

BALDWIN COUNTY  
PUBLIC SCHOOLS  
**Building Excellence**



PARENT AND STUDENT HANDBOOK STUDENT CODE OF  
CONDUCT  
2024-2025

## **DISCLAIMER**

This Handbook and Student Code of Conduct is not intended to nor does it contain all rules, policies, procedures, and/or regulations that relate to students. Every effort has been made to provide parents and students with complete and accurate information. However, the Baldwin County Board of Education (Board) reserves the right to change program requirements, and to modify, amend, or revoke any rules, regulations, and schedules both academic and financial.

***For students or parents having difficulty reading and understanding information in this document, consider one of the following options: Contact your student's school office for help or contact your school counselor and schedule an appointment time for guidance.***

## **MISSION STATEMENT**

In partnership with our communities, the mission of Baldwin County Public Schools is to prepare ALL students to graduate college and career ready through a culture of equity and opportunity.

## **VISION STATEMENT**

Our vision is to foster a nurturing environment with high expectations for students to achieve their potential and graduate with countless opportunities.

## **MOTTO**

#BaldwinProud #CommunityStrong

## INTRODUCTION

The information presented in this manual including *The Student Code of Conduct* is deemed an extension of Board policy and will have the force and effect thereof. The Baldwin County Board of Education (Board) requires Baldwin County Public School System (BCPSS) administrators, faculty members, students, and parents/guardians to adhere to and to comply with all Board-approved policy.

Each school maintains a copy of the Board Policy Manual, which is available for public review. The Board Policy Manual is also available online at [www.bcbe.org](http://www.bcbe.org). Copies of particular policies will also be made available upon request.

### **BALDWIN COUNTY BOARD OF EDUCATION**

Mr. Mike Johnson, President  
Mr. Jason Woerner, Vice-President  
Ms. Andrea Lindsey  
Mr. Tony Myrick  
Ms. Rondi Kirby  
Ms. April Bradley  
Mr. Cecil Christenberry,

Mr. Eddie Tyler, Superintendent

***The Baldwin County Board of Education typically meets the third Thursday of each month  
for the regular scheduled Board meeting at 5:30 p.m.  
Regular Board Meetings are open to the public  
and are usually held in the Tharp Building Board Room in Bay Minette, Alabama unless otherwise noted.***

### **EQUAL EMPLOYMENT OPPORTUNITY**

The Board is an equal opportunity employer. Personnel actions and decisions will be made without regard to factors or considerations prohibited by federal or state law (as such laws may from time to time be amended) including but not limited to race, gender, age, disability, national origin, citizenship and religious preference. Subject to the limitations set forth in the Board Policy, the Complaints and Grievances Policy 4.5 may be used to present any complaint alleging unlawful discrimination or harassment/bullying. Inquiries regarding personnel compliance and complaint procedures can be directed to:

Director of Human Resources  
251-580-1831

### **EQUAL EDUCATIONAL OPPORTUNITIES**

It shall be the policy of the Board that no student shall be denied the benefit of any education program or educational activity on the basis of race, color, national origin, age, sex, disability, limited English proficiency, immigrant status, migrant status or homeless status. A free and appropriate public education is available to all students with disabilities. It shall be the policy of the Board that barriers to enrolling and retaining students with limited English proficiency, homeless status, migrant status and immigrant status shall be removed, including but not limited to, the denial or delay of enrollment of such students due to lack of birth certificate, lack of school records or transcripts, lack of immunization or health records except otherwise outlined in AL Immunization Law, lack of proof of residency, lack of transportation or guardianship or custody requirements. Notwithstanding the foregoing, the Board recognizes and confirms the importance and necessity of requiring certain enrollment related documentation. In the event students are enrolled

without all required documentation, the Superintendent shall develop and implement administrative procedures to ensure and facilitate the supplemental provision of such documentation. All programs offered by schools within the school district shall be open to all students in compliance with statutory and judicial requirements.

#### **Title IX**

The Board does not discriminate on the basis of sex in the admission to, or employment in, its education programs or activities it operates. All inquiries, questions, or comments regarding Title IX concerns should be sent to: Mr. Marty McRae, Assistant Superintendent, Title IX Coordinator, Loxley Central Office Satellite, 1091 B Avenue, Loxley, Alabama 36551 or 251-937-0308, or [mmcrae@bcbe.org](mailto:mmcrae@bcbe.org). In accordance with Board Policy #6.10, all complaints regarding *sexual harassment* should be filed and reviewed under the Board's student sexual harassment policy and procedures. Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator as identified in this Code of Conduct, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. All other complaints under Title IX should be filed with the Title IX Coordinator and will be reviewed according to the Board's general complaint and grievance policy and procedures.

#### **Title VI and VII**

The Board does not discriminate on the basis of race, color, disability, creed, religion, sex, age, or national origin in its education programs or activities it operates. All student inquiries, questions, comments, concerns, or complaints regarding non-discrimination policies and noncompliance with Title VI and VII of the Civil Rights Act of 1964 should be registered with the appropriate Assistant Superintendent based on the student's grade level in accordance with the Board's general complaint and grievance policy and procedures. Forms to register a specific complaint are located on the Board's website, with school principals, and with the system contacts listed below:

Ms. Renee Carter  
Elementary Assistant Superintendent  
19812 Underwood Rd  
Foley, AL 36535  
251-970-7322

Mr. Joseph Sharp  
Secondary Assistant Superintendent  
19812 Underwood Rd  
Foley, AL 36535  
251-970-7322

Any person having inquiries concerning the board's compliance with regulations implementing Title VI of the Civil Rights Act of 1964, the Americans with Disabilities Act, Section 504 of the Rehabilitation Act of 1973 and to identify children with disabilities may also contact the following individuals:

Mr. Marty McRae  
Assistant Superintendent  
Safety, Prevention & Support  
251-937-0308  
[mmcrae@bcbe.org](mailto:mmcrae@bcbe.org)

Ms. Dawn Frenette  
Special Services Coordinator  
District IDEA services Coordinator  
251-972-6860  
[dfrenette@bcbe.org](mailto:dfrenette@bcbe.org)

Ms. Dionne Dunton  
Instructional Support Supervisor  
District Section 504 Coordinator  
251-972-8550

## FREE APPROPRIATE PUBLIC EDUCATION

The Board guarantees the right to a free appropriate education for all school age persons regardless of disability. The school system will arrange and provide for free evaluation services for any student who is suspected of having a disability and of needing personalized educational accommodations and/or related services. Parents may contact the office of Special Services, 251-972-6860 or contact the local campus Section 504 Coordinator for additional information and/or to request that their child be referred for an evaluation.

Any person having inquiries concerning the Board's compliance with regulations concerning students or individuals with disabilities under the IDEA, Section 504 and/or the ADA should direct their concerns to the following individuals:

### IDEA concerns:

Ms. Dawn Frenette  
Office of Special Services  
Special Services Coordinator  
251-972-6860

### Section 504 concerns:

Ms. Dionne Dunton  
Instructional Support Supervisor  
District Section 504 Coordinator  
251-972-8550  
[ddunton@bcbe.org](mailto:ddunton@bcbe.org)

### ADA concerns:

Mr. Marty McRae  
Assistant Superintendent  
Safety, Prevention & Support  
251-937-0308  
[mmcrae@bcbe.org](mailto:mmcrae@bcbe.org)

## PARENT RESPONSIBILITIES

Parents/legal custodians and guardians are responsible for the child's attendance and conduct in school.

- Under Alabama Law, parents/guardians who fail to compel their child to regularly attend school or fail to compel their child to properly conduct himself or herself as a student in accordance with the written policy on school behavior, adopted by the Board of Education, shall be guilty of a misdemeanor, and upon conviction shall be fined no more than \$100, and may be sentenced to hard labor for the county for no more than 90 days (Code of Alabama, §16-28-12).
- Parents/legal custodians and guardians are required to read and share with their child the **Baldwin County Public School System's Parent and Student Handbook**. The parent/legal custodian and guardian confirms that they have read the handbook during the online registration process.

## PARENTAL EXPECTATIONS

As the parent is a child's first teacher, the parent should obey local, state, and national laws and should hold him/herself to high ethical and moral standards. They should be supportive of the local Board of Education and its employees who act in the public trust. This support should involve participation in the provision and maintenance of a high-quality instructional atmosphere in each of the BCPSS' schools.

Recognizing the significance of parental support to quality education, the parent should constantly strive to maintain communication and cooperation between him/her and the personnel of the school system in all matters that affect the student. By these actions, a parent will show a respectful attitude and appreciation toward the need for education in today's society.

## ANNUAL PARENTAL AND STUDENT NOTIFICATION OF LEGAL LIABILITIES

The following laws relate to civil liabilities and criminal penalties for violence or other misbehavior by students on school property, school sponsored activities and/or against school employees.

### **POLICE DEPARTMENT INVOLVEMENT**

It is the policy of the Baldwin County Board of Education to have the respective Police Department contacted to investigate every incident involving illegal or prohibited drug possession, consumption, sale, or distribution. All students involved in any such conduct may be subject to arrest, transportation to the Police Station, and in the normal course of investigation, interviews by the Police Department.

### **ATTENDANCE AND CONDUCT (Act 94-782), (Act 99-705) (Code of Ala. § 16-28-12)**

**Each parent/legal guardian or other person having control or custody of a student required to attend school who fails to require the student to enroll, to regularly attend school, or to compel the student to properly conduct himself/herself as a pupil in accordance with the written policy on school behavior adopted by the local board of education shall be guilty of a misdemeanor and may be fined up to \$100 and may be sentenced to hard labor for up to (90) days. Amendment to Act 94-782 (effective July 1, 2000).**

*Act.99-705* amends the attendance requirement to read “Each student who is enrolled in a public school shall be subject to the attendance and truancy provisions of the article except that any parent /guardian who voluntarily enrolls their student in public school, who feels that it is in the best interest of that student, shall have the right to withdraw the student at any time prior to the current compulsory attendance age.”

### **DROP-OUT/DRIVER’S LICENSE (Act 94-820 which amended Act 93-368 as codified in Code of Ala. § 16-28-40)**

The Department of Public Safety shall deny a driver’s license or learner’s permit to any person under nineteen (19) who is not enrolled or has not received a diploma or certificate of graduation. Exceptions are students who are enrolled in a GED program, are enrolled in a secondary school, are participating in an approved job training program, are gainfully employed, are a parent of a minor or unborn child, or are the sole source of transportation for parent.

### **DRIVER’S LICENSE/ PISTOL POSSESSION (Act 94-820) (Code of Ala. § 16-28-40)**

Any person over the age of fourteen (14) who is convicted of the crime of possession of a pistol on the premises of a public school, or a public school bus shall be denied issuance of a driver’s permit or license to operate a motor vehicle for (180) days from the date the person is eligible and applies for a permit or license. If a person over age fourteen (14) possess a driver’s license on the date of conviction, the driver’s license will be suspended for (180) days.

#### Section 1:

- No person shall shoot or discharge a firearm into an occupied or unoccupied school bus or school building.
- A person who shoots or discharges a firearm into an occupied school bus or school building shall be guilty of a Class B felony.
- A person who shoots or discharges a firearm into an unoccupied school bus or school building shall be guilty of a Class C felony.

### **DRUG DEALING (Act 94-783, Code of Ala. § 6-5-72)**

A person who unlawfully sells, furnishes, or gives a controlled substance to a minor may be liable for injury or damage or both suffered by a third person caused by or resulting from the use of the controlled substance by the minor if the sale, furnishing, or giving of the controlled substance is the proximate cause of the injury or damage.

### **DRUGS, ALCOHOL, WEAPONS, PHYSICAL HARM, OR THREATENED PHYSICAL HARM (Act 94-784) (Code of Ala. § 16-1-24.1)**

The school principal shall notify appropriate law enforcement officials when a person violates local board of education policies concerning drugs, alcohol, weapons, physical harm to a person, or threatened physical harm to a person. If any criminal charge is warranted, the principal is authorized to sign the appropriate warrant. If that person is a student, the local school system shall immediately suspend that person from attending regular classes and schedule a hearing within five (5) school days.

If a person is found to have violated a local board of education policy concerning drugs, alcohol, weapons, physical harm to a person, or threatened physical harm to a person, the person may not be admitted as a transfer student or readmitted to the public schools until criminal charges, if any, have been disposed of by appropriate authorities and the person has satisfied all other requirements imposed by the local board of education as a condition for readmission.

**ESTABLISHMENT OF SCHOOL DISCIPLINE PLANS INCLUDING: DRUGS/ALCOHOL/WEAPONS AND ASSAULT (ACT 94-784) -**

Provides for automatic suspension of students violating drug, alcohol, weapons, and assault policies - students will be readmitted based on local board approval. Principals are required to notify appropriate law enforcement officials when any person violates local board of education policies concerning drugs, alcohol, weapons or assaults.

**MANDATORY REPORTING OF CHILD ABUSE (Code of Ala. § 26-14-3(F))**

According to Alabama laws, all....nurses, school teachers and officials, peace officers, law enforcement officials, social workers, day care workers or employees, mental health professionals, as defined in Rule 505 of the Alabama Rules of Evidence, or any other person called upon to render aid or medical assistance to any child shall report or cause to report incidents where a child below the age of eighteen (18) is known or suspected to be a victim of child abuse or neglect.

**OBSTRUCTING GOVERNMENTAL OPERATIONS (Code of Ala. §13A-10-2)**

A person commits the crime of obstructing governmental operations if, by means of intimidation, physical force, interference, or by any other independently unlawful act, he:

1. Intentionally obstructs, impairs, or hinders the administration of law or other governmental function; or
2. Intentionally prevents a public servant from performing a governmental function. This section does not apply to the obstruction, impairment, or hindrance of the making of an arrest.
3. Obstructing governmental operations is a Class A misdemeanor.

**TEACHER ASSAULT (Act 94-794) (Code of Ala. § 13A-6-21)**

A person commits the crime of assault in the second degree (Class C felony) if the person assaults with intent to cause serious physical injury to a teacher or to an employee of a public educational institution during or as a result of the performance of his/her duty.

**THEFT OF LOST PROPERTY (Code of Ala. §13A-8-6)**

Definition: A person commits the crime of theft of lost property if he actively obtains or exerts control over the property of another which he knows to have been lost or mislaid, or to have been delivered under a mistake as to the identity of the recipient or as to the nature of the amount of the property, and with intent to deprive the owner permanently of it, he fails to take reasonable measures to discover and notify the owner.

**UNSAFE SCHOOL OPTION (Code of Ala. § 290-3-1-.02(E))**

If a school is determined to be persistently dangerous by ALSDE criteria or if a student has become the victim of a violent criminal offense and meets specific criteria as outlined in BCPSS policy, parents have the right to pursue system transfer possibilities under the Alabama Unsafe School Option.

**CRIMINAL TRESPASS BY MOTOR VEHICLE (Code of Ala. § 13A-7-4.1)**

A person commits the offense of criminal trespass by motor vehicle when the person does so after having been requested not to do so by a uniformed law enforcement officer or by a properly identified owner or an authorized agent of the owner. A person who commits the offense of criminal trespass by motor vehicle shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine:

1. Not to exceed \$50.00 for the first such offense;
2. Not to exceed \$100.00 for the second such offense; and
3. Not to exceed \$150.00 for the third or subsequent such offense.

**VANDALISM** (*Act 94-819*) (*Code of Ala. § 16-5-380*)

The parent/legal guardian, or other person having control of any minor under the age of eighteen (18) with whom the minor is living and who has custody of the minor, shall be liable for the actual damages sustained to school property, plus the court costs caused by the intentional, willful, or malicious act of the minor.

**WEAPONS IN SCHOOLS** (*Act 94-817*) (*Code of Ala. § 13A-11-72*)

No person shall knowingly with intent to do bodily harm, carry, or possess a deadly weapon on the premises of a public school. 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.

*(Note: The term “deadly weapon” means a firearm or anything manifestly designed, made, or adapted for the purpose of inflicting death or serious physical injury, and such term includes, but is not limited to, a bazooka, hand grenade, missile, or explosive or incendiary device; a pistol, rifle, or shotgun; or a switch-blade knife, gravity knife, stiletto, sword, or dagger; or any club, baton, billy, black-jack, bludgeon, or metal knuckles).*

**FIREARMS IN SCHOOLS** (*Acts 1995, NO 95-756, 1768 §1-4*) (*Code of Ala. §16-1-24.3*)

Students, who are determined to have brought to school or have in their possession a firearm in a school building, on school grounds, on school buses, or at other school-sponsored functions shall receive a required expulsion for a period of one year. The local Board and Superintendent may modify the expulsion requirement for a student on a case-by-case basis. Students who are expelled for violation of this section shall not be allowed to attend regular school classes in any public school in the state during the expulsion period. Students who are expelled from school for firearm possession may be permitted to attend alternative schools designed to provide education services. Discipline of students with disabilities who violate the firearm possession policies of city boards of education shall be determined on a case-by-case basis in accordance with the requirements of the *IDEA* and *Section 504 Rehabilitation Act*. For the purposes of this section, the term “firearm” has the same meaning as defined in *Title 18 §921 U.S.C.* When there are violations of the prohibition on firearms being brought to school by students, the school principal shall notify the appropriate law enforcement officials. Law enforcement authorities shall refer the violators to the appropriate authority in the judicial system when the action is feasible. The school principal shall notify the parents of students who violate the firearm-free school environment.

**ENVIRONMENTAL**

In October 1986, the Asbestos Hazard Emergency Response Act (AHERA) was signed into law. Included in this Act are guidelines for the Environmental Protection Agency (EPA) to establish rules regarding asbestos-containing materials (ACMs) in schools. Specifically, EPA was instructed to address the issues of (1) identifying, (2) evaluating and (3) controlling ACMs in schools. The final AHERA regulations (rules) became effective December 14, 1987. They are found in 40 CFR 763 Subpart E 763.80-763.99 and have authority under the Toxic Substances Control Act (TSCA).

The Baldwin County Board of Education has available for review and inspection the asbestos management plans for all schools and buildings under the jurisdiction of the Baldwin County Board of Education. These plans are available at each school or administrative center. Any person interested in reviewing these plans should contact the school the Assistant Superintendent of Safety and Student Services, Mr. Marty McRae.

## ENROLLMENT AND ATTENDANCE

Student and parent/guardian responsibilities include, but are not limited to the following:

- a. To abide by laws and local board of education and individual school rules and policies regarding attendance:  
Compulsory Attendance (BOE Policy 6.1.1);  
Entrance Age (BOE Policy 6.1.1); and  
Attendance Policy (BOE Policy 6.1.4).  
Truancy (BOE Policy 6.1.5)
- b. To comply with enrollment documentation and residency requirements:  
(BOE Policy 6.1.2 for Resident Students);  
(BOE Policy 6.2.2 Admission into Schools);  
(BOE Policy 6.16 for Non-Resident students).
- c. To be aware and enroll in the student's assigned attendance zone. (BOE Policy 6.1.3).
- d. To promptly request and complete make-up assignments for excused absences and tardies. (BOED Policy 6.1.4).

Student and parent/guardian rights are:

- a. To be informed of local board of education and individual school rules and policies regarding eligibility for enrollment, school attendance, including policies and rules regarding absences, tardies, truancies, and related programs, checkouts, make-up work, and school sponsored activities:  
Admission into Schools (BOE Policy 6.2.2);  
Attendance Zones (BOE Policy 6.1.3);  
Truancy (BOED Policy 6.1.5);  
School Redistricting Policy (BOE Policy 6.2.4);  
Absences and Excuses (BOE Policy 6.1.4); and  
Dispute Resolution Policy Regarding the Enrollment of Homeless Children and Youth (BOE Policy 6.1.2).
- b. To be provided with make-up assignments for excused absences or tardies. Absences and Excuses (BOE Policy 6.1.4)

## COMPULSORY ATTENDANCE

Alabama State Law requires that all persons between the age of six (6) and seventeen (17) years of age are to attend school for the minimum number of scholastic days prescribed by the State Board of Education unless the person holds a certificate of exemption issued by the Superintendent or is otherwise exempt under state law. *Board Policy 6.1.1.*

Persons, who are seventeen years old or older, and are requesting new enrollment to BCPSS, will be subject to a review of specific criteria established by the Superintendent or their designee. This review will determine their acceptance for enrollment in BCPSS.

## ENTRANCE AGE FOR KINDERGARTEN AND FIRST GRADE

It is the policy of the Board of Education that a child must be five (5) years old on or before September 1, the date set by State guidelines, to be admitted for kindergarten enrollment for the current year. A child must be six (6) years old on or before December 31, the date set by State guidelines, to be admitted to first grade for the current school year. A valid source of age is required (ex: birth certificate, passport, etc).

An underage child who has completed a qualified out-of-state public kindergarten program during the past year and is not six (6) years old by December 31st, may attend first grade in our schools with the approval of the local board of education. A child who attended first grade in another state, according to that state's entrance code, and is not six (6) years old by December 31st, is considered a transfer and may be admitted to our schools to continue in first grade. Appropriate documents must be presented.

## ONLINE REGISTRATION PROCESS

BCPSS utilizes an online registration process for all students wishing to enroll or to continue enrollment with BCPSS. See the BCPSS website [www.BCBE.org](http://www.BCBE.org) for details.

The Enrolling Adult must meet all residency and custodial requirements outlined in BCPSS Residency policy. Students will be enrolled by the schools after a successful review and approval of all registration documents and information submitted for the student. End of Year registration for the new school year is reviewed over the summer months prior to the new school year start date.

## WHO MAY REGISTER A STUDENT FOR ENROLLMENT?

To register a student the Enrolling Adult:

1. must currently reside full time in the BCPSS attendance zones and
2. must be the custodial parent with whom the child resides full time or;
3. must be the person/parent with adjudicated/court ordered sole legal and physical custody or;
4. must be the person/parent with adjudicated/court ordered joint legal custody and primary physical custody of the child with a custodial exchange schedule that meets BCPSS requirements or
5. must be the person with adjudicated/court ordered permanent guardianship as established by Alabama statute, case law or a judge's Order with whom the child resides full time.

Note: A **parent** who is a full-time resident of Baldwin County, BCPSS attendance zones, and who was **not granted physical custodial rights to their child at birth** by Alabama statute or case law must be adjudicated/court ordered as a custodial parent by a judge's Order in order to register and enroll the child in BCPSS.

## ENROLLMENT DOCUMENTATION

Students seeking to enroll in BCPSS must comply with all annual registration and enrollment requirements listed below and outlined in this document:

1. Submitting current proofs of residence in the name of the enrolling adult who lives within the BCPSS school zone area.
2. Submitting prompt receipt of records from previous school, if applicable;
3. Submitting a birth certificate or valid document that will verify age for student entering Kindergarten, new first grade students and new students to the system). *ALSDE Administrative Code 290-3-1-.02(4)(b)(2)*
4. Submitting local emergency telephone numbers; (two (2) numbers are required for students in grades K-6).
5. Submitting an original and up to date *Certificate of Immunization, Certificate of Medical Exemption or Certificate of Religious Exemption*. (can be obtained from the Baldwin County Health Department or your physician) *Code of Ala §16-30-3 & 4*
6. Completing and submitting the *Alabama State Department of Education Health Assessment Record*.
7. Completing and returning all student information as requested.

*Note: Failure to provide complete and accurate information on all forms as required may result in the student's withdrawal from BCPSS.*

## **ENROLLMENT TRANSFERS FROM OTHER EDUCATIONAL SETTINGS**

### **TRANSFER STUDENTS AND GRADUATION**

*In accordance with Alabama Admin. Code § 290-3-1-.02*, All transfer students must meet all local and state Board of Education requirements for graduation before being awarded a high school diploma. Students who are transferring from a non-accredited school/school setting and who have been residents in Baldwin County must attend Baldwin County Public Schools for two (2) entire high school years immediately preceding the date of graduation. Under extreme circumstances as documented in writing by the guardian/custodian, the Superintendent may, in his or her sole discretion, authorize exceptions to the foregoing requirement. It is the intent of this policy that exceptions are to be sparingly granted.

### **NON-ACCREDITED EDUCATIONAL SETTINGS**

Students requesting enrollment to BCPSS from any school or school setting not accredited by an accrediting agency recognized by the Alabama State Board of Education, such as “homeschool”, church umbrella or online schools, etc. will be enrolled and placed according to procedures outlined in the *Administrative Code of Alabama 290-3-1-.02(7)(k)*.

### **STUDENTS WITH DISCIPLINE ISSUES FROM TRANSFERRING SCHOOL**

A student transferring from any educational setting, public or private, will not be permitted to enroll until they have satisfied the terms of a suspension or an expulsion set by the suspending or expelling board of authority, which would allow the student to be readmitted to the original authority. Additional admission prerequisite requirements may be established by the Board or administrative designee that may include temporary attendance in an alternative placement, counseling and psychological evaluation and services.

### **STUDENTS WITH BCPSS CODE OF CONDUCT VIOLATIONS**

If the student requesting enrollment is found to have violated the Baldwin County Board of Education’s policy concerning drugs, alcohol, weapons, physical harm to a person, or threatened physical harm to a person, the student may not be admitted or readmitted as a student to Baldwin County Public Schools until criminal charges or offenses arising from the conduct, if any, have been disposed of by appropriate authorities; and only upon such conditions as the Superintendent shall prescribe for the preservation of the safety and security of students and employees of the Baldwin County Public Schools, which may include, but is not limited to, psychiatric or psychological evaluation and counseling.

### **STUDENTS WITH PENDING LEGAL CONCERNS**

A student requesting enrollment, who has been indicted on charges of committing a criminal offense, may not enroll or attend BCPSS until such time as their case has been settled in court (additional regulations may apply for students who qualify for special education services or 504 services).

### **EXCLUSIVE ENROLLMENT**

No student will be enrolled in BCPSS while currently enrolled in another K-12 public or private school in or outside the USA. Documentation of withdrawal will be required.

## **TRANSCRIPTS**

### **TRANSFER STUDENT TRANSCRIPTS**

An official transcript and other student records will be requested from a student’s former school during the enrollment process. Student records will be expected to have an official seal from the sending academic institution and should be complete and inclusive of all schooling.

For students in Grades 9-12, the transcripts will be evaluated in a timely manner by the enrolling school and Carnegie Units will be applied and calculated to assure proper placement.

#### FOREIGN SCHOOL TRANSCRIPTS

If a student transfers from outside the United States, the parents and/or former schools are expected to provide all school/ academic records upon request for enrollment. Certified English translations are most helpful.

#### **ENROLLMENT AND DRIVER'S LICENSES**

The Board of Education is required to report, upon request, documentation of enrollment status of any student 15 years of age and older who is properly enrolled in a school under the jurisdiction of the Board. Such information is provided to the Department of Public Safety on a student in this category on application for, renewal of, or reinstatement of, a driver's license or a learner's permit to operate a motor vehicle. The *Proof of Enrollment/Exclusion Form* is available by request.

The Board also adheres to Taylor's Law (Alabama Code § 32-6-7.4) which guidelines are as follows:

##### **Disciplinary point system - Age of student eligibility.**

- (a) Notwithstanding any other provision of law, each student over the age of 12 years who is enrolled in a public or private secondary school shall be subject to a disciplinary point system for an infraction committed on school property to determine the age at which the student shall be allowed to apply for a learner's permit, motor driven cycle operator's license, driver's license, or any license required by the State of Alabama for the operation of a motor vehicle or vessel. The disciplinary points imposed for a disciplinary action shall be as follows:

- (1) One day in-school suspension - 1 point.
- (2) One day out-of-school suspension - 2 points.
- (3) Alternative school placement - 6 points.
- (4) Expulsion - 20 points.

- (b)(1) The points shall accumulate on a yearly basis, beginning with the school year including summer school in which the student turns 13, and accumulate each year until the student is eligible to apply for a driver's license under the imposed point system. Each accumulated point shall add one additional week to the age at which the student is eligible to be issued a learner's permit, motor driven cycle operator's license, or driver's license.

- (2) Notwithstanding subdivision (1), the age at which a student may apply for a license or permit shall not be extended by Act 2009-713 beyond one year from the date the student initially applies for a learner's permit, motor driven cycle operator's license, driver's license, or any license required by the State of Alabama for the operation of a motor vehicle or vessel.

- (c) The following subdivisions are contingent upon the technical capability of the student data management system to track, manage, and coordinate the data:

- (1) Points shall be accrued on a school-year basis.
- (2) Points may not accrue for the first three days of in-school suspension in any school year; however, beginning with the fourth day of suspension in any school year, all days, including the first three, of in-school suspension shall be counted in determining the points.
- (3) Points may not accrue for an initial out-of-school suspension of two days or less in any school year; however, the days of the initial suspension shall be used to determine the points after a second out-of-school

suspension in any school year or all days will be used to determine points if the initial suspension exceeds two days.

- (4) Accumulated points shall be reduced by one-half if the student has not received additional accumulated points for one school year. If no additional points are received for two years, all records of the accumulated points shall be removed from the student's records at the school. (**Act 2009-713, p. 2095, §1.**)

For students seventeen (17) years of age or older who withdraw from school, the Supervisor of Attendance notifies the Department of Public Safety of the withdrawal. Withdrawal is defined by the Code of Alabama as more than ten (10) consecutive or (15) days total unexcused absences during a single semester. The Department of Public Safety shall deny or revoke a driver's license or learner's permit for the operation of a motor vehicle to any person under the age of (19) who has obtained the withdrawn status.

## **ENROLLMENT EXPECTATIONS**

It is the expectation of Baldwin County Public Schools that all students complete an academic year (180 days) or at a minimum complete the remainder of the current academic year at each age appropriate grade (K-12). Due to varied academic calendars, a student may complete more than an academic year but no less.

It is the expectation that all students enrolled in Grades K-6 are appropriately progressing and pursuing academic achievement for grade promotion. Students enrolled in Grades 7<sup>th</sup> – 12<sup>th</sup> must be pursuing the achievement of their exclusive high school diploma.

## **VISAS AND PUBLIC SCHOOL ENROLLMENT**

It is the intent of Baldwin County Public Schools to welcome all students for enrollment as dictated by the laws and regulations established by the appropriate laws for immigrant and non-immigrant students assigned Visas attending public schools. The *United States Code Section 625* outlines visa status requirements and references specific sources as related to procedural practice.

Any question of enrollment in Baldwin County Public Schools by a student holding a particular VISA should be addressed prior to the student/parent or guardian's request to begin the registration/ enrollment process. All inquiries should be addressed to the BCPSS Student Services Department.

## **STUDENT EXCHANGE VISA PROGRAM, (SEVP)**

### *F-1, J-1 AND M-1 Visa*

Baldwin County Public Schools has chosen not to secure certification from Immigration Services or to be affiliates of the Student Exchange Visa Program, (SEVP). BCPSS does not accept tuition payments, waive per capita student costs, issue Form I-20s or Form DS-2019s. BCPSS will not accept or complete requests to substitute said forms to prove and/or accept responsibility of sponsorship under the aforementioned guidelines.

## **CUSTODY AND GUARDIANSHIP**

To enroll a child in BCPSS the Enrolling Adult must be the custodial parent, the parent/person who is the adjudicated/court ordered sole legal and physical custodian, the adjudicated/court ordered joint legal and physical custodian or the adjudicated/court ordered legal guardian of child as established by Alabama statute, case law or a judge's Order. All custodial relationships must be adjudicated/court ordered by a judge's order and those documents must be provided each year to be placed in the student's file. It is the responsibility of the enrolling adult to ensure that a current custodial document is on file in the student's school office.

A parent who was not granted physical custodial rights to their child at birth by Alabama statute or by case law must

be adjudicated/court ordered as a custodial parent by a judge's Order in order to serve as the enrolling parent. The enrolling parent of any child whose custodial relationship has been adjudicated/court ordered by a judge's Order must provide custodial documents, which meet BCPSS custody requirements outlined in the *Custody and Guardianship* section of this handbook. **The adjudicated/court ordered documents are to be submitted during the process of online registration, to each school office prior to the first day of attendance or as requested by the school.**

As a matter of protocol, parents who live in separate residences may be asked to provide custodial documentation for the enrolling parent. A child's enrollment, when enrolled under false custodial circumstances, will be subject to review and possible withdrawal from BCPSS.

## DEFINITIONS

Definitions for the following terms used in this handbook:

### ENROLLING ADULT

The adult completing the registration process for a child. This adult must meet all custodial and residential requirements as dictated by BCPSS Policy.

### LEGAL CUSTODY:

A custodial relationship created by an order of a court of proper jurisdiction, which vests the legal care, custody and control of the minor child in the custodian.

**PHYSICAL/ RESIDENTIAL CUSTODY**\_A custodial relationship created by an order of a court of proper jurisdiction, which vests the custody, control and physical possession of the minor child in the custodian.

### LEGAL GUARDIANSHIP:

A person appointed by a court of proper jurisdiction, as guardian of a minor child whose powers and duties are listed in the Code of Alabama § 26-2A-78.

### ACCEPTED LEGAL CUSTODY/LEGAL GUARDIANSHIP DOCUMENTATION FOR SCHOOL ENROLLMENT CUSTODIAL/GUARDIANSHIP COURT ADJUDICATED/COURT ORDERED PROCESS

A court order, or judgment, signed by a judge and filed with the clerk of proper jurisdiction, granting the required custody is sufficient to establish and confer the necessary custodial relationship for the purpose of school enrollment.

When requested or prior to the first day of school attendance, the student's custody or guardianship Order/judgment signed by a judge and filed with the clerk of proper jurisdiction, must be delivered to the system designee or to the school principal for approval or at any time the student's custodial relationship is amended.

The mere filing of a Dependent Complaint, or Custody Affidavit Petition with a court of proper jurisdiction, or any other document seeking custody or guardianship, does not create the necessary custodial relationship required by BCPSS to establish residence for the purpose of school enrollment.

### MILITARY POWER OF ATTORNEY

BCPSS will accept a Military Power of Attorney properly executed by the appropriate military authority, in the event a parent/legal guardian receives military activation orders for active deployment, for the duration of the active deployment. Official records must be presented for documentation.

### FOSTER PARENTS

Foster parents should contact the BCPSS attendance supervisor at the Board of Education for guidance in student

enrollment prior to completing the online registration process.

#### **CUSTODIAL/GUARDIANSHIP DOCUMENTATION NOT ACCEPTED FOR SCHOOL ENROLLMENT A DELEGATION OF PARENTAL AUTHORITY**

A Delegation of Parental Authority *Code of Ala. § 26-2A-7*, does not establish residency and or guardianship for the purpose of school enrollment. This is sometimes referred to as a “notarized power of attorney.”

#### **CONSERVATORSHIP OF THE ESTATE**

Conservatorship of an estate awarding guardianship of a child will not be used to determine school enrollment or the school attendance zone assignment. Guardianship of and enrollment of the child shall only be accepted when all residential and guardianship requirements as described above are met.

### **ENROLLMENT RESIDENCY REQUIREMENTS**

#### **CRITERIA FOR ESTABLISHING RESIDENCY**

Regardless of the Instructional Plan chosen, it is the expectation of BCPSS that our students reside full time in Baldwin County with the enrolling adult. Additional enrollment requirements have been developed to facilitate custodial and visitation exchange designations.

The residence for purposes of enrollment in BCPSS is the primary domicile of the parent, the parent with sole legal physical custody, the joint legal and physical custodian or the court appointed legal guardian. The residence, as used herein, shall mean the true, fixed, and permanent home and principal establishment to which whenever absent, the parent, parent with sole legal physical custody, the joint legal and physical custodian or the court appointed legal guardian of the student intends to return to each evening. The residence, as used herein, is distinguished from a temporary or secondary place of residence established for some specific purpose but is not the fixed permanent residence of the parent, parent with sole legal physical custody, the joint legal and physical custodian or the court appointed legal guardian.

Biological or Designated custodial parents who live in separate residences will be asked to provide custodial documentation for the enrolling parent.

#### **EMANCIPATION**

A student must be (19) years old or older to legally establish a residence without a parent/adjudicated/court ordered guardian in order to enroll in Baldwin County Public Schools. Emancipation documents will be required.

#### **STUDENT RESIDENCY REQUIREMENTS FOR ATTENDANCE**

All Baldwin County Public Schools students must domicile within the Baldwin County Public School limits with their custodial parent, a parent with sole legal physical custody, a parent with joint legal and physical custody and with a custodial exchange schedule that meets BCPSS requirements or with their court appointed guardian.

It is the intent and desire of BCPSS that all students who live within Baldwin County are registered and enrolled in a timely manner.

Except for those out of district application and waiver processes outlined in Board policy, BCPSS does not accept for enrollment students who reside outside of the Baldwin County Public School System attendance zones.

A student whose residency is not fixed could be eligible for special residency designations that may allow for other registration options. Contact the Counseling and Social Services Coordinator for guidance and see the *Homeless Student Designation* section in the *Parent and Student Handbook*.

\*Custodial Relationship Documents and Residency:

The enrolling parent/legal custodian or guardian of a child whose custodial relationship has been adjudicated/court ordered by a judge's Order must provide custodial documents that meet BCPSS custody and exchange schedule residency requirements outlined in the *Custody and Guardianship* section of this handbook. These adjudicated/court ordered documents are to be submitted at the time of the on-line registration and will be held in the student's file.

### **PROOF OF RESIDENCY (POR)**

By requirement of Baldwin County Public Schools, it is the responsibility of the Enrolling Adult (parent/legal custodian or guardian) to provide current proofs of residency for their student(s) annually. **The burden of proof in providing current residency documentation is the responsibility of the parent/legal custodian or guardian.** Failure to provide the required proofs may prohibit the returning or new student from being enrolled for the requested school term/year.

The residency documentation may be uploaded by the enrolling adult at the time of the student's on-line registration or by providing a physical copy of the residency documentation to the student's school. All uploads must be clear and concise. Submitted documents must be in the name of the Enrolling Adult with the primary residence listed for the address. The proofs (originals and uploaded forms) must be clear, legible, signed if applicable, not altered, dated, show residence address and parent/legal guardian's name. Additional documentation may be required at any time that residency or the residency documentation provided is thought to be in question or not adequate.

All Proof of Residency (POR) documents are subject to review and approval by the school administration and will not be forwarded to the child's enrollment file until that approval is given. Fall enrollment verification is completed over the course of the summer and may not be complete until the new school year begins. Room assignments or schedules may not be assigned until POR documents have been approved. The Enrolling Adult (parent/legal custodian and guardian) must provide for each student at each school one (1) of the following combinations of residency proofs all in the enrolling adult's name:

#### **Home Ownership:**

- Baldwin County property tax paid receipt (not the appraisal) for the most current tax year **AND** a current month's utility billing (power/water/gas).
- Warranty deed (physical and legal address noted, recorded/filed/signed) **AND** current month's utility billing (power/water/gas).
- Recent Purchase - Warranty Deed (Signed/dated) with Real Estate Sales Validation Form (signed/dated) **AND** utility statement of service or current month's utility billing for owner and property (power/water/gas)
- Current Mortgage Statement specifically indicating the mortgaged property address and specifically identifying the mortgagor (borrower) and the mortgagee (lender) **AND** utility statement of service or current month's utility billing for owner and property (power/water/gas)

#### **Rental Property:**

- Current lease/rental agreement \* **AND** Lessee's current month's utility billing or utility statement of service (power/water/gas)
  - Lease must be official, signed, notarized if applicable, unaltered with active begin/end dates.
  - If lease expires during the school year, a renewed active lease/extension must be provided to each child's school at the time of expiration and renewal.
  - Leases on or extended to a month-to-month basis require a *Residency Affidavit* to be filed to include each child.

#### **Mobile Home Ownership or Rental:**

- Mobile home rental contract or ownership document **AND** Lot lease\* or Lot Lessee statement of occupancy (on letterhead, dated, occupants listed) **AND** Current month's utility billing or utility statement

of service for owner and property (power/water/gas)

- Mobile home rental contract/Lot lease\* or Lot Lessee statement of occupancy (on letterhead, dated, occupants listed) **AND** Current month's utility billing or utility statement of service for owner and property (power/water/gas)

### **RESIDENCY AFFIDAVIT**

If the Enrolling Adult (parent/legal custodian or guardian) lives in Baldwin County and is **unable to provide** for a valid reason **the required proofs of residency listed above**, and they wish to register a new student(s) or to continue the enrollment of a current BCPSS student(s), they may complete and submit a Shared *Residency Affidavit* for approval with the campus Administration, Registrar and/or the Baldwin County Attendance Supervisor **PRIOR** to registration/enrollment or continued attendance. Residency Affidavits and approval and verification by the campus Administration, Baldwin County Attendance officer and/or Supervisor are required each school year. Administrators are allowed to develop reasonable procedures, such as requiring an in-person appointment, as part of the residency affidavit approval process. You may obtain additional information and a Shared Residence Affidavit Form from the Prevention and Support Services website, located at <https://www.bcbe.org/Page/509>.

Some situations that automatically require a Residency Affidavit: lease is expired and/or renting is on a month-to-month basis:

- currently living, whether temporarily or permanently, in another person's residence
- current living arrangement does not allow for the submission of the required proofs

Contact your campus Registrar's Office for the *Residency Affidavit* form or with questions regarding this procedure. The *Residency Affidavit* is **not** provided online.

### **Proof for Residency Affidavit**

The enrolling parent/legal custodian or guardian must provide the following Proof of Residency for the residency affidavit:

1. Primary Documentation: The homeowner's current document proofs held in **their** name as outlined above for proof of residency. The homeowner will be asked to sign the affidavit confirming the submitted proofs if the homeowner lives in the residence presented and/or if the proofs are not adequate as presented. *Residency Affidavit* signatures must be notarized. The homeowner may be asked to be present at an in-person meeting with the administration as part of the residency affidavit process.
2. Secondary Documentation: The Enrolling parent/legal custodian or guardian must submit an additional two (2) current proofs of residency which establishes a commercial connection between their name and current address, this may include commercial mailings, electronic account printed statements, bills, driver's license, car tag receipt, or other approved documents as determined by student services. A waiver of four (4) weeks may be given to new residents for the secondary proofs to be submitted. However, the child's enrollment status will not be considered final until the secondary proofs are received and approved by the Residency Office. Failure to provide both secondary proofs could subject the child's pending affidavit to be voided and the child's enrollment to be rescinded.

### **CHANGE OF ADDRESS OR CONTACT INFORMATION**

It is the responsibility of the parent/legal custodian or guardian to notify **each** respective school in which their child attends when there is a change in address of the child, a change in residency status, a change of contact phone numbers and or e-mail addresses previously provided as their child's contact information. This information is to be presented to the school(s) no more than five school days after taking occupancy at the new address or the date of this information change. In order to verify enrollment and attendance in the proper attendance zone and/or feeder pattern, parents who have changes to residency addresses during the school year may be asked to supply proof of new residency in accordance with the previously identified residency verification documentation.

## HOME VISIT RESIDENCY CHECK

If an employee of the Baldwin County Public Schools receives one (1) of the following notifications listed below, an unannounced home visit to verify residency may be conducted by the BCPSS Attendance Department and/or a uniformed police officer as part of the residency confirming process:

- Students entering or continuing their enrollment to Baldwin County Public Schools on a Residency Affidavit;
- Student does not reside with the parent/legal guardian and/or at the given enrollment address;
- Custodial/Guardianship documents have not been properly executed;
- Parent, custodial adult, or legal guardian does not reside every day within the Baldwin County Public Schools' limits;

If the custodial parent/legal guardian of an enrolled student has been found to live outside of the county limits, but has recently established residence within the county limits, the following criteria must be met prior to the approval for students to remain enrolled with Baldwin County Public Schools:

- Complete documentation of residence.
- A home visit to the residence by the Attendance Officer

**If the parent/legal custodian or guardian fails to cooperate with the campus administration, attendance officers and/or attendance supervisors, the school principal will be informed that confirmation was not possible and termination of enrollment from the school system may be required.**

Parents are responsible for providing accurate and up-to-date information including, but not limited to, their residential address (temporary or permanent) to school officials. ***To report residential school enrollment fraud contact Ms. Denita Hill, Prevention and Support Supervisor, at 251-580- 1661. All reports will be kept confidential. Giving false information to a public official in the performance of his/her duty is a violation of the Code of Alabama § 13A-10-109 (a) and is punishable by a fine of \$500.00 and up to (90) days in jail.***

## ATTENDANCE ZONES

Students will be assigned to the school serving the attendance zone in which their Enrolling Adult (parent/legal custodian/ guardian) is domiciled. A student whose Enrolling Adult (parent/legal custodian or guardian) moves from one BCPSS attendance zone to another BCPSS attendance zone during the school year will be transferred to the school attendance zone in which the new residence is located.

## ATTENDANCE ZONE VARIANCES (BOARD POLICY 6.2.2)

The Baldwin County Board of Education affirms those present school attendance zones outlined by most recent Board action. The Board, however, gives the Superintendent discretionary authority to grant variances to pupils who present evidence of **extreme hardship** and/or students of employees that work for the Baldwin County Public Schools. **Extreme hardship may not be construed to include dissatisfaction with personnel in the school in the zone in which the pupil resides, dissatisfaction with curriculum offerings and/or dissatisfaction with curriculum offerings which are non-academic and/or extracurricular activity and athletic offerings in the school zone in which the pupil resides.** To request a Zone Variance, you may complete the online form located at <https://www.bcbe.org/Domain/5007>.

## ATTENDANCE

*Code of Alabama (1975) §16-28-3* requires all children between the age of six (6) and seventeen (17) years of age to attend school for the minimum number of scholastic days prescribed by the Alabama State Board of Education. All laws regarding school attendance shall be strictly enforced by the Baldwin County Public Schools.

## ARRIVALS / DISMISSALS

Students are to arrive on time for the beginning of the school day and leave the school campus immediately upon dismissal for the day and/or from other school related activities. Parents/guardians should refer to each school's handbook for the designated time and protocol for each school.

### **TARDINESS**

Tardies are considered excused for the same reason(s) as excused student absences. Refer to each school's handbook for tardy information. The principal or his/her designee may impose disciplinary measures for excessive tardies. Communication will be made to parents/guardians by the school or the Attendance Officer if the number of tardies becomes excessive. Excessive tardies may result in a home visit by the BCPSS Attendance Department.

### **CHECK-INS / CHECK-OUTS**

Necessary check-ins or checkouts must be processed by the parent through the school's office by procedures outlined in each school's handbook. The Board encourages that appointments not of a critical nature be scheduled for times and days when school is not in session. Check-ins/outs are considered excused for the same reasons as excused absences. An unexcused check-in/out will be considered a tardy. Excessive check-ins and /or checkouts may result in a home visit by the BCPSS Attendance Department.

### **POSITIVE REINFORCEMENT FOR ATTENDANCE AT SCHOOL**

Principals are given discretion to create rewards and/or positive motivators in order to *increase* student attendance, such as final exam opt-outs or off-campus lunch privileges. Any discipline or consequences regarding attendance should be as provided in Board Policy and this Handbook. Students should not be denied participation in any school activity or event if the student has a valid excused absence in accordance with Board policies and procedures. In other words, if a student is allowed nine excused absences under Board policies and procedures, principals do not have the discretion to require a lower number of excused absences in order for a student to be eligible to participate in a school activity or event. Under no circumstances should a student with a valid physician's excuse absence be denied participation in a school activity or event because of an absence from school because of said physician visit.

## **ABSENCES**

Parents of students in grades k-12 can routinely monitor absences by accessing their student's information on the Parent Portal on the BCPSS web site. If a parent has a question or concern about an absence, the parent should contact the school as soon as possible.

### **EXCUSED ABSENCES**

State law allows for absences to be excused for the following reasons:

- Illness of the student
- Death in the immediate family
- Inclement weather which would be dangerous to the life and health of the student as determined by the principal
- Legal quarantine
- Emergency conditions or extenuating circumstances as determined by the principal
- Religious holidays, upon receiving prior approval from the student's principal (the Superintendent's designee)

### **WRITTEN EXCUSE**

The parent/legal custodian or guardian must provide a written explanation (excuse) to the school homeroom teacher for each student's absence within three (3) days of the student's return to school.

For a student's consecutive days of absence, a parent/legal custodian or guardian may submit one written excuse. The number of days absent covered in that written excuse will be counted as individual written excuses toward the allowed

maximum nine (9) parent written excuses per calendar year.

The written excuse must include the following:

1. Written statement from the parent stating the reason for the absence
2. The date of absence(s)
3. The parent's signature

Parents of students in grades K-12 may submit up to nine (9) parent written excuses per calendar year and may be required to submit an excuse for late check-ins and early checkouts. After nine (9) absences have accrued in a year, a doctor's or legal excuse may be required for additional absences to be excused.

Parents are encouraged to provide medical documentation to the school nurse at the beginning of the school year if their child has been diagnosed by a physician with a chronic medical condition that impedes regular school attendance.

Refer to your student's school's handbook for additional guidelines for submitting excuses. If a student fails to attend school without submitting a timely parent, medical or legal excuse, the student and parents/guardians are subject to court intervention.

### **UNEXCUSED ABSENCES**

Any absence that does not fall under the category of excused absence is recorded as an unexcused absence. Any student with five (5) unexcused absences during the school year may be referred to Early Warning Intervention with the Attendance Supervisor.

In addition, absences are unexcused if the student and parent fail to provide the excused absence written statement with required information to the school officials within three (3) days (including the return date) of the student's return to school.

### **STUDENT WITHDRAWAL DUE TO ABSENCES**

The Code of Alabama § 16-28-40 defines withdrawals as "more than ten (10) consecutive days or fifteen (15) days of total unexcused absences during a single semester." A student meeting these criteria (without acceptable parent, doctor, or legal excuses) is subject to withdrawal from school.

For students seventeen (17) years of age or older who are withdrawn from school due to attendance issues, the Attendance Supervisor notifies the Department of Public Safety of the withdrawal. The Department of Public Safety shall deny or revoke a driver's license or learner's permit for the operation of a motor vehicle to any person under the age of nineteen (19) who has obtained the withdrawn status.

### **EARLY WARNING TRUANCY NOTICE**

Daily attendance is vitally important to the acquisition of knowledge. Students gain considerably as the result of being in class each day. It is the purpose of this program to do everything possible to encourage good attendance by involving as many supportive groups as necessary and by developing a uniform method of addressing this important issue.

Students deserve every opportunity for academic success and prompt, regular, daily attendance not only teaches life supporting skills but, also, increases the likelihood of school being a positive experience. A uniform attendance emphasis must then define the responsibilities of the groups of people directly related to the program. These groups will be: students, parents, teachers, administrators, and courts.

#### **Responsibilities of the Student**

- A. Arriving at school prior to the opening time.
- B. Being seated and ready for instruction in each class before the tardy bell rings.
- C. Bringing to each class those books and materials necessary to make attendance meaningful.
- D. Remaining in class for the entire class period.

### **Responsibilities of the Parents**

- A. Encouraging their child to be present daily and on time.
- B. Discouraging their child from absences related to family trips and/or vacations during the school year, and appointments that could be better scheduled so as to not interfere with the school day.
- C. Refraining from asking the school to violate the checkout procedure approved by the Baldwin County Board of Education.
- D. Scheduling necessary appointments for their child outside the school day when possible.
- E. Cooperating with the school in providing valid excuses for their child's absence.
- F. Attending conferences arranged by the principal.

### **Responsibilities of the Teacher**

- A. Developing class incentives related to improved attendance.
- B. Establishing contact with parents concerning their child's attendance patterns.
- C. Working with the guidance counselor in scheduling students in programs that meet their individual needs.
- D. Recognizing the importance of each class period and scheduling teacher request for students accordingly.
- E. Demonstrating to the student that planned learning experiences will take place each day.

### **Responsibilities of the Administration**

- A. Designing local school plans for improving attendance.
- B. Enforcing a checkout system consistent with administrative policy.
- C. Considering many alternatives in an effort to reduce the number of suspensions and, thereby, absent days.
- D. Attempting to keep parents aware of each absence daily.

### **PARENTAL NOTIFICATION EARLY WARNING TRUANCY PREVENTION PROGRAM**

The Alabama Compulsory School Attendance Law (Sec. 16-28-3) requires children between the ages of six (6) and seventeen (17) to enroll and attend school. Additionally, Section 16-28-12 of the Code of Alabama, as amended May 17, 1993, requires that any parent/guardian who enrolls a student in school will be responsible for the child's regular attendance and proper conduct. Parents and/or guardians must provide to the child's teacher an explanation of each absence within three days after the child returns to school. If the parent or guardian fails to provide this information to the teacher, each child's absence will be recorded as unexcused or truant. Except in emergency situations, out of town trips must have the principal's approval prior to taking the trip, if the absence is to be coded excused.

**Please be advised of the attendance requirements as set forth in the Early Warning Truancy Prevention Program, which has been implemented in Baldwin County schools since the 1989-90 school year. The program was recommended by the State Department of Education and the Administrative Office of the Courts and has been approved by the Baldwin County Board of Education and the Juvenile Court. Pursuant to Section 16- 28-12 of the Code of Alabama, all students - grades Pre-K--12 are subject to the provisions of this program.**

Schools shall follow the following protocol when absences occur:

#### **1. First Truancy/unexcused absence (warning)**

Parent/guardian shall be notified by the school principal or designee that the student was truant and the date of the truancy.

#### **2. Second Truancy/unexcused absence (written notification)**

Parents will be sent a letter from the school notifying them of next steps should trancies continue.

#### **3. Third Truancy/unexcused absence (school conference)**

Parents will participate in a truancy intervention conference at the school, via teleconference, and/or via telephone with the school principal and/or designee (assistant principal, counselor, social worker, lead teacher, etc..) to

discuss next steps if truanancies continue.

**4. Fifth Truancy/unexcused absence – (referral to Early Warning Truancy Prevention Program)**

- (i) The parent, guardian, or person having control of the child shall attend the Early Warning Program provided by the district level attendance office in conjunction with partnering agencies.
- (ii) Attendance shall be mandatory except where prior arrangements have been made or an emergency exists.
- (iii) Failure to appear at the Early Warning Program may result in the filing of a complaint/petition against the parent under Code of Ala. 1975, §16-28-12(c) (failure to cooperate), or a truancy against the child, whichever is appropriate.

**5. Additional Truancy/unexcused absence (district level intervention)**

The District Attendance Office will notify parents or legal guardians of imminent legal actions related to truancy.

**6. No earlier than seventh unexcused absence. (Juvenile Court Intervention)**

The District will take steps to file a complaint/petition against the child and/or parent/guardian, if appropriate.

**Early Warning Program**

- 1. Purpose:** The Early Warning Program is a school /community-based program to assist public school personnel, parents, and law enforcement personnel in providing for early intervention for children and youth who are truant or in danger of becoming truant. A child is truant if no explanation is provided for absences or the child is absent for reasons other than those recognized as excusable.
- 2. Description:** The Early Warning Program is a cooperative effort involving the Baldwin County Board of Education; Juvenile Court Services; and Community Agencies.
- 3. Procedure:** Parents will be notified in writing of the date they are scheduled to attend the Early Warning Program. Per State Department guidelines, participation in the Early Warning Program is required.
- 4. Truancies after Referral to Early Warning:** Non-attendance of the Early Warning Program and/or subsequent truancies may result in a truancy petition (against student) or a contributing to truancy petition (against parent/guardian) to be filed with the Baldwin County Juvenile Court.

**DRIVER'S LICENSE AND LEARNER'S PERMIT NOTICE**

Students and parents, by presentation of this written policy, are hereby notified of the provisions of Legislative Act 94- 820 as enacted by the Alabama Legislature.

**Purpose of Act**

The purpose of the Act is:

- 1. to provide consequences for certain persons over 14 years of age convicted of possession of a pistol on the premises of a public school, school bus, or both, and
- 2. ***to require school attendance by persons 16-19 years of age as a prerequisite for obtaining a driver's license/learner's permit by the state of Alabama for the operation of a motor vehicle.*** School attendance standards may be met by enrollment in a school or General Educational Development (GED) program or job-training program approved by the State Superintendent of Education.

**Suspension of Current Driver's License/Learner's Permits**

When a student 16 years or older who has a driver's license/learner's permit and is not enrolled or who is absent

from school for 10 consecutive days or 15 days total for unexcused reasons during a semester shall be reported by the school authorities to the Department of Public Safety. Unexcused absences due to suspension days for conduct violations are counted toward the 15-day total. The Department of Public Safety shall notify persons that their Driver's Licenses/Learner's Permits will be suspended on the 30th day following notification unless re-enrollment occurs or one of the above conditions is documented.

### **Enrollment, Schooling, Employment Provisions**

Section I of the Act also states the Department of Public safety shall deny the issuance of a driver's license/learner's permit or the renewal of a driver's license to any person under the age of 19 who does not, at the time of application, present a diploma or other certificate of graduation from a high school or documentation that the person:

1. is enrolled in a secondary school, or
2. is enrolled and making satisfactory progress toward the GED certificate, or is participating in an approved job training program approved by the State Superintendent of Education, or
4. is gainfully and substantially employed, or
5. is a parent with care and custody of a minor or unborn child, or
6. has a physician's statement that the parents of the person depend on him/her as their sole source of transportation, or
7. is exempt from these requirements based on Section 16-28-40 of the Code of Alabama.

### **Operational Procedures**

#### **Principal's Responsibilities**

1. Principals or designees shall provide students with information relative to the Act and procedures for compliance.
2. Principals or designees shall complete Part 1, Section 1 of the "Student Enrollment/Exclusion Status Form" at the request of students enrolled in their schools. Principals or designees should provide students with information relative to completing Part 1, Section 2, and Part 2 sections of the form; however, it is the responsibility of the student/parent/guardian to secure signatures, documentation statements, etc. for the GED and Exclusion Status Sections.
3. Principals or designees shall submit to the Department of Public Safety "A Student Enrollment/Exclusion Status Form" on each student who is not enrolled or who is absent from school for 10 consecutive days or 15 days total for unexcused reasons during a semester. Copies of said form will be sent to the attendance supervisor.
4. Principals or designees shall refer to the attendance supervisor the names of students who wish to be exempt for reasons beyond their control, under the provisions of this Act.

#### **Student's Responsibilities**

1. Students, who are eligible to apply for a driver's license/learner's permit should obtain a "Student Enrollment/Exclusion Status Form" at the office of their school before to going to the Department of Public Safety for a permit or license. The information included in this form must be completed and signed by the designated school official.
2. Persons, 15-19 years of age, who are not enrolled in a school of the School System and desire to get their driver's license/learner's permit should obtain a "Student Enrollment/Exclusion Status Form" at the office of the school they previously attended or at the Central Office of the Board of Education prior to going to the Department of Public Safety. The information included in said form should be completed and signed by the designated school official.

### **Right to an Appeal**

Students and/or parents/guardians have the right to appeal decisions regarding school attendance standards as they relate to compliance with the Act. The process for an appeal will follow the grievance procedures as outlined in the Student Code of Conduct and Attendance issued to all students at the beginning of each school year. A copy of the Act

shall be available for review through the principal's office and at the Central Office of the Board of Education.

#### **STUDENT ENROLLMENT/EXCLUSION STATUS INSTRUCTIONS** *(BOE Policy # 6.22)*

**Part I:** Enrollment Status should be completed and submitted to the area Driver License Examiner, Department of Public Safety, by any person under the age of 19 who is applying for or renewing or requesting reinstatement of a driver's license or learner's permit to operate a motor vehicle. Designated school personnel should submit this form to the Department of Public Safety, Driver Improvement, P. O. Box 1471, Montgomery, AL 36102-1471, if a student is not enrolled or has accumulated more than 10 consecutive or 15 days total unexcused absences during a single semester. Individuals claiming an exclusion should complete Part II of this form (see back of form).

**Part II.** The appropriate personnel for individuals claiming an exclusion from this Act should complete exclusion Status. The applicant is responsible for securing proper documentation for presentation to the Department of Public Safety.

#### **FEDERAL PROGRAM SERVICES FOR HOMELESS STUDENTS**

For information on services for Homeless students, please call the Federal Programs Coordinator at 251-972-6863. The Baldwin County Board of Education shall be committed to providing students an environment for learning. This includes the establishment of an atmosphere conducive to purposeful instruction. Regulations and due process procedures shall be designed to protect all members of the educational community in the exercise of their rights and responsibilities and to provide uniformity to assist in understanding the practices and procedures used in the schools.

## STUDENT/PARENT GRIEVANCE PROCEDURES

**In accordance with Board Policy #4.5 regarding general student complaints and grievances, the following procedures shall be followed:**

In the event that a parent or student is involved in a situation that has not been resolved to their understanding, the parent/student must first address their concerns with the school administrator in order to facilitate a solution early and quickly. This administrator may elect to seek resolution or may refer the concern to the system's designated administrator or coordinator for resolution. If the parent/student cannot discuss the issue(s) with their school administrator(s) they may contact the appropriate Assistant Superintendent for help in reaching a resolution or clarification of the situation.

### **Formal Grievance Procedures:**

After the reviews provided above, if the situation has not been resolved and the parent/student wishes to present their concerns in a manner to request a formal review and response, the following procedure is to be followed.

#### **Step One:**

The parent/student should submit a *Parent/Student Grievance Form* to the Assistant Superintendent of either Elementary or Secondary Schools to initiate the review process. Contact the relevant Assistant Superintendent's office for the *Parent /Student Grievance Form*.

#### **Step Two:**

The administrator and staff designated by the Superintendent will investigate the complaint using various procedures, and investigating techniques, including but not limited to interviews, phone contact, data reviews, and witness reports. After the review, the administrator will report back to the Superintendent and/or their designee with the suggested action to be taken by BCPSS. To the extent possible, the reporting parent/student will be informed of the remedial action being suggested and/or taken.

*A verbal or written response will be provided to the parent/student within ten (10) school days of the receipt of the grievance form by the BCPSS designated administrator. If a parent/student wishes to move to the next step of the process, written notice must be given within three (3) days of receiving a response for the current step.*

#### **Step Three:**

If the issue is still unresolved after the suggested resolution by the district administrator assigned to review grievances, the parent/student may present in written form (no email), subject to the limitations set forth in Board Policy #4.5, their unresolved concern(s) to the BCPSS Superintendent.

#### **Step Four**

If the issue is still unresolved after the resolution suggested by the Superintendent, the parent/student may present in written form (no email), subject to the limitations set forth in BCPSS Policy #4.5, their unresolved concern(s) to the Board of Education. The decision of the Baldwin County Board of Education is final in the grievance process.

**DISCLAIMER:** In accordance with Board Policy # 4.5, the general complaint and grievance policy, and any procedures herein referenced, 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. In such instances, the specific statutory, regulatory, or policy-based process is the applicable procedure.

## **STUDENT CODE OF CONDUCT STUDENT BEHAVIOR AND DISCIPLINE**

### **RESPECT FOR PERSON, PRIVACY, AND PROPERTY**

Student responsibilities include, but are not limited to the following:

- a. To abide by laws and local board of education and individual school rules and policies regarding respect for person, privacy, and property.
- b. To respect the recognized privacy rights of others.
- c. To attend school and related activities without bringing items prohibited by law or local board of education policy or which detract from the educational process.
- d. To respect the property rights of those at school and the general public.

Student rights are:

- a. To be informed of local board of education and individual school rules and policies regarding respect of person, privacy and property.
- b. To retain privacy of personal possession on his/her person, in lockers, or vehicles, unless school personnel have reasonable suspicion to believe the student possesses an item which is prohibited by law or local board of education policy.

### **KNOWLEDGE AND OBSERVATION OF RULES OF CONDUCT**

Student and parent/guardian responsibilities include, but are not limited to the following:

- a. To abide by laws and local board of education and individual school rules and policies regarding rules of conduct:
  - Equal Educational Opportunities (BOE Policy 6.9);
  - Title IX Prohibition of Discrimination on basis of sex or gender (BOE Policy 6.10);
  - Prohibition of Sexual Harassment (BOE Policy 6.12);
  - Pupil Conduct (BOE Policy 6.16 and 6.17);
  - Prohibition of Bullying, Harassment, Violence, and Threats of Violence (BOE Policy 6.25);
  - Prohibition of Firearms, Weapons and Illegal Drugs and Alcohol (BOE Policy 4.2);
  - Drug/Alcohol Free School Policy (BOE Policy 4.2.6);
  - Tobacco and Electronic Smoking Devices Policy (BOE Policy 4.2.4);
  - Search of Property and Individual (BOE Policy 4.2.5 & 6.17);
  - Access and Acceptable Use of Technology (BOE Policy 4.8.1 & 4.8.4);
  - Inspection of School Property (BOE Policy 4.2.5 & 4.8.3); and
  - School Attendance: (BOE Policy 6.1 and Early Warning Truancy prevention Program and Driver's License and Learner's Permit Notice (included herein)).
- b. To document receipt of the code of conduct with his/her signature.
- c. To abide by the Mandatory Uniform Dress Code (BOE Policy 6.16 and included herein).

Student Rights Are:

- a. To be informed of laws and local board of education and individual school rules and policies regarding rules of conduct.
- b. To be informed as to the specific grounds of the violation(s) of the local board of education's code of student conduct.

### **DRESS CODE POLICY**

## **I. Overview**

All Students are expected to be clean and appropriately dressed for school. Dress and appearance must not present health or safety problems or cause disruption and should encourage a serious approach to school. The Board prohibits any clothing or grooming that in the principal's judgment may reasonably be expected to cause a substantial disruption of, or interference with, normal school operations. The local school principal will be the final authority for determining appropriate dress within the framework of the policies below.

All schools will utilize a dress code. The dress code will consist of guidelines that students must follow to ensure appropriate attire. Appropriate dress and grooming in the school atmosphere can be determined by neatness, cleanliness, safety, appropriate selection of attire, and freedom from distraction of other students and/or the learning process. Any article of clothing or grooming that the principal can reasonably expect to cause a material or substantial disruption of, or interference with, normal school operations can be prohibited.

## **II. All Schools Dress Code**

All schools in the Baldwin County Public Schools System shall implement, within the parameters set forth below, the mandatory dress code policy. Pupils are expected to be clean and appropriately dressed for school. Dress and appearance must not present health or safety problems or cause a disruption to the school educational environment. The local school principal will be the final authority for determining appropriate dress within the framework of this dress code.

### **A. Information Dissemination for Schools**

1. It is the responsibility of district and school support staffs to adequately communicate to parents, information common to all secondary schools including general guidelines for enforcement of the dress code policy.
2. Each school shall communicate the dress code information to parents:
3. The means by which this information is communicated shall include one or more of the following:
  - a. County/School website
  - b. Social media: Facebook, Twitter, etc.
  - c. School newsletters;
  - d. Parent meetings;
  - e. Rapid notification system
  - f. PTA meetings and newsletters;
  - g. Parent advisory meetings;
  - h. Television, radio and/or newspaper announcements;
  - i. Posters displayed at school and in the community;
  - j. Registration materials.

### **B. Specific School Dress Code Guidelines**

All attire:

- a. No pictures, emblems, or writings on clothing that:
- b. Are lewd, offensive, vulgar or obscene,
- c. Advertises or depicts tobacco products, alcoholic beverages, drugs or any other illegal substance, or
- d. Contains fighting words or incites criminal activity; or

- e. Can reasonably be expected to cause a material or substantial disruption of, or interference with, normal school operations.

**Tops:**

- a. Tops that reveal the body in an inappropriate manner are not permitted. This includes but is not limited to mid-driffs, crop tops, bare at the sides, sundresses, “spaghetti strap” type tops, racer backs, off-the-shoulder tops, low-cut front or low-cut tops
- b. No cut off/crop tops. (No midriff can be showing)
- c. No sleeveless garments.
- d. No see-through garments.
- e. Designed so that the neckline does not reveal cleavage.
- f. Designed to cover all undergarments.
- g. Fit properly- no oversized or overly tight tops.
- h. No tank top/undershirt can be worn as a shirt.

**Shorts:**

- a. Length should be at fingertip/hand or mid-thigh, whichever is longer.
- b. Fit properly- no oversized or tight shorts.
- c. No spandex, biker, or see-through shorts.
- d. Must be hemmed and not rolled up

**Dresses:**

- a. Length should be at fingertip or mid-thigh, whichever is longer.
- b. Splits may not exceed (3) inches above the top of the knee.

**Pants:**

- a. Proper fit- no sagging or baggy fit: worn at the waist.
- b. No see through or spandex legging pants.
- c. Pants that are too tight or allow for exposure of undergarments are not permitted.
- d. Leggings, yoga pants, and other tight fitting, spandex or lycra based pants must be worn with an acceptable top that covers the private areas of the body.
- e. Leggings/tights may be worn only under shirts and dresses of appropriate length so that the buttocks and private area are covered.
- f. No holes in jeans in inappropriate areas (length rule); Pants or Jeans may only have holes at the knee or below. Pants or Jeans that have holes above the knee are not allowed, unless there is material beneath the holes
- g. Sweat pants and warm-up suits will be allowed.

**Shoes:**

- a. Must be worn at all times, fastened properly.
- b. \*Classes may require certain shoes and/or prohibit certain shoes for safety reasons. Ex. P.E., Chemistry.
- c. No bedroom slippers.
- d. For elementary school students no open toed or open heeled shoes may be allowed for safety reasons (i.e. no Crocs).

**Accessories:**

- a. Students may not wear hats or head coverings in school buildings or on school premises. This includes but is not limited to bandanas, athletic headbands, headscarves/hair wraps, hoodies, and

other forms of headgear or hair covering.

b. Exceptions include:

- Head gear used as part of a uniform such as the JROTC cap, band uniform hats, and athletic headgear worn with a uniform on the playing and practice fields are allowed.
  - Religious purposes, which have been approved prior to wearing.
  - During extreme cold weather, students will be allowed to wear toboggans outdoors on campus.
- c. Other than safety-related accessories for safety related purposes, accessories such as masks, hats, caps, sweatbands, or other head covering will not be worn in building;
- d. No gang related clothing/items will be allowed.

C. Exemptions for Schools

All students enrolled in the Baldwin County Public Schools shall be required to dress in accordance with the adopted dress code policy. A student may be exempted from complying with the policy in the following instances:

- a. When noncompliance derives from financial hardship;
- b. When noncompliance derives from the student's particular disability or health condition that requires a departure from the dress code; or
- c. When noncompliance derives from a student's sincerely held religious belief. –

If the parents or guardians desire not to have their child comply with any portion of the Baldwin County Board of Education dress code policy for the reasons stated above, or due to special extenuating circumstances related to an item listed above, the students' parents or guardians must secure an exemption from their child's school principal. Parents or guardians should supply a written explanation to the school principal as to why an exemption should be granted. If the outcome of the principal's determination is not to the parent or guardian's liking, the parent or guardian may submit a written exemption request to the Superintendent, or his or her designee. Additional grounds for an exemption may be allowed at the principal's discretion.

**PROHIBITION OF POSSESSION FIREARMS (SEE BOE POLICY 4.2.1): SPECIFIC DISCIPLINE RELATED TO FIREARMS**

In compliance with Code of Alabama § 16-1-24.3 and Board Policy, any student who has been determined to have brought to school or to have in their possession a firearm in a school building, on school grounds, on school buses, or at other school sponsored functions will be expelled for a period of one year. For the purpose of this section, the term "firearm" has the same meaning as defined in Title 18 U.S.C. § 921. The expulsion requirement for possession of a firearm may be modified in writing by the Superintendent upon the recommendation of the Superintendent's Expulsion Review Committee on a case-by-case basis. Students who are expelled for firearm possession may not attend regular school classes in any public school in the state during the expulsion period. Students who are expelled from schools for firearm possession may be permitted to attend alternative schools or an alternative educational setting designed to provide education services. Discipline of students with disabilities who violate the BCPSS firearm possession policies shall be determined on a case-by-case basis in accordance with federal and state law.

**PROHIBITION OF TOBACCO AND ELECTRONIC SMOKING DEVICES (SEE BOE POLICY 4.2.4)**

**PROHIBITION OF ALCOHOL/DRUG. (SEE BOE POLICY 4.2)**

Students shall not use, possess, distribute, and/or sale drugs or alcohol in a school building, on school grounds, on Board property, on school buses, or at a school-sponsored function. Drugs shall include those listed in the State and/or Federal Controlled Substances Laws, prescription drugs and/or unauthorized over-the-counter medications or

nutritional substances (except in accordance with Board policies and procedures on prescription medications at school), and drug or alcohol paraphernalia.

Self-administration of medications by students shall be permitted for chronic conditions subject to compliance with the State Department of Education and Alabama Board of Nursing Medication Curriculum. Upon obtaining permission to self-administer approved medications in accordance with the preceding sentence, a student shall be permitted to possess and self-administer approved medications, according to the orders of the prescriber, at any time while on school property or while attending a school-sponsored event. With regard to all other uses of prescription medications and/or over-the-counter medication and/or nutritional supplements by students, parents/guardians shall be required: (1) to personally deliver the medication to the school office; and (2) to complete all necessary forms for the dispensing of medication during the school day, including but not limited to verification of medical use and dispensing guidelines from the student's physician. \* Violations of Board policy and/or procedures concerning over-the-counter medications are excluded from the list of mandatory consequences set forth below. Notwithstanding the foregoing, students may still be subject to discipline, as deemed appropriate by the school principal, in the event they fail to comply with Board policy and procedures concerning an over-the-counter medication or nutritional supplement.

Alcohol, drugs, and alcohol/drug paraphernalia, or other related substances or items confiscated shall be released to appropriate law enforcement officials. A student with a disability who violates this policy shall have the policy applied within the guidelines defined for the discipline of students with disabilities in compliance with applicable laws.

### SPECIFIC DISCIPLINE AND PROCEDURES RELATED TO DRUGS AND ALCOHOL OFFENSES

#### 1. Overview

In compliance with *Code of Alabama § 16-1-24.1*, as amended, the following policies, practices, and procedures have been set forth to deal with all students or other persons who bring illegal drugs, alcohol, or weapons on the school campus.

1. The principal of the school shall notify appropriate law enforcement officials when any person violates the system's policies concerning drugs, alcohol, weapons, physical harm to a person, or threatened physical harm to a person.
2. If the student is found to have violated the Board's policy concerning drugs, alcohol, weapons, physical harm to a person, or threatened physical harm to a person, the student may not be admitted as a transfer student or readmitted to Baldwin County Public Schools until:
  - Criminal charges or offenses arising from the conduct, if any, have been disposed of by appropriate authorities; and
  - Only upon such conditions as the Superintendent shall prescribe for the preservation of the safety and security of students and employees of the Baldwin County Public Schools, which may include, but is not limited to, psychiatric or psychological evaluation and counseling.

2. **Possession, Use, Consume or Under the Influence.** Students who are found to possess, obtain, use, consume, or be under the influence of alcoholic beverages, illegal drugs, prescription drugs (unless in accordance with Board policies and procedures), and/or drug/alcohol paraphernalia on Board property as described above shall be in violation of the Board's policy on Drug and Alcohol Free Environments. Further, the following additional and specific procedures and measures will apply:

#### 1. Elementary Pre-k – 6<sup>th</sup>

- a. 1<sup>st</sup> offense: for the first violation of this policy, the school principal or designee shall:
  1. Immediately suspend the student from attending regular classes and school activities.
  2. The student shall be provided due process in accordance with BOE Policy #6.20.
  3. Unless otherwise provided herein, the suspension may range from a minimum of five days and shall

not exceed nine (9) days.

4. Notify the parent/guardian as soon as possible.
5. Notify appropriate law enforcement officials.
- b. Subsequent offenses: for second and subsequent violations of this policy, the school principal or designee shall:
  1. In grades kindergarten through sixth, immediately suspend the student from attending regular classes and school activities.
  2. Consequences for violations of this policy may range from a minimum of five days of suspension up to a recommendation for expulsion with possible placement into an alternative educational setting.
  3. Due process shall be provided in accordance with BCBE Policy # 6.20.
  4. Notify the parent/guardian as soon as possible.
  5. Notify appropriate law enforcement officials.

## 2. Secondary- 7<sup>th</sup>-12<sup>th</sup>

- a. 1<sup>st</sup> offense: for the first violation of this policy, the school principal or designee shall:
  1. Immediately suspend the student from attending regular classes and school activities.
  2. The student shall be provided due process in accordance with BOE Policy #6.20.
  3. Unless otherwise provided herein, the suspension may range from a minimum of five days and shall not exceed nine (9) days.
  4. Notify the parent/guardian as soon as possible.
  5. Notify appropriate law enforcement officials.
  6. Inform the parent/guardian of the requirement to successfully complete the Baldwin County Public Schools Chemical Abuse Prevention Program (CAPP) for first offenses to this policy. Administrators must inform the parent/guardian and student of CAPP details including time, location, requirements, and consequences of not attending. Students who commit second and subsequent offenses are not eligible to attend CAPP.
  7. Failure to successfully complete all sessions of CAPP will result in an additional three-day suspension. CAPP attendance is in addition to the suspension for the first offense.
- b. Subsequent offenses: for second and subsequent violations of this policy, the school principal or designee shall:
  1. In grades seven through twelve, immediately suspend the student from attending regular classes and school activities, pending a recommendation for expulsion.
  2. Due process shall be provided in accordance with BCBE Policy # 6.20.
  3. Notify the parent/guardian as soon as possible.
  4. Notify appropriate law enforcement officials.

**III. Sell, Furnish, Give Away, Distribute or Transfer.** Students who sell, furnish, give away, distribute, or transfer alcoholic beverages, illegal drugs, prescription drugs or counterfeit substances on Board property as described above shall be in violation of this policy. The school principal or designee shall:

1. In grades seven through twelve (7-12), immediately suspend the student from attending regular classes and school activities, pending a recommendation for expulsion. Due process shall be provided in accordance with BCBE Policy # 6.20.
2. In grades kindergarten through six (K-6), immediately suspend the student from attending regular classes and school activities. Consequences for violations of this policy may range from a minimum of five days of suspension up to a recommendation to expel, with possible placement into an alternative educational setting. Due process shall be provided in accordance with BCBE Policy # 6.20.

3. Notify the parent/guardian as soon as possible.
4. Notify appropriate law enforcement officials.

Notwithstanding the foregoing, as previously stated, in the event any student is found to be in violation of this policy and is criminally charged as a consequence thereof, they shall not be allowed to be readmitted to BCPSS until such charge(s) has been disposed of by appropriate authorities and the student has otherwise complied with all requirements for readmission.

#### SPECIFIC DISCIPLINE IN REGARDS TO STUDENT THREATS TO HARM OTHERS

Disciplinary actions dealing with threats, whether deemed **serious** or just **joking**, will be handled consistently and in a timely manner by the administration. Specifically, **actions that create panic, fear and chaos will not be tolerated at any grade level**. Please note the following procedures and consequences stated below in regard to student threats, subject to any rules and laws regarding students with disabilities:

##### Kindergarten – Third Grade (K-3)

- 1<sup>st</sup> occurrence – up to 2-day suspension at the discretion of the Principal based on all the facts and circumstances
  - ✓ Call parents and schedule a re-entry conference with campus SRO present.
  - ✓ Notify SRO for law enforcement determination on whether additional investigation necessary
  - ✓ School counselor meet with all students involved.
  - ✓ Digital history checked on Chromebook or laptop reviewed
  - ✓ Notify parents of student(s)/victim(s) involved in the situation.
- 2<sup>nd</sup> occurrence – 5 days suspension.
  - ✓ Notify SRO for law enforcement determination on whether additional investigation necessary
  - ✓ Re-entry conference with parents and SRO present.
  - ✓ Alta Pointe referral will be offered.
  - ✓ School counselor meet with all students involved.
  - ✓ Digital history checked on Chromebook or laptop. Contact David Bessacon, Ed Technology Director. If concerns are evident, system technology department will be notified for a deeper investigation.
  - ✓ Notify parents of student(s)/victim(s) involved in the situation.
- 3<sup>rd</sup> occurrence – Contact Assistant Superintendent or Superintendent for additional guidance and whether suspension, pending expulsion and/or placement into an alternative educational setting is warranted.

##### Fourth – Six Grades (4-6)

- 1<sup>st</sup> occurrence – up to 3 days suspension at principal discretion based on all facts and circumstances
  - ✓ Notify SRO for law enforcement determination on whether additional investigation necessary
  - ✓ Re-entry conference with parents and SRO present.
  - ✓ School counselor meet with all students involved.
  - ✓ Digital history checked on Chromebook or laptop. If concerns are evident, system technology department will be notified for a deeper investigation.
  - ✓ Notify parents of student(s)/victim(s) involved in the situation.
- 2<sup>nd</sup> occurrence – 5 days suspension.
  - ✓ Notify SRO for law enforcement determination on whether additional investigation necessary
  - ✓ Re-entry conference with parents and SRO present.
  - ✓ Alta Pointe referral will be offered.
  - ✓ School counselor meet with all students involved.
  - ✓ Digital history checked on Chromebook or laptop. Contact David Bessacon, Ed Technology Director. If concerns are evident, system technology department will be notified for a deeper

- investigation.
  - ✓ Notify parents of student(s)/victim(s) involved in the situation.
- 3<sup>rd</sup> occurrence – Contact Assistant Superintendent or Superintendent for additional guidance and whether suspension, pending expulsion and/or placement into an alternative educational setting is warranted.

#### ALL Middle and High School (7-12)

- 1<sup>st</sup> occurrence – 5 day suspension, pending expulsion for full review of facts and circumstances in order to determine if expulsion and/or placement into an alternative educational setting is warranted.
  - ✓ Notify SRO for law enforcement determination on whether additional investigation necessary
  - ✓ A re-entry meeting with the student, parents, counselor, principal and police (SRO) must take place before the student can return to school.
  - ✓ Contact David Bessacon, Ed Technology Director, to have a complete IT footprint check on the student.

*\*Please note – IEP Teams and/or 504 teams will need to be convened for those students receiving Special Educations and/or Section 504 accommodations and services*

#### **CORPORAL PUNISHMENT (BOE POLICY 6.18).**

Corporal punishment (ex: spanking) should not be administered by school personnel.

#### **CLASSIFICATION OF GENERAL CODE OF CONDUCT VIOLATIONS AND SANCTIONS (BOE POLICY 6.20.3)**

It is fundamental that an orderly school have clearly defined rules for behavior to which students must conform. Nonconformity to the rules is a violation of the Student Code of Conduct. Conduct violations are grouped into three classes: Class I, Class II, and Class III, ranging 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 his or her designee should implement the appropriate sanction. Violations apply to student conduct on a school campus, at school related event, while being transported to or from school or School related events, or off-campus misconduct that has a direct effect on good order and general welfare of the school. Below is a listing of examples of each class of violation and possible sanctions. As the violations increase in seriousness, the severity of the possible sanctions increases. The Superintendent is further authorized to supplement the list of violations and sanctions in the Student Code of Conduct that is presented for adoption to the Board each year.

Violations	Sanctions
<p><b>CLASS I</b></p> <ul style="list-style-type: none"> <li>• Computer Tampering</li> <li>• Destruction of School Property (minor)</li> <li>• Disobedience/Refusal to Complete Assignments</li> <li>• Disrespect</li> <li>• Disruptive Behavior/Demonstrations</li> <li>• Disruption on a School Bus, minor incident</li> <li>• Electronic Violation Pagers/Comm. Device (Cell Phone/cell phone accessories defiance/unauthorized use or possession of device)</li> <li>• Failure to Follow Directive/defiance (minor)</li> <li>• Harassment, intimidation, (Bullying)- Minor and isolated incident</li> <li>• Horseplay</li> <li>• Inappropriate Display of Affection, minor incident</li> <li>• Intimidation of a Student (Bullying)- Minor (including but not limited to intimidating communications)</li> <li>• Littering of School Property</li> <li>• Non-conformity to Dress Code</li> <li>• Profane Language- non direct use of</li> <li>• Tardiness from School or Class</li> <li>• Truancy/Unauthorized Absence</li> <li>• Unauthorized Absence from Class</li> <li>• Unauthorized use of school or personal property</li> <li>• Violation of Technology Acceptable Use, minor incident, first incident (including but not limited to inappropriate use of technology/sharing of inappropriate content)</li> <li>• Any further violations which may be outlined by the Board or which the principal may reasonably believe to fall within this category after investigation and consideration of extenuating circumstances</li> </ul>	<p><b>Class I Possible Sanction</b></p> <ul style="list-style-type: none"> <li>• Student Conference</li> <li>• Parent Conference</li> <li>• Referred to Counselor</li> <li>• Referred to Peer Mediation</li> <li>• Student Contract</li> <li>• Verbal Warning/Reprimand</li> <li>• Removal from Class</li> <li>• Loss of Privileges</li> <li>• Bus Suspension</li> <li>• Detention (during school or Saturday)</li> <li>• In-school Suspension</li> <li>• Restitution</li> <li>• Other sanctions as approved by the Board of Education and further outlined in the Student Code of Conduct.</li> </ul>

<p><b><u>CLASS II</u></b></p> <ul style="list-style-type: none"> <li>• Bullying, intimidation, harassment- moderate or second incident (including but not limited to harassing communications)</li> <li>• Defiance of Authority</li> <li>• Destruction of School Property (moderate or serious)</li> <li>• Dishonesty and Cheating</li> <li>• Disorderly Conduct</li> <li>• Disruptive Behavior, moderate or repeated</li> <li>• Disruption on a school bus, moderate or second incident</li> <li>• Electronic Device Violations Moderate or second</li> <li>• Failure to follow directives moderate or second incident</li> <li>• Gambling</li> <li>• Hitting, Kicking, Pushing, Biting</li> <li>• Indecent Exposure</li> <li>• Inappropriate public display of affection, repeated or significant</li> <li>• Inappropriate Touching of another person (including but not limited to choking, slapping, hitting)</li> <li>• Larceny/Theft</li> <li>• Matches or lighters- Use, Sale, Possession</li> <li>• Possession of Stolen Property (Theft)</li> <li>• Profanity/Vulgarity/Obscene gesture</li> <li>• Providing False Information to BOE Employee</li> <li>• Sexual language/Sexual Harassment* -minor, isolated, harassment outside Title IX definition</li> <li>• Threats-Extortion</li> <li>• Threats/Intimidation</li> <li>• Tobacco or Electronic Smoking Device (Vape)- Use, Sale, Possession</li> <li>• Trespassing</li> <li>• Unauthorized absences from school/skipping from school one day or more</li> <li>• Vandalism/Property Damage</li> <li>• Violation of Technology Acceptable Use, moderate or second incident (including but not limited to inappropriate use of technology/sharing of inappropriate content)</li> <li>• <b><i>*Any Class I Violation- Repeated or Moderate</i></b></li> <li>• <b><i>Any other offense or violations as further outlined in the Student Code of Conduct or in which the principal may reasonably believe to fall within this category after investigation and consideration of extenuating circumstances</i></b></li> </ul>	<p><b>Class II possible sanctions</b></p> <ul style="list-style-type: none"> <li>• Out of School Suspension (no longer than 10 school days)</li> <li>• Referral to Outside Agency</li> <li>• Removal from Regular School Environment <ul style="list-style-type: none"> <li>○ Long Term Alternative School Placement</li> <li>○ Long Term Suspension (more than 10 and less than 90 school days)</li> <li>○ Expulsion (removal of more than 90 days and less than 180 days)</li> </ul> </li> <li>• <i>Any sanctions included in Class I and other sanctions as approved by the Board of Education and further outlined in the Student Code of Conduct.</i></li> </ul> <p><i>*As defined outside of Title IX</i></p>
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<p><b><u>CLASS III</u></b></p> <ul style="list-style-type: none"> <li>• Accessing or changing information in school computers without authorization</li> <li>• Alcohol- Possession, unlawful Sale or giving, purchase, Use</li> <li>• Arson</li> <li>• Assault</li> <li>• Bomb Threat</li> <li>• Bullying, Intimidation, Harassment- Severe/Repeated (including but not limited to harassing or threatening communications)</li> <li>• Burglary of school property</li> <li>• Criminal Mischief- Vandalism</li> <li>• Crimes as defined by the State of Alabama or the United States</li> <li>• Computer Tampering- Major</li> <li>• Drugs, illegal drugs, or drug paraphernalia - Possession, Unlawful Sale or Giving, Purchase, Use</li> <li>• Explosive/Incendiary/Poison Gas (preparing, possessing, and/or organizing use of)</li> <li>• Fighting</li> <li>• Fire Alarm Tampering/unjustified fire alarm activation</li> <li>• Inciting Others to Create Disturbance/Fight</li> <li>• Inciting or participating in major student disorder/disruption</li> <li>• Robbery</li> <li>• Sexual Offenses* See Title IX for those sexual offenses that meet definition of Sexual Harassment under Title IX</li> <li>• Theft of property</li> <li>• Weapon- Possession, Sale, Use (weapon includes a self defense item such as stun gun, mace, knife, gun, blade, etc)</li> <li>• Repeated failure to follow directives from a school system staff member, severe;</li> <li>• Repeated violations of Class I and/or II Offenses after directives and sanctions from school system staff;</li> <li>• Violation of the Technology Acceptable Use, major/severe or repeated violations (including but not limited to inappropriate use of technology/sharing of inappropriate content); and/or</li> <li>• Any other offense or violation as further outlined in the Student Code of Conduct or in which the principal made reasonable to fall within this category after investigation in consideration of extenuating circumstances.</li> </ul>	<p><b>Class III possible sanctions</b></p> <ul style="list-style-type: none"> <li>• CAPP Program</li> <li>• Removal from Regular School Environment <ul style="list-style-type: none"> <li>○ Long Term Alternative School Placement</li> <li>○ Long Term Suspension (more than 10 and less than 90 school days)</li> <li>○ Expulsion (removal of more than 90 days and less than 180 days)</li> </ul> </li> <li>• Out of School Suspension (less than 10 school days)</li> <li>• Referral to Outside Agency</li> <li>• <i>*Any sanction from Class I and Class II</i></li> <li>• Class III violations typically result in suspension or removal from the regular school environment as defined below. Provided however, discipline may include any sanctions(s) included in Classes I and II and other sanctions as approved by the Board of Education and as further outlined in the Student Code of Conduct.</li> </ul>
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## **SUSPENSION AND EXPULSION PROCESSES (BOE POLICY 6.20)**

### **Definitions**

In accordance with Section 16-1-14 of the Code of Alabama, the following terms have the following meanings:

- (1) EXPULSION. The exclusion of a student from his or her regular school environment for more than 90, and less than 180, school days, per incident, for disciplinary purposes.
- (2) LONG-TERM ALTERNATIVE SCHOOL PLACEMENT. The placement of a student in alternative school for more than 15 school days, per incident, for disciplinary purposes.
- (3) LONG-TERM SUSPENSION. The exclusion of a student from his or her regular school environment for more than 10, and less than 90, school days, per incident, for disciplinary purposes.
- (4) REGULAR SCHOOL ENVIRONMENT. Any learning environment provided by the local board of education, including in-school suspension and virtual school.
- (5) SHORT-TERM SUSPENSION- the exclusion of a student from his or her regular school environment for less than 10 school days, per incident, for disciplinary purposes.

### **Short Term Suspensions**

#### *i. Overview*

In order to maintain order, minimize the risk of potential personal injury, property damage or disruption, or to permit an orderly investigation and evaluation of a suspected violation of school or school system rules, standards, or policies, principals may temporarily suspend a student pending a conference with the parent or guardian of the student and a final disciplinary decision. Students may be suspended from school for offenses serious enough to warrant such action as provided in the Student Code of Conduct or the following outlined violations. At a minimum, the following circumstances represent when and how a student may be suspended. The Superintendent is further authorized to develop and outline any additional procedures regarding suspensions in the Student Code of Conduct.

#### *ii. Intent*

It is the policy of the Baldwin County Board of Education that a student may be suspended from school under the following circumstances:

- 1. after committing Class I offense as identified further below;
- 2. after committing a Class II offense as identified below; and
- 3. after committing any serious offense or exhibiting any serious misconduct

All suspensions should be for a specified number of days not to exceed 9 school days. Any deviation of said pattern shall require authorization from the Superintendent or his or her designee.

#### *iii. Procedures for Suspensions- Due Process*

In the event that a student's misbehavior is, in the opinion of the principal, severe enough to warrant a short-term suspension, the procedures shall be as follows:

- a. the student shall be informed orally or in writing, by the principal or by his or her designee, of the charges against him or her. In the event the student denies the charges, the student will be provided an opportunity to present his or her side of the story. Under all circumstances, a student will be provided an opportunity to state matters and mitigation of the charges.
- b. if in the opinion of the principal or his or her designee, the student committed the offense in question, the student shall be suspended from school the principal should immediately notify the student's parent or legal guardian of the action taken, the reason or bases for the action, and what further action will be taken, if any.

When a student is suspended, the student is denied any admission to any other school in the system until the student clears his or her record with the school originating this suspension even though the student might have moved into a new attendance zone. Suspension of students with disabilities will be subject to applicable limitations and requirements imposed by the IDEA, Section 504, and any applicable implementing regulations thereunder.

### **Long-term Alternative School Placement, Long-term suspensions, and/or Expulsions from the Regular School Environment**

#### *i. Overview*

Students may be removed from the regular school environment for offenses serious enough to warrant such action as provided in the Student Code of Conduct and/or State law. At a minimum, the above and the following circumstances represent when and how a student may be removed from the regular school environment. The Superintendent is further authorized to develop and outline any additional procedures regarding removal and readmission/reentry following a long-term alternative school placement, long-term suspension, and/or expulsion. The Superintendent will consider and come to a decision on all recommendations for student removal from the regular school environment as further set forth in this document and as dictated by the Code of Alabama.

In addition, students who are recommended for removal from the regular school environment may be suspended until such time as the Superintendent and/or the Expulsion Review Committee meets to consider the recommendation for removal from the regular school environment. In general, parents will be given reasonable notice of the proposed action, the reasons therefore, and an opportunity to be heard by the Expulsion Review Committee regarding the removal. The Superintendent will notify the student and/or the student's parent or guardian, in writing, of any action taken by him or her. The term of a removal from the regular school environment may extend to the maximum permitted by law.

The Board and the Superintendent may impose such reasonable limitations on the student's right to re-enroll in the school system following expiration of the removal from the regular school environment as may be permitted by law. A student who withdraws from school prior to the Superintendent's consideration of a proposed removal may not re-enroll in the school system until the Expulsion Review Committee holds a hearing or other appropriate proceedings regarding the recommended removal. Removal of students with disabilities from the regular school environment will be subject to applicable limitations and requirements imposed by the Individuals with Disabilities Education Act ("IDEA"), Section 504 and their implementing regulations.

*Note: Students who are removed from the regular school environment via placement in a long term alternative school setting, a long term suspension and/or who are expelled from the Baldwin County Public Schools are not allowed to attend any school functions nor be on any of the Baldwin County Public Schools campuses for the duration of the removal from the regular school environment. Any violation of this guideline could result in a report to law enforcement authorities and/or arrest.*

*ii. Intent*

It is the policy of the Baldwin County Board of Education that a student may be removed from the regular school environment and placed in a long-term alternative school setting, a long term suspension of more than ten (10) school days but less than ninety (90) school days, or an expulsion of more than ninety (90) school days but less than one-hundred eighty (180) school days, under the following circumstances:

1. after committing Class II offense as identified further below;
2. after committing a Class III offense is identified below; and/or
3. after committing any serious offense or exhibiting any serious misconduct.

*iii. Specific Procedures for Removal from the Regular School Environment, i.e. long term placement in an alternative school setting for more than 15 school days, long term suspension (more than 10 school days and less than 90 school days) and expulsion (more than 90 school days but less than 180 school days)– Due Process*

In the event that a student's misbehavior, is in the opinion of the principal, severe enough to warrant removal from the regular school environment either via a long-term alternative school placement of more than 15 school days, a long term suspension (more than 10 school days but less than 90 school days) or an expulsion (more than 90 school days and less than 180 school days), the procedure shall be as follows:

- a. Initial Notice and Opportunity to be Heard. The student should be clearly informed by the principal, or by his or her designee, of the offense with which the student is being charged. The student will be given an adequate opportunity to state his or her position regarding the alleged offense and provide any matters in mitigation. The principal, or his or her designee, *may* consider all of the following factors before recommending or initiating a removal from the regular school environment: (1) the age of the student; (2) the disciplinary history of the student; (3) the seriousness of the offense or behavior; and (4) whether a lesser intervention would appropriately address the behavior of the student. This initial notice and opportunity to be heard usually happens at the initial office referral on the same day that any initial discipline is investigated and/or imposed.
- b. Immediate Suspensions- In the event that the principal determines that the student poses an immediate threat to persons or property, or threatens immediately to disrupt the educational process, the student may be suspended immediately for a period of no more than 10 days. In such cases when a student is suspended immediately- with no initial meeting with the principal or his or her designee- notice of the misconduct with which the student is charged should be given as soon as practical, either in person, by phone, by email, or by US Mail to the

parent or guardian based on the contact information listed in the District's student recordkeeping system, no later than two (2) school days following the immediate suspension. Under such circumstances, when immediate suspension has occurred with no time for an initial meeting, the principal or his or her designee should schedule a time, as soon as practical and not later than three (3) school days after the immediate suspension, to provide the student and his or her parent or guardian an adequate opportunity to state the student's position regarding the alleged offense and provide any matters in mitigation. A student and his or her parent or guardian may waive the student's right to this initial meeting if a parent or guardian or the student interferes with a principal's ability to schedule a time for the initial meeting.

- c. Removal Recommendation. Following the initial notice and opportunity to be heard and no later than five (5) school days after the immediate suspension, if any, if, in the judgment of the principal, or his or her designee, the student committed the offense or offenses in question, the Principal will provide notice to the parent or guardian and student of the principal's decision regarding removal from the regular school setting. The notice will state that the student shall be suspended from school, pending a final opportunity for a hearing and determination by the Expulsion Review Committee as to whether the principal's proposed removal from the regular school environment is warranted. If the principal determines that based on the totality of the circumstances that a removal from the regular school environment is warranted, the principal should provide the parent or guardian with written notice of the removal recommendation. The written notice should be delivered to the parent or guardian personally or by mail sent to the mailing address on file with the District's student information recordkeeping system. The written notice should contain the following:

- A description that based on the principal's recommendation of removal, the student is afforded an opportunity for a disciplinary hearing before the Expulsion Review Committee to determine whether the alleged violation has occurred;
- A short and plain statement detailing the alleged conduct, the provision of the code of student conduct or state law allegedly violated, and the recommended discipline;
- A statement outlining the rights of the student at the hearing, including that (a) the student shall have the right to be represented by legal counsel or another advocate of the student's choice at the student's expense, (b) to ask questions of the principal and any witnesses, excluding any individuals under the age of 14, in attendance at the request of the principal, and (c) to present witnesses during the appeal hearing.
- A statement that if the parent or guardian desires to have a disciplinary hearing, the parent or guardian should deliver in writing by email a request for a hearing to the Assistant Superintendent, Mr. Marty McRae, at [mmcrae@bcbe.org](mailto:mmcrae@bcbe.org), or any designated Assistant Superintendent, with copy to Ms. April Salter at [asalter@bcbe.org](mailto:asalter@bcbe.org) and the student's principal.
- A statement if the student, parent, or guardian and legal counsel or advocate of the student desires to review any applicable audio or video recording of the incident and, consistent with federal and state student record laws and regulations (e.g. redaction of any personally identifying information of a student witness), any

records, documents, or other information that may be presented as evidence at the hearing, including written statements made by witnesses related to the alleged incident leading to the removal from the regular school environment they should **submit such request in writing within the request for a hearing** so that arrangements can be made for the student, parent, or guardian and legal counsel or advocate to view any of the above, if available, at least 5 days before the proposed disciplinary hearing.

- A statement that if the parent fails to respond to the notice by requesting a hearing as set forth above, that the hearing may be deemed waived indicating the parent or guardian's assent to the alleged violation or violations and to the recommended discipline.
- A statement that upon the expiration of ten (10) school days, if a hearing is not requested by the parent or guardian, the principal's recommendation regarding removal shall become final.
- The principal should also provide the parent or guardian with the ability to sign an optional waiver of the disciplinary hearing indicating the parent or guardian's assent to the alleged violation or violations and to the recommended discipline. If parent or guardian completes the waiver, the principal's recommendation regarding removal shall become final upon the principal's receipt of the waiver form.

- d. **Expulsion Review Committee.** Following an alleged violation of the code of conduct or an alleged violation of state law that results in a recommendation from the principal for either a long-term alternative school placement, long term suspension, or expulsion of a student, the Board hereby designates that a student and his or her parent or guardian shall be afforded the right to a disciplinary hearing before the Superintendent's selected Expulsion Review Committee (ERC).

The Expulsion Review Committee (ERC), appointed by the Superintendent, should be composed of a minimum of three (3) persons (examples: Central Office Administration, School Administration, and Specialized Student Needs Administration).

Upon receipt of a written request for a hearing, the Assistant Superintendent and/or the ERC will schedule a hearing to be held, when practical, within ten (10) school days after the initial suspension from school, unless good cause is otherwise shown or upon agreement of the parties.

If the parent or guardian also requested to review relevant records or documents, the Assistant Superintendent and/or the ERC will arrange for a time, at least five (5) days before the proposed hearing, for the student, parent, or guardian and legal counsel or advocate of the student to review any applicable audio or video recording of the incident and, consistent with federal and state student record laws and regulations (e.g. redaction of any personally identifying information of a student witness), any records, documents, or other information that may be presented as evidence at the hearing, including written statements made by witnesses related to the alleged incident leading to the removal from the regular school environment.

Upon receipt of a written request for a hearing, the Assistant Superintendent and/or the ERC will provide the parent or guardian written notice of the following at a minimum:

- The time, place, and nature of the hearing;

- The proposed time and place where the parent will be allowed an opportunity to review the relevant records or documents as identified above;
- A short and plain statement detailing the alleged conduct, the provision of the code of student conduct or state law allegedly violated, and any recommended discipline;
- A statement outlining the rights of the student at the hearing, including that the student shall have the right to: (a) be represented by legal counsel or another advocate of the student's choice at the student's expense, (b) to ask questions of the principal and any adverse witnesses in attendance at the hearing at the request of the principal, and (c) to present evidence, testimony from supporting witnesses, written statements and other documentary evidence during the hearing.

At the hearing, the ERC will examine all evidence involved in the case presented by school administration in order to determine if the alleged violation has occurred. At the hearing, representatives from the school seeking the proposed disciplinary action will offer evidence at the hearing that the student violated the code of student conduct or state law.

At the hearing, the student, parent or guardian, or legal counsel or advocate may: (1) present a defense, (2) question adverse witnesses who are present at the hearing and offering testimony at the request of the campus administration, **excluding individuals under 14 years of age**, (3) offer evidence, including oral testimony from supporting witnesses, written statements, and other documentary evidence and audio or video recordings at the hearing.

**In all circumstances in any disciplinary hearing, the anonymity of witnesses shall be protected and witnesses may not be compelled to attend or testify.**

Each party to the hearing, upon request to the designated Assistant Superintendent, Mr. Marty McRae, shall receive an electronic or written record of the hearing.

Following the hearing, the ERC will provide a recommendation to the Superintendent that the ERC either accepts, rejects, or modifies the finding of a violation of the code of conduct and/or state law and that the ERC either accepts, rejects, or modifies the recommended student discipline. The student and his parent or guardian shall be notified in writing of the results of the hearing within five (5) school days following the hearing. The written decision shall include all the following information:

- The basis for the decision, including a reference to the provision of the code of student conduct or state law that the student is accused of violating.
- A statement detailing the information that shall be included in the official record of the student.
- A statement detailing the right of the student to appeal the decision to the juvenile court under Alabama Code Section 12-15-115; and
- A statement indicating that all civil cases before the juvenile court under Section 12-15-115 shall be governed by the laws relating thereto and shall be initiated by filing a petition or complaint with the clerk of the juvenile court of Baldwin County.

During the expulsion review committee process, the student will be placed in either in-school suspension or out-of-school suspension, as determined by the school principal.

## **ALTERNATIVE EDUCATIONAL SETTINGS**

Upon removal from a regular school environment for a long-term suspension and/or expulsion, a Student may request to be enrolled into an alternative educational setting. An alternative educational setting is a setting other than the student's regular classroom. It can include a brick and mortar building with classrooms and in-person instruction, virtual instruction, or homebound instruction with an in-person homebound teacher. An elementary school student (defined as grades pre-k to 6<sup>th</sup> grade) should not be placed in an alternative educational setting with a student or students who are not elementary school students.

Admission into an alternative educational setting upon removal from the regular school environment is reviewed on a case-by-case basis following a request for entry and an in-take meeting. Students who are chosen and allowed to attend an alternative educational setting are also subject to all Board policies and the Student Code of Conduct. Admission and continued attendance in an alternative educational setting is conditioned upon the student's active participation and compliance with all applicable Board policies and the Student Code of conduct.

When a student is removed from the regular school environment, he or she is denied any admission to any other school in the system until the student has cleared his or her record with the school originating the removal even though he or she might have moved into a new attendance zone. The Board, through the Superintendent's development of additional procedures, may impose such reasonable limitations on the student's right to re-enroll in the school system following expiration of removal from the regular school environment, including attendance in an alternative educational setting, as may be permitted by law. As indicated previously in the section regarding enrollment and admission to schools, any procedures regarding readmission may include a rehabilitation/transition plan, including but not limited to recommendations for counseling, community service, or expectations while back on campus. A student who withdraws from school prior to the Board's consideration of a proposed removal from the regular school environment may not re-enroll in the school system until the expiration of his or her removal period and/or until a hearing is held in accordance with the above procedures and/or other appropriate hearing proceedings regarding the recommended removal.

Removal of students with disabilities from the regular school environment and placement of students into an alternative educational setting will be subject to applicable limitations and requirements imposed by the IDEA, Section 504, and relevant implementing regulations thereunder.

## **SUMMARY OF REMOVAL FROM THE REGULAR SCHOOL ENVIRONMENT PROCESS**

### *STEP ONE: Principal's/Designee's Response*

The principal or his/her designee will provide initial notice and opportunity to be heard on suspension, pending removal.

### *STEP TWO: Principal's Notice*

Following the initial opportunity to be heard, if applicable, the principal will communicate his or her final recommendation to the parent regarding the student infraction, his or her recommendation for removal, and any subsequent hearing rights and applicable timelines. If no additional hearing is requested, principal's recommendation of removal will be upheld.

### *STEP THREE: Assistant Superintendent and Expulsion Review Committee Response*

If the parent requests a hearing, the Superintendent, or his or her designee, will schedule a date for the ERC to convene and hear the circumstances that surround the infraction and subsequent

disposition. The ERC will consider all relevant written information and will make a determination as to whether the conduct occurred and recommend to the Superintendent that he or she either uphold, modify, or reject the removal recommendation of the principal.

*STEP FOUR: Superintendent Response*

The Superintendent will notify the parents/guardians following the Expulsion Review Committee hearing to convey the disposition, placement of the student, and to provide any appeal rights under applicable State law.

**SUSPENSION AND REMOVAL OF DISABLED STUDENTS (BOE POLICY 6.20)**

Suspension of students with disabilities will be subject to applicable limitations and requirements imposed by the IDEA, Section 504, and any applicable implementing regulations thereunder.

**ON-CAMPUS SUSPENSION PROGRAM (OCS)**

The Baldwin County Board of Education shall maintain an on-campus suspension program as necessary to provide a structured discipline atmosphere in which a student is isolated or removed from regular classroom activities but is not dismissed from the school setting.

**BUS TRANSPORTATION CODE OF STUDENT CONDUCT**

BCPSS provides bus transportation to students who are eligible to ride based on State and Local Board of Education provisions. Safety is of utmost importance in the transportation of students; therefore, the Board expects students to follow all rules and regulations regarding school buses.

The principal, or his/her administrative designee, has the authority to deny the privilege of riding a school bus when a student violates established rules and regulations or exhibits behavior deemed inappropriate or detrimental to the safety of others. At such time as it becomes necessary to deny a student the privilege of riding BCPSS buses, it becomes the parents sole responsibility to transport the student to and from school in a timely manner.

Parents/Guardians are urged to contact the school principal with any transportation concerns or problems.

**BEHAVIOR EXPECTATIONS AND RULES ON BUSES**

BCPSS School officials will impose specific rules and regulations for students to follow in riding school buses. The following rules apply as a part of, and in addition to, any bus conduct rules and regulations adopted by individual schools and the transportation department:

1. Obey and cooperate with the bus driver (the driver may assign seats for students);
2. Be seated immediately after boarding and remain seated;
3. Do not talk to the driver except in emergencies;
4. Do not scuffle with or harass other students;
5. Do not fight, quarrel, yell, or use profanity;
6. Keep feet, arms, and belongings out of the aisle and keep feet off the bus seats;
7. Keep hands, head, and objects inside the bus;
8. Do not eat, drink, or chew gum on the bus;

9. Do not smoke or strike matches/cigarette lighters on the bus;
10. Do not bring fireworks, weapons, replicas or anything that may endanger the lives of others on the bus;
11. Do not commit careless or willful acts which may cause injury to others;
12. Keep bus clean by picking up any trash that is dropped;
13. Do not commit careless or willful acts which may cause damage to the bus (parent/legal guardian may be held financially responsible for repairs or replacement);
14. Ride to and from school on the bus assigned unless approved by the principal.

**ADMINISTRATIVE RESPONSES TO DISCIPLINE REFERRALS FOR VIOLATION OF BUS EXPECTATIONS AND RULES MAY INCLUDE, BUT ARE NOT LIMITED TO:**

First Offense:	Suspended from riding the bus for up to five school days;
Second Offense:	Suspended from riding the bus for up to thirty school days;
Third Offense:	Suspended from riding the bus for the remainder of the school year.

**ANTI-HARASSMENT POLICIES**

**I. SEXUAL HARASSMENT**, Title IX, (BOE Policy 6.12)

Sexual harassment, as defined in Board Policy and herein, in any form that is directed toward students is prohibited. Persons who violate the policy will be subject to the full range of disciplinary consequences, up to and including termination (for employees), and expulsion (for students) as dictated by the nature and severity of the violation and other relevant considerations. If appropriate, the circumstances constituting the violation may be reported to law enforcement agencies or child welfare agencies for further investigation and action. The Board reserves the right to modify these policies and procedures in order to comply with applicable law. In the event that any court, agency, commission, legislative body, or other authority of competent jurisdiction issues a finding that limits the validity or enforceability of Title IX or its implementing regulations, in whole or in part, the Board's policies and procedures shall be deemed modified and/or limited to the extent necessary to comply with any applicable court, agency, commission, legislative body, or other authority's finding or order.

**A. Definitions –**

- 1. Complainant-** complainant means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.
- 2. Respondent-** respondent means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.
- 3. Sexual harassment-** For purposes of the Title IX sexual harassment policies and procedures, sexual harassment means conduct on the basis of sex that satisfies one or more of the following:
  - a. An employee of the recipient conditioning the provision of an aid, benefit or service of the recipient on an individual's participation in unwelcome sexual conduct (otherwise known as "quid pro quo");
  - b. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's education program or activity;
 or

- c. Sexual assault as defined in 20 U.S.C. § 1092(f)(6)(A)(v), dating violence as defined in 34 U.S.C. § 12291(a)(10), domestic violence as defined in 34 U.S.C. § 12991(a)(8), or stalking as defined in 34 U.S.C. § 12291(a)(30).

**4. Formal Complaint-** Formal complaint means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the school system investigate the allegation of sexual harassment. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity in the school system for which the complaint relates to.

**5. Reasonable Knowledge-** A recipient with knowledge of conduct that reasonably may constitute sex discrimination in its education program or activity must respond promptly and effectively. (§ 106.44(a)(1)). A recipient must also take the actions outlined in § 106.44(b)-(k) to address sex discrimination in its education program or activity. (§ 106.44(a)(2)).

**6. Supportive Measures-** Supportive Measures means non-disciplinary, non-punitive, individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint, and/or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the school system's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the school system's educational environment, or deter sexual harassment. Supportive measures may include, but not be limited to:

- a. counseling
- b. extensions of deadlines or other course-related adjustments;
- c. modifications of work or class schedules;
- d. campus escort services;
- e. mutual restrictions on contact between the parties;
- f. changes or modifications to student schedules;
- g. increased security and monitoring of certain areas of campus; and
- h. other similar measures.

**7. Education program or activity-** "Education program or activity" includes locations, events, or circumstances over which the Baldwin County Public School System exercises substantial control over both the respondent and the context in which the sexual harassment occurs.

#### B. Jurisdictional issues.

An administrator, campus principal, or his or her designee, may address student issues and impose discipline and/or sanctions through a separate Student Code of Conduct provision if any student acts are found to fall outside the jurisdiction of the Board's sexual harassment policy: In accordance with Title IX's implementing regulations, the following are outside the jurisdiction and scope of the sexual harassment policy:

- 1. **Outside educational program.** Alleged behavior that occurs off-campus, outside an educational activity or program, and only has an on-campus effect;
- 2. **Outside the United States.** Alleged behavior that occurs outside the United States.
- 3. **Outside definition of Sexual Harassment.** Alleged behavior that falls outside the definition of "sexual harassment."

#### C. Presumption under Title IX.

Under Title IX and its implementing regulations, it is presumed that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

#### D. Informal Report of Sexual harassment and Response.

**1. Report-** In accordance with Title IX of the Education Amendments of 1972, and its implementing regulations, found at 34 C.F.R. § 106.44(a), any person may report sex discrimination, including sexual harassment, (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator as identified in this Code of Conduct, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Such a report may be made at any time, by using the telephone number or email address, or by mail to the office address listed for the Title IX Coordinator.

Students are also permitted to report allegations of suspected sex discrimination, including sexual harassment to any other administrator, teacher, counselor, or any other Board employee. All Board employees have a duty to promptly refer such allegations to the building principal, so long as the building principal is not the Respondent and/or not alleged to be involved with the report of sexual harassment, and/or the Title IX Coordinator, or his or her designee. If the report involves the campus principal, the report shall be made or filed directly with the Title IX Coordinator by the reporting party or complainant. If a Board employee fails to forward any sexual harassment report or complaint as provided herein, such failure may result in disciplinary action against the Board employee.

Upon receipt of any informal report of sexual harassment from any complainant and/or Board employee, the principal should also notify the Title IX Coordinator of the report. The Title IX Coordinator will make a determination as to whether the principal should review and investigate the concerns, and/or whether the Title IX Coordinator, or his or her designee will review and investigate.

**2. Supportive Measures-** Upon receiving a informal report, or a copy of a report of sexual harassment, the Title IX Coordinator, or his or her designee, should promptly contact the complainant to discuss the availability of supportive measures, consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without filing of a formal complaint, and explain the process of filing a formal complaint.

**3. Response-** Upon receiving an informal report of sexual harassment, the principal, Title IX Coordinator, or his or her designee, should respond promptly and in a manner that is not deliberately indifferent. A deliberately indifferent response is a response that is clearly unreasonable in light of known circumstances. The principal, Title IX Coordinator, or his or her designee should take steps to investigate the allegations using various procedures and investigating techniques, including but not limited to interviews, phone contact, data reviews, and witness reports.

**4. Determination-** Following a review and investigation of the allegations, the principal, Title IX Coordinator, or his or her designee should make a determination of whether the allegations have been substantiated as factual based on the preponderance of the evidence and whether the actions appear to be violations of this policy. If the allegations are determined to be true, and a finding is made that the Respondent engaged in sexual harassment, supportive measures may also be offered to the Respondent. In addition, if Respondent is found to have engaged in sexual harassment, responsive actions or recommendations may include any sanctions as listed in the Student Code of Conduct. *Before the imposition of any disciplinary sanctions or other actions that are not supportive measures against a respondent can be imposed, however, the formal complaint and grievance process outlined in Section (E) below must be initiated and followed.*

#### E. Formal Complaint and Grievance Process

All formal complaints of sexual harassment should comply with the requirements of 34 C.F.R. § 106.45. The formal complaint process should be investigated and findings made with reasonable promptness. Temporary delays of any of the grievance processes, and/or limited extensions of time frames, will be allowed for (1) good cause, with (2) written

notice to the complainant and the respondent of the delay or extension, and (3) the reasons for such action. Good cause may include but not be limited to, considerations such as the absence of a party, a party's advisor, a witness, concurrent law enforcement activity, or the need for language assistance or accommodation of disabilities.

In accordance with the requirements of 34 C.F.R. § 106.45, the following procedures will apply to the formal complaint process.

### **1. Filing the Formal Complaint**

A complainant or the Title IX Coordinator may file a formal complaint of sexual harassment. Such complaints should be submitted on the Board's "Sexual Harassment Complaint Form." The Sexual Harassment Complaint Form can be located online or by contacting the Title IX Coordinator. A complainant may file a formal complaint with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information listed herein. The complainant should sign the document or provide their name if submitting the Sexual Harassment Complaint Form by e-mail. Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a complainant or otherwise a party under 34 C.F.R. part 106 or under 34 C.F.R. § 106.45 See 34 C.F.R. § 106.30(a).

### **2. Notice.**

Upon receipt of a formal complaint, the Title IX Coordinator, or his or her designee, shall provide written notice to the parties (complainant and respondent). The Written notice shall contain the following:

- a. Notice of the Board's grievance process as outlined below, including any available informal resolution process;
- b. Notice of the allegations of sexual harassment potentially constituting sexual harassment as defined and including sufficient details known at the time. Sufficient details should include the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known.
- c. A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process.
- d. A statement informing the parties that they may have an advisor, of their choice, who may be, but is not required to be, an attorney.
- e. A statement informing the parties that they may inspect and review evidence gathered as a result of the formal complaint process.
- f. A statement informing the parties that the Board's sexual harassment policies and procedures prohibit knowingly making false statements or knowingly submitting false information during the grievance process.

### **3. Dismissal of Formal complaint.**

A formal complaint shall, or may, be dismissed in the following situations:

- a. Mandatory Dismissal. If the conduct alleged in the formal complaint (1) would not constitute sexual harassment even if proved, (2) did not occur in the Board's education program or activity, or (3) did not occur against a person in the United States, then the Title IX Coordinator, or his or her designee, must dismiss the formal complaint with regard to that conduct for purposes of sexual harassment under Title IX. Such a dismissal does not preclude action under another provision of the Student Code of Conduct.
- b. Permissive Dismissal. The Title IX Coordinator may dismiss a formal complaint, or any allegations therein, if at any time during the investigation or grievance process:

- i. A complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein;
  - ii. The respondent is no longer enrolled in the school system and/or the respondent is no longer employed by the school system; or
  - iii. Certain circumstances prevent the Title IX Coordinator, or his or her designee, from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein (e.g., passage of time, lack of cooperation by the complainant).
- c. Written notice of dismissal. Upon a required and/or permitted dismissal pursuant to the above paragraphs of this section, the Title IX Coordinator, or his or her designee, must promptly send written notice of the dismissal and reason(s) therefore simultaneously to the parties.

#### **4. Investigation process and Written Report.**

By authority of the Board, the Title IX Coordinator, or his or her designee, upon receipt of an formal complaint alleging sexual harassment, shall promptly undertake or authorize an investigation (individual investigating is hereinafter “the appointed investigator”). The Title IX Coordinator may be the appointed investigator, or the Title IX Coordinator may choose to have the principal serve as the appointed investigator, so long as the principal is not the alleged respondent and/or so long as the formal complaint does not involve the principal. The appointed investigator may also be another Board official, or a third party as deemed appropriate under the circumstances. The appointed investigator shall conduct a formal investigation to discover and examine the facts related to the allegation(s).

The investigation process should be conducted in accordance with 34 C.F.R. 106.45(b)(5). During the investigation, the Complainant and the Respondent will have an equal opportunity to submit information and corroborating evidence, to identify witnesses who may have relevant information, and to submit questions to be asked of the other party. Questions for the other party will be asked by and at the discretion of the appointed investigator. The appointed investigator will meet separately with the complainant, the respondent, and any witnesses, and will gather other relevant and available evidence and information. To the extent possible, the investigation will be conducted in a manner that protects the privacy of all parties involved. While the Board cannot guarantee complete privacy, information collected during the investigation will be communicated only to the parties and those with a need to know in order to fulfill the purposes of Board’s policies and to comply with applicable laws.

#### **5. Written Report.**

The investigation should be completed as soon as practicable. The appointed investigator should prepare a written report which fairly summarizes the relevant evidence. The appointed investigator may draw conclusions as to whether, based on the preponderance of the evidence, an allegation is substantiated, unsubstantiated, or that there is insufficient information to substantiate. The appointed investigator may also draw conclusions as to whether or not any other Student Code of Conduct provisions or policies were violated. To the extent allowed by laws that apply to matters of confidentiality, the written investigative report should be provided to the parties and their advisors in draft form prior to the appointed investigator supplying the final investigative report to the designated administrator who will make the determination of responsibility. The draft investigation report should be redacted in accordance with state and/or federal law before the parties’ review.

After the Title IX Coordinator, or his or her appointed investigator, has sent the complainant and respondent the draft investigative report, the complainant and respondent will have ten (10) days to prepare a written response to the draft report. The appointed investigator will consider the response(s) provided, if any, prior to completing the investigation report. The complainant and respondent’s response should also contain any written, relevant questions that a party wants asked of any party or witness. Each party will then have an opportunity to provide answers, and an opportunity for any additional, limited, follow-up questions from each party. Questions and evidence about the complainant’s

sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent. The appointed investigator should inform the party proposing questions regarding any decision to exclude a question as not relevant. Ultimately, the appointed investigator has the sole discretion to determine the relevance of evidence, and whether it should be included in, or excluded, from the investigation report. Once the investigative report is complete, the appointed investigator should send the complainant and respondent a written copy of the Final Investigation Report. Both parties will be provided ten (10) days to review the Final Investigation Report and provide a written response if they desire. The Final Investigation Report will be redacted in accordance with state and/or federal law before the parties' review. The appointed investigator shall then submit the written report, and any responses thereto, to the designated administrator.

#### **6. Determination regarding responsibility.**

The Superintendent's designee shall be responsible for making a determination regarding responsibility, (hereinafter referred to as the "designated administrator"). The designated administrator, however, cannot be the same person as the Title IX Coordinator or the Title IX Coordinator's appointed investigator. The designated administrator must issue a written determination regarding responsibility. The Respondent is presumed to not have engaged in prohibited conduct until the designated administrator finds that there is sufficient evidence based on a preponderance of the evidence that the respondent has violated the Board's sexual harassment policy.

The designated administrator should review the investigation report, the documentary evidence, and any other relevant information to render a written decision based on the preponderance of the evidence as to 1) whether the conduct alleged occurred; and 2) whether each allegation has been substantiated, unsubstantiated, or that there is insufficient information to substantiate that respondent violated the Board's sexual harassment policy. The designated administrator may also render a written decision as to whether other provisions of the Student Code of Conduct, policies, and/or rules were violated. If violation(s) are found, the designated administrator may issue and/or recommend sanctions to the appropriate campus principal. The designated administrator should not render a written determination until both parties have been provided ten (10) days to review the above Final investigation report.

Both parties should then be provided a copy of the written determination. The written determination will be redacted in accordance with state and/or federal law before the parties' review. The written determination must include:

- a. identification of the allegations potentially constituting sexual harassment;
- b. a description of the procedural steps taken from the receipt of the formal complaint through the determination;
- c. findings of fact supporting the determination;
- d. conclusions regarding the application of the Board's Student Code of Conduct to the facts;
- e. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the designated administrator recommends being imposed on the respondent, and whether remedies designed to restore or preserve equal access to the education program or activity will be provided by the school system to the complainant; and
- f. The procedures and permissible bases for the complainant and respondent to appeal.
  - i. The determination regarding responsibility becomes final either (1) on the date that the school system provides the parties with the written determination of the result of the appeal, if an appeal is filed, or (2) if an appeal is not filed, the date on which an appeal would no longer be considered timely.

- ii. A decision by the designated administrator regarding a determination of responsibility does not constitute an employment action with respect to respondent employee(s). Any sanction imposed on an employee as a result of the determination of responsibility shall be done in accordance with Board Policy and applicable state and federal law.
- iii. Any recommended sanction(s) imposed on a student respondent shall be done in accordance with the Student Code of Conduct.

## **7. Appeals.**

### **a. Right to an appeal.**

Should the complainant or the respondent disagree with the designated administrator's finding of responsibility and/or disagree with the Title IX Coordinator's, or his or her designee's, dismissal of a formal complaint or any allegations therein, such party shall submit a written notice of appeal within five (5) days of receiving the written determination of responsibility or dismissal of the formal complaint. The written notice of appeal should include a statement outlining the bases for appeal and any evidence which supports the appeal. The following are reasons are those in which a party may appeal:

- i. A procedural irregularity affected the outcome of the matter;
- ii. New evidence was not reasonably available at the time the determination regarding responsibility or dismissal was made, and such evidence could affect the outcome of the matter; or
- iii. The Title IX Coordinator, appointed investigator(s), or designated administrator had a conflict of interest or bias for or against complainants or respondents generally, or the individual complainant or respondent specifically, that affected the outcome of the matter.

### **b. Appeal process.:**

- i. Upon receiving the written notice of appeal, as soon as practicable, the Title IX Coordinator, must notify the other party in writing when an appeal is filed;
- ii. After receiving the notice of appeal from the Title IX Coordinator, each party will be provided five (5) days to submit a written statement in support of, or challenging, the determination.
- iii. The Superintendent, or his or her designee, will hear appeals of decisions based on student-on-student sexual harassment. (appeal authority)
- iv. The Superintendent will hear appeals of decisions against actions by Board employees. (appeal authority)
- v. If (1) no appeal is filed within five (5) days of the receipt of the notice of the designated administrator's written determination; or, 2) if the appeal authority determines that the appeal does not identify one of the bases for appeal listed above, then the appeal authority will provide simultaneous notice to the parties that no valid appeal was filed and that the decision of the designated administrator is final and the case is closed.
- vi. Upon receiving the notice of appeal, the Title IX Coordinator will forward the appeal, and any supporting information or evidence, to the appropriate appeal authority. The appeal authority will review the appeal documents, the written determination of responsibility by the designated administrator, any new evidence submitted by the parties, and the investigation report and exhibits. The appeal authority will render a written decision which includes a rationale for the decision as to each of the grounds appealed. The appeal authority will forward the decision to Title IX Coordinator within fourteen school (14) days from the

date of receipt of the appeal, unless circumstances require additional time. The decision of the appeal authority will be final.

#### F. Informal Resolution

The Board does not require, as a condition of enrollment, continuing enrollment, and/or enjoyment of any other right, that a complainant or respondent waive his or her right to an investigation and/or adjudication of formal complaints of sexual harassment consistent with this section. Similarly, the Board does not require the parties participate in an informal resolution process under this section, and the Board will not offer an informal resolution process unless a formal complaint is filed. However, if at any time prior to reaching a determination regarding responsibility under the **formal complaint** process, the Board reserves the right to facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication. Should the Title IX Coordinator, or his or her designee, believe that an informal resolution process may be appropriate, the Title IX Coordinator, or his or her designee, shall:

**1. Notice.**

Provide to the parties a written notice disclosing:

- a. the allegations;
- b. the requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations;
- c. provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint; and
- d. any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared; and

**2. Consent.**

Obtain the parties' voluntary, written consent to the informal resolution process; and

**3. Student-on-Student Harassment.**

The informal resolution process will only be utilized in student-on-student complaints, and it will not be utilized to resolve allegations that an employee sexually harassed a student.

#### G. Confidentiality

All Board employees must keep confidential the identity of a person who complains or reports sexual harassment, including parties and witnesses, except as permitted by law or to carry out the purpose of these regulations.

Board employees should also work to maintain the confidentiality of supportive measures that are provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the school to provide the supportive measures.

#### H. No Retaliation

The Board will discipline or take appropriate action against any student, teacher, administrator or other school personnel who retaliates against any person who reports sexual discrimination- including sexual harassment or violence- or any person who assists or participates in an investigation, or who assists or participates in the formal grievance process relating to such harassment or violence.

Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment. The exercise of rights protected under the First Amendment does not constitute retaliation prohibited under this section. Charging an individual with a Student Code of Conduct violation for making a materially false statement in bad faith in the course

of the grievance process under this part does not constitute retaliation prohibited under this section, provided, however, that a negative determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

#### I. Harassment or Violence as Abuse

Under certain circumstances, alleged harassment or violence may also be possible abuse under Alabama Law. If so, duties of mandatory reporting under Alabama Code Sections 16-1-24 and 26-14-1 may be applicable.

#### J. Emergency removal/administrative leave

In addition to offering supportive measures to the complainant, the school system may need to initiate an emergency removal of the respondent from campus. In accordance with 34 C.F.R. 106.44, the Title IX formal complaint and grievance process does not prevent a principal from immediately removing a student respondent from the educational program or activity on an emergency basis, provided that the principal: (1) informs the Title IX Coordinator of the alleged act, and (2) conducts an individualized safety and risk analysis and determines that emergency removal is necessary in order to protect a complainant or other student or individual from an immediate threat to physical health or safety. In the event that an emergency removal of a student respondent is necessary, the principal should comply with the Student Code of Conduct provisions regarding suspension and expulsion of students in order to provide respondent with the appropriate notice and opportunity to challenge the decision.

Emergency removal does not modify any rights under the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act.

#### K. False Statements and Allegations

The Board's sexual harassment policies and procedures prohibit anyone from knowingly making false statements or knowingly submitting false information during the sexual harassment grievance process. A student who deliberately, recklessly, and falsely accuses another student and/or employee of a violation of this policy will be subject to disciplinary sanctions as outlined in the Code of Student Conduct.

#### L. Record-keeping

All records shall be maintained in accordance with 34 C.F.R. § 106.45(b)(10). Specifically, the school system will keep records related to reports of alleged sexual harassment for a minimum of seven (7) years, including investigation records, disciplinary sanctions, remedies, appeals, and records of any action taken, including supportive measures. If supportive measures are not offered in response to a report, the records retained should document why supportive measures were not offered.

### **II. ANTI-BULLYING AND ANTI-HARASSMENT POLICY** (BOE Policy 6.25)

**Prohibition** - BCPSS is committed to providing a safe and supportive learning environment in which all members of the school community are treated with respect. Bullying, violence, and threats of violence, and intimidation are prohibited and constitute unacceptable behavior that will not be tolerated.

In accordance with Alabama law, no student shall engage in nor should any be subjected to bullying, violence, threats of violence, or intimidation by any other student that is based on any of the specific characteristics set forth in this policy. Students who violate this policy will be subject to appropriate disciplinary sanctions as specified in the Student Code of Conduct, subject to the investigating school administrator's authority and decision and in accordance with applicable Federal and State law.

#### Definitions –

a. Bullying - a continuous pattern of intentional behavior on or off of school property, on a school bus, or at a school-sponsored function including, but not limited to, cyberbullying or written, electronic, verbal, or physical actions that are reasonably perceived as being motivated by any characteristic of a student, or by the association of a student with an individual who has a particular characteristic, if the characteristic falls into one of the categories of personal characteristics contained in this policy. To constitute bullying, a pattern of behavior may do any of the following:

- i. Place a student in reasonable fear of harm to his or her person or damage to his or her property.
- ii. Have the effect of substantially interfering with the educational performance, opportunities, or benefits of a student.
- iii. Have the effect of substantially disrupting or interfering with the orderly operation of the school.
- iv. Have the effect of creating a hostile environment in the school, on school property, on a school bus, or at a school-sponsored function.
- v. 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 - 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, threat of assault, or assault.

c. Violence - 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 - a statement of an intention to inflict pain, injury, damage, or other hostile action to cause fear of harm. The intention may be communicated through an 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 and the person communicating the threat has the ability to carry out the threat.

e. Threat of violence - an unjustified expression of intention to inflict injury or damage that is made by a student and directed to another student.

f. Intimidation - an unjustified threat or other action that is intended to cause fear or apprehension in a student.

g. Student - a person who is enrolled in BCPSS.

#### Description of Behavior Expected of Students -

a. Students are expected to treat other students with courtesy, respect, and dignity, and to comply with the Student Code of Conduct. Students are expected and required (1) to comply with the requirements of law, policy, regulation, and rules prohibiting bullying, violence, or intimidation; (2) to refrain from inflicting or threatening to inflict violence, injury, or damage to the person or property of another student, and (3) to refrain from placing another student in fear of being subjected to violence, injury, or damage when such actions or threats are reasonably perceived as being motivated by any personal characteristic of the student that is identified in this policy.

b. Bullying, intimidation, violence, or threats of violence are prohibited and will be subject to appropriate disciplinary consequences and/or sanctions if the perpetrator of such action is found to have based the prohibited action on one or more of the following personal characteristics of the student:

- i. The student's race;
- ii. The student's sex or gender
- iii. The student's religion;
- iv. The student's national origin;
- v. The student's disability;
- vi. The student's marital status;

Consequences for Violations – A series of graduated consequences for any violation of this policy will be those outlined in Board Policy, the Student Code of Conduct, or any rule or standard adopted under authority of this policy.

Reporting, Investigation, and Complaint Resolution Procedures – Complaints alleging violations of this policy must be made on Board approved complaint forms available complaint form available in the handbook, on the website, or at the school's office. The complaint must be signed by the student alleging the violation or by the student's parent or legal guardian and delivered to the principal or the principal's designee either by mail or personal delivery. At the request of the complaining student or the student's parent or legal guardian, incidental or minor violations of the policy may be presented and resolved informally.

Upon receipt of the complaint, the principal or the principal's designee will, in their sole discretion, determine if the complaint alleges a serious violation of this policy. If the principal or the principal's designee determines that the complaint alleges a serious violation, the principal or the principal's designee will undertake an investigation of the complaint. The investigation will entail the gathering of relevant facts and evidence and will be conducted in a reasonably prompt time period taking into account the circumstances of the complaint. If the investigation establishes a violation, appropriate disciplinary sanctions will be imposed on the offending student(s). Other measures that are reasonably calculated to prevent a recurrence of the violation(s) may also be imposed by the principal or the school system.

Acts of reprisal or retaliation against any student who has reported a violation of this policy or sought relief provided by this policy are prohibited, and are themselves a violation of this policy. Any confirmed acts of reprisal or retaliation will be subject to disciplinary sanctions that may include any sanction, penalty, or consequence that is available to school officials under the Code of Student Conduct. A student who deliberately, recklessly, and falsely accuses another student of a violation of this policy will be subject to disciplinary sanctions as outlined in the Code of Student Conduct.

The complaint form developed to report violations of this policy will include a provision for reporting a threat of suicide by a student. If a threat of suicide is reported, the principal or the principal's designee will inform the student's parent or guardian of the report.

(The Following Exhibits are omitted but are available by link or upon request)

Exhibit "A" – Bullying Complaint Form

## **TECHNOLOGY USE AND GUIDELINES**

### **ELECTRONIC COMMUNICATION DEVICES (BOE POLICY #6.21)**

The use of personal, wireless communication devices by students is prohibited on school grounds or while students are being transported on a school bus, except as provided for herein. Personal, wireless communication devices include, but are not limited to, cellular telephones, apple watches, email devices, or any other electronic communication device. Students are permitted to keep personal wireless devices only in backpack, on silent or airplane mode, in the school office, or other locations approved by the principal or his designee. The Board assumes no responsibility for theft, loss, or damage to any personal/wireless communication device. The principal or his designee may approve the use of such devices during medical emergencies, natural disasters, after regular school hours, at events, or under circumstances in which the use of the devices serves safety and convenience without disrupting academic or school operations. Principals or their designees will also have the authority to further restrict or deny the use of personal/wireless communication devices by any student to prevent the misuse, abuse, or violation of school rules regarding the use of such devices. School officials may read, examine, or inspect the contents of any such device upon reasonable suspicion that the device contains evidence of an actual violation of the law, of Board policy, the

Student Code of Conduct, or other school rules, provided that the nature and extent of such examination shall be reasonably related and limited to the suspected violation.

This policy shall apply to handheld electronic devices with communication and storage capabilities and shall include, without limitation, cellular telephones, Apple watches, MP3 and similar music players, electronic recording devices and players, scanners, portable digital assistants, wireless email devices and cameras. The scope of this policy does not include electronic devices approved for use by the building principal or required by a student's Individualized Education Program.

In the event students are suspended or expelled for violating the Electronic Communication Device Policy, due process shall be provided in accordance with Board Policy 6.20.

#### **USE OF DIGITAL DEVICE DURING THE ADMINISTRATION OF A SECURE TEST**

The possession of a digital device (including but not limited to cell phones, Apple watches, MP3 players, cameras, or other telecommunication 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, or to have in a prohibited location, 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. Local education agency (LEA) personnel will make all students, parents, and/or guardians aware of this prohibition through inclusion of this policy in the Student Code of Conduct Handbook and other regularly used modes of communication.

#### **PRIVACY NOTICE AND NOTIFICATION OF TECHNOLOGY**

The District's computer technology, network, and Internet System are to be used for educational and professional purposes. Users are reminded that all computer, network, and Internet use may be monitored by the District, and that there is no assurance of privacy or warranty of any kind, either expressed or implied, or that all services provided through this system will be error free or without defect. All users of this system agree to abide by all district policies, and guideline rules as written in this document.

#### **NOTIFICATION OF BLOCKING, FILTERING, AND MONITORING OF TECHNOLOGY**

The *Electronic Communications Privacy Act of 1986* allows for schools to utilize a blocking/filtering system where it relates to review of communications once they are stored in a school or district system, monitoring for legitimate purposes where one (1) party has previously consented to such monitoring (Acceptable Use Agreement), and monitoring by personnel performing duties necessary to maintaining the computer systems or to protecting the rights or property of Baldwin County Public Schools.

The *Children's Internet Protection Act (PL 106-554)* requires that schools implement technology measures to protect minors from visual depictions that are obscene, pornographic, or "harmful to minors". Students and staff of BCPSS are subject to the provisions of the *Alabama Digital Crime Act (2012)*.

#### **CONTROVERSIAL MATERIAL**

Users may encounter material which is controversial and which users, parent, teachers, or administrators may consider inappropriate, offensive, obscene, lewd, and/or harmful for minors. It is the users' responsibility not to initiate access to such material. Users who voluntarily access such material may be prohibited from using the Internet.

#### **TECHNOLOGY ACCEPTABLE USAGE POLICY (AUP)**

The entire AUP policy may be found at [www.bcbe.org/ET](http://www.bcbe.org/ET).

**PURPOSE:** The purpose of the Baldwin County Board of Education is to provide an effective, challenging, and engaging education for every one of our students. The intended use of technology is to a) enhance the educational experience of students by direct interaction with technology, and to b) indirectly enhance the educational experience of students by allowing faculty and staff to access and process important information in a timely and efficient fashion.

**POLICY STATEMENT:** An acceptable use policy (AUP) is a policy that outlines, in writing, how the Board expects its community members to behave with technology. Similar to a Terms of Service document, an AUP should define publicly what is deemed acceptable behavior from users of hardware and information systems such as the Internet, computers, laptops, tablets and any applicable networks. The primary goal of the technology environment is to support the educational and instructional endeavors of students and employees of the BCPSS. Use of any and all technology resources is a privilege and not a right.

Any questions about this policy, its interpretation, or specific circumstances shall be directed to the Chief Technology Officer. Violations of this policy will be handled in a manner consistent with comparable situations requiring disciplinary and/or legal action.

## **STUDENT RELATED RIGHTS**

### **LEARNING**

Student Responsibilities Are:

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

Student Rights Are:

- a. To be informed of laws and local board of education and individual school rules and policies regarding the right to learn.
- b. To be provided a safe school environment free of illegal drugs, alcohol, or weapons.
- c. To be provided appropriate instructors, instructions, materials, and equipment to take advantage of the opportunity to learn.
- d. To be provided with the opportunity to express concerns regarding the operation of the school.

### **PARTICIPATION IN EXTRACURRICULAR ACTIVITIES**

Student Responsibilities Are:

- a. To abide by laws and local board of education and individual school rules and policies in regarding school programs and activities. (BOE Policy #6.5 and 6.6)
- b. To be courteous and responsible at all school programs and activities.
- c. To complete assignments related to his/her participation in school programs and activities.

Student Rights Are:

- a. To be informed of laws and local board of education and individual school rules and policies regarding school programs and activities.
- b. To develop or participate in student programs and activities consistent with local board of education and individual school policies and procedures.
- c. To seek office in any student organization if eligible.

### **PARTICIPATION IN GRADUATION (BOE POLICY #7.12)**

In accordance with Board policy regarding graduation and commencement, students who have satisfactorily completed requisite course work, met minimum attendance criteria, and passed required examinations are eligible for graduation. Students who have fulfilled coursework requirements are eligible to participate in graduation ceremonies. Student participation in graduation ceremonies and related graduation activities will be subject to the principal's approval and payment of any outstanding financial obligations. Participation in graduation-related ceremonies may be prohibited by the principal if the student violates disciplinary standards, or if, in the judgment of the principal, the student's participation could lead or contribute to disorder or disruption of the ceremony or activity. Further, a student who has been suspended at the time of graduation or who is attending an alternative

school setting is not allowed to participate in the graduation ceremony or any related graduation activities. Participating in the graduation commencement ceremony is a privilege and not a right. Students have no constitutional right to receive their diploma at a specific graduation ceremony.

#### **ATHLETIC PROGRAMS (BOE POLICY # 6.5).**

##### **Participation**

Students in grades 7-12 are eligible to participate in the Baldwin County Schools Athletic Program providing that they meet the Alabama High School Athletic Association Academic and Eligibility Rules. Review the BOE Policy # 6.5 for more information concerning athletic participation requirements and contact the school system's Assistant Superintendent, Mr. Marty McRae, at 251-937-0308, for any additional information regarding eligibility and participation in BCPSS sports activities.

##### **Medical Conditions**

A student participating in a school sport who is diagnosed with a chronic or emergency health condition requiring medication to be available for administration must have the medication(s) authorized by the school nurse. The parent/legal guardian must notify and submit all medication and required documentation to the school nurse prior to participation. All athletes must have a medical clearance completed by a physician.

#### **FREE SPEECH (BOE POLICY 6.11)**

Student Responsibilities Are:

- a. To abide by laws and local board of education and individual school rules and policies regarding free speech.
- b. To be courteous of the views of others.

Student Rights Are:

- a. To be informed of laws and local board of education and individual school rules and policies regarding free speech.
- b. To express disagreement in a constructive manner taking into account the rights of others, consistent with the established education process.

#### **STUDENT PUBLICATIONS (BOE POLICY #6.7)**

Student publications are subject to and will be expected to meet standards associated with responsible journalism. The principal and student publication sponsor are responsible for the content of such publications.

Student Responsibilities Are:

- a. To abide by laws and local board of education and individual school rules and policies regarding student publications.
- b. To communicate in a respectable manner consistent with good education practices.
- c. To seek accurate and complete information on the topics approved for publication.
- d. To observe the accepted rules for responsible journalism under the guidance of faculty members.

Student Rights Are:

- a. To be informed of laws and local board of education and individual school rules and policies regarding student publications.
- b. To participate, as part of the educational process, in the development and/or distribution of student or school publications consistent with the educational process.

#### **ASSEMBLY**

Student Responsibilities Are:

- a. To abide by laws and local board of education and individual school rules and policies in regard to assembly.
- b. To seek approval, plan, and conduct meetings consistent with local board of education rules.

Student Rights Are:

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

#### **CHECKS RETURNED FOR INSUFFICIENT FUNDS (BOE Policy # 3.19)**

#### **HEALTH SERVICES, (BOE Policy # 6.15)**

##### **SCHOOL HEALTH SERVICES**

A program of student health services is provided in the areas of health assessment and care, emergency care, communicable disease prevention and control, and health education and screenings for students of Baldwin County. Screening programs include vision and hearing screening in grades kindergarten and second and fourth and scoliosis screening is provided in grades 5-9 (ages 11-14) as mandated by state law. Periodically, dental screening programs are provided for elementary school students. Various health education programs are provided annually. A "Changing Bodies" program is offered for all fifth-grade students with parental consent. Emphasis is given to "hand washing" and "cough and sneeze etiquette" programs on an as-needed basis across grade levels throughout the year. Individualized Health Care Plans (IHPs) and/or Emergency Action (EAPs) Plans are developed for students who: 1) need health services on a daily or regular basis, 2) have health conditions that may lead to a medical emergency and require an EAP, 3) require specialized care, 4) receive health services under an IEP or Section 504, and/or 5) receive care delegated by an RN to unlicensed assistive personnel at school) (NASN, Sampson & Will, 2017).

##### **IMMUNIZATION REQUIREMENT FOR SCHOOL ENTRY**

All students are required to have an updated Certificate of Immunization, prior to entering kindergarten or first grade or prior to re-entering the higher grades as mandated by the State of Alabama (Code of Alabama 1975, § 16-30-4). For more information regarding back-to-school immunization requirements, , please visit the Alabama Department of Public Health website.

##### **SICK DAY EXCLUSIONS**

As a parent, there are times when you are unsure whether your child should attend school and when to seek medical care. To find out more information regarding when to keep your child home from school, please view the Baldwin County Public School System's "Sick Day Exclusions" guidelines located on the Health Services page on the Board's website.

##### **SICK DAY EXCLUSIONS**

If your child is not feeling well, your healthcare provider is the best person to consult about school attendance. Common sense, concern for your child's well-being, and the possibility of infecting classmates should all contribute to the decision about your child staying home versus going to school (American Academy of Pediatrics, 2023). The Baldwin County Public School System relies on recommendations from the Alabama Department of Public Health Communicable Disease Chart for Alabama's Schools and Childcare Facilities and guidelines established by the American Academy of Pediatrics. These references, along with Health Services "Sick Day Exclusions" procedure, are located on the Health Services page on the Board's website.

##### **COMMUNICABLE DISEASES**

The policy of the Baldwin County Board of Education is to observe the regulations for the control of communicable diseases in public schools as recommended by the State Board of Health (see Communicable Disease Chart for Alabama's Schools and Childcare Facilities on the ADPH website).. The Board shall exercise its authority to condition the recommendation with regard to the prescribed school program and the dates of admittance.

#### **FOOD ALLERGIES AND ANAPHYLAXIS**

Anaphylaxis is the most serious form of an allergic reaction that occurs after being exposed to an allergy trigger. This type of reaction can be life-threatening; therefore, avoidance is the cornerstone of preventing an allergic reaction. The Board has adopted an Anaphylaxis Preparedness Program. A copy of the full policy and procedures regarding Anaphylaxis is available for review in the Health Services Administrative Office and in all School Health Rooms and online at [www.bcbe.org](http://www.bcbe.org) under the Health Services link. Anaphylaxis is a medical emergency that requires immediate intervention and treatment. Parents who have children diagnosed with allergies should contact their child's school nurse so that proper preventative measures can be discussed and put in place.

#### **PEDICULOSIS (HEAD LICE)**

Pediculosis (infestation by head lice) should not disrupt the educational process. Head lice are a common problem, especially among school-aged children and their families. The lice can attach to the hair of anyone's head. It doesn't matter if the hair is clean or dirty. Head lice are found worldwide in all different places, such as in homes or schools, in the country or city. It doesn't matter how clean, dirty, rich, or poor the place or person is. Though head lice may be a nuisance, they don't cause serious illness or carry any diseases. Head lice can be treated at home, but it's important to check with your healthcare provider first. Head lice are crawling insects. They cannot jump, hop, or fly. The main way that head lice spread is from close, prolonged head-to-head contact. There is a very small chance that head lice will spread by sharing items such as combs, brushes, hats and sports helmets. The Baldwin County Health Services personnel have adopted procedures and guidelines regarding the management and prevention of head lice. based on clinical practice guidelines established by the American Academy of Pediatrics (AAP) and ADPH. For more information about school-related pediculosis management and prevention procedures, contact your child's school health room nurse.

#### **MEDICATION AT SCHOOL AND MEDICATION CURRICULUM**

It is the policy of the BCPSS that the professional school nurse be responsible for medication administration in the school setting. BCPSS follows the Alabama Department of Education Medication Curriculum titled, *Unlicensed School Personnel: How to Assist with Medication in the School Setting*. The Medication Curriculum is available for review in the Health Services Administrative Office and in all School Health Rooms. The parent/guardian and healthcare provider must sign the Alabama State Department of Education School Medication Parent/Prescriber Authorization (PPA) form granting permission for a child to receive prescription or over-the-counter (OTC) medication at school. The parent/guardian shall deliver all medication to the school nurse or designated unlicensed medication assistant in the original container with clear, updated instructions for administration. Should you have questions or concerns regarding medication administration, please contact your child's school nurse or the Health Services Coordinator at (251) 239-4327.

#### **BACKPACK SAFETY**

Backpacks that are too heavy can cause a lot of problems for kids, like back and shoulder pain and poor posture. To read more on the National Safety Council's initiative to prevent injury to children resulting from backpacks that are too heavy please visit the "Backpack Safety" tab located on the Board's Health Services page on the Board's website.

#### **STUDENT AIDS/HIV**

BCPSS does not discriminate on the basis of a student's human immunodeficiency virus ("HIV") or acquired immunodeficiency syndrome ("AIDS") status or the association with another person with HIV/AIDS. A student with

HIV/AIDS infection has the same right to attend school and receive services as any other student, and will be subject to the same rules and policies.

HIV/AIDS infection shall not factor into any decisions concerning class assignments, privileges or participation in any school-sponsored activity. Based on a student's need for accommodations or services, school authorities will determine the educational placement of a student known to be infected with HIV/AIDS on a case-by-case basis by following established policies and procedures for students with chronic health problems or students with disabilities.

Every employee has a duty to treat as highly confidential any knowledge or speculation concerning the HIV/AIDS status of a student. Violation of medical privacy may be cause for disciplinary action. No information regarding a person's HIV/AIDS status will be divulged without a court order or the informed, written, signed and dated consent of the parent or guardian of a minor with HIV/AIDS.

All health records, notes and other documents that reference a student's HIV/AIDS status will be kept Confidential. Access to these confidential records is limited to those named in written permission from the parent or guardian and to emergency medical personnel. Information regarding HIV/AIDS status will not be added to a student's educational or health records without written consent of the parent or guardian.

Employees are required to follow infection control guidelines in all settings at all times. Schools will operate according to the guidelines and standards set forth by the National Associations of State Boards of Education , the U.S. Department of Education, and in the of the Alabama State Department of Education concerning blood borne pathogens.

## **INSTRUCTIONAL SERVICES**

### **POWERSCHOOL/PARENT PORTAL**

As of Spring 2021, BCPSS will utilize the **Power School** software program to allow parents to have access to a variety of their student's information. Depending on how your child's school uses the program, parents may access the *Power School Home/Parent Portal* to view the student's demographics, attendance, discipline, fees, grades, schedule, reports, and alerts. Power School offers accessibility for K-2 for demographic information only. Grades 3-12 offers accessibility to a variety of information listed above. Access to the *Power School* link can be found on our website, [www.bcbe.org](http://www.bcbe.org) .. To obtain a login and the Web site to access your child's information, contact your student's local campus registrar.

### **CURRICULUM**

In accordance with Act \_\_\_\_\_ that requires the posting of current adopted curricula for each class on the website of a student's school, classroom curricula should be made available to students, parents, or guardians of enrolled students through the school's website. If following a review of the curriculum, a parent or guardian would like further information regarding how the instructional materials relate to the content standards adopted by the Alabama State Board of Education and/or if a parent or guardian would like to physically examine any instructional materials used in his or her child's classroom, the parent or guardian may request that the Board allow such examination at the next work session of the Board. The following procedures will apply to a parent or guardian's request to physically examine instructional materials used in the child's classroom:

1. A parent or guardian should submit a request in writing or by email to the Superintendent;
2. Such request should identify the child's name, the classroom teacher's name, and the specific instructional materials that the parent or guardian is seeking further information on and/or whether

- the parent or guardian is seeking to physically examine the instructional materials;
3. The Superintendent will notify the Board of the parent or guardian's request;
  4. If the parent or guardian is seeking further information, the Board, through its designee, will notify the classroom teacher and building principal of the request and the classroom teacher should provide a detailed summary, by email, telephone or other electronic means of:
    - a. Instructional materials adopted by the Board
    - b. Supplementary instructional materials in the classroom that were not adopted by the Board, and
    - c. Books in the classroom that are available for students to read.
  5. If the parent or guardian is seeking to physically examine the instructional materials, the Board, through its designee, will notify the parent or guardian AND the teacher of the issues involved and the date and time of the next work session wherein parent or guardian will be afforded an opportunity to physically examine the instructional materials. The teacher may also be present for such examination.

For any class in which reading books is required, the classroom teacher should include the titles of the books on a classroom syllabus. Upon the request of the parent or guardian of a child enrolled in the class, the classroom teacher shall make the syllabus available to the parent or guardian if the teacher has not done so already.

If a classroom teacher fails to comply with any of the above, the parent or guardian may file a complaint with the Superintendent on a form developed by the Superintendent and available to a parent or guardian upon request to the Superintendent by email. If the complaint is not resolved by the Superintendent within ten (10) school days, the parent or guardian may file a complaint with the State Superintendent of Education or his or her designee.

#### **PROMOTION AND RETENTION OF STUDENTS** (BOE POLICY # 7.3.4)

In accordance with Board Policy, and subject to any State or Federal laws outlining otherwise, students are promoted from grade to grade on the basis of students meeting applicable promotion criteria. In grades K-8, the decision to promote or retain will be made in the best interest of the child, subject to any applicable State or Federal laws dictating otherwise. Students may be placed at the level determined most appropriate by the principals. In grades 9-12, students are promoted or retained based on the number of Carnegie credits earned. For additional guidelines and procedures regarding promotion and retention decisions for grades K-8 and the awarding of Carnegie units in grades 9-12, individuals should contact the Assistant Superintendents for the respective grade levels.

#### **GIFTED REFERRAL PROCEDURES**

Intellectually gifted children and youth are those who perform at or have demonstrated the potential to perform at high levels in academic or creative fields when compared with others of their age, experience, or environment. Teachers, counselors, administrators, parents or guardians, peers, self, or any other individuals with knowledge of the student's abilities may refer a student. Additionally, all second-grade students will be observed as potential gifted referrals using a gifted behavior checklist. For each student referred, information is gathered in the areas of Aptitude, Characteristics, and Performance. The 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 gifted services.

#### **To make a referral:**

- Tell your child's classroom teacher or the school's Gifted Education Program teacher that you would like to have your child referred for the Gifted Education Program.

- The Gifted Education Program Teacher will then begin the referral process by sending a Notification and Consent for Gifted Screening form home for you to sign. This gives permission for the school system to look at previous test results and achievement information. It also allows the system to administer achievement tests, vision and hearing and ask the classroom teacher to complete an evaluation of gifted characteristics seen in the regular classroom.
- Next, a committee at the local school will review all data and determine if there is enough information to continue with the referral. The referral is then sent to Loxley Satellite Office or the Foley PAC building for processing.
- If your child's scores are at the appropriate level the referral will continue. If scores are not at the appropriate level, a letter will be sent home to parents from the Loxley Satellite Office.
- After all testing is completed; you will receive information on the results and eligibility requirements for the program.

For more information on gifted referral procedures and eligibility requirements, please contact Amy McClellan, Special Services Supervisor, at 972-6858.

#### **SECLUSION AND RESTRAINT FOR ALL STUDENTS** *(BOE POLICY #6.19)*

The Baldwin County Board of Education adheres to the Alabama Administrative Code 290-3-1-.02 (1) (f) regarding Seclusion and Restraint for all students. Additional information as required by this code is outlined in procedures, a copy of which may be obtained by contacting the Special Services Department at 251-972-6860:

#### **HOMEBOUND SERVICES GUIDELINES AND PROCEDURES** *(BOE POLICY #6.28)*

Homebound services shall be made available to students who qualify. Additional information regarding student homebound services can be found on the Board's website and by contacting the Board's Intervention Supervisor: at 251-972-8550.

#### **TITLE I** *(BOE POLICY # 7.15)*

##### **SERVICE ANIMALS** *(BOE Policy # 6.29)*

For Students with disabilities needing additional information and guidelines regarding the use of a service animal on Board Property, please contact the Board's Health Services at 251-972-8550.

#### **INSPECTION OF SCHOOL BOARD PROPERTY** *(BOE Policy #6.17a)*

School officials reserve the right to inspect school property, including lockers, to ensure the safety and security of the premises and pupils. Lockers remain the property of the school. Although a student may exercise exclusive control of this locker as opposed to access by fellow students, the control is not exclusive against school officials. School officials may inspect lockers at any time to ensure school safety and pupil welfare.

#### **CARE OF PROPERTY** *(BOE Policy #4.4)*

Every pupil shall be a protector and caretaker of school property. Pupils who injure, deface or destroy any property of the school system shall be required to pay for damages. Pupils shall respect the property rights of others. Liability limit up to \$1,000.00 – Act 94-819

- (a) Safekeeping of Valuables Pupils are discouraged from bringing valuables and large amounts of money to school. Pupils shall be responsible for safekeeping of valuables and should not leave books, clothing, wallets, purses or other valuables unattended.

(b) Only pupils assigned to a locker should have the combination.

#### **HAZARDOUS AND DISRUPTIVE ITEMS**

Items which are hazardous or disruptive to the educational process may be collected by school officials.

#### **STUDENT SEARCHES** (*BOE Policy #6.17*)

#### **SCHOOL VISITORS** (*BOE POLICY #4.1*)

Visitors to the school campus must obtain permission through the principal's office before entering school building or going on school grounds. Principals are authorized to implement building-level requirements and procedures governing access to the school building and regarding activities attended by school and non-school personnel, including family members, relatives, vendors, and other visitors in order to maintain appropriate security, minimize disruption and distraction within the learning environment, or to avoid a potential risk of harm to a student or employee.

Unauthorized persons on school property are trespassers and shall be subject to legal prosecution. This includes students who are on suspension or have been expelled.

#### **TEXTBOOK ACCOUNTABILITY**

*Alabama Code § 16-36-69* - Use of textbooks.

(a) All textbooks furnished free of charge to pupils shall be the property of the local board of education, as long as textbook funds are expended as prescribed by law.

(b) When distributed to pupils the textbooks shall be retained for normal use only during the period they are engaged in a course of study for which the textbooks are selected. At the completion of each course of study or otherwise at the instructions of the principal or teacher in charge, the textbooks shall be returned as directed. A receipt shall be required from each pupil, parent, or guardian upon issuance of any textbook, which receipt shall be retained until the return of the textbook.

(c) The parent, guardian, or other person having custody of a child to whom textbooks are issued shall be held liable for any loss, abuse, or damage in excess of that which would result from the normal use of the textbooks. In computing the loss or damage of a textbook that has been in use for a year or more, the basis of computation shall be a variable of 50 to 75 percent of the original cost of the book to the local board of education. If the parent, guardian, or person having custody of the child to whom the textbook was issued fails to pay the assessed damages within 30 days after notification, the student shall not be entitled to further use of the textbooks until remittance of the amount of loss or damage has been made.

#### **AUTOMATED EXTERNAL DEFIBRILLATORS (AEDs)**

The Board finds that providing automated external defibrillators to Board facilities in accordance with the provisions of *Alabama Code 6-5-332.3* is in the best interest of the students, employees and visitors of the Board. The Board authorizes its staff to equip appropriate Board owned facilities with AEDs and to implement appropriate guidelines for the use of automated external defibrillators in Board facilities.

#### **ACCIDENTS**

Principals and school nurses shall file appropriate reports with the appropriate coordinator or supervisor of all student accidents requiring professional medical services occurring on school grounds or while participating in school related activities.

**FIRST AID**

Principals shall establish and maintain a first aid area commonly referred to as “Health Room, to provide health and emergency services to students.

**INCIDENTS**

The principal shall file with the attendance supervisor reports of all incidents occurring on school campuses in compliance with Legislative Act 82-515.

**VOLUNTARY RELIGIOUS EXPRESSION** *(BOE POLICY #6.11)***FUND RAISING** *(BOE POLICY #3.17)***STUDENT RECORDS** *(BOE Policy 6.14)*

The Baldwin County Board of Education shall adhere to the provisions of the Family Educational Rights and Privacy Act of 1974 regarding students records.

Parents shall be notified of their Family Educational Rights and Privacy Act rights annually by publication of the policy in the student handbook. Copies of the policy shall be available at each school.

**INSTRUCTIONAL MEDIA AND DIGITAL LEARNING PLATFORMS**

Baldwin County utilizes video and audio teleconference as part of its school operations including but not limited to: distance learning, virtual school programs, instructional videos, security footage, and video/teleconferences. Instruction in classes in Baldwin County may be recorded or streamed live. Any recordings will be available to students enrolled in the specific class. Recordings and digital learning are intended to supplement the classroom experience and/or to continue the classroom experience in the emergence of the virtual learning environment in this digital age. Students are expected to follow all Board and campus policies and procedures and maintain the security of passwords used to access these virtual learning platforms. Live streaming and recordings may not be captured or reproduced, shared with those not in the class, or uploaded to other online environments. Doing so would be a breach of the Baldwin County Board of Education’s Acceptable Use Policy.

**DIRECTORY INFORMATION NOTIFICATION**

Pursuant to the Family and Educational and Privacy Rights Act, 20 U.S.C.A. section 1232g. The Baldwin County Board of Education (“Board”) believes that it is vitally important to communicate and in so doing, may deem it necessary to make its schools, students and certain student information available to the public, including, but not limited to the news media and other informational and promotional outlets. Pursuant to the Family and Educational and Privacy Rights Act, 20 U.S.C.A. section 1232g and the implementing regulations, the Board hereby provides notice of the categories of information that it has designated as “Directory Information”, which means information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed. Directory Information may be released without prior parental consent.

The Board designates the following categories of information as Directory Information: the student’s name, photograph, video image (other than security video), date and place of birth, dates of attendance, grade level, enrollment status, degrees, honors and awards, student work intended for display or dissemination and participation in officially recognized activities, including but not limited to sports, along with general information associated with said activities, such as the weight and height of members of athletic teams. Directory Information shall also include the

name(s) and mailing address of the student's parent(s) or guardian(s). Student video images contained on security video recordings shall be subject to disclosure as Directory Information to law enforcement personnel and the parent(s) or guardian(s) of a student appearing on security video recordings.

Furthermore, the Board uses all available media (audio and video) to communicate, including but not limited to promotional videos. Directory Information may be in, but not be limited to print, video, audio and/or web-based media. In the event a parent or guardian objects to the disclosure of any or all of the information designated herein as Directory Information, you may opt out by visiting [bcbe.org/optout](http://bcbe.org/optout) and complete the form and digital signature for each school year in which you wish to opt-out of directory information on your child's behalf. Should you have questions regarding this information, please contact your local school principal or Ms. Chasity Riddick, Communications Project Manager, Baldwin County Public Schools at 251-970-4433.

## **INSPECTION OF STUDENT RECORDS and/or PUBLIC RECORDS REQUESTS**

### **For student record requests:**

Parents or eligible students shall submit to the student's principal or other appropriate school official, (see type, location and custodian chart included below), a written request which identifies as precisely as possible the record or records he or she wishes to have access to. The principal or other appropriate school official shall make the needed arrangements for access as promptly as possible and notify the parent or eligible student of the time and place where the records may be inspected. In accordance with applicable law, access must be given in 45 days or less from the receipt of the request.

In accordance with applicable law and Board Policy, the Board is not required to provide copies of education records, unless, for reasons such as great distance, it is impossible for a parent or eligible student to review the records. If copies are required, a reasonable fee, as outlined below, will be assessed for those copies requested.

For public records request not student associated with:

### **Copy Costs for all records and documents:**

The cost for standard reproductions of paper documents is outlined in the below fee schedule. Please note, even if requested documents are currently available in electronic form, if reproduction of a document into paper form is required in order to provide an electronic or paper copy, the cost for standard reproduction of the document will be assessed as outlined below. An administrative fee that covers research, preparation and/or recovery costs may also be assessed for each request. The total cost may vary greatly depending on the type of request that is being made. The requestor will be provided with an estimated cost for reproduction and fees prior to the fulfillment of the request. Payment must be provided before documents will be made available. Note: No work will be done to fulfill your request until the payment is received. If records are mailed to the requestor, the requestor will also be assessed the estimated cost of postage as part reasonable fee.

#### **SCHEDULE OF FEES FOR COPIES:**

##### **General Copies**

<b>Size/Format</b>	<b>Fee</b>
8.5 x 11	\$0.25 per page
8.5 x 14	\$0.25 per page

11x17	\$0.25 per page
CDs	\$1.00 each
DVDs	\$1.00 each
Jump Drive	\$2.00 each
Actual postage cost will be added for any request that is fulfilled by mail	

#### **Administrative Costs for Time Intensive Copies or Time Intensive Retrieval of Requested Information**

<b>Employee Time Spent</b>	<b>Fee</b>
First hour or less	No charge above the copy fee
Consecutive Hours after First Hour (1+ hours)	\$15 per hour plus copy fee
*Partial Hours will be rounded to the next full hour	

#### **TYPES, LOCATIONS, AND CUSTODIANS OF STUDENT RECORDS**

The following is a list of the types of student records the school system maintains, their locations, and the applicable custodian of records:

<b>Type</b>	<b>Location</b>	<b>Custodian</b>
Cumulative School Records	School Office	School Principal/Princ. Designee
Cumulative School Records (Former Students)	School Office and/or Office of Prevention and Support	School Principal/Princ. Designee and/or Prevention and Support Supervisor
Student Health Records	School Office or Student Health Services	School Principal/Princ. Designee and/or Health Services Coordinator
Special Education Records (Active and Inactive)	Special Services Office	Special Education Coordinator or his or her designee
Counseling and Section 504 Records	Office of Counseling and Intervention	Intervention Supervisor
School Transportation Records	Transportation Department	Director of Transportation
System-Wide Test program records	School Office	School Principal/Princ. Designee
Discipline Records	School Office	School Principal/Princ. Designee
Grades, Student Test Papers or Work Samples	School Office	School Principal/Princ. Designee and/or student's teacher

#### **DISCLOSURE OF EDUCATION RECORDS**

The school system shall disclose information from a student's education records only with written consent of the parent, legal guardian, or eligible student, except:

- To school officials who have legitimate educational interest in the records.  
A "school official" is:
  - A person employed by the district as an administrator, supervisor, instructor, or support staff

member.

- A person elected to the school board.
- A person employed by or under contract to the district to perform a special task, such as an attorney, auditor, medical consultants or therapists.

A school official has a legitimate educational interest if the official is:

- Performing a task that is specified in his or her position description or by a contract agreement.
- Performing a task related to a student's education.
- Performing a task related to the discipline of a student.
- Providing a service or benefit relating to the student or student's family, such as health care, counseling, or job placement.

2. To officials of another school in which a student seeks or intends to enroll upon request of such official. The school system forwards records upon request.
3. To certain officials of the U.S. Department of Education, the Comptroller General, and state and local educational authorities, in connection with certain state or federally supported education programs.
4. In connection with a student's request for or of receipt of financial aid, as necessary to determine the eligibility amount or conditions of the financial aid, or to enforce the terms and conditions of the aid.
5. If required by a state law requiring disclosure that was adopted before November 19, 1974.
6. To organizations conducting certain studies for or on behalf of the district.
7. To accrediting organizations to carry out their functions.
8. To parents of an eligible student who claim the students as a dependent for income tax purposes.
9. To comply with judicial order or lawfully issued subpoena.
10. To appropriate parties in a health or safety emergency.

#### **RECORD OF REQUESTS FOR DISCLOSURE**

BCPSS shall maintain a record of all requests for and/or disclosure of information from a student's education records, excluding requests of school officials and requests for directory information. The record will indicate the name of the party making the request, any additional parties to whom it may be disclosed, and the legitimate interest the party had in requesting or obtaining the information. The record may be reviewed by the parents or eligible student.

BCPSS designated the following items as Directory Information: student name, address, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, awards received, most recent previous school attended and photograph. The District may disclose any of those items without prior written consent, unless notified in writing to the contrary by July 1 preceding the school year.

#### **CORRECTION OF EDUCATION RECORDS**

Parents or eligible students have the right to request that records be corrected they believe are inaccurate, misleading, or in violation of their privacy rights. The following procedures shall be utilized in correcting student records:

1. Parents or the eligible student must submit written request for BCPSS to amend the record. In so doing, they shall identify the part of the record they want changed and specify why they believe it is inaccurate, misleading, or in violation of the student's privacy or other rights.
2. Baldwin County schools may comply with the request or decided not to comply. If a decision is made not to comply, system personnel shall notify the parents or eligible student of the decision and advise them of their right to a hearing to challenge the information believed to be inaccurate, misleading, or in violation of the student's rights.
3. Upon request, Baldwin County School officials shall arrange for a hearing, including the hearing officer, and notify the parents or eligible student, reasonably in advance of the date, place and time of the hearing.
4. The hearing shall be conducted by a hearing officer who is a disinterested party; however, the hearing officer may be an official of the District. The parents or eligible student shall be afforded a full and fair opportunity to present evidence relevant to the issues raised in the original request to amend the student's education records. The parents or student may be assisted by one or more individuals, including an attorney.
5. Baldwin County School officials shall prepare a written decision based solely on the evidence presented at the hearing and as recorded in the official board record of the hearing.
6. If Baldwin County School officials decide the challenged information is not inaccurate, misleading, or in violation of the student's right of privacy, it shall notify the parents or eligible student they have a right to place in the record a statement commenting on the challenged information and/or a statement setting forth reasons for disagreeing with the decision.
7. The statement shall be maintained as part of the student's education records as long as the contested portion is maintained. If BCPSS discloses the contested portion of the record, it shall also disclose the statement.
8. If BCPSS decides the information is inaccurate, misleading, or in violation of the student's right of privacy, it shall amend the record and notify the parents or eligible student, in writing, that the record has been amended.

### **CHILD NUTRITION AND WELLNESS (SEE BOE POLICY #3.18 & 7.13)**

#### **SCHOOL FOOD SERVICE MANAGEMENT POLICIES AND PROCEDURES**

School food services shall be provided in all schools where feasible. The management of said service shall be coordinated with the Supervisor of School Food Services and with the local principal responsible for the management in his/her school.

In accordance with Board Policy 7.13, Individual schools operating school food service programs under the National School Lunch Act shall follow all requirements of the State and Federal agencies regulating USDA programs.

#### **PURCHASING FOR SCHOOL FOOD SERVICE**

Purchasing of food, equipment, and other items for the school food service program shall be in conformity with current rules and regulations for the board.

#### **FREE AND REDUCED LUNCH POLICIES**

A guide for free and reduced price lunches for the local system shall be revised and updated in conformity with that of the current USDA and State Department of Education policies. Principals shall follow this guide in administering this program. Any exceptions shall have the approval of the superintendent or his designee.

#### **PRICE AND PAYMENT OF SCHOOL FOOD SERVICES**

The price of breakfast and lunch paid by students and adults in local system schools shall be recommended by the superintendent and approved by the board. Guests may be invited to have lunch on special occasions. Visitors not

affiliated with school activities served in the school food service program shall have approval of the principal and shall be required to pay the current cost of the meal unless the cost of said meal is paid by the individual or group of individuals who extends invitations to eat in the school cafeteria.

### **SANITATION INSPECTIONS**

The principal, lunchroom manager, and school food service supervisor shall cooperate in every way with local, state and federal health inspectors. Lunchrooms shall conform to standards as set forth by these agencies. The principal shall assume primary responsibility in seeing that the lunchroom meets applicable rules and regulations relative to sanitation. The principal shall request assistance as necessary from the Supervisor of School Food Services in assuming this responsibility.

### **CARE OF SCHOOL FOOD SERVICE EQUIPMENT AND FACILITIES**

The principal and manager are responsible for the care of school food service equipment and facilities. Requests for maintenance work shall conform with procedures established by the board.

### **CHILD NUTRITION PROGRAM CHARGE POLICY** *(BOE Policy # 3.18)*

Baldwin County Public Schools realizes that some students may either lose or forget their lunch/breakfast money. However, it is unlawful for the Child Nutrition Program to absorb unpaid, charged meals. Therefore, the following guidelines may be used by schools at the principal's discretion:

Grades Pre-K through 3 and All Special Needs Students: Federal law requires grades Pre-K through 3 and special needs children to receive a meal at breakfast and lunch, regardless of funds. Parents will be contacted for repayment of charged funds. Non-public funds will be used to covered charged meals if money cannot be collected from parents.

Grades 4-12: Two meals may be charged. The students and/or parents are responsible for repaying the funds for charged meals to the cafeteria. After a student has charged two meals, an alternative meal may be provided to the student at the principal's discretion.

No a la carte items can be purchased by any student until money for charged meals is collected. The cafeteria manager should continue to submit the child's name to a designated office employee daily or weekly until the charges are collected and submitted to the Child Nutrition Program. The CNP Manager and Assistant Manager should assist in contacting parents regarding money owed to the cafeteria. At the end of the school year, the school office will be responsible for remitting payment for the remaining charges to the Child Nutrition Program with non-public funds if parents have not resolved the matter within the proper time frame.

### **CHILD NUTRITION PROGRAM OFFER VS. SERVE**

The Child Nutrition Program offers lunch to all children in Baldwin County Public Schools and breakfast at select schools. Offer versus Serve (OVS) is system for reimbursable meals that allows students to decline a certain number of food items in the meal in order to reduce waste. Only senior high schools are federally required to have OVS for lunch and breakfast. To date, the practice for Baldwin County Public Schools has been to require Grades 4 – 12 to implement OVS. For lunch, students may decline 2 of the 5 food items offered and still be considered a reimbursable lunch. For breakfast, students may decline 1 of the 4 food items offered and still be considered a reimbursable breakfast. A reimbursable meal consists of 3 different food components and meets nutrient and portion size standards. Reimbursable meal prices are the same regardless if students decline items as long as a reimbursable meal is served. Students can choose to take all 5 meal components.

For lunch, the food items students choose from are:

- Meat or Meat Alternate

- Vegetable or fruit
- Fruit or vegetable
- Bread/Grain
- Milk

For breakfast, the food items students can choose from are:

- Meat or Meat Alternate
- Bread/Grain
- Fruit/Juice
- Milk

(The breakfast meal may consist of two meat/meat alternates or two bread grains.)

Offer vs. Serve will apply to all grades, Pre-K through 12 for breakfast and lunch. This will allow children to leave unwanted food items off the tray and will significantly reduce waste. Under this policy, children in all grades can decline milk as one of the food items. If children do not choose enough food items to comprise a reimbursable meal, a la carte prices will be charged. School staff cannot make exceptions to the policy, such as requiring that every child take milk. CNP managers and staff will be trained on OVS by CNP Central Office Staff prior to the beginning of each school year.

#### **CHILD NUTRITION PROGRAM DIET PRESCRIPTION POLICY FOR STUDENTS WITH SPECIAL DIETARY NEEDS**

USDA regulations 7 CFR 15b require substitutions or modifications in school meals for children whose disabilities restrict their diets. A child with a disability is only provided substitutions or modifications in foods when that need is supported by a statement signed by a licensed healthcare provider (Diet Prescription Form). Baldwin County Public Schools Child Nutrition Program will work with these children to provide the best accommodation possible.

When in the licensed healthcare provider assessment, indicated food allergies may result in severe, life-threatening (anaphylactic) reactions, the child's condition would meet the definition of a "disability," and the substitutions or modifications by the healthcare provider must be made.

Each special dietary request must be supported by a Diet Prescription Form. This form explains the food substitution or modification that is requested. It must be signed by a licensed and recognized medical authority. Diet Prescription Forms for Baldwin County Schools can be obtained at each school from the school nurse, from the Child Nutrition central office, Health Services Central Office, or online at [www.bcbe.org](http://www.bcbe.org).

Under no circumstances are school food service staff and school nurses able to revise or change a diet prescription. If any changes need to be made, the parent is responsible for obtaining a new diet prescription from the healthcare provider .

School food service staff offers special meals, at no additional cost, to children whose disability restricts their diet as defined in USDA's nondiscrimination regulations, 7 CFR Part 15b.

It is advised by the State Department of Education and USDA that all children with diet prescriptions on file obtain new diet prescriptions for each school year. Because food allergies and special dietary needs can change as children get older, it is necessary to obtain updated information from a medical doctor regarding the child's condition and dietary needs.

The Child Nutrition Staff can only accommodate special dietary requests for students. Adults with special dietary needs should review the menu and supplement food from home.

**STUDENT WELLNESS** *(BOE POLICY #7.13)*

In furtherance of its commitment to fostering healthy nutritional and physical activities that support student achievement and that promote the development of lifelong wellness practices, the Board endorses nutrition education and physical education and activity. For more information regarding BCPSS's rules and directives regarding the implementation of the Board's student wellness policy on nutrition and physical activity, please contact the Child Nutrition Coordinator.

## **AFTER SCHOOL CHILDCARE**

Baldwin County Public Schools offers fee-based, AfterSchool Care (ASC) programs to provide a safe environment with quality programming beyond the traditional school day. Most elementary and some intermediate schools in the district host ASC school year and summer programs. ASC programs serve students PreK through sixth grade, and students attend the program provided on the campus of their enrolled school. Participation in the ASC programs is a privilege, not a right and space is limited based on staffing availability, location logistics, and programming needs. ASC programs include an application process prior to enrollment, and the expectation that students follow program rules, guidelines, and procedures.

To be eligible for participation in Baldwin County Public School's Afterschool Care programs, students should meet the following criteria:

1. Be enrolled in a traditional setting/classroom within the Baldwin County Public School System.
2. Respond to first name.
3. Be fully toilet trained.
4. Be able to interact with other children and adults in a non-aggressive manner. Should a child be a danger to himself or others, he/she may be dismissed from the program.
5. Be able to participate in group activities with other children with minimal additional adult support.

\*If your child has any health, medical, or special needs, please document the need on the application form. If additional staff is needed to accommodate your child, there may be a delay in starting the program until adequate staff can be put in place to meet the child's need.

The criteria for participating in the Afterschool Care program and the policies by which the program is governed are subject to change at any time at the sole discretion of the Afterschool Care program or the Baldwin County Board of Education.

## **PRESCHOOL PROGRAMMING**

### **OSR PreK Classrooms**

PreK in Baldwin County Public Schools includes an application process prior to enrollment. This includes going to the school to provide two proofs of residency, the child's birth certificate, and completing the state website-AlaCEED. After those steps are completed a random selection process takes place and parents are notified if their child was accepted into PreK or added to a waitlist. Further steps after acceptance are to take the child's Social Security card and Immunization Certificate to the school and complete the BCBE online registration.

There are requirements to be eligible for PreK in Baldwin County Public Schools. Your child must be fully potty trained, and transportation must be provided daily to school. There is a specific PreK handbook that is given to parents or guardians during the mandatory PreK family orientation meeting. This handbook gives you detailed information about the PreK program. The criteria for participating in PreK and the policies by which the program is governed are subject to change at any time at the discretion of the PreK program through Federal Programs or the Baldwin County Board of Education.