the hours the premises are closed to the public.
- 4.18 Repeated referrals to Alternative School Placement or having a

disciplinary situation while attending Alternative School Placement

- 4.19 Repeated Class III violations within a 2-year period of time (automatic referral to the Director of Student Services)
- 4.20 The charge of a crime as defined under the laws of the city, State of Alabama, or United States while on school property or participating in a school activity. (Sect. 16-1-24.1, Code of Alabama, 1975)

## **DISCIPLINARY ACTIONS FOR CLASS IV VIOLATIONS**

A student who commits a Class IV violation may be recommended for expulsion from Lee County Schools. In addition, Class IV violations result in the notification of law enforcement officials as appropriate and required by law. A student who commits a Class IV violation shall be suspended, or placed at LC2, from attending classes until a due process hearing is held. Administrators should refer to the Due Process Guidelines to preserve the constitutional rights of the student. The following procedures shall apply for a student who commits a Class IV violation:

Step 1: Principal shall notify law enforcement, the Superintendent, the Director of Student Services, and the special education teacher (if applicable).

Step 2: If Principal is satisfied that probable cause exists to believe that the student committed the violation, the Principal shall suspend the Student and notify the Superintendent of a recommendation for proposed discipline. The Superintendent or designee shall then initiate due process proceedings as provided in this Code of Conduct.

## **ADMINISTRATIVE DISCIPLINARY OPTIONS**

This listing of disciplinary methods is not all-inclusive, and is not meant to suggest that other reasonable disciplinary actions are disapproved by the Board. Professional discretion will be exercised by school administrators in assigning or recommending appropriate discipline.

**Before or After School Detention** The principal, or his/her designee, has the authority to assign students to a designated area at the beginning or end of the regular school day for a reasonable and specified period of time. A parent or guardian is responsible for providing transportation in these cases. A reasonable attempt will be made to notify a parent or guardian prior to the assignment of a student to detention. If the parent or guardian is notified on the day of the misbehavior, the student may be assigned on that day; if not, the student will be assigned following notification of parent or guardian.

**Disciplinary Work Assignment** The principal, or his/her designee, has the authority to

assign supervised activities related to the upkeep and maintenance of school facilities for a reasonable and specified period of time. Work assignments shall not interfere with any student's core class schedule. A parent or guardian will be notified of the student's placement in a work or clean-up assignment.

**In-School Suspension (ISS)** ISS is a structured disciplinary action in which a student is isolated or removed from regular classroom activities but not dismissed from the school setting. The principal, or his/her designee, has the authority to assign students to the ISS program for up to ten (10) consecutive days. Extended ISS assignments beyond ten days will require approval of the Director of Student Services. Students assigned to the ISS program will be counted present to school and will be allowed to continue current academic work. Students assigned to ISS may be required to perform written work assignments as directed by the ISS staff member. Students are not permitted to participate in extracurricular activities until the ISS placement is complete.

**School Bus Suspension** The principal, the transportation director and/or assistant director, or his/her designee, has the authority to deny a student the privilege of riding a bus. This denial, based on the misconduct of the student, will be for a reasonable and specified period of time. A parent or guardian will be notified prior to suspension from the bus and will be responsible for providing transportation in such cases.

**Out of School Suspension (OSS)** is the temporary removal of a student from a school for violation of school rules and regulations, for a period of up to ten (10) school days. The principal, or his/her designee, has the authority to suspend a student from school. All suspensions will be in accordance with prescribed Board policy and this Code of Conduct. A student recommended for suspension will be made aware of the charges and given an opportunity to respond. Any time an action warrants suspension, a reasonable effort will be made to contact a parent or guardian by telephone and/or by written notice delivered by the student or U.S. Mail. The student is responsible for notifying his/her parent/guardian of all written communications from the school. Failure to do so may result in further disciplinary action. Suspension days constitute excused absences. A student who is suspended from school may not make up any assigned work during the period of suspension. A student who is suspended may not attend or participate in extracurricular or other school activities while suspended.

Suspension from school of up to 10 school days may be imposed when a student is charged with violations for which more serious disciplinary consequences may be recommended. The hearing is then to be conducted consistent with this Code of Conduct. Under circumstances in which the required due process hearing cannot be scheduled and completed within the ten (10) school day suspension period, the student will be either returned to school, or placed in alternative school for an additional fifteen school days, or earlier if the hearing is concluded before the end of that period. Alternatively, a parent may consent to keeping the student home notwithstanding any expiration of the ten (10) school day suspension. Any extended absence from school while awaiting hearing shall also be treated as an excused absence and the student may make up any assigned work during that

period.

NOTE: No student assigned an Out of School Suspension from another school district can attend classes in the Lee County Schools without first completing the full term of their suspension. LCS officials reserve the right to deny enrollment of any student not residing in Lee County if they have received an Out of School Suspension at any point in their educational career.

**Alternative School Placement** Students may be assigned to an alternative setting by the principal, or his/her designee, for disciplinary reasons, or while awaiting a due process hearing after expiration of a ten (10) day suspension period. Alternative School Placement at LC2 shall be limited to fifteen (15) school days, unless directed as a disciplinary consequence following a due process hearing conducted consistent with these procedures. Alternative School Placement at LC2 is a structured disciplinary action in which a student is isolated or removed from regular classroom activities but not dismissed from the school setting. Details outlining the Alternative School at LC2 can be found within this handbook.

Note: A student assigned to LC2 will not be allowed to attend or participate in any school activity until the placement has concluded. During the placement, the student will not be allowed to ride the school bus to or from school. During the student's intake meeting with the student and parent, the principal will explain all rules, regulations, and times of operation. Upon arrival each day, students may be searched randomly to ensure the safety of staff and students placed at LC2..

Note: Expulsion may be considered and recommended by the Director of Student Services if a student is unsuccessful while placed in LC2. In such a case, the student shall be suspended out of school by the principal for up to ten (10) school days pending a due process hearing to be provided consistent with this Code of Conduct..

NOTE: No student assigned an Alternative School Placement from another school district can attend classes in Lee County Schools without first completing the full term of their placement. LCS officials reserve the right to deny enrollment of any student not residing in Lee County if they have been placed in an alternative school at any point in their educational career.

NOTE: Any student returning to LCS that has served an expulsion sentence or served in/for a treatment facility, etc. may be subject to serving up to 15 days at the LC2 for a transitional period. A readmittance hearing will be set with the Director of Student Services and/or the Superintendent.

**Expulsion** is a long-term removal of a student from school (for a period of 91-179 school days) for violation of school rules or regulations. In the case of offenses warranting such action, the principal has the responsibility to recommend student expulsion to the Superintendent, or designee. A designated hearing officer will then provide the required notice of a hearing and conduct the due process hearing consistent with this Code of Conduct. NOTE: An expelled student shall not attend Lee County Schools, enter onto any

Board property, or attend or participate in any school or Board-related activities, regardless of the nature or location of the activity for the period of the expulsion. Any student removed from the school system who is found in violation of the above will be considered trespassing.

NOTE: No expelled student can enroll or reenroll into Lee County Schools without completing the full term of their expulsion regardless if they are currently a LCS student or are enrolling from another school district.

NOTE: Any student who returns from expulsion must fulfill a return to school transition period in the Alternative School at LC2 for up to 15 school days (a reduction is based upon behavior and is at the discretion of the principal of LC2). The goal is to return the student to traditional school as soon as possible; however, grading periods will be taken into consideration when the student returns to traditional school.

**Notification of Legal Authorities:** In situations where notification or involvement of legal authorities is warranted and/or is required by law, school officials are authorized and encouraged to contact law enforcement officials for assistance. Incidents involving physical violence, some CLASS II, all CLASS III, and all CLASS IV violations of Board policy may require intervention by law enforcement officials, up to and including arrest, immediate removal of the student from the school environment, filing of a formal police report, and prosecution.