

# **Mountain Brook Schools**

Code of Conduct  
Selected District Policies  
2022-2023

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# Introduction

Mountain Brook Schools and the Mountain Brook Board of Education are committed to maintaining a safe and orderly learning environment in a manner that respects and protects the rights of students. This Code of Conduct is designed to provide parents and students information on certain Board of Education policies and selected state and federal laws.

Board of Education policies in their entirety may be reviewed on the Mountain Brook Schools webpage at [www.mtnbrook.k12.al.us](http://www.mtnbrook.k12.al.us). Questions about these policies should be addressed initially to the school principal.

Thank you for your cooperation in helping create a learning atmosphere that enables our students to excel.

Dicky Barlow  
Superintendent  
Mountain Brook Schools

# **NOTICES AND SELECTED POLICIES**

## **Communication of Policies**

All policies of the Mountain Brook City Board of Education that govern the operation of the school system are made available for public review in a policy manual. Each school in the district has a copy of the policy manual, and one is also available at the Board of Education office located at 32 Vine Street; Mountain Brook, AL 35213. All policies may be viewed on the Mountain Brook Schools web page: [www.mtnbrook.k12.al.us](http://www.mtnbrook.k12.al.us)

## **Awareness of the Code of Student Conduct**

The State Department of Education requires each local school system to make its students and parents aware of its Code of Student Conduct. Near the beginning of each school year, each school will provide a copy of its code to all students and parents for their information. Alternately, the Code may be accessed electronically. Signatures or other digital acknowledgement by each student and by the parents/guardians are required which indicate awareness of this code.

## **Notice of Nondiscrimination**

The Mountain Brook school system does not discriminate on the basis of race, color, religion, national origin, sex, disability, sexual orientation, or age in any of its programs and activities, or in matters of employment, and provides equal access to the Boy Scouts and other designated youth groups.

It is against the policy of the Mountain Brook Board of Education to have different rules or regulations on the basis of sex in employment, including recruitment, hiring classification, and other terms, conditions or privileges of employment.

The Board, in accordance with Title IX (20 U.S.C. §1681, et seq.), strictly prohibits discrimination on the basis of sex or gender in its programs or activities, or any matters of employment. The prohibition includes sexual harassment based on sex, sexual assault, as defined by law and Board policy. Sexual harassment and sexual assault complaints should be filed and reviewed under the Board’s sexual harassment policies (G-32, J-49). All other complaints under Title IX will be filed and reviewed according to the Board’s general complaints and grievance procedures (G-34, J-41).

The Superintendent is authorized and directed to designate a Title IX Coordinator, whose duties will include, but not be limited to receiving and responding to Title IX inquiries and complaints.

The following person has been designated to handle inquiries regarding nondiscrimination policies.

Dr. Susan Cole-Director of Personnel

32 Vine Street, Mountain Brook, AL 35213

205-871-4608

## **Student/Guardian Complaints & Procedures**

It is the desire of the Mountain Brook Board of Education to encourage reasonable and effective means of handling student and parent grievances arising from the implementation of local board policies as well as the interpretation of regulations originating from the State level; to reduce the potential for grievances; and to establish and maintain recognized channels of communication between the administration and staff.

General Complaints (Grievances) – Any student, parent, or member of the public having complaints or grievances are encouraged to present for resolution to the employee, supervisor, or administrator at the lowest administrative level who has the authority and ability to address the problem or implement the requested action. If the underlying problem cannot be resolved satisfactorily at this administrative level, the aggrieved person may continue to seek a satisfactory solution to the problem with staff members at the next higher levels of administration (e.g. Principals, Central Office Director, and Superintendent). Finally, the person may appeal in writing to the Board of Education. At any level, the aggrieved person may appear in company of peers or counsel and will be afforded all the rights of due process applicable to such situation.

**Limitations Regarding Availability and Application of General Complaint/Grievance Policy** – The general complaint/grievance policy and any procedures adopted thereunder do not apply to specific complaint or grievance policies and procedures that are established by Board policy or law for application to special factual or legal circumstances (e.g. sexual harassment grievance procedures; discrimination procedures, review of personnel matters governed by state law or as covered under Student’s First; due process hearings provided under Individuals with Disabilities Act). In such instances, the specific statutory,

regulatory, or policy-based process is the applicable procedure. The general complaint/grievance procedures that are authorized under the terms of this policy may not be invoked for the purpose of challenging or seeking review or reconsideration of adverse personnel decisions that have received Board approval. A grievance may be based on an alleged misapplication of Board policies, regulations, or procedures, but may not be used to challenge the Board's exercise of its discretion to adopt, approve, modify, or repeal a policy, regulation or procedure or on its failure to exercise discretion (e.g. adoption of a school calendar, compensation policies, etc.)

All students, faculty, and staff members at whom a complaint has been lodged will be afforded the right of due process.

### ***Formal Grievance Procedures for Complaints & Discrimination***

Students, as well as their parents/guardians, who feel they have a discrimination (civil rights, disability, or sexual harassment) complaint/grievance must first report the behavior or condition believed to cause the discrimination to any school staff member with whom he/she has confidence. The individual may also choose to contact the district coordinator appointed by the superintendent to handle complaints/grievances associated with discriminatory practices.

If harassment is alleged, a formal complaint form is located on all school websites and in the mail office of each school.

Any staff member receiving such a complaint shall immediately report the behavior/conditions to his/her immediate supervisor and/or the appropriate person listed in the Nondiscrimination notice, above. A conference will be held with the complainant and appropriate school personnel to arrive at a mutually satisfactory resolution of the complaint/grievance. (J-51, 2016)

## **Special Education Services**

Special education services for children with disabilities are provided in accordance with the Individual with Disabilities Education Improvement Act of 2004 and Alabama Act 106. Child Find is an attempt to locate and provide appropriate educational and related services to all children with disabilities between the ages of 3-21. If you are the parent of a child with disabilities who is not receiving services, or if you would like more information, please contact Dr. Missy Brooks. at the Mountain Brook Board of Education, Special Education Department, (205) 871-4608.

## **Child Find Notice**

Special education services for children with disabilities are provided in accordance with the Individual with Disabilities Education Improvement Act, Amendments of 2004 and Alabama Act 106. Child Find is an attempt to locate and provide appropriate educational and related services to all children with disabilities between the ages of birth to 21. If you are the parent of a child with disabilities who is not receiving services, or if you would like more information, please contact Dr. Missy Brooks at the Mountain Brook Board of Education, Special Education Department, (205)871-4608.

## **Student Support Teams**

Each Mountain Brook school has a designated school-based committee of professionals designed to meet the needs of general education students at-risk for school failure or for whom there are behavioral concerns. This Student Support Team is mandated by the Alabama Administrative Code and is composed of an administrator, general education teacher(s), counselor(s), special education teacher(s), and auxiliary members by invitation. This team meets regularly to assess the needs of students, formulate measurable goals for improvement, and design interventions to help them succeed. To access the help of this team or for more information, contact Dr. Missy Brooks, Director of Instruction (871-4608) or your school counselor.



# Student Counseling Resources: Classroom Lessons and Mental Health Services

All Alabama public schools require specifically trained professionals to serve as school counselors in grades K – 12. Counselors in Mountain Brook Schools provides classroom skill-based lessons and counseling services. Counselors work collaboratively with families and students to address concerns that may arise.

**Classroom Lessons-** Counselors offer classroom lessons to students to support academic growth, career awareness and readiness, and social and emotional development. Materials used for classroom guidance lessons can be reviewed at parent request by contacting your local school counselor(s).

**Counseling Services-** Mountain Brook Schools also offers counseling services provided during the school day as determined by an individual student’s needs. Services are delivered through individual or small group sessions and service descriptions can be found in the Student Code of Conduct.

If a student requires ongoing counseling support (more than 2 sessions within a 9-week period), services will be offered to the student’s parents or guardians on an annual basis. Upon written parental permission, services will be provided per the outlined agreement. The parent or guardian rescind permission for services in writing at any time. Additionally, the school may cease the services if they are no longer deemed appropriate or if a referral for outside services is warranted.

Referrals for outside mental health services and supports may be accessed through the Mountain Brook Schools Mental Health Coordinator. All mental health records will be treated as health care records and kept separately from academic records.

(Policy J-54)

## **Mental Health Service Descriptions**

- All mental health services are discussed with parents and only initiated with parental permission per Policy J-54.

**Individual Counseling-**Individual counseling may be offered for a student to address an individual need on an ongoing basis. Individual counseling services are provided by school counselors on a regular schedule.

**Small Group Counseling-** Small group counseling may be offered for a student to assist in addressing topics related to social situations, recent life changes, or other related topics on a regular schedule. Small group counseling is provided by school counselors or other contracted employees.

**Contracted Counseling Services-** Per a student's individual plan, more intensive individual counseling services may be offered through a district contracted mental health counselor during the student's school day based on a regular schedule.

**Mental Health Resource Referrals-** The Mountain Brook Schools Mental Health Services Coordinator or school counselor can provide resources to families who are seeking an outside referral to a mental health provider in the local area.

## **Dispensing Prescription Medication**

Mountain Brook students who need to take medication at school may do so only when the appropriate medical form has been completed by the physician and signed by the parent. This form is available at every school and in the office of many pediatricians who serve our students. Medication must be delivered by the parent to the school in the appropriate pharmacy bottle. Any change in medication or dosage necessitates that a new form be completed. Non-prescription medication will not be dispensed by the school.

High school students may administer their own medication for acute illness, if the medicine is prescribed for two weeks or less and if the parent notifies the principal in writing. Controlled substances may not be in the possession of any student, at any time, for any reason. Violation of these procedures may result in a violation of the system Safe and Drug-free policy, necessitating disciplinary action. (Policy J-20; J-28)

## **Smoking (Tobacco-Free Schools)**

All persons are prohibited from using tobacco products on school property. Policies pertaining to this (J2 & J5) are available in the Mountain Brook Schools policy manual. These policies also prohibit use of electronic cigarettes and similar vaporizing products. When students are known to have violated these policies, the disciplinary action will be related to the nature of the substance being used via electronic cigarette or vaporizer.

(Policy J-2, J-5)

# Attendance

It is the policy of the Mountain Brook Board of Education that pupil accounting procedures in the Mountain Brook School district be established that assure an accurate recording of pupil absences. Said absences shall, in accordance with statute, be designated as excused or unexcused.

## I. Excused Absences

A student shall, based on statutory provisions, be excused for absence from school for the following reasons:

- A. Illness
- B. Death in immediate family
- C. Weather preventing attendance
- D. Legal requirements
- E. Permission by the principal
- F. Religious holidays

## II. Unexcused Absences

Absence for reasons other than those defined above shall be considered as unexcused. When a student's unexcused absences reach seven (7) days in any academic year, the principal may refer the issue to the district attendance officer, who shall consider filing a complaint/petition with the Family Court.

## III. Excuses

In accordance with State law, the parent or legal guardian must send a note explaining the reason for any absence of students under their control or charge upon the student's return to school. The student has three (3) days (including date of return) to have an "excused absence" slip issued. After this time passes, the absence is unexcused and will remain as such. This excuse must be presented to the designated local school officials in the manner of procedure, which has been established by said school for recording such information.

## IV. Make-up Work

If a student is absent for any of the excused reasons enumerated above, the student shall be allowed to make up schoolwork missed during said absence or absences. It shall be the responsibility of the student to contact the teacher or teachers to arrange for all make-up work.

Students who have unexcused absences are not entitled to receive credit for make-up work or to receive credit for tests, projects, etc., missed during the absence, but may be made up at the discretion of school officials.

#### **V. Absences for Medical Reasons**

Missing more than ten (10) days of school per semester is considered excessive absence. If a student misses more than 10 days for medical reasons per semester, the parent or legal guardian may be required to provide written medical verification for subsequent absences from a licensed physician stating that the absence was a medical necessity. If written medical verification is not received, the absence will be unexcused unless the absence is due to excused reasons other than illness.

#### **VI. School Participation Absences**

Students who are away from school because of participation in school-sponsored activities shall be permitted to make up schoolwork missed.

#### **VII. Religious Absences**

A student shall be excused for official religious holy days. Said student shall be allowed to make up schoolwork missed during such absences and in no way shall he or she be penalized for such absences.

Policy J-12

## **McKinney-Vento Homeless Education Assistance Act**

If a family lives in any of the following situations, then any and all preschool-aged and school-aged children in that family have certain rights and protections under the McKinney-Vento Homeless Education Assistance Act.

- In a shelter, motel, vehicle, or campground
- On the street
- In an abandoned building, trailer, or other inadequate accommodations, or
- Doubled up with friends or relatives because the family cannot find or afford housing

If a parent or guardian of a preschool- or school-aged child or children believes any of the above applies to his or her family, he or she should contact the school district's liaison for homeless education: Lanie Kent (205) 871-4608.

## Parental Responsibility

### Alabama Administrative Code Section 16-28-12

***Person in loco parentis responsible for child's school attendance and behavior; noncompliance; local boards to promulgate written behavior policy, contents, annual distribution, receipt to be documented; school officials required to report noncompliance; failure to report suspected violation; district attorneys vigorously to enforce provisions.***

(a) Each parent, guardian, or other person having control or custody of any child required to attend school or receive regular instruction by a private tutor who fails to have the child enrolled in school or who fails to send the child to school, or have him or her instructed by a private tutor during the time the child is required to attend a public school, private school, church school, denominational school, or parochial school, or be instructed by a private tutor, or fails to require the child to regularly attend the school or tutor, or fails to compel the child to properly conduct himself or herself as a pupil in any public school in accordance with the written policy on school behavior adopted by the local board of education pursuant to this section and documented by the appropriate school official which conduct may result in the suspension of the pupil, shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than one hundred dollars (\$100) and may also be sentenced to hard labor for the county for not more than 90 days. The absence of a child without the consent of the principal teacher of the public school he or she attends or should attend, or of the tutor who instructs or should instruct the child, shall be prima facie evidence of the violation of this section.

(b) Each local public board of education shall adopt a written policy for its standards on school behavior. Each local public school superintendent shall provide at the commencement of each academic year a copy of the written policy on school behavior to each parent, guardian, or other person having care or control of a child who is enrolled. Included in the written policy shall be a copy of this section. The signature of the student and the parent, guardian, or other person having control or custody of the child shall document receipt of the policy.

(c) Any parent, guardian, or other person having control or custody of any child enrolled in public school who fails to require the child to regularly attend the school or tutor, or fails to compel the child to properly conduct himself or herself as a pupil in accordance with the written policy on school behavior adopted by the local board of education and documented by the appropriate school official which conduct may result in the suspension of the pupil, shall be reported by the principal to the superintendent of education of the school system in which the suspected violation occurred. The superintendent of education or his or her designee shall report suspected violations to the district attorney within 10 days. Any principal or superintendent of education or his or her designee intentionally failing to report a

suspected violation shall be guilty of a Class C misdemeanor. The district attorney shall vigorously enforce this section to ensure proper conduct and required attendance by any child enrolled in public school.

*(School Code 1927, &sect; 305; Code 1940, T. 52, &sect;302; Acts 1993, No. 93-672, p. 1213, &sect;1; Acts 1994, 1st Ex. Sess., No. 94-782, p. 70, &sect;1.)*

## **Residency Requirements**

All children having legal residence within the city limits of Mountain Brook and meeting the legal entrance age requirements shall be eligible to attend Mountain Brook Schools. First-time enrollees shall be required to furnish proof of residence and age. (Policy J-6, 7, & 8)

Legal residence as used herein means the fixed, permanent and primary domicile of the parent(s) or legal guardian(s). The Legal Residence, as used herein, shall mean that true, fixed and permanent home and principal establishment to which, whenever absent, the parent(s) or legal guardian(s) of the student has the intention of returning. As used herein, legal residence of domicile is distinguished from a temporary or secondary place of residence established for some specific purpose, but not the fixed, permanent, primary establishment of the parent(s) or natural guardian(s).

If the place of abode (house or other dwelling place) is not clearly within the city limits (for example, where part of the property is within the city limits and part outside the city limits), then the abode will be considered within the city limits if the abode (the physical structure of the living quarters of the house) is assessed by the Tax Assessor as being within the city limits of Mountain Brook.

Under some circumstances, the Board may, in determining the legal residence for enrollment purposes, may consider the extent to which a student physically resides full time at the place of abode within the city limits of Mountain Brook. The intent of policy is to prevent out-of-district students from establishing temporary or secondary residence in Mountain Brook for the purpose of attending Mountain Brook Schools.

The Board of Education has the right and responsibility to investigate, without further notice, cases in which it is unclear to school officials that a student and/or a student's custodial parent is residing in Mountain Brook. This investigative authority extends to the use of outside investigators who may use any legal means at their disposal to determine the actual physical residence of the student, prospective student, or the student's legal guardian.

Updated June 16, 2008

## Gifted Students

Gifted students are those who perform at or who have demonstrated the potential to perform at high levels in academic or creative fields when compared to others of their age, experience, or environment. These students require services not ordinarily provided by the regular school program. Students possessing these abilities can be found in all populations, across all economic strata, and in all areas of human endeavor.

Teachers, counselors, administrators, parents or guardians, peers, self, or any other individuals with knowledge of the student's abilities may refer a student to the Student Support Team for consideration for placement in the enrichment program. Additionally, all second grade students are observed as potential gifted referrals using a gifted behavior checklist and referred to the Student Support Team as appropriate.

For each student referred, information is gathered in the areas of aptitude, characteristics, and performance. This information is entered on a matrix where points are assigned according to established criteria. The total number of points earned determines if the student qualifies for the enrichment program.

To make a referral, contact your child's classroom teacher.

## Career Tech Course Offerings

Mountain Brook High School offers several Career and Technical courses in the areas business administration, finance and marketing. The courses include: Accounting, Business Software Applications I and II, Career Focus, Digital Marketing, INCubatoredu/Entrepreneurship, Foundations of Business Leadership, Introduction to Law and the American Legal System, Leadership Mountain Brook, Personal Finance, and Work-based Learning.

Mountain Brook Junior High offers Project Lead the Way courses as semester and year-long electives for seventh and eighth grade students. These courses include the following: Automation and Robotics, Robotics Team, Design and Modeling, App Creators, Computer Science for Innovators and Makers, Energy in the Environment. MBJH offers Engineering, Robotics, and Computer Science courses as semester and year-long electives for ninth grade students. These courses include the following: Robotics Team, Introduction to Robotics, Application of Engineering and Technology, Foundations of Engineering, Computer Science, App Creators, and Innovators and Makers.

# Reporting Student Progress

It is the policy of the Mountain Brook Schools that reports concerning student progress shall be made to the parent/legal guardian of our students at least six times during the school year. Students' progress can be monitored at any time during the academic school year in the online parent portal. Individual schools may make additional reports to the parents/guardians of individual students when the situation warrants such home/school communications. These situations may include poor academic performance, continuing inappropriate behavior, outstanding citizenship, outstanding academic achievement, etc. (Policy J-17)

# Student Records

Parents or legal guardians have the right to inspect and review all official records, files, and data directly relating to their children, including the permanent record folder. This right is conferred upon the student when the student becomes 18 years of age. A request to review such records must be made to the school principal. (Policy J-15)

# Notification of Rights under FERPA for Elementary and Secondary Schools

The Family Educational Rights and Privacy Act (FERPA) affords parents and students over 18 years of age ("eligible students") certain rights with respect to the student's education records. These rights are the following:

(1) The right to inspect and review the student's education records within 45 days of the day the School receives a request for access.

Parents or eligible students should submit to the school principal a written request that identifies the record(s) they wish to inspect. The principal will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.

(2) The right to request the amendment of the student's education records that the parent or eligible student believes are inaccurate.

Parents or eligible students may ask the school to amend a record that they believe is inaccurate. They should write the school principal, clearly identify the part of the record they want changed, and specify why it is



inaccurate. If the school decides not to amend the record as requested by the parent or eligible student, the school will notify the parent or eligible student of the decision and advise them of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.

(3) The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent.

One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. A school official is a person employed by the School as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the school Board; a person or company with whom the school has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist); or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks.

A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

Upon request, the school discloses education records without consent to officials of another school district in which a student seeks or intends to enroll.

(4) The right to file a complaint with the U.S. Department of Education concerning alleged failures by the *Mountain Brook Schools* to comply with the requirements of FERPA. Parents contact the office that administers FERPA: Family Policy Compliance Office; U.S. Department of Education; 400 Maryland Avenue, SW; Washington, DC 20202-4605

### ***Notice for Directory Information***

The *Family Educational Rights and Privacy Act* (FERPA), a Federal law, requires that Mountain Brook Schools, with certain exceptions, obtain your written consent prior to the disclosure of personally identifiable information from your child's education records. However, Mountain Brook Schools may disclose appropriately designated "directory information" without written consent, unless you have advised the district to the contrary in accordance with district procedures. The primary purpose of directory information is to allow Mountain Brook Schools to include this type of

information from your child's education records in certain school publications. Examples include the following:

- A playbill, showing your student's role in a drama production
- The annual yearbook
- Honor roll or other recognition lists;
- Graduation programs; and
- Sports activity sheets, such as for wrestling, showing weight and height of team members
- Website Recognitions

Directory information, which is information that is generally not considered harmful or an invasion of privacy if released, can also be disclosed to outside organizations without a parent's prior written consent. Outside organizations include, but are not limited to, companies that manufacture class rings or publish yearbooks. In addition, two federal laws require local educational agencies receiving assistance under the *Elementary and Secondary Education Act of 1965* to provide military recruiters, upon request, with three directory information categories – names, addresses and telephone listings – unless parents have advised the school that they do not want their student's information disclosed without their prior written consent. [\[1\]](#)

If you do not want Mountain Brook Schools to disclose directory information from your child's education records without your prior written consent, you must notify the school principal in writing by June 1<sup>st</sup> of each school year.

Mountain Brook Schools has designated the following information as directory information:

***Directory Information***

- Student Name
- Gender
- Address
- Telephone Listing
- Email address
- Photograph
- Date & place of birth
- Major field of study
- Dates of attendance
- Grade level
- Participation in officially recognized activities or sports
- Weight and height of members of athletic teams
- Degrees, diplomas, honors, awards received
- Most recent educational agency or institution attended

## ***Notification of Rights under the Protection of Pupil Rights Amendment (PPRA)***

PPRA affords parents and students who are 18 or emancipated minors (“eligible students”) certain rights regarding our conduct of surveys, collection and use of information for marketing purposes, and certain physical exams. These include the right to the following:

***Consent*** before students are required to submit to a survey that concerns one or more of the following protected areas (“protected information survey”) if the survey is funded in whole or in part by a program of the U.S. Department of Education (ED)–

1. Political affiliations or beliefs of the student or student’s parent;
2. Mental or psychological problems of the student or student’s family;
3. Sex behavior or attitudes;
4. Illegal, anti-social, self-incriminating, or demeaning behavior;
5. Critical appraisals of others with whom respondents have close family relationships;
6. Legally recognized privileged relationships, such as with lawyers, doctors, or ministers;
7. Religious practices, affiliations, or beliefs of the student or parents; or
8. Income, other than as required by law to determine program eligibility.

***Receive notice and an opportunity to opt a student out of–***

1. Any other protected information survey, regardless of funding;
2. Any non-emergency, invasive physical exam or screening required as a condition of attendance, administered by the school or its agent, and not necessary to protect the immediate health and safety of a student, except for hearing, vision, or scoliosis screenings, or any physical exam or screening permitted or required under State law; and
3. Activities involving collection, disclosure, or use of personal information obtained from students for marketing or to sell or otherwise distribute the information to others.

***Inspect, upon request and before administration or use –***

1. Protected information surveys of students;
2. Instruments used to collect personal information from students for any of the above marketing, sales, or other distribution purposes; and
3. Instructional material used as part of the educational curriculum.

Mountain Brook Schools have developed and adopted policies, regarding these rights, as well as arrangements to protect student privacy in the administration of protected surveys and the collection, disclosure, or use of personal information for marketing, sales, or other distribution purposes. Mountain Brook Schools will directly notify parents and eligible students of these policies at least annually and after any substantive changes. Mountain Brook Schools will also directly notify parents and eligible students, such as through U.S. Mail or email, at least annually of the specific or approximate dates of the following activities and provide an opportunity to opt a student out of participating in:

- Collection, disclosure, or use of personal information for marketing, sales or other distribution.
- Administration of any protected information survey not funded in whole or in part by ED.
- Any non-emergency, invasive physical examination or screening as described above.

*Parents/eligible students who believe their rights have been violated may file a complaint with the following:*

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, D.C. 20202-4605

### ***Privacy and Property Rights***

Federal and state laws provide persons with a reasonable expectation of privacy, in addition to freedom from unreasonable search and seizure of property. Such guarantees are not unlimited and must be balanced by the school's responsibility to protect the health, safety and welfare of all students.

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[1] These laws are: Section 9528 of the ESEA (20 U.S.C. 7908), as amended by the *No Child Left Behind Act of 2001* (P.L. 107-110), the education bill, and 10 U.S.C. 503, as amended by section 544, the *National Defense Authorization Act for Fiscal Year 2002* (P.L. 107-107), the legislation that provides funding for the Nation's armed forces.

## **Alabama Unsafe School Option**

A student who becomes a victim of a violent criminal offense committed on school property during school hours or at school-sponsored activities shall be given an opportunity to transfer to a safe public school within the local education agency. The school shall notify the student's parent/guardian of the right to transfer within 10 calendar days from the date of a final determination by the school board that a violent criminal offense has occurred. Alabama students who attend a school deemed persistently dangerous by the State Department criteria will be offered a transfer option to another school. A persistently dangerous school is one in which for 3 consecutive years the school has expelled 1% of the student population or 5 students (whichever is greater) for violent criminal offenses committed on school property during school hours or committed at school-sponsored activities. (Ala Code 290-3-1-02).

## **Use of Digital Devices during the Administration of a Secure Test**

The possession of a digital device (including but not limited to cell phones, smart watches, cameras, or other communication devices capable of capturing or relaying information) is strictly prohibited during the administration of a secure test. If a student is observed to be in possession of a digital device during the administration of a secure test, the device will be confiscated. If a student is observed using a digital device during the administration of a secure test, testing for the student will cease, the device will be confiscated and is subject to search, the student will be dismissed from testing, and the student's test will be invalidated.

## **Seclusion and Restraint of Students**

The Mountain Brook Board of Education requires that all schools and programs within the school district comply with State Board of Education Rule 290-3-1-.02(1)(f) regarding the use of "seclusion" or "restraint," as those terms are defined within the rule.

### **Seclusion, Mechanical Restraint, Chemical Restraint**

The Board of Education prohibits the use of seclusion, mechanical restraint, and chemical restraint as those terms are defined in State Board of Education Rule 290-3-1-.02(1)(f).

### **Physical Restraint**

This policy is not intended to prevent the use of physical restraint in limited circumstances where a student is an immediate danger to himself or others and

the student is not responsive to less intensive behavioral interventions, including verbal directives or other de-escalation techniques. Physical restraint is prohibited as a form of discipline or punishment.

The Board of Education recognizes that in determining when and how to implement this policy and any procedures related to it, educators will be required to exercise their professional judgment and discretion. Therefore, this policy is not intended to be construed as imposing ministerial duties on individual employees. Further, it is not intended to interfere with the duties of law enforcement or emergency medical personnel.

For schools and programs within the school district that use physical restraint as defined within the State Board of Education rule, the Superintendent or designee shall develop and implement written procedures governing its use, which shall include, at a minimum, the following:

1. Staff and faculty training on the use of physical restraint and the district's policy and procedures related thereto;
2. Documentation in written or electronic form of staff and faculty training on the use of physical restraint, including a list of participants in each training, which list must be made available to the Alabama Department of Education or any member of the public upon request;
3. Written parental notification of the use of physical restraint within a reasonable time, not to exceed one school day from the date of the incident;
4. Documentation of the use of physical restraint and a debriefing session held by staff or faculty participating in or supervising the restraint for each student in each instance in which the student is restrained;
5. Periodic review of the use of restraint and the documentation described in paragraph 4 above; 2
6. Annual reporting to the Board of the use of restraint and the accompanying documentation, as well as any prohibited use of seclusion and chemical, mechanical or physical restraint;
7. Annual submission to the Alabama Department of Education of the documentation submitted to the Board in accordance with paragraph 6; and
8. Inclusion of the procedures in the school district's Code of Conduct and/or the school's student handbook. (Policy J-48, adopted 7/16/2012)

# Student Harassment Policy

J-49

## I. Harassment Prohibited

It is the policy of Mountain Brook City Schools that harassment, bullying, intimidation, violence, and threats of violence will not be tolerated under any circumstances. Harassment and violent incidents will be responded to in a manner consistent with the district Code of Conduct, subject to the school administrator's authority and decision. If appropriate, the circumstances constituting the violation may be reported to law enforcement agencies or child welfare agencies for further investigation and action.

## II. Definitions

Term shall be defined as:

- A. Bullying means a continuous pattern of intentional, unwelcome behavior on or off school property, at any school-sponsored function, or on a school bus, including, but not limited to, cyberbullying or written, electronic, verbal, or physical actions that are reasonably perceived as being motivated by a specific characteristic of a student. To constitute bullying, a pattern of behavior may:
  - (a.) Place a student in reasonable fear of harm of themselves or their property
  - (b.) Substantially interfere with the educational performance or opportunities of a student
  - (c.) Substantially disrupt or interfere with the orderly operation of the school
  - (d.) Create a hostile environment in the school, on school property, on a bus, or at a school sponsored function
  - (e.) Have the effect of being sufficiently severe, persistent, or pervasive enough to create an intimidating, threatening, or abusive educational environment for a student
- B. "Hostile environment" means the perception by an affected student that the conduct of another student constitutes a threat of violence or bullying and that the conduct is objectively severe or pervasive enough that a reasonable person, under the circumstances, would agree that the conduct constitutes bullying, assault, or threat of assault.
- C. "Violence" means the unjustified infliction of physical force by a student with the intent to cause injury to another student or damage to the property of another student.
- D. "Threat" means a statement of intention to inflict pain, injury, damage, or other hostile action to cause fear of harm. The intention may be communicated through electronic, written, verbal or physical act to cause

fear, mental distress, or interference in the school environment. The intention may be expressly stated or implied.

- E. "Threat of violence" means an unjustified threat or other action that is intended to cause fear or apprehension in a student.
- F. "Intimidation" means an unjustified threat or other action that is intended to cause fear or apprehension in a student.
- G. "Sexual harassment" is defined as unwelcome sexual advances, requests for sexual favors, other physical or verbal conduct of a sexual nature, and any other gender-based harassment, whether initiated by students, school employees, or third parties, when:
  - (a) Submission to such conduct is made explicitly or implicitly a term or condition of the student's education, including any aspect of the student's participation in school-sponsored activities, or any other aspect of the student's education;
  - (b) Submission to, or rejection of, such conduct is used as the basis for decisions affecting the student's academic performance, participation in school-sponsored activities, or any other aspect of the student's education; or
  - (c) Such conduct has the purpose or effect of unreasonably interfering with the student's academic performance or participation in school-sponsored activities, or creating an intimidating, hostile, or offensive education environment. Harassment based upon sex includes gender-based harassment based on sex-stereotyping.

### **III. Personal Characteristics**

Harassment, intimidation, bullying, violence or threats of violence refer to a continuous pattern of intentional, unwelcome behavior related to, but not limited to, gender, race, religion, ethnic group, national origin, disability, and/or sexual orientation.

### **IV. Consequences for Violations**

A series of graduated consequences for any violation of this policy will be outlined in the district Code of Conduct.

### **V. Reporting, Investigation, and Complaint Resolutions**

Complaints involving violations of this policy may be made on the Bullying, Harassment, and Threat of Violence Form complaint form (C-2-19) found in the Code of Conduct, school and district website, or school office. The form should be delivered to the school administration. Incidental or minor violations of the policy may be presented and resolved informally. Complaints may also be reported verbally to the school or district administration.



Any report involving a threat of suicide will be reported to the student’s parent or guardian, unless at the discretion of the school principal, the cause of the threat of suicide involves abuse or significant harm from a parent or guardian.

Any sexual harassment complaint should be filed with the school principal or Director of Student Services, who will then notify the Title IX coordinator. Upon making a sexual harassment complaint, a student shall not be required to present the matter for investigation or resolution to the person who is alleged to have committed the harassment.

Upon receipt of the complaint, the principal or designee will determine if the complaint alleges a serious violation of the policy. If so, the principal or designee will undertake a reasonably prompt investigation to be completed within 60 days. If the investigation establishes a violation, appropriate discipline may be imposed. Other reasonably calculated measures may be imposed to prevent a recurrence of the violation as determined by the principal or designee.

Acts or reprisal and retaliation against any student who has reported a violation of this policy are prohibited and are themselves a violation of this policy. Confirmed acts of reprisal or retaliation may be subject to disciplinary measures. A student who deliberately and falsely accuses another individual of a violation of this policy may also be subject to disciplinary sanctions.

The complainant and subject of a formal complaint will receive written notification of the outcome of the investigation including the right to object and appeal for reconsideration. A complaining party who is not satisfied with the investigation or resolution of the complaint may request that the Superintendent take additional or different action.

If resolution is not reached, the complainant and subject of a formal complaint may request that the matter be made subject to a Board hearing. In such case, the Board will render a final decision as soon as practicable.

**VI. Title IX**

The Board, in accordance with Title IX (20 U.S.C. §1681, et seq.), strictly prohibits discrimination on the basis of sex or gender in its programs or activities. The prohibition includes sexual harassment, harassment based on sex, and sexual assault, as defined by law and Board policy. Sexual harassment and sexual assault complaints should be filed and reviewed under the Board’s sexual harassment policies. All other complaints under Title IX will be filed and reviewed according to the Board’s general complaint and grievance procedures.

Title IX Coordinator – The Superintendent is authorized and directed to designate a Title IX Coordinator, whose duties will include but not be limited to receiving and responding to Title IX inquiries and complaints.

## **VII. Confidentiality**

To the maximum extent possible, the Board will keep the complaint and investigation confidential. Complete confidentiality cannot be guaranteed.

# CODE OF CONDUCT

## Student Rights and Responsibilities

The following responsibilities, rights, violations, and sanctions are the basis for the Mountain Brook City Schools Code of Conduct.

### Attendance

Student Responsibilities Are:

- To abide by laws and Board of Education and individual school rules and policies regarding attendance.
- To be punctual and regular in attendance.
- To promptly request and complete make-up assignments for excused absences or tardies.

Student Rights Are:

- To be informed of Board of Education and individual school rules and policies regarding school attendance, including policies and rules regarding absences, tardies, truancies and related programs, checkouts, make-up work, and school-sponsored activities.
- To be provided with make-up assignments for excused absences or tardies.

### Respect for Person, Privacy, and Property

Student Responsibilities Are:

- To abide by basic principles of honesty and ethics.
- To abide by laws and Board of Education and individual school rules and policies regarding respect for person, privacy, and property.
- To respect the recognized privacy rights of others
- To attend school and related activities without bringing items prohibited by law or Board of Education policy or which detract from the educational process.
- To respect the property rights of those at school and the general public.

Students Rights Are:

- To be informed of laws and Board of Education and individual school rules and policies regarding respect for person, privacy, and property.
- To retain privacy of personal possessions on his/her person, in lockers, or in vehicles, unless school personnel have reasonable suspicion to believe the student possesses any item, which is prohibited by law or Board of Education policy.

## **Knowledge and Observation of Rules of Conduct**

Student Responsibilities Are:

- To abide by laws and Board of Education and individual school rules and policies regarding rules of conduct.
- To document receipt of the Code of Student Conduct with his/her signature.

Student Rights Are:

- To be informed of laws and Board of Education and individual school rules and policies regarding rules of conduct.
- To be informed as to the specific ground of the violation(s) of the Board of Education's Code of Student Conduct.

## **The Right to Learn**

Student Responsibilities Are:

- To abide by laws and Board of Education and individual school rules and policies regarding the right to learn.
- To take advantage of appropriate opportunities provided for learning.
- To avoid hindering the teaching process.
- To seek assistance, if needed, to aid learning.
- To obey rules regarding attendance, conduct free speech, student publications, assembly, privacy, and participation in school programs and activities.

Student Rights Are:

- To be informed of laws and Board of Education and individual school rules and policies regarding the right to learn.
- To be provided a safe school environment free of illegal drugs, alcohol, or weapons.
- To be provided appropriate instructors, instruction, materials, and equipment to take advantage of the opportunity to learn.
- To be provided with the opportunity to express concerns regarding the operation of the school.

## **Free Speech**

Student Responsibilities Are:

- To abide by law and Board of Education and individual school rules and policies regarding free speech.
- To be respectful of the views of others.

Student Rights Are:

- To be informed of laws and Board of Education and individual school rules and policies regarding free speech.
- To express disagreement in a constructive manner, taking into account the rights of others.

## **Student Publications**

Student Responsibilities Are:

- To abide by laws and Board of Education and individual school rules and policies regarding student publications.
- To communicate in a respectful manner consistent with good education practices.
- To see accurate and complete information on the topics approved for publication.
- To observe the accepted rules for responsible journalism under the guidance of faculty members.

Student Rights Are:

- To be informed of Board of Education and individual school rules and policies regarding student publications.
- To participate, as part of the educational process, in the development and/or distribution of student or school publications consistent with that educational process.

## **Assembly**

Student Responsibilities Are:

- To abide by laws and Board of Education and individual school rules and policies in regards to assembly.
- To seek approval, plan, and conduct meetings, consistent with Board of Education rules.

Student Rights Are:

- To be informed of laws and Board of Education and individual school rules and policies regarding assembly.
- To assemble in a lawful manner for a lawful purpose with prior approval by local school officials.

## **Participation in School Programs and Activities**

Student Responsibilities Are:

- To abide by laws and Board of Education and individual school rules and policies regarding school programs and activities.
- To be courteous and responsible at all school programs and activities.
- To complete assignments related to his/her participation in school programs and activities.

Student Rights Are:

- To be informed of laws and Board of Education and individual school rules and policies regarding school programs and activities.
- To develop or participate in student programs and activities consistent with Board of Education and individual school policies.
- To seek office in any student organization.

# Classification of Violations and Sanctions

It is fundamental that an orderly school has clearly defined rules for behavior to which students must conform. Non-conformity to these rules is a violation of the Code of Student Conduct. Violations are grouped into three classes (Class I, Class II, and Class III), which range from the least to the most serious. Appropriate school personnel shall investigate, verify, and take the necessary actions to resolve student misconduct. After determining a violation and the classification of the violation, the principal or designee should implement the appropriate sanction. Violations apply to student conduct on a school campus, at school-related events, or while being transported to or from school or school-related events. Below is a listing of each class of violations and possible sanctions. As the violations increase in seriousness, the severity of the possible sanctions increases.

## Class I Violations

- 1.01 Distraction of other students
- 1.02 Intimidation of a student
- 1.03 Unauthorized organizations
- 1.04 Tardiness
- 1.05 Non-direct use of profane language or obscene manifestation  
(See 2.09)
- 1.06 Non-conformity to dress code
- 1.07 Disruption on a school bus
- 1.08 Inappropriate public display of affection
- 1.09 Unauthorized absence from class or school for part of a day
- 1.10 Refusal to complete class assignments
- 1.11 Failure to follow appropriate directives from a school system staff member
- 1.12 Unauthorized use of school or personal property
- 1.13 Littering of school property
- 1.14 Any other violation, which the principal may deem reasonable to fall within this category after investigation and consideration of extenuating circumstances
- 1.15 Bullying, Intimidation, Harassment of Student, Mild and Isolated  
(amended June 2010)

## **Class I Sanctions**

1. Conference with the student
2. Verbal reprimand
3. Withdrawal of privilege(s)
4. Parent conference(s)
5. Temporary removal from class
6. Detention
7. In-school suspension
8. Other sanction(s) as approved by the Board of Education

## **Class II Violations**

- 2.01 Refusal to follow appropriate directive from a school system employee
- 2.02 Vandalism/property damage
- 2.03 Theft of property
- 2.04 Gambling
- 2.05 Possession of stolen property with the knowledge that it is stolen
- 2.06 Sexual harassment
- 2.07 Threats/extortion
- 2.08 Trespassing
- 2.09 Direct use of profane language or obscene gesture directed toward another person
- 2.10 Repeated direct or non-direct use of profane language or obscene manifestations
- 2.11 Unauthorized absence from school for a day or more
- 2.12 Written or verbal proposition to engage in sexual acts
- 2.13 Inappropriate touching of another person
- 2.14 Possession of and/or use of matches or lighters
- 2.15 Possession, sale, and/or use of a tobacco products, electronic cigarettes, vaporizers, and similar devices (when used only as a substitute for tobacco products).
- 2.16 Dishonesty and cheating
- 2.17 Providing false information to a local board of education employee
- 2.18 Any other violation, which the principal may deem reasonable to fall within this category after investigation and consideration of extenuating circumstances
- 2.19 Bullying, Intimidation, Harassment of Student, mild or moderate or second incident. (Added June 2010)

## **Class II Sanctions**

1. Temporary removal from class
2. Detention
3. In-school suspension
4. Saturday School detention
5. Assignment to the Alternative School
6. Restitution of property and damages where appropriate
7. Out-of-school suspension
8. Referral to outside agency
9. Expulsion
10. Any sanction(s) included in Class I and other sanction(s) as approved by the Board of Education

## **Class III Violations**

- 3.01 Arson
- 3.02 Robbery
- 3.03 Theft of property
- 3.04 Burglary of school property
- 3.05 Criminal mischief
- 3.06 Bomb threat
- 3.07 Sexual offense
- 3.08 Fighting
- 3.09 Inciting or participating in major student disorder
- 3.10 Unjustified activation of fire alarm system or fire extinguisher
- 3.11 Assault on another person (Student, teacher, staff member, visitor, etc.)
- 3.12 Possession of a weapon
- 3.13 Preparing, possessing, and/or igniting explosive device
- 3.14 Unlawful use, sale, purchase, furnishing or giving, or possession of illegal drug or drug paraphernalia or alcohol beverage
- 3.15 Accessing or changing information in school computers without authorization or for inappropriate purposes.
- 3.16 Any other offense, which the principal may deem reasonable to fall within this category after investigation and consideration of extenuating circumstances
- 3.17 Crimes as defined under the laws of the city, state of Alabama, or United States
- 3.18 Bullying, Intimidation, Harassment of Student, moderate, severe or repeated. (Added June 2010)



### **Class III Sanctions**

1. Out-of-school suspension
2. Transfer
3. Assignment to the Alternative School
4. Referral to outside agency, including the criminal justice system
5. Expulsion
6. Restitution of property and damages where appropriate
7. Any sanction(s) included in Classes I and II and other sanction(s) as approved by the local Board of Education

# **Discipline: Off-Campus**

According to legal rulings, students may be disciplined for offenses (such as those listed above) not only when they occur during the school day, on school premises, but also when they occur off campus during school-sponsored activities. Students who threaten school employees or damage employees' property away from the school campus are also subject to disciplinary action.

## **Due Process and Procedures**

### ***Due Process***

Each student will be afforded due process when the procedures outlined in the Student Code of Conduct are implemented. Principals of each school site will familiarize school personnel with the procedures and provide each faculty member with a copy of this policy. This Code of Conduct has been published with the following concepts in mind:

School rules should be clearly stated and related to the school's educational purposes.

School rules should be fair and specific enough for students to understand what they can and cannot do.

Students, parents and guardians should be informed of the rules affecting behavior and discipline.

When disciplinary actions are involved, school personnel and students should comply with the required procedures.

Any student who has been identified as being eligible for the Individuals with Disabilities Education Act; American with Disabilities Act; and/or Section 504 of the 1973 Vocational Rehabilitation Act is subject to the provisions of the code of conduct and may be suspended or expelled. However, all procedural safeguards identified within these specific laws will be followed as required. (Policy J-2)

**Disciplinary Rules and Procedures**

All rules and regulations adopted by schools in the Mountain Brook School District shall meet the criteria for fairness, reasonability, and legal defensibility. Other specific disciplinary rules and regulations may also be found in each school’s student handbook. These rules and regulations shall be disseminated through a variety of constituency awareness methods (i.e., parent group explanations, publications, oral reviews, etc.) (Policy J-3.)

**Threats of Harm**

The Mountain Brook Board of Education is committed to insuring the safety of students and staff. Any student who issues a threat of harm against another student or staff member, or against the school environment in general, shall be subject to suspension or expulsion by the Board of Education and referral to the criminal justice system. This rule includes threats issued off school campus including threats or perceived threats in any form of electronic communication that comes to the attention of school personnel. The School system reserves the right to fully investigate such threats, by any means at its disposal, and will cooperate with law enforcement officials in investigations regarding such threats.

**Drug-Free Schools Policy**

The Mountain Brook Board of Education places the highest priority on the elimination of substance abuse in the schools and in the community. The use, possession, or transmitting of illicit substances in the schools will not be tolerated and will be met with firm and consistent disciplinary measures.

The Board of Education is also committed to a humanitarian, constructive, and supportive approach to all students who exhibit drug abuse problems and to the families of such students. Assistance to students and their families shall include referral to appropriate outside agencies as well as support from school system professional staff.

***Education***

As a basis for primary prevention, drug education programs shall be implemented and maintained under the direction of the Drug Programs Coordinator as follows:

- 1. The curriculum shall be comprehensive in scope, starting at the kindergarten level and extending through grade twelve.

2. The curriculum shall be consistent with state guidelines.
3. Program elements and activities, which place emphasis on both attitudes and decision-making (affective) and information (cognitive) shall be included.
4. Clearly stated objectives shall be established for the total program and for each level of instruction.
5. The curriculum shall be developed through cooperative planning by school personnel and community representation.
6. The school program shall promote constructive alternatives to drug abuse such as clubs, activities, and projects.
7. Provision shall be made for ongoing evaluation and accountability.

### ***Drug Education Advisory Committee***

The Superintendent shall appoint, on an as-needed basis, a Drug Education Advisory committee comprised of the Drug Programs Coordinator, school personnel, and community representation. The Committee shall evaluate and review all current drug education programs and proposed drug education activities schools and make recommendations to the Superintendent.

### ***Early Identification of Students Who May Be Engaging in Substance Abuse***

All professional personnel at the secondary level shall receive professional development in recognizing behaviors, which may indicate that a student is under the influence of alcohol or other drugs of abuse. Furthermore, all professional personnel shall be apprised of procedures for referring such high-risk students to appropriate school personnel.

## ***Prohibited Substances***

Students in the Mountain Brook City School System are prohibited from possessing, using, selling, transmitting, intending to transmit, or being under the influence of any of the following:

1. Drugs (stimulants, depressants, hallucinogens, inhalants, opiates) including, but not limited to, narcotic drugs, amphetamines, barbiturates, marijuana, cocaine, or any contraband or controlled substance or prohibited drug;
2. Alcoholic beverages or intoxicants of any kind;
3. Prescriptive medicine or drugs with or without medical cause or medical permission. In some specific cases, students may be allowed exceptions to the prohibition of prescription medicine at school but only with the specific written permission of school officials.

Parental permission to have or use substances prohibited by this policy, including alcohol or prohibited substances, does not exempt a student from this policy.

It shall be the policy of the Mountain Brook City Board of Education that the school principal or authorized official of the school shall automatically suspend any student possessing, using, transmitting, or intending to transmit, or being under the influence of prohibited substances as described in this policy in the following circumstances:

1. on or near school grounds or property;
2. on a school bus traveling to or from school or at any school activity, function or event, or on any other school-sanctioned and authorized vehicle for transportation;
3. at any school function or school-sanctioned function, wherever held, during or after regular school hours.

### ***Violations: Organization of Procedures***

There shall be three categories of violations of this policy reflecting an ascending order of severity and danger to the health and safety of students. Definitions of each category, as well as options for disciplinary and/or supportive action to be taken, are as follows:

## Category I

### ***Self-Identified Substance Abuse***

***This category shall include students who identify themselves as substance abusers for the purpose of obtaining help. Action taken for such students shall be entirely supportive, therapeutic, and non-punitive and should include the following procedures:***

1. The student's parent or guardian shall be notified, except when prohibited by professional codes of ethics or by law, and asked to confer with appropriate school professional personnel.
2. During the conference, the parent or guardian shall be given all relevant information concerning the student's substance abuse.
3. The student and parent or guardian shall be referred to appropriate community agencies which can offer counseling and support services.

Although the Board of Education shall not be responsible for cost of hospitalization or private therapy for self-reporting students and their families, it shall make available to them appropriate school personnel and facilities for purposes of support and counseling.

### ***Students Who Exhibit Behaviors Indicative of Possible or Likely Substance Abuse***

This category shall also include students who exhibit behaviors which are indicative of likely substance abuse.

The following actions shall be taken by the school when such students are identified:

1. A parent or guardian shall be notified and asked to confer, in person, with appropriate school professional personnel.
2. The parent or guardian shall be apprised during the conference of any behavior which has led school personnel to believe substance abuse is likely and behaviors which could be indicative of emotional or behavioral problems.
3. The student and parent or guardian shall be referred to appropriate community agencies which can offer counseling and support services to the student and to the family.

## Category II

### **Students Violating Substance Abuse Policies: In Possession or Under Influence**

This category shall include violations of this policy wherein a student was found to be in possession of or under the influence of a prohibited substance as defined above. In the event of such a violation, the following procedures shall be followed:

1. The student shall be clearly informed by the principal or by his or her designee of the offense with which he or she is being charged and of the evidence against him or her. The student will be given an adequate opportunity to state his or her position regarding the alleged offense.
2. If, in the judgment of the principal or his or her designee, the student did commit the offense in question, the student shall be immediately suspended from school or placed in in-school suspension.
3. The principal shall immediately notify the student's parent or legal guardian of the action taken, the reason or basis for the action, and what further action will be taken.
4. When a student is in possession of illegal substances, the principal shall notify the School Resource Officer of the Mountain Brook City Police Department of the violation. When students are deemed to be under the influence of illegal substances, the principal may notify the School Resource Officer of the Mountain Brook City Police Department of the violation.
5. In the event that the student is suspended from school, he or she shall then be dismissed from school but only in the company of his or her parent or legal guardian.
6. The principal shall refer the student to the Student Intervention Program. The student's continued attendance at school or his or her return to school (in the event that he or she is placed in the Alternative School or expelled) shall be contingent upon satisfactory participation in the Early Warning Program.
7. The principal shall invoke one of the following disciplinary options:
  - In-school suspension
  - Out-of-school suspension
  - Assignment to the Alternative School
  - Expulsion from school

If, in the opinion of the principal, the violation warrants expulsion of the student from school, the following procedures shall be followed: Within a period of time not to exceed ten (10) days, the Board of Education shall hold a hearing in order to render a decision concerning the expulsion of the student. The Board of Education hearing relative to expulsion, as well as the preliminary steps concerning the hearing, shall comply with procedural due process criteria. If the Board determines that the charges brought against the student are substantial, the student may be expelled from the Mountain Brook City Schools.

### **Category III**

#### **Students Violating Substance Abuse Policies: Transmitting Substances, 2nd Category II Offense**

This category shall include violations of this policy wherein a student has

(a) Transmitted or intended to transmit a prohibited substance, or (b) committed a second Category II offense. In the event of such violations the following procedures shall be followed:

- The student shall be clearly informed by the principal or by his or her designee of the offense with which he or she is being charged and of the evidence against him or her. The student will be given an adequate opportunity to state his or her position regarding the alleged offense.
- If, in the judgment of the principal or his or her designee, the student did commit the offense in question, the student shall be immediately suspended from school.
- The principal shall immediately notify the student's parent or legal guardian of the action taken, the reason or basis for the action, and what further action will be taken.
- The principal shall notify the School Resource Officer of the Mountain Brook City Police Department of the violation.
- The student shall then be dismissed from school but only in the company of his or her parent or legal guardian.
- The principal shall refer the student to the Early Warning Program, Level III. The student's return to the regular school program from either expulsion or the Alternative School shall be contingent upon satisfactory participation in the Early Warning Program.



- The principal shall invoke one of two disciplinary options:
  - Assignment to the Alternative School
  - Expulsion from school

If, in the opinion of the principal, the violation warrants expulsion from school, the following procedures shall be followed: Within a period of time not to exceed ten (10) days, the Board of Education may hold a hearing in order to render a decision concerning the expulsion of the student. The Board of Education hearing relative to expulsion, as well as the preliminary steps concerning the hearing, shall comply with procedural due process criteria. If the Board determines that the charges brought against the student are substantial, the student may be expelled from the Mountain Brook City Schools. (Policy J-28)

# Student Intervention Program

It is the policy of the Mountain Brook Board of Education to endorse and fully participate in a community program for early intervention and support of high-risk students, hereinafter referred to as the Student Intervention Program.

## ***Purpose***

The Student Intervention Program is a community program developed to assist public school personnel, parents and law enforcement personnel in providing early intervention for children and youth who are exhibiting problem behavior.

## ***Description***

Student Intervention Program is a cooperative effort involving the Mountain Brook City Council, the Police Department, and the Board of Education. The program includes all schools and grade levels in the Mountain Brook school system.

The Early Intervention Program involves children and youth who have committed an offense involving substance abuse. Upon consultation between the principal and the Director of Student Services, this program may also be appropriate for other students who have committed serious disciplinary offenses or is exhibiting other problem behavior which has not responded to other measures. If the referred child or youth has been identified by the school system under any area of exceptionality, a representative of the special education department is also present. After referral, a report of the offense or inappropriate behaviors and relevant circumstances is made to a specially appointed Early Intervention Panel. Additionally, the Mountain Brook Juvenile Officer may be included on Early Intervention panel.

The Early Intervention Panel is composed of appropriate school personnel, appointed to the panel by the Director of Student Services and at least two representatives from the following areas: 1) Legal, 2) Medical, and 3) Mental Health. The Director of Student Services appoints panel members from a pool of volunteer professionals in these areas.

Because the panel activities include disclosure to the panel of confidential information, the student and/or his or her guardian (based on the student's age and ability to provide or refuse consent), must consent to that disclosure. If the student and/or the guardian declines to consent to that disclosure, no outside community professional volunteers will serve on the panel for that student.

Outside professional panel members will provide written agreement to maintain confidentiality regarding any and all information disclosed during the meeting,

including the name, or any identifying information, of the student and/or his or her family members.

The function of the panel is not to establish guilt or innocence, hear witnesses, or provide due process. Rather, its purpose is to provide for assistance in three possible areas:

- **Assessment.** The panel may recommend that additional evaluation is in order. Such evaluation may include drug testing, psychological examination, or physical examination.
- **Therapeutic Intervention.** Such intervention may include personal counseling, family counseling, or academic counseling.
- **Community Service.** A youth may be given the opportunity to practice responsible behavior by participating in an approved volunteer program for a specified period of time.

Board of Education School authorities may also refer students to the Early Intervention Panel. In cases involving disciplinary action taken by the Board, the student's continued attendance at school may be made contingent upon successful participation the Early Intervention Program.

## **DRUG TESTING PROGRAM**

J-28h

In an effort to protect students electing to participate in extra-curricular activities from controlled substance and illegal drug use and abuse, and to promote the health and safety of its students, the Mountain Brook Board of Education adopts the following policy for drug testing of Activity Students.

The Mountain Brook Board of Education (the Board) recognizes Activity Students (as that term is later defined in this policy) as present and future assets to our sports, academic and leadership education process. Activity Students, as role models for other students, are a key to our goal of providing the best possible education program for all students. To achieve our goal, and to maximize the skills and talents of our students, it is important that every student, as well as employees, of our school system understand the dangers of drug and alcohol abuse.

Participation in school-sponsored interscholastic extra-curricular activities at the Mountain Brook City Schools is a privilege. Students who participate in these activities are representing the school district and the community. Accordingly, students electing to participate in extra-curricular activities have a responsibility to themselves, their fellow students, their parents and their school to set the

highest possible examples of conduct, sportsmanship, and training, which includes avoiding the use or possession of controlled substances and/or illegal drugs.

"Activity Student" means a member of any junior high (7-9) or high school (10-12) Mountain Brook City Schools sponsored extra-curricular organization which participates in interscholastic competition. This includes any student who represents Mountain Brook City Schools in any extra-curricular activity in interscholastic competition, such as, but not limited to, Academic Teams (Debate, Math, FBLA, Scholars Bowl, JUNA), Band, Choral, Dorians, Spartanettes, Cheerleaders, Majorettes and Athletics.

The Board reserves the right to depart from these policies and procedures where it deems it is appropriate. Except where specifically prohibited by law, the guidelines contained within this document may be changed by the Board at any time. Students covered by this policy and procedures will be informed of changes. This policy supplements and complements all other policies, rules, and regulations of the Mountain Brook City Schools regarding possession or use of illegal drugs.

#### *POLICY OBJECTIVES*

- To create and maintain a safe, drug-free environment for all Activity Students.
- To encourage any Activity Student with a dependence on, or addiction to, alcohol or other drugs to seek help in overcoming the problem.
- To reduce the likelihood of incidents of accidental personal injury and/or damage to students or property.
- To minimize the likelihood that school property will be used for illicit drug activities.
- To protect the reputation of the school system and its students.

Substance abuse can be a serious threat to the school system, its students, visitors and employees. While the percentage of substance abusing Activity Students may be relatively small in absolute terms, any substance abuse may significantly affect the health and safety of the abusing student or the student's classmates. Moreover, practical experience and research indicate that appropriate precautions are necessary. It is the belief of the Board that the benefits derived from the policy objectives outweigh the potential inconvenience to Activity Students, and the Board has established this policy in accordance with the decision of the United States Supreme Court on June 27, 2002 in the case of Board of Education of Independent School District No. 91 of Pottawatomie County, et al v. Earls, et al. The Board earnestly solicits the understanding and cooperation of all students and parents, especially those participating in extracurricular activities, in implementing this policy.

The Board requires that all students report to school, sport practices, competitive events and school-sponsored extracurricular activities without prohibited substances in their system, as that term is defined in the Student Handbook. No Activity Student shall use prohibited substances while participating in any

extra-curricular activity or competitive events or while under the care and supervision of the school system.

Activity Students must inform the school nurse, their coach(es), assistant coach(es), or faculty sponsor when they are legitimately taking medication which may affect their ability to practice, compete, or participate in the extracurricular activity, in order to avoid creating safety problems and to remain in compliance with this policy.

### *ENFORCEMENT*

In order to enforce these rules, the Board reserves the right to require all Activity Students to submit, at any time prior to, during or following a sport practice, competitive event, extracurricular activity or while under the supervision or care of this school system, to drug tests to determine the presence of prohibited substances.

Pursuant to Board policy and regulations, an Activity Student requesting to participate in extracurricular activity may be tested as a condition to participating in the extracurricular activity of their choice. All current Activity Students may be required to undergo testing at scheduled physical examinations, and/or where the Board has reasonable suspicion to believe an Activity Student has violated its Alcohol and Drug Policy, and/or on a random basis without advance notice.

Violation of these rules, including testing positive, will subject the Activity Student to discipline, including suspension from the extracurricular activity in accordance with the penalty structure set forth in the Student Handbook. Refusal to cooperate with the Board in any test investigation will result in discipline, including immediate suspension from participating in the extracurricular activity or activities.

No Activity Student testing positive, refusing to test, refusing to cooperate with testing or being in violation of this policy will be penalized academically. Information, including testing positive, will not be released to criminal or juvenile authorities absent compulsion by law.

All information, interviews, reports, statements, memoranda and test results, written or otherwise, received by the Board through its drug and alcohol testing program are confidential communications and may not be used or received in evidence, obtained in discovery, or disclosed in any public or private proceedings except in the following:

1. As directed by the specific, written consent of the student authorizing release of the information to an identified person.
2. To a covered Activity Student decision maker in a lawsuit, grievance, or other proceeding initiated by or on behalf of the individual, or under compulsion of law.

Any questions should be directed to the persons assigned as the Board's Drug Program Coordinators.

## *PROCEDURES*

### ***General Policy***

Practical experience and research have proven that even small quantities of narcotics, abused prescription drugs or alcohol can impair judgment and reflexes, which can create unsafe conditions for students. Even when not readily apparent, this impairment can have serious results for students. Drug-using students are a threat to other students and themselves, and may make injurious errors. For these reasons, the Mountain Brook Board of Education (the Board) has adopted a policy that all Activity Students must report to all practice and competitive events or any extracurricular activity while under the care of this school system completely free from the effects of alcohol and/or the presence of drugs, unless used as prescribed by a physician.

### ***II. Drug Use/Distribution/Impairment/Possession***

All Activity Students are prohibited from using, possessing, distributing, manufacturing, or having controlled substances, abused prescription drugs or any other mind altering or intoxicating substances present in their system while at practice or participating in competitive events or while under the care of this school system.

### ***III. Alcohol Use/Possession/Impairment***

All Activity Students are prohibited from possessing, drinking or being impaired or intoxicated by alcohol while at practice or participating in a competitive event or while under the care of this school system.

### ***IV. After School Hours Conduct***

After school hours use of drugs, alcohol or any other prohibited substances is prohibited. Activity Students should realize that these regulations prohibit all illicit drug and alcohol use - during and away from school activities.

### ***V. Prescription Drugs***

The proper use of medication prescribed by a physician is not prohibited; however, the Board of Education prohibits the misuse of prescribed (or over the counter) medications and requires all Activity Students using drugs at the direction of a physician to notify their coach or faculty sponsor where these drugs may affect their performance, such as by causing drowsiness.

## **VI. Substance Screening**

### **A. Applicants**

Substance screening may be required for all Activity Students desiring to participate in an extracurricular activity or organization. Such testing may be required either alone or as part of a pre-practice or pre-participation physical examination. Applicants are required to sign an Activity Student consent/release form before being submitted to screening. Applicants will not be allowed to participate in any activity when they test positive, refuse to submit to a test, or refuse to execute the required consent/release form.

### **B. All Current Activity Students**

**Reasonable Suspicion.** All Activity Students may be tested during the initial implementation of the program. An Activity Student will be required to submit to screening whenever a coach, assistant coach, faculty sponsor or school official observes circumstances which provide reasonable suspicion to believe that an Activity Student has used alcohol or a controlled substance or has otherwise violated the substance abuse rules. The coach's, assistant coach's, faculty sponsor's, or school official's determination that reasonable suspicion exists to require the Activity Student to undergo an alcohol and drug test must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the Activity Student.

The required observations for alcohol and/or controlled substance reasonable suspicion testing shall be made by a coach, assistant coach, faculty sponsor, school official or designee who has been trained for at least 60 minutes on alcohol misuse and an additional 60 minutes on controlled substance misuse.

The adult requiring testing shall prepare and sign written documents explaining the circumstances and evidence upon which they relied within 24 hours of the testing, or before the results of the tests are released, whichever is earlier. While one coach, assistant coach, faculty sponsor or school official may request a reasonable cause test, when feasible, he or she is encouraged to obtain a second adult's opinion as a witness.

**Random Testing.** The Board will conduct random unannounced screening of Activity Students. The drug testing agency will provide computerized random sample lists to the Drug Program Coordinator. The list of Activity Students in the random pool will be updated periodically. Activity Students will be required to report to the Board--designated collection site for testing as soon as possible but in no case later than 4 hours following notification.

**Return to Participation Testing.** All Activity Students referred through administrative channels who undergo a counseling or rehabilitation program or who are suspended for abuse of substances covered under this policy will be subject to unannounced testing following return to an extracurricular activity for no less than 12 months and no more than 60 months.

#### C. Testing Procedures

**General Guidelines.** The School Board and its lab shall rely, when practical, on the guidance of the federal Department of Transportation, Procedures For Transportation Workplace Drug Testing Programs, 49 C.F.R. Parts 40.1 through 40-39, and on the further guidance of the Omnibus Transportation Employee Testing Act provided in 49 C.F.R. Parts 382, 391, 392 and 395.

**Substances Tested For All Activity Students.** Activity Students may regularly be tested for any controlled and/or illegal substances, including but not limited to: amphetamines, cannabinoids, cocaine, opiates, and alcohol. Activity Students may be tested for any other substances, (such as but not limited to steroids, barbiturates and benzodiazepines) without advance notice as part of tests performed by the Board for safety purposes. Such tests will be coordinated with the Drug Program Coordinator.

**Testing Procedure.** The Board reserves the right to collect and test blood, hair, saliva, breath or urine. All initial positive findings, with the exception of alcohol, may be confirmed with gas chromatography/mass spectrometry.

#### D. Collection Sites

The Board will designate collection sites in areas where individuals may provide specimens. For the most part, collections will be conducted on-site at the appropriate designated school.

#### E. Collection Procedures

The Board, the drug testing agency, and the laboratory, will develop and will maintain a documented procedure for collecting, shipping and accessing specimens. The Board, the drug testing agency, and the laboratory will utilize a standard Oral Saliva Custody and Control Form for all Activity Student testing. The Board, the drug testing agency, and the laboratory will utilize a standard Breath Alcohol Testing Form for all alcohol testing. A tamper-proof sealing system, identifying numbers, labels, and sealed shipping containers will also be used for specimen transportation.



Collection sites will maintain instructions and training emphasizing the responsibility of the collection site personnel to protect the integrity of the specimen and maintain as proper a collection procedure as reasonable. All alcohol testing will be performed by a certified Breath Alcohol Technician (BAT). Where the Board has an employee collect the specimen, the Board will provide instruction and training to that employee.

All Activity Students will also be required to execute the Mountain Brook Board of Education Applicant/Activity Student Consent Form.

#### F. Evaluations and Return of Results to the School Board

The laboratory will transmit (by fax, mail, or computer, but not orally over the telephone) the results of all tests to the Board's Medical Review Officer (MRO). The MRO will be responsible for reviewing test results of Activity Students. Prior to making a final decision, the MRO shall give the individual an opportunity to discuss the result either face to face or over the telephone.

The MRO shall then promptly tell the Drug Program Coordinator which Activity Students or applicants test positive. A school official will then schedule a conference between the student and parents or legal guardians to discuss the positive test result.

#### G. Request for Retest

Where a split specimen has been collected an Activity Student may request a retest of the split specimen within 72 hours of notification of the final test result. Where a single specimen is submitted for testing the Activity Student may request a retest of the original sample within 72 hours after notification of the final test result. Request must be submitted to the MRO.

The Activity Student will be required to pay the associated costs of retest in advance but will be reimbursed if the result of the retest is negative.

#### H. Release of Test Results

All information, interviews, reports, statements, memoranda, and test results, written or otherwise, received by the Board through its drug and alcohol testing program are confidential communications and may not be used or received in evidence, obtained in discovery, or disclosed in any public or private proceedings except in accordance with the Policy Consent/Release Form.

However, all Activity Students will be required to execute a consent/release form permitting the Board to release test results and related information to the school officials who have a need to know.

Parents or guardians will be informed of confirmed positive test results by a Board designee.

The MRO shall retain the individual test results for five (5) years.

## ***VI. Discipline***

The Mountain Brook Board of Education is ever mindful of the dangers drugs and alcohol pose to the health, safety and well-being of those students who participate in sports or other extracurricular activities. Activity Students are recognized as leaders and tend to serve as role models for other students in the school system.

Our Activity Students represent our schools, not only within the Mountain Brook community, but also at events and activities throughout the state of Alabama. It is therefore imperative that our Activity Students refrain from any involvement with illegal drugs or alcohol, not only to project a positive image, but also to avoid jeopardizing the health and safety of others who may be involved in extracurricular activities.

All Activity Students are prohibited from possessing, using, selling, transmitting, intending to transmit, or being under the influence of a "prohibited substance," as that term is defined in the Student Handbook. Any Activity Student who violates this prohibition shall be subject to the penalties set forth below. The following are minimum penalties and a coach, faculty sponsor or other appropriate school official may impose a more severe penalty for a violation if the circumstances so warrant.

For purposes of these minimum penalties, a violation shall have been deemed to have occurred when (i) an Activity Student tests positive for a prohibited substance as a result of a drug test, or (ii) is observed by a school official or law enforcement member possessing, using, selling, transmitting, intending to transmit, or being under the influence of a prohibited substance, or (iii) the admission by an Activity Student upon confrontation by a school official to his/her possession, use, sale, transmission, intent to transmit a prohibited substance, or being under the influence of a prohibited substance, or (iv) the school administration concludes, based on available evidence, that a violation has occurred. Violations shall be cumulative from the time an Activity Student enters the Mountain Brook School System, and shall apply to all activities of an Activity Student throughout the calendar year, whether inside or outside a school setting and irrespective of whether school is in session.

No Activity Student may be returned to regular Activity Student activities after any rehabilitation or testing positive unless certified as safe and not using drugs by having a negative result on a return-to-participation screen. Any Activity Student returned to participation after violating the policy or testing positive will be subject to aftercare and random testing as set out in a written Probation Agreement which he or she will be required to execute.

Recognizing that participation in an extracurricular competitive activity through membership on a sports team, cheerleader squad, academic team, etc. is a privilege and not a right, Activity Students and their parent(s) or guardian(s) may be requested to manifest their consent to the code of minimum penalties set forth in this Handbook by signing a written consent form as a condition of the Activity Student becoming a member of the competitive extracurricular group.

The Board will discipline, including suspension from extracurricular activities, Activity Students for any violation of the policy, including refusing to submit to screening, to execute a release, or otherwise cooperate with an investigation or search by the administration.

All Activity Students who test positive in a confirmative substance test will be subject to discipline up to and including immediate suspension from all extracurricular activities.

### ***First Violation***

Upon the first violation, the athlete Activity Student shall be suspended from participation in the sport or sports activity in which he/she is currently participating for a minimum of two weeks, beginning no earlier than the opening game or event for that sport or activity. For all non-athletic extracurricular activities, the Activity Student shall be suspended from participating in the activity in which he/she is currently participating for a minimum of 20% of regularly scheduled competitions, or, where 20% of regularly scheduled competitions is not readily apparent, a comparable restriction of participation as determined by the principal and faculty sponsor for the activity. If an athlete is not participating in an in-season sport or activity, he/she will have a two-week suspension at the beginning of the next season in which he/she participates, regardless of any other sanction or punishment imposed under this policy. If a non-athlete Activity Student is not participating in an extracurricular activity, he/she will have a two week or 20% suspension at the beginning of the next extracurricular activity in which he/she participates. Further disciplinary actions may be implemented by the coach or sponsor.

If the violation relates to the consumption or use of a prohibited substance, to the extent the substance is capable of being detected by a drug test, the Activity Student cannot be reinstated to the competitive group until he/she tests negative for that prohibited substance as a result of an approved drug test. In the discretion of an appropriate school official, the Activity Student may be requested to undergo counseling with school counseling staff depending upon the circumstances of the violation.

### ***Second Violation***

Upon the second violation, the Activity Student will be suspended from participating in any extracurricular competitive activity for the remainder of the

school year in which the second violation occurs. However, the duration of the suspension shall be for a minimum of eight weeks and shall carry over to the ensuing school year if necessary, and thereby preclude such Activity Student from participating in any other extracurricular competitive activity during the eight week minimum suspension period. Further disciplinary actions may be implemented by the coach or sponsor.

Before he/she can be reinstated to the competitive group, or otherwise be eligible to participate in any other extracurricular competitive activity, (i) he/she must test negative for that prohibited substance as a result of an approved drug test if the violation relates to the consumption or use of a prohibited substance and the substance is capable of being detected by a drug test, and (ii) he/she shall have undergone mandatory counseling with school counseling staff as may be reasonably necessitated by the circumstances in the discretion of an appropriate school official.

### ***Third Violation***

Upon the third violation, the Activity Student will be suspended from participating in any extracurricular competitive activity for a period extending for a full calendar year.

Before he/she can be reinstated to the competitive group, or otherwise be eligible to participate in any other extracurricular competitive activity, (i) he/she must test negative for that prohibited substance as a result of an approved drug test if the violation related to the consumption or use of a prohibited substance and the substance is capable of being detected by a drug test, and (ii) he/she shall have undergone mandatory counseling with school counseling staff as may be reasonably necessitated by the circumstances in the discretion of an appropriate school official. Further disciplinary actions may be implemented by the coach or sponsor.

### ***Fourth Violation***

Upon the fourth violation, the Activity Student will be indefinitely suspended or permanently barred from participating in any extracurricular competitive activity in the Mountain Brook school system.

## **VII. Activity Student Assistance Program**

The Board's drug testing agency shall include education and training for coaches, assistant coaches, faculty sponsor and school officials who are authorized to determine reasonable suspicion testing. These adults must receive a minimum of 60 minutes on alcohol abuse and an additional 60 minutes of training on controlled substance use and abuse.

The training shall cover the physical, behavioral, speech and performance indicators of probable use and misuse of alcohol and controlled substances. Documentation of training attendance must be maintained.

The Drug Program Coordinator should be contacted for further guidance.

### **VIII. Investigation/Searches**

Where a school official has reasonable cause to suspect that an Activity Student has violated the substance abuse policy, he or she may inspect vehicles which an Activity Student brings on the Board's property, lockers, purses, book bags, or other belongings, and at locations where school related activities are being conducted without prior notice in order to ensure extracurricular activities occur in an environment free of prohibited substances. An Activity Student may be asked to be present and remove a personal lock. Where the Activity Student is not present or refuses to remove a personal lock, a school official will do so for him or her.

Detection of prohibited substances from authorized searches will be communicated to the Drug Program Coordinator.

## **Voluntary Drug Testing Program**

Students who are not subject to random drug testing under these policies may volunteer for participation in the drug testing program. This option will be offered to students and their parents at the beginning of each school year beginning in grade 7.

Students who enroll in the voluntary program will be included in the pool of students randomly selected for testing, following the same procedures as if the student were in a qualifying activity. The student may withdraw consent at any time. If a student tests positive for substance use/abuse, the following procedures will be followed.

1. The student's parent or guardian shall be notified and asked to confer with appropriate school professional personnel.
2. During the conference, the parent or guardian shall be given all relevant information concerning the student's substance abuse.
3. The student and parent or guardian shall be referred to appropriate community agencies which can offer counseling and support services.

4. Students testing positive under the voluntary program will be subject to suspension of privileges related to driving to and from, or parking at any school or school property in the Mountain Brook Schools system. The privilege of driving to, from, and parking at any MBS property will only be reinstated with the presentation of documentation, including negative drug tests and physician statements, that allows school officials to reasonably conclude that the student's ability to drive is not impaired by substance use.

The Board of Education reserves the right to charge a fee for voluntary enrollment in the drug testing program based on the cost associated with the administration of drug tests.

**Voluntary Drug Testing of Students, Board-Approved Educational Program, Required for Students to Drive to, from, and Park at Any Mountain Brook Schools Property**

Practical experience and research have proven that even small quantities of narcotics, abused prescription drugs or alcohol can impair judgment and reflexes, which can create unsafe conditions for students. Even when not readily apparent, this impairment can have serious results for students. Drug-using students are a threat to other students and themselves, and may make injurious errors.

**Voluntary participation in drug testing program required of students to drive to and from and park at Mountain Brook Schools properties.**

The Board of Education asserts that it has no obligation to allow students drive to, from, or park at any Mountain Brook Schools property. The Board further asserts that its legitimate interest in the safety of the school environment allows the Board to restrict students' driving and parking on its campuses to students who participate in the voluntary drug testing program. For these reasons, the Mountain Brook Board of Education (the Board) has adopted a policy that only students who participate in the voluntary drug screening program may drive to, from, or park at any Mountain Brook Schools property. This policy will be in effect on and after July 15, 2015.

Students who enroll in the voluntary program will be included in the pool of students randomly selected for testing, following the same procedures as if the student were in a qualifying activity. The student may withdraw consent at any time.

## **Successful completion of board-approved educational program required of students to drive to and from and park at Mountain Brook Schools properties.**

The Board further asserts that its legitimate interest in the safety of the school environment allows the Board to restrict students' driving and parking on its campuses to students who participate in an educational program aimed at safe driving, including, but not limited to, school rules and laws relevant to driving and parking on campuses, the impact of substance abuse and distracted driving on safe driving. The Board shall make available to students an appropriate educational program for this purpose. This policy will be in effect on and after July 15, 2015.

## **Student Vehicles**

Students may be permitted to park vehicles in designated areas on the school campus. A vehicle is subject to search by school officials when there is reasonable cause to believe that such vehicle contains material or objects prohibited by law or Board of Education policy. Students operating a vehicle in an unsafe manner on the school campus may lose their privilege of having a vehicle on the campus. Safety helmets are required for motorcycle riders.

## **Student Lockers**

Students are given the opportunity to use lockers provided by the Mountain Brook City Schools. These lockers are the property of the Board of Education and are subject to search at any time at the discretion of school officials. Students are responsible for the contents of their lockers and should keep them locked at all times. Each student will be financially responsible for any damage to his/her locker. Graffiti and stickers are prohibited. Students may use only the locker assigned to them and may not swap lockers unless approval is given by the principal.

# Weapons

Mountain Brook Board of Education policy, in keeping with state and federal law, prohibits all persons other than authorized law enforcement personnel from bringing or possessing any deadly weapon in the following circumstances:

- In any school building
- On or near school grounds or property
- On a school bus traveling to or from school or any school activity, function, or event, or any other school-sanctioned or authorized vehicle for transportation.

Under Alabama law, possession of a deadly weapon with the intent to do bodily harm on the premises of a public school or school bus is a Class C felony. The term “deadly weapon” means a firearm or anything manifestly designed, made, or adapted for the purpose of inflicting death or serious physical injury. Such a term includes, but is not limited to, a pistol, rifle or shotgun; an explosive or incendiary device; a switch-blade knife, stiletto, sword, or dagger, or any club, baton, blackjack, bludgeon, or metal knuckles. (J38)

## ***Weapon Facsimiles and Replicas***

Nonworking facsimiles and replicas of weapons, including guns which shoot pellets and other similar objects are prohibited on or near school grounds, in school buildings, in school buses, and in private student vehicles on school grounds. If the object cannot reasonably be considered a “deadly weapon,” but still could create anxiety, panic, police intervention and disruption of school by their appearance, school officials will consider the nature of the object and the context of its use or display in classifying the offense and assigning consequences. (Amended June 2010)



# Technology Responsible Use Policy

The Mountain Brook Schools Responsible Use Policy provides a full description of policies and procedures related to the use of technology in an educational environment by students and professionals.

The Mountain Brook Schools Responsible Use Policy contains information on the following topics: Access, Email and Internet Use, Privacy, Web Publishing, Data Security, Social Media, Copyright, and Wearable Technologies.

A full version of the Mountain Brook Schools Responsible Use Policy can be found on the Mountain Brook Schools website at <https://mtnbrook.k12.al.us/domain/118>.

## Child Nutrition Funds

Upon graduation or withdrawal from the school district, funds remaining in a student meal account will be returned upon written request no later than June 15<sup>th</sup> of the year of graduation and/or the year of withdrawal. Funds not claimed by June 15<sup>th</sup> will be donated to the Child Nutrition Program to cover unpaid meal charges.

MOUNTAIN BROOK SCHOOLS

**Report of Violence, Threat of Violence, Harassment and/or Intimidation**

This form is a way to report violence, threats of violence, harassment and/or intimidation that is believed to have occurred during the current school year on school property, at a school-sponsored activity or event off school property, or on a school bus. Please deliver or mail to the principal's office.

School Name \_\_\_\_\_ Student Name: \_\_\_\_\_

Date of Incident(s): \_\_\_\_\_

Time, if known: \_\_\_\_\_

Location of Incident: \_\_\_\_\_

PERSON(S) MAKING THIS REPORT:

STUDENT \_\_\_\_\_ PARENT/GUARDIAN \_\_\_\_\_

REPORTED VICTIM(S): \_\_\_\_\_

REPORTED PERPETRATOR(S): \_\_\_\_\_

DESCRIPTION OF CONDUCT LEADING TO COMPLAINT (Attach additional sheets as needed)

REQUESTED RESOLUTION/RELIEF/ACTION:

I believe the incident in question was motivated by the following characteristic(s):

\_\_\_\_ Race \_\_\_\_ Disability \_\_\_\_ National Origin \_\_\_\_ Religion \_\_\_\_ Gender \_\_\_\_

Other \_\_\_\_\_

The incident resulted in a threat of suicide by the victim: YES NO

SIGNATURE OF PERSON MAKING THIS REPORT:

\_\_\_\_ DATE: \_\_\_\_\_

SIGNATURE OF SCHOOL OFFICIAL TAKING THIS REPORT:

\_\_\_\_ DATE: \_\_\_\_\_

# MOUNTAIN BROOK SCHOOLS

## ACKNOWLEDGEMENT OF RECEIPT OF CODE OF CONDUCT

2022-2023

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

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

School: \_\_\_\_\_

We hereby acknowledge that:

- a) We have received the Mountain Brook City Schools Code of Conduct and related policies.
- b) We have received information on how to access a full version of the Mountain Brook Schools Technology Responsible Use Policy on the district website.
- c) Our signatures grant permission for our student to be randomly drug tested if he or she participates in a competitive sport or activity covered by the system drug testing policy (J-28 h.) Consent to random drug testing is a requirement for participation in any sport or other activity covered by the system drug testing policy.
- d) We understand that these policies apply to all students while on campus, at any school-sponsored activity and, in certain cases, off campus.

\_\_\_\_\_  
Signature of student

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of parent/guardian

\_\_\_\_\_  
Date