



**BALDWIN COUNTY  
PUBLIC SCHOOLS  
Building Excellence**

**PARENT AND STUDENT HANDBOOK STUDENT  
CODE OF CONDUCT  
2021-2022**

## **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 the community, the mission of the Baldwin County Board of Education ("Board") is to provide a quality education that fosters learning. It is the mission of the Baldwin County Board of Education to strengthen our community by educating our students to become productive citizens.

## **VISION STATEMENT**

Our vision is to create a world class learning environment.

## 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.

## 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, 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: Ms. Angie Cooke-Human Resources Supervisor, Title IX Coordinator, 2600 Hand Avenue Bay Minette, AL 36507 or 251-937-0306, or [acooke@bcbe.org](mailto:acooke@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. Hope Zeanah  
Elementary Assistant Superintendent  
Loxley Central Office Satellite, 1091 B Avenue  
Loxley AL 36551  
251-972-6862

Mr. Marty McRae  
Secondary Assistant Superintendent  
Loxley Central Office Satellite, 1091 B Avenue  
Loxley AL 36551  
251-937-0308

## 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:**

Office of Special Services  
Special Services Coordinator  
251-972-6860

### **Section 504 concerns:**

Ms. Patrice Davis  
Office of Prevention and Support  
Intervention Supervisor/Section 504 Coordinator  
251-972-8550

### **ADA concerns:**

Mr. Anthony Sampson  
Director of Prevention and Support  
251-937-0310

## 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.

## **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)

## **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.

## GENERAL 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.

## UNIFORM 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.

Elementary schools, K – 6<sup>th</sup> grade, will utilize a uniform policy and all secondary level schools, 7 – 12<sup>th</sup> grades, will utilize a dress code. The Board wants to provide secondary students the opportunity to make mature decisions concerning school attire. The dress code will consist of guidelines that students must follow to ensure appropriate attire. For both the Uniform and Dress Code Policy, the development of acceptable standards of personal appearance is considered to be a goal of the Board. 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. Elementary Schools:

All elementary schools in the Baldwin County Public Schools System shall implement, within the parameters set forth below, the mandatory uniform dress code policy.

#### A. Dissemination for Elementary Schools

1. It is the responsibility of district and school support staffs to adequately communicate to parents, information common to all elementary schools, including general guidelines for enforcement of the uniform policy.
2. Each elementary school shall communicate the following information to parents:
  - a. types and colors of uniforms (see Addendum A)
  - b. requirements for jackets/outer garments/safety accessories;
  - c. optional articles of attire, if any;
  - d. compliance measures to be employed;
  - e. the availability of any financial support;
  - f. methods to facilitate recycling of uniforms within the school community;
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. Compliance Guidelines for Elementary Schools

1. Upon the first infraction of the Uniform or Dress Code, the student will be warned and the parent notified.
2. Upon the second infraction of the Uniform or Dress Code, the student will be referred to the office and the parent notified.
3. Upon the third infraction of the Uniform or Dress Code, the student will receive detention.
4. Upon the fourth and subsequent infraction(s) of the Uniform or Dress Code, the student will receive a one-day suspension and the parent will be notified.

C. Uniform Code for Elementary Schools

1. School attire should cover those portions of the body that American standards of modesty decree are covered; fashions which simulate or suggest nudity are to be avoided. Clothing so skintight or revealing as to provoke or to distract others is disruptive and therefore, unacceptable.
2. Footwear must be worn at all times and be closed toe in nature.
3. Clothing must be of appropriate length and fit. Excessively baggy or excessively tight-fitting clothing is prohibited. This includes, but is not limited to “yoga” pants, “tights”\* and “jeggings”\*.

To be acceptable, short pants and skirts must extend beyond either the finger tips when the student extends arms downward along the sides or reach the mid-thigh, whichever is longer. Pants must completely cover underwear. Low cut pants, sagging pants, etc. are prohibited. Pants must be free of rips, holes or attached symbols. Pants made of “blue denim” are acceptable.

\*(Jeggings or tights may be worn under shorts, skirts, or dresses, but they are not acceptable alone as bottom attire).

4. Shirts must completely cover the midriff area when sitting and standing and expose no cleavage.
5. Jackets, coats, sweaters, and sweatshirts are considered outerwear and must be worn with a uniform shirt. School organizations’ sweatshirts and jackets, approved by the principal, are acceptable.

Coats and jackets may be any color. They may not have lettering; logo(s) of alcohol, tobacco, and/or controlled substance; nor pictures, symbols, or artwork that might be offensive in nature and cause a disruption to the educational process.

Sweatshirts and sweaters must be solid black, brown, navy, gray, tan, white or school colors as published and approved by the principal.

6. Adornments that could reasonably be perceived as weapons or used to inflict harm (i.e. chains, spikes, etc.) are prohibited.

7. Gang related apparel is prohibited at all times at any school function or school sponsored activity. Items deemed inappropriate under this category are at the discretion of the principal.
8. Heads must remain un-covered in the building.
9. Students who transfer from other school districts will be given five (5) days to come into compliance with the uniform dress code.
10. Schools may use t-shirts on field trips as approved by the principal.
11. Students are prohibited from wearing any clothing items and/or accessories that:
  - Are lewd, offensive, vulgar or obscene,
  - Advertises or depicts tobacco products, alcoholic beverages, drugs or any other illegal substance, or
  - Contains fighting words or incites criminal activity; or
  - Can reasonably be expected to cause a material or substantial disruption of, or interference with, normal school operations.

E. Exemptions for Elementary School Students

All elementary students enrolled in the Baldwin County Public Schools shall be required to dress in accordance with the adopted uniform of their school. The school principal must approve any deviation and/or exemption from the school uniform. Those deviations and/or exemptions, may include, but are not limited to:

- (1) School dress-up days;
- (2) Students wearing nationally recognized youth organization uniforms on organization meeting days;
- (3) Any modifications to, or exemption from the uniform requirements originating from a financial hardship;
- (4) Any modifications to, or exemption from the uniform requirements originating from a student's particular disability or health condition;  
or
- (5) Religious exceptions based on a student's sincerely held religious belief.

If the parents or guardians desire not to have their child comply with any portion of the uniform or dress code policy for the reasons stated in items (3) through (5) above, or due to special extenuating circumstances related to an item listed in items (3)-(5), the students' parents or guardians must supply a written explanation to the campus principal as to why the deviation or 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 deviation or exemption request to the Superintendent, or his or her designee.

**Addendum A**

<b>Baldwin County Public Schools Elementary Uniform Policy and Compliance Code 2020-2021</b>		
<b>Elementary Grades K - 6</b>	<b>Compliance Code</b>	
	1 <sup>st</sup> infraction: Warning and parent notified	
	2 <sup>nd</sup> infraction: Referral to office and parent notified	
	3 <sup>rd</sup> infraction: Detention	
	4 <sup>th</sup> infraction & subsequent: One day suspension and parent notified	
<b>TOP</b>	<b>BOTTOM</b>	
<b><u>White or Navy</u></b> Collared shirt with sleeves or turtleneck. School color polo as approved by the principal. Small unobtrusive logo is permitted	<b>BOYS</b> <b><u>Khaki or Navy Blue</u></b> Pants or Shorts (corduroy fabric and "blue" denim permitted)	<b>GIRLS</b> <b><u>Khaki or Navy Blue</u></b> Pants, Skirts, Capris, Skorts, Jumpers or Dresses (corduroy fabric and "blue" denim permitted) Jeggings or tights are permitted under shorts, skirts, or dresses but <sup>not alone</sup> as bottom attire.
<b>Undergarments</b>	<b>Footwear</b>	
Undergarments, excluding the neckline of an undershirt, must not be visible at any time. Pajamas are prohibited.	Footwear must be worn at all times and be closed toe in nature.	
	<b>SWEATSHIRTS AND SWEATERS</b>	
	Must be solid: <b><u>Black, Brown, Navy, Tan, Gray, White</u></b> or school colors as published by the principal	
	<b>COATS and JACKETS</b>	
	Outerwear items must not have lettering, or logo of alcohol, tobacco, and/or controlled substance, nor pictures, symbols, art work that might be offensive in nature and cause a substantial disruption to the educational	
<b><u>ITEMS NOT ALLOWED</u></b> Wind Pants/Sweatpants, velour pants, tights, yoga pants, over-sized clothing, overalls, bellbottoms, un-hemmed clothing, clothing with cuts, slits, holes or slashes, sleeveless shirts, overcoats, or trench coats.		
<b>KHAKI is defined by Baldwin County Public Schools to be <u>light tan in color.</u></b>		
<b>Pupils 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 local school principal will be the final authority for determining appropriate dress within the framework of the policy.</b>		

**ADDITIONAL INFORMATION**

•Clothing and general appearance may not cause a disturbance or interfere with the instructional program and must not constitute a health hazard.

•Clothing must be of appropriate length and fit. To be acceptable, short pants and skirts must extend beyond either the finger tips when the student extends arms downward along the sides or reach the mid -thigh whichever is longer.

•Pants must completely cover underwear. Low cut pants, sagging pants, etc. are prohibited. Excessively baggy or excessively tight-fitting clothing is prohibited.

•Shirts must completely cover the midriff area when sitting and standing and expose no cleavage.

•Adornments that could reasonably be perceived as weapons or used to inflict harm (i.e. chains, spikes, etc.) are prohibited.

•Gang related apparel is prohibited at all times at any school function or school sponsored activity. Items deemed inappropriate under this category are at the discretion of the principal.

•Heads must remain un-covered in the building.

Students who transfer from other school districts will be given five (5) days to come into compliance with the dress code.

•Schools may use t-shirts on field trips or spirit day as approved by the principal.

•Students are prohibited from wearing any clothing items and/or accessories (including accessories) that:

- a. Are lewd, offensive, vulgar or obscene,
- b. Advertises or depicts tobacco products, alcoholic beverages, drugs or any other illegal substance, or
- c. Contains fighting words or incites criminal activity; or
- d. Can reasonably be expected to cause a material or substantial disruption of, or interference with, normal school operations.\*\*Revised July 2020

### III. Secondary Schools Dress Code

All secondary schools in the Baldwin County Public Schools System shall implement, within the parameters set forth below, the mandatory dress code policy.

#### A. Information Dissemination for Secondary 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 secondary 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. Compliance Guidelines for Secondary

1. Upon the first infraction of the Dress Code, the student will be warned and the parent notified.
2. Upon the second infraction of the Dress Code, the student will receive one-half day Saturday School or one full day of On Campus Suspension (OCS).
3. Upon the third infraction of the Dress Code, the student will receive a full-day of Saturday School or one full day of On Campus Suspension (OCS).
4. Upon the fourth infraction of the Dress Code, the student will receive a one-day suspension.
5. Upon the fifth infraction of the Dress code, the student will receive a two-day suspension.
6. Upon the sixth and subsequent infraction(s) of the Dress Code, the student will receive a three-day suspension, subject to expulsion.

#### C. Secondary School Dress Code

All attire:

- No pictures, emblems, or writings on clothing that:
  - Are lewd, offensive, vulgar or obscene,
  - Advertises or depicts tobacco products, alcoholic beverages, drugs or any other illegal substance, or
  - Contains fighting words or incites criminal activity; or
  - Can reasonably be expected to cause a material or substantial disruption of, or interference with, normal school operations.

Tops:

- No cut off tops. (No midriff can be showing)
- No sleeveless garments.
- No see-through garments.
- Designed so that the neckline does not reveal cleavage.
- Designed to cover all undergarments.
- Fit properly- no oversized or overly tight tops.
- No tank top/undershirt can be worn as a shirt.

Shorts:

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

Dresses:

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

Pants:

- Proper fit- no sagging or baggy fit: worn at the waist.
- No see through or spandex legging pants.
- Leggings/tights may be worn only under shirts and dresses of appropriate length.
- No Oversized or tight pants.
- No holes in jeans in inappropriate areas (length rule).
- Sweat pants and warm-up suits will be allowed.

Shoes:

- Must be worn at all times, fastened properly.
- \*Classes may require certain shoes. Ex. P.E., Chemistry.
- No bedroom slippers.

Accessories:

- Other than safety-related accessories such as masks, accessories such as hats, caps, sweatbands, or other head covering will not be worn in building;
- No gang related clothing/items will be allowed.

D. Exemptions for Secondary Schools

All secondary 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:

- (1) When noncompliance derives from financial hardship;
- (2) When noncompliance derives from the student's particular disability or health condition that requires a departure from the dress code; or
- (3) 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 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 (except in accordance with Board policies and procedures on prescription medications), 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 and/or over-the-counter medication 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. Violations of Board policy and/or procedures concerning over-the-counter medication are excluded from the list of mandatory consequences set forth below. Notwithstanding the foregoing, students shall be subject to discipline, as deemed appropriate by the school principal, in the event they fail to comply with Board policy and procedures concerning over-the-counter medication.

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.

Applicable Discipline and Procedures related to Drug and Alcohol

- I. 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 as described above shall be in violation of the Board's policy on Drug and Alcohol Free Environments.
  - a. 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. The student shall be provided due process in accordance with BOE Policy #6.20. Unless otherwise provided herein, the suspension may range from a minimum of five days and shall not exceed nine (9) days.
    2. Notify the parent/guardian as soon as possible.
    3. Notify appropriate law enforcement officials.
    4. 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.

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. 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. Due process shall be provided in accordance with BCBE Policy # 6.20.
  - 2. In grades kindergarten through six, 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 for expulsion. 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.

II. Students who sell, furnish, give away, distribute, or transfer alcoholic beverages, illegal drugs, prescription drugs or counterfeit substances as described above shall be in violation of this policy.

The school principal or designee shall:

- a. 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.
- b. 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. Due process shall be provided in accordance with BCBE Policy # 6.20.
- c. Notify the parent/guardian as soon as possible.
- d. Notify appropriate law enforcement officials.

III. Notwithstanding the foregoing, 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.

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

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

#### **SUSPENSION AND EXPULSION (BOE POLICY 6.20)**

##### Suspensions

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.

- i. *Intent*

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

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

All suspensions should be for specified number of days not to exceed 9 school days any deviation of said pattern shall require authorization from the Superintendent.

ii. *Procedures for Suspensions*

In the event that a student's misbehavior is, in the opinion of the principal, severe enough to warrant 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 students will be provided an opportunity to present his or her side of the story. Under all circumstances, students 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.
- c. 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, he or she is denied any admission to any other school in the system until he is cleared his record with the school originating this suspension even though he 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.

Expulsions

Students may be expelled 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 expelled. The Superintendent is further authorized to develop and outline any additional procedures regarding expulsions in the Student Code of Conduct.

i. *Intent*

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

- a. after committing Class II offense as identified further below;
- b. after committing a Class III offense is identified below; and/or
- c. after committing any serious offense or exhibiting any serious misconduct.

Expulsions might be for a period of (a) more than 10 days, less than one semester; (b) one semester or more or (c) permanently.

ii. *Procedures for Expulsions*



In the event that a student's misbehavior, is in the opinion of the principal, severe enough to warrant expulsion, the procedure shall be as follows:

- a. The student should be clearly informed by the principal, or by his or her designee, of the offense with which he or she 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. Provided however, 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. In such cases, notice of misconduct with which the student is charged should be given as soon as practical, and no later than three (3) days following suspension. Under such circumstances, a time should be scheduled as soon as practical and not later than five (5) days after suspension to provide the student adequate opportunity to state his or her position regarding the alleged offense and provide any matters in mitigation.
- b. If, in the judgment of the principal, or his or her designee, the student committed the offense or offenses in question, the student shall be immediately suspended from school pending a determination by the principal as to whether expulsion is necessary.
- c. In the event the principal determines that the totality of the circumstances require expulsion, the principal must notify the student's parents or legal guardian of his or her recommendation for expulsion and of the misconduct with which the student is charged. The notice must further notify the parent or legal guardian that they have the right to request a hearing before the principal at which time they shall have the right to be represented by legal counsel, to ask questions of the principal and of any witnesses, and to present witnesses. Except as otherwise agreed upon by the principal, the request for hearing must be submitted to the principal in writing within three (3) days of the date of the notification of the intent to expel. Notice of the results of the hearing should be given in writing to the student's parent or guardian within three (3) days after the hearing.
- d. The student's parent or guardian shall thereafter have the right to appeal from the results of said hearing to the local Superintendent provided notice of intent to appeal is given within five (5) days of receipt of the notice of the results of the hearing. The appeal shall be heard by the Superintendent or an expulsion review committee as designated by the Superintendent. The appeal hearings will be held within five (5) days of the receipt of the notice of appeal except as otherwise agreed upon by the local Superintendent and the parent or guardian of the student. The student shall have the right to be represented by legal counsel, to ask questions of the principal and any witnesses, and to present witnesses during the appeal hearing. The student and his parent or guardian shall be notified in writing of the results of the appeal within five (5) days following hearing.

When a student is expelled, he is denied any admission to any other school in the system until he is cleared his record with the school originating this suspension or expulsion even though he might have moved into a new attendance zone. The Board may impose such reasonable limitations on the student's right to re-enroll in the school system following expiration of expulsion as may be permitted by law. A student who withdraws from school prior to the Board's consideration of a proposed expulsion may not re-enroll in the school system until the Board holds a hearing or other appropriate proceedings regarding the recommended expulsion. Expulsion of students with disabilities will be subject to applicable limitations and requirements imposed by the IDEA, Section 504, and relevant implementing regulations thereunder.

**CLASSIFICATION OF 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.

i. *Class I Violations*

- 1.01 Distraction of other students;
- 1.02 Bullying, intimidation, harassment of student, minor and isolated incident;
- 1.03 Tardiness;
- 1.04 Non direct use of profane language or obscene gesture (See 2.10);
- 1.05 Nonconformity to dress code;
- 1.06 Disruption on a school bus, minor incident;
- 1.07 Inappropriate public display of affection, minor incident;
- 1.08 Unauthorized absence from class or school for part of a day;
- 1.09 Refusal to complete class assignments;
- 1.10 Failure to follow directives from a school system staff member, minor;
- 1.11 Unauthorized use of school or personal property;
- 1.12 Littering of school property;
- 1.13 Horseplay;
- 1.14 Violation of the Technology Acceptable Use, minor incident, first incident; and/or
- 1.15 Any further violations which maybe outlined in the Board of Education student code of conduct or which the principle may be reasonable to fall within this category after investigation and consideration of extenuating circumstances.

ii. *Class I Sanctions*

1. Conference with the student;
2. Conference with the parent;
3. Verbal warning, reprimand and or demerits;
4. Loss of privileges;
5. Bus suspension;
6. Removal from class;
7. Temporary or permanent detention before school, after school, or Saturday;
8. In-school suspension;
9. Referred to counselor;
10. Referred to peer mediation;
11. Restitution;
12. Student contract; and/or
13. Other sanctions as approved by the Board of Education and further outlined in the Student Code of Conduct.

iii. *Class II Violations*

- 2.01 Failures to follow directives from a school system staff member, moderate or serious or second incident;

- 2.02 Disruption on the school bus, moderate or second incident;
- 2.03 Vandalism/property damage;
- 2.04 Theft of property;
- 2.05 Gambling;
- 2.06 Possession of stolen property with the knowledge that is stolen;
- 2.07 Sexual harassment;
- 2.08 Threats/extortion;
- 2.09 Trespassing;
- 2.10 Direct use of profane language or obscene gesture directed toward another person;
- 2.11 Repeated direct or non-direct use of profane language or obscene gestures;
- 2.12 Unauthorized absence from school for a day or more;
- 2.13 Inappropriate public display of affection, repeated or significant;
- 2.14 Inappropriate touching of another person;
- 2.15 Possession of and/or use of matches or lighters;
- 2.16 Possession, sale, and or use of a tobacco product;
- 2.17 Dishonesty and cheating;
- 2.18 Providing false information to a local Board of Education employee;
- 2.19 Bullying, intimidation, harassment a student, moderate or second incident;
- 2.20 Repeated violations of class I offense;
- 2.21 Violation of the Technology Acceptable Use, moderate or second incident; and/or
- 2.22 Any other offense or violations as further outlined in the Student Code of Conduct or in which the principal may be reasonable to fall within this category after investigation in consideration of extenuating circumstances.

*iv. Class II Sanctions*

- 1. Assignment to the alternative school;
- 2. Out of school suspension;
- 3. Referral to an outside agency;
- 4. Expulsion; and/or
- 5. 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.

*v. Class III Violations*

- 3.01 Arson;
- 3.02 Robbery;
- 3.03 Theft of property;
- 3.04 Burglary of school property;
- 3.05 Criminal mischief;
- 3.06 Bomb threat;
- 3.07 Sexual offense;
- 3.08 Fighting;
- 3.09 Inciting or participating in major student disorder;
- 3.10 Unjustified activation of fire alarm system or fire extinguisher;
- 3.11 Assault on a person student, teacher, staff member, visitor, etc;
- 3.12 Possession of a weapon;
- 3.13 Preparing, possessing, and organizing explosive device;
- 3.14 Unlawful sale, purchase, furnishing are giving, or possession of illegal drugs or drug paraphernalia or alcoholic beverage;

- 3.15 Accessing or changing information in school computers without authorization or for an appropriate purposes;
- 3.16 Crimes as defined on the laws of the city, state of Alabama, or United States;
- 3.17 Bullying, intimidation, harassment a student, severe or repeated;
- 3.18 Repeated failure to follow directives from a school system staff member, severe;
- 3.19 Repeated violations of Class I and/or II Offenses after directives and sanctions from school system staff;
- 3.20 Violation of the Technology Acceptable Use, major/severe or repeated violations; and/or
- 3.21 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.

vi. *Class III Sanctions* – Class III violations typically result in suspension or expulsion. 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.

Under circumstances where a student is expelled or is assigned to the Alternative School, the principal shall document all factors taken into consideration in expelling a student or referring them to the Alternative School.

#### **DISCIPLINE SPECIFIC 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:

#### Kindergarten – Third Grade (K-3)

- 1<sup>st</sup> occurrence – 1-day suspension.
  - ✓ Call parents and schedule a re-entry conference.
  - ✓ Notify SRO
  - ✓ 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 – 3 days suspension.
  - ✓ 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. 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.

#### Fourth – Six Grades (4-6)

- 1<sup>st</sup> occurrence – 3 days suspension.
  - ✓ 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.
  - ✓ 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. 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.

ALL Middle and High School (7-12)

- 1<sup>st</sup> occurrence – 3 day suspension.
  - ✓ A re-entry meeting with the student, parents, counselor, principal and police (SRO) must take place before the student can return to school.
  - ✓ Contact Homer Coffman, IT coordinator, to have a complete IT footprint check on the student.
- 2<sup>nd</sup> occurrence – 5 days suspension.
  - ✓ A re-entry meeting with the student, parents, counselor, principal and police (SRO) must take place before the student can return to school.
  - ✓ Contact Homer Coffman, IT coordinator, to have a complete IT footprint check on the student.
- 3<sup>rd</sup> occurrence - Contact Assistant Superintendent or Superintendent for additional guidance.

*\*Please note – IEP Teams will have the final decision for students receiving Special Educations services*

**SUSPENSION AND EXPULSION 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**

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.

**ANTI-HARASSMENT POLICIES**

**I. SEXUAL HARASSMENT** (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. Actual knowledge-** Actual knowledge means notice of sexual harassment or allegations of sexual harassment to: (1) the Title IX Coordinator, (2) any official of the school system who has authority to institute corrective measures on behalf of the school system, or (3) to any other employee of the Baldwin County Public School System. This standard is not met when the only official of the school system with actual knowledge is the respondent (alleged perpetrator).

**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 a 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.

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.

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.

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 (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:

- i. the allegations;
- ii. 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;
- iii. 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
- iv. 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.

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;
- iii. The student's religion;
- iv. The student's national origin;
- v. The student's disability;

- vi. The student's marital status;
- vii. The student's sexual orientation; or
- viii. The student's gender identity.

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, pocket pagers, email devices, "walkie talkies," or any other electronic communication device. Students are permitted to keep personal wireless devices only in lockers, 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, MP3 and similar music players, tape recorders 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, 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 in possession of a digital device during the administration of a secure test, the device will be confiscated. If a student is observed using a digital device during the administration of a secure test, testing for the student will cease, the device will be confiscated and is subject to search. The student will be dismissed from testing, and the student's test will be invalidated. 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.

#### **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.

## **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.

## **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 Secondary 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.

### **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.

**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 or Mr. Anthony Sampson at 251-937-0308.

**GENERAL INFORMATION**

**DRUG AND ALCOHOL TESTING PROCEDURES** (*BOE POLICY # 6.23 & 6.24*)

Overview

The Board has adopted a Drug Free School Policy, and a random alcohol and drug testing policy (the “Policy”) to promote the safety considerations noted herein and to deter the use of alcohol and drugs among secondary school students. Such drug and alcohol testing may apply to students who wish to be granted the privilege of driving and/or parking on school property (Parking Students) and/or students who participate in extracurricular activities (Activity Student).

Clarification

The Policy and procedures neither circumvent nor are intended to be used in place of Board Disciplinary Policy and School Rules pertaining to the use, possession, distribution, and/or manufacturing, of alcohol and/or other drugs at school, on School Board property, or at school sponsored events.

If a student is in violation of such disciplinary policies and rules, disciplinary consequences will be through normal school channels associated with said policies and rules. The consequences under this Policy become secondary.

Definitions

1. *Activity Student.* Any student currently enrolled in BCPSS that participates in any extra-curricular activity as defined herein.

2. *Alcohol*. Ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, from whatever source produced.
3. *At School*. Means any school building, office or property, parking lots, owned or operated by the school, or being transported to and from a school activity or any other site off campus at which a student is engaging in any school activity.
4. *Chain of Custody*. The methodology of tracking specified materials, specimens, or substances for the purpose of maintaining control and accountability from initial collection to final disposition for all of the materials, specimens, or substances and providing for accountability at each stage in handling, testing, and storing materials, specimens or substances and reporting tests results.
5. *Confirmation Test or Confirmed test*. A second analytical procedure used to identify the presence of a specific drug or metabolite in a specimen. The confirmation test shall be different in scientific principle from that of the initial test procedure. The confirmation method shall be capable of providing requisite specificity, sensitivity, and quantitative accuracy.
6. *Drug*. Any substance listed as a controlled substance pursuant to ALABAMA CODE 1975, § 20-2-20 through 20-2-32. This includes but is not limited to amphetamines, cocaine, phencyclidine PCP, methadone, methaqualone, opiates, barbiturates, benzodiazepines, propoxyphene, or a metabolite of any of the substances.
7. *Drug Testing Agent*. The licensed and qualified independent agent, testing agency or medical office selected by the Board to carry out the screening of students.
8. *Drug Program Coordinator*. An employee(s) of the Baldwin County Board of Education appointed by the Board, responsible for overall implementation of the random drug and alcohol-testing program as outlined in this Policy.
9. *Extra-Curricular Activities*. Any school or school related activity, which is not required as a part of a student's mandated basic educational curriculum.
10. *Initial test*. A sensitive, rapid and reliable procedure to identify negative and presumptive positive specimens. All initial tests shall use an immunoassay procedure or an equivalent procedure or shall use a more accurate scientifically accepted method approved by SAMSHA as more accurate technology becomes available in a cost effective form.
11. *Medical Review Officer (MRO)*. A licensed physician who receives laboratory results, has knowledge of substance abuse disorders, and has appropriate medical training to interpret and evaluate a student's positive test result together with his or her medical history and any other relevant biomedical information. Only individuals holding either doctor of medicine (M.D.) or doctor of osteopathy (D.O.) degree may serve as an MRO.
12. *No Contact Positive Test*. A test shall be deemed positive if after a confirmation of the sample test indicates the sample is positive for drugs, the MRO is unable to reach the parent of the student, after diligent effort, to determine whether the drugs present were legally justified.
13. *Nonprescription Medication*. A drug or medication pursuant to federal and state law for general distribution and use without a prescription in the treatment of human disease, ailments, or injuries.
14. *On-site test*. This is an alcohol or drug test that is easily portable and can be administered in a location outside a laboratory. An on-site alcohol test shall meet the federal Department of Transportation guidelines for an initial alcohol test. An on-site drug test shall meet the requirements of the Food and Drug Administration (FDA) for commercial distribution and the generally accepted cut off levels such as those in the SAMHSA Guidelines.

15. *Parent*. A person standing in parental relation including the custodial parent or a legal guardian or custodian.
16. *Parking Student*. Any student currently enrolled in BCPSS who drives or parks a motor vehicle “at school”, as that term is defined herein.
17. *Positive Test Results*. A finding of the presence of alcohol or drugs, or the metabolites of drugs in the sample tested at or above the threshold detection levels set. This shall include a “no-contact positive” test.
18. *Prescription Medication*. A drug or medication lawfully prescribed by a physician for an individual and taken in accordance with the prescription.
19. *Random Selection*. A mechanism for selecting students for drug tests that (1) results in an equal probability that any student from a group of students subject to the selection mechanism will be selected, and (2) does not give the school discretion to waive the selection of any student selected under the mechanism. All Activity, Parking or Volunteer Students will be subjected to random selection testing.
20. *SAMSHA*. The Federal Substance Abuse and Mental Health Services Administration.
21. *Specimen*. Breath, oral fluid, hair, urine, or other product of the human body capable of revealing the presence of drugs or their metabolites or of alcohol.
22. *Substance*. Drugs or alcohol.
23. *Substance Abuse Test or Test*. Any chemical biological or physical instrumental analysis administered for the purpose of determining the presence or absence of a drug or its metabolites or of alcohol.
24. *Trained Observer*. Employee who is knowledgeable of the school, teachers, students, and the school drug testing policy and procedures. The designated drug testing company will train these individuals.
25. *Volunteer Student*. Any student who is not an activity student or parking student but who chooses voluntarily, along with his or her parents’ consent, to participate in the Policy.

#### TESTING PROCEDURES

##### A. General Guidelines

The School Board and its laboratory shall refer, when prudent, to the guidelines of the Federal Department of Transportation, Procedures for Transportation Workplace Drug and Alcohol Testing Programs, 49 C.F.R. Part 40 when a particular topic or subject is not specifically covered by the policy or procedures adopted by the Board. Relative to the protocols for determining diluted, substituted or adulterated specimens, the Board will refer to Part 40 for guidance.

##### B. Substances Tested

Activity Students, Parking Students and Volunteer Students may regularly be tested for: alcohol, amphetamines, methamphetamines, cocaine, opiates, phencyclidine, barbiturates, benzodiazepines, methadone, methaqualone and propoxyphene. Students may be tested for any other substances listed as a controlled substance under Alabama Code 1975, § 20-2-20 through 20-2-32 and listed under schedules I through V without advance notice as part of a test performed by the Board for safety purposes. Such tests will be coordinated with the Coordinator.

#### COLLECTION SITES

The School Board will designate collection sites where students may provide specimens. Collections primarily will be conducted on-site at the appropriate designated school.

#### COLLECTION PROCEDURES

BCPSS and the laboratory have developed and will maintain a documented procedure for collecting, shipping and accessing specimens. The collection process shall be conducted so as to protect the privacy of the student. The Board and the laboratory will utilize a standard Custody and Control Form for all student testing. The Company will utilize a standard Breath Alcohol Testing Form for all student alcohol testing. A tamper-proof sealing system, identifying numbers, labels, and sealed shipping containers will be used for specimen transportation.

Collection sites will maintain instructions and training protocol that emphasize the responsibility of collection site personnel to protect the integrity of the specimen and maintain as proper a collection procedure as reasonable under the particular circumstances. Where the Board has an employee collect the specimen, the Board will ensure that instruction and training are provided to that employee.

All students selected for testing will also be required to execute a Student Consent and Release Form.

#### EVALUATIONS AND RETURN OF RESULTS TO THE BOARD

The laboratory will transmit directly (by fax, mail, or computer, but not normally over the telephone) the results of all tests to the Board's MRO. The MRO will be responsible for reviewing test results of students and confirm that the individuals testing positive have used drugs or adulterated the specimen in violation of the School Policy. Prior to advising the Board of the test result, the MRO shall give the student and his or her parent(s) an opportunity to discuss the result either in person or over the telephone and provide evidence that the student was taking a prescription medication that could also have produced a positive drug test result, or if for some other reason in accordance with Part 40 procedures allow the MRO to determine that the test result is not as the result of violation of this policy.

The MRO shall then promptly personally telephone and inform tell the Drug Program Coordinator which students had confirmed positive test results that had no legitimate medical explanation. BCPSSs will then schedule a conference between the student and parent(s) or legal guardian(s) to discuss the positive test result and appropriate interventions and consequences.

#### RELEASE OF TEST RESULTS

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

However, all students selected for testing will be required to execute a Student Consent and Release form permitting the Board to release test results and related information to the school officials who have a need to know.

Parents or guardians will be informed of confirmed positive test results by the School Principal or Board designee.

#### CONSEQUENCES

For any violation of the Policy, including testing positive in a confirmation test, testing positive for adulteration, refusing to submit to screening, refusing to execute a release, or refusing to cooperate with an investigation by the administration, the consequences for said violations are as follows (These consequences are applicable to all students who volunteer to be drug tested):



<b>Violations</b>	<b>Interventions</b>
<p>First Violation:</p> <ul style="list-style-type: none"> <li>• Activity student suspended from extra curricular activities for 30 days.</li> <li>• Student may not participate in extra-curricular activities or park on campus during the suspension.</li> <li>• Parking student suspended from parking on campus for 30 days.</li> <li>• Reinstatement requires a negative test.</li> <li>• Reinstatement requires a completion of Level I interventions.</li> </ul>	<p>Level I Interventions:</p> <ul style="list-style-type: none"> <li>• Parent and student must attend conference with a school drug coordinator.</li> <li>• Student and parent must attend prevention counseling session with a prevention counselor.</li> <li>• Student and parent must attend one AA/NA meeting.</li> <li>• Student must report to a designated school counselor each week for four weeks.</li> </ul>
<p>Second Violation:</p> <ul style="list-style-type: none"> <li>• Activity student suspended from extra-curricular activities for 40 days.</li> <li>• Student may not participate in extra-curricular activities or park on campus during the suspension.</li> <li>• Parking student suspended from parking on campus for 40 days.</li> <li>• Reinstatement requires a negative test.</li> <li>• Reinstatement requires a completion of Level II interventions.</li> </ul>	<p>Level II Interventions:</p> <ul style="list-style-type: none"> <li>• Parent and student must attend conference with a school drug coordinator.</li> <li>• Student must attend one of the prevention programs indicated on the list of approved programs. Parents are responsible for tuition for programs that require tuition.</li> <li>• Student must report to a designated school counselor each week for six weeks.</li> </ul>
<p>Third Violation:</p> <ul style="list-style-type: none"> <li>• Activity student suspended from extra-curricular activities for 365 days.</li> <li>• Student may not participate in extra-curricular activities or park on campus during the suspension.</li> <li>• Parking student suspended from parking on campus for 365 days.</li> <li>• Reinstatement requires a negative test.</li> <li>• Reinstatement requires a completion of Level III interventions.</li> </ul>	<p>Level III Interventions</p> <ul style="list-style-type: none"> <li>• Parent and student must attend conference with a school drug coordinator.</li> <li>• Student will be required to attend a prevention program indicated or a program approved by the school system.</li> </ul>

Baldwin County Board of Education Drug Free School Policy

Student Consent and Release Form

I, \_\_\_\_\_ have read the above statement of policy and agree to abide by the Board’s drug and alcohol rules. I understand that no Activity or Parking Student testing positive, refusing to test, refusing to cooperate with testing or being in violation of this policy will be penalized academically.

\_\_\_\_\_ I agree to submit to drug and/or alcohol tests in accordance with the Policy as a condition of my initial or (initials) continued participation in extra-curricular activities or to have the privilege of driving or parking on campus.

\_\_\_\_\_ I agree to voluntarily submit to drug and/or alcohol tests at any time. (initials)

I do hereby give my consent to the School Board to collect a specimen from me, and I further give my consent to the Board to forward the sample(s) to the testing laboratory for its performance of appropriate tests thereon to identify the presence of drugs and/or alcohol and then to transmit the results to the Board’s Medical Review Officer (MRO).

I authorize any laboratory or MRO to release test results to the Baldwin County Public School System. I authorize the MRO to release final test results to the Board.

I also expressly authorize the Board or its MRO to release any test-related information, including positive results:

- (a) As directed by my specific, written consent authorizing release of the information to an identified person.
- (b) To my decision maker in a lawsuit, grievance, or other proceeding initiated by me or on my behalf.

I understand that the refusal to submit to testing or a positive or adulterated test result will affect my initial or continued participation in extra-curricular programs or driving or parking on campus for Baldwin County Schools and result in consequences as described in the Baldwin County Public School System Drug Free School Policy.

\_\_\_\_\_ Student

\_\_\_\_\_ Date

\_\_\_\_\_ Parent or Guardian

\_\_\_\_\_ Date

\_\_\_\_\_ Witness

\_\_\_\_\_ Date

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

## **HEALTH SERVICES, COMMUNICABLE DISEASES AND AIDS/HIV (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 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 maturation program is offered for all fifth-grade students with parental consent. Special emphasis is given to “hand washing” and “cough and sneeze etiquette” programs. Individualized Health Care Plans and/or Emergency Action Health Care Plans are developed for all students with chronic health care conditions. Immunization Audits are conducted during the year by local health department staff on randomly selected student’s records, with parental consent. The parent/guardian and physician must sign the Alabama State Department of Education School Medication Parent/Prescriber Authorization form granting permission for a child to receive prescription medication at school. The delegating registered school nurse must evaluate and approve all over-the-counter medicines and parent instructions. The parent/guardian or the parent designated responsible adult shall deliver all medication to the school nurse or other school personnel designated by the principal in the original container with clear, current instructions. Should you have questions or concerns regarding this information, please contact Supervisor School Health Services Program, at (251) 239-4327.

### **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 the Baldwin County Public School System’s immunization requirements and exemptions, please visit the Health Services page on the Board’s 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.

### **COMMUNICABLE DISEASES**

The policy of the Baldwin County Board of Education is to observe the regulations for the control of communicable diseases/parasites in public schools as recommended by the State Board of Health. 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 Student Health Services link. Anaphylaxis is a medical emergency that requires immediate intervention and treatment. Parents who have children recently diagnosed with asthma and food 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 transmitted by direct head-to-head contact when heads touch. Symptoms may not exist until two (2) months after transmission. Prevention begins at home. Parents should know how to prevent, identify, and treat lice. The Baldwin County Health Services personnel have adopted procedures and guidelines regarding the management and prevention of head lice. To obtain a copy of the Board's Pediculosis Management procedures guidelines, please view the "Lice Information" guidelines located on the Health Services page of the Board's website or contact your child's school health room nurse.

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

It is the policy of the BCPSS that the registered professional school nurse be responsible for medication administration in the school setting. BCPSS follows the Alabama Department of Education Prevention, and Support, Health Services 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. To view a copy of the guidelines and frequently asked questions and answers regarding medication at school, you may also click on the "Medications at School" form on the Board's Health Services page of the Board's website.

### **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 under lock and key. 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 and at all times. Schools will operate according to the standards set forth by the National Associations of State Boards of Education guidelines in the document "Someone at School has AIDS" (and all supplements thereto) and the regulations of the Alabama State Department of Education concerning blood borne pathogens.

## **INSTRUCTIONAL SERVICES**

### **INFORMATIONNOW (INOW) HOME/PARENT PORTAL**

BCPSS utilizes the *Chalkable InformationNOW Home Portal* software 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 INOW/Parent Portal to view the student's grades, attendance, discipline, schedule, assignment, and demographic data.

Access to the INOW Parent Portal link and directions for logging in can be found on our website, [www.bcbe.org](http://www.bcbe.org) by selecting the Educational Technology from the Directory tab under the blue tool bar at the top of the system homescreen. To obtain your username and password to access your child's information, contact your student's local campus registrar.

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

In accordance with Board Policy, 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. 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 Dean of Academics at 251-972-6862

### **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 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 Kathy Nichol, 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 Intervention Supervisor 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 shall file appropriate reports with the attendance 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 to provide 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**

### **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.

**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**

Size/Format	Fee
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**

Employee Time Spent	Fee
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:

Type	Location	Custodian
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 Supervisor

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:

1. 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 of 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 in foods when that need is supported by a statement signed by a licensed physician (Diet Prescription Form). Baldwin County Public Schools Child Nutrition Program will work with these children to provide the best accommodations possible.

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

Each special dietary request must be supported by a Diet Prescription Form. This form explains the food substitution 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 Child Nutrition central office, or online at [www.bcbe.org](http://www.bcbe.org).

The diet prescription should include:

- An identification of the medical or other special dietary condition which restricts the child's diet
- The food or foods to be omitted from the child's diet
- The food or choice of foods to be substituted

Diet Prescriptions should be as specific as possible. For example: If a child cannot have fluid milk, it should be noted if the child can have cheese or food products made with milk. If milk is marked to be avoided and no other notations are made, all foods made with milk will not be given to the child. Specific foods that the child can or cannot have should be noted. If a child is prescribed a "rotation diet," specific guidelines must be given with the diet prescription.

Under no circumstances is school food service staff 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 medical doctor.

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 food service staff cannot alter a child's diet prescription without written consent from a medical doctor.

Parents are also encouraged to obtain the monthly menus from the local school and highlight items that the child can eat. This menu should be returned to the cafeteria manager at least one week before the first of the month. Food service staff will work with the child/parent to provide the best meal possible.

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.

## 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

### 1. ATTENDANCE

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 truanancies 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).

**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.