

# BALDWIN COUNTY PUBLIC SCHOOLS

**Building Excellence**



PARENT AND STUDENT HANDBOOK STUDENT CODE OF  
CONDUCT  
2025-26

## DISCLAIMER

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

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

## MISSION STATEMENT

In partnership with our communities, the mission of BCPS is to prepare ALL students to graduate college and career ready through a culture of impartiality and equal opportunity.

## VISION STATEMENT

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

## MOTTO

#BaldwinProud #CommunityStrong

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# 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 (BCPS) administrators, faculty members, students, and parents/guardians to adhere to and to comply with all Board-approved policy.

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

## **BALDWIN COUNTY BOARD OF EDUCATION**

Mr. Cecil Christenberry, President

Mr. April Bradley, Vice-President

Ms. Andrea Lindsey

Mr. Tony Myrick

Ms. Rondi Kirby

Mr. Kenneth Bradley

Mr. Jason Woerner

Mr. Eddie Tyler, Superintendent

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

## **EQUAL EMPLOYMENT OPPORTUNITY**

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

Director of Human Resources 251-580-1831

## **EQUAL EDUCATIONAL OPPORTUNITIES**

It shall be the policy of the Board that no student shall be denied the benefit of any education program or educational activity on the basis of race, color, national origin, age, sex, disability, limited English proficiency, immigrant status, migrant status or homeless status. A free and appropriate public education is available to all students with disabilities. To the extent required by law, 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 will be removed, including but not limited to, the denial or delay of enrollment of such students due to lack of birth certificate, lack of school records or transcripts, lack of immunization or health records except otherwise outlined in AL Immunization Law, lack of proof of residency, lack of transportation or guardianship or custody requirements. Notwithstanding the foregoing, the Board recognizes and confirms the importance and necessity of requiring certain enrollment related documentation. In the event students are enrolled without all required documentation, the Superintendent shall develop and implement administrative procedures to ensure and facilitate the supplemental provision of such documentation. All programs offered by schools within the school district shall be open to all students in compliance with the law and any statutory and judicial requirements.

## Title IX

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

## Title VI and VII

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

Dr. Shannon McCurdy  
Elementary Assistant Superintendent  
19812 Underwood Rd  
Foley, AL 36535  
251-970-7322

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

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

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

Ms. Dawn Frenette Special Services Coordinator  
District IDEA services Coordinator 251-970-7324  
[dfrenette@bcbe.org](mailto:dfrenette@bcbe.org)

Ms. Dionne Dunton  
Instructional Support Supervisor  
District Section 504 Coordinator  
251-970-7322  
[ddunton@bcbe.org](mailto:ddunton@bcbe.org)

## FREE APPROPRIATE PUBLIC EDUCATION

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

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

IDEA concerns:

Ms. Dawn Frenette

Office of Special Services Special Services Coordinator 251-970-7324

dfrenette@bcbe.org

Section 504 concerns:

Ms. Dionne Dunton Instructional Support Supervisor District Section 504 Coordinator 251-970-7322

ddunton@bcbe.org

ADA concerns:

Mr. Marty McRae Assistant Superintendent

Safety, Prevention & Support 251-937-0308

mmcrae@bcbe.org

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

The Board shall be committed to providing homeless 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. For more information regarding homeless policies and procedures, please consult BOE Policy #6.1.2, visit the Board's website at <https://www.bcbe.org/Page/10127>, and/or call the Federal Programs Office at 251-970-7322.

# 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 BCPS' schools.

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



# ANNUAL PARENTAL AND STUDENT NOTIFICATION OF LEGAL LIABILITIES

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

## **POLICE DEPARTMENT INVOLVEMENT**

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

## **ATTENDANCE AND CONDUCT (Act 94-782; Act 99-705; Ala. Code § 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.”

## **DISTRIBUTION OF PRIVATE IMAGES (Ala. Code § 13A-6-240 Act 2024-98)**

In accordance with Alabama Act 2024-98, students are prohibited from distributing, disseminating, public displaying, advertising, promoting, presenting, soliciting, possessing, possessing with intent to distribute, and production of child sexual abuse material as defined in Division 4 of Article 4 of Chapter 12 of Title 13A, Code of Alabama 1975. Such prohibition shall include a prohibition of private, explicit or pornographic images generated with artificial intelligence. Any students engaged in any of the above acts may not only be charged with a crime, but may also be held civilly liable to the individual depicted in the relevant image. In addition, any student engaged in any of the above acts on school property or with a school device or at a school sponsored activity may also be subject to discipline under the Board’s Student Code of Conduct.

## **DROP-OUT/DRIVER’S LICENSE (Act 94-820 amending Act 93-368 as codified in Ala. Code § 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; Ala Code § 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) possesses a driver’s license on the date of conviction, the driver’s license will be suspended for (180) days.

1. No person shall shoot or discharge a firearm into an occupied or unoccupied school bus or school building.
2. A person who shoots or discharges a firearm into an occupied school bus or school building shall be guilty

of a Class B felony.

3. 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, Ala. Code § 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; Ala. Code § 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 (Ala. Code § 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 (Ala. Code §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.

Obstructing governmental operations is a Class A misdemeanor.

#### **TEACHER ASSAULT (Act 94-794 Ala. Code § 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 (Ala. Code §13A-8-6)**

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

permanently of it, he fails to take reasonable measures to discover and notify the owner.

#### **UNSAFE SCHOOL OPTION (AAC § 290-3-1-.02(E))**

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

#### **CRIMINAL TRESPASS BY MOTOR VEHICLE (Ala. Code 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; Ala. Code § 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; Ala. Code § 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 (Act No. 95-756; Ala. Code §16-1-24.3)**

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

#### **ENVIRONMENTAL**

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

(TSCA).

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

# ENROLLMENT AND ATTENDANCE

## **RELEVANT BOARD POLICY**

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

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

Student and parent/guardian rights are:

1. 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:
  - a. Admission into Schools (BOE Policy 6.2.2);
  - b. Attendance Zones (BOE Policy 6.1.3);
  - c. Truancy (BOED Policy 6.1.5);
2. School Redistricting Policy (BOE Policy 6.2.4);
3. Absences and Excuses (BOE Policy 6.1.4); and
4. Dispute Resolution Policy Regarding the Enrollment of Homeless Children and Youth (BOE Policy 6.1.2).
5. To be provided with make-up assignments for excused absences or tardies.
  - a. Absences and Excuses (BOE Policy 6.1.4)

## **COMPULSORY ATTENDANCE**

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

Admission to public school shall be on an individual basis on the application of the parents, legal custodian, or guardian of the child to the local board of education at the beginning of each school year, under rules as the board may prescribe; provided, a person who is under 19 years of age and on track to graduate from public school may not be denied admission to public school solely on account of his or her age. As such persons, who are fifteen years old or older, and are requesting new enrollment to BCPS, will be subject to a review of specific criteria established by the Superintendent or their designee. This review will determine their acceptance for enrollment in BCPS. (Ala. Code § 16-28-3)

## **ENTRANCE AGE FOR KINDERGARTEN AND FIRST GRADE**

It is the policy of the Board of Education that a child must be five (5) years old on or before September 1, the date set by State guidelines, to be admitted for kindergarten enrollment for the current year. A child must be six (6) years

old on or before December 31, the date set by State guidelines, to be admitted to first grade for the current school year. A valid source of age is required (ex: birth certificate, passport, etc).

In accordance with Alabama Act No. 2024-347, a child who successfully completes kindergarten by the date on which school begins in the enrolling district, shall be entitled to admission to the first grade at the opening of schools for the school year or as soon as practicable.

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

### **ONLINE REGISTRATION PROCESS**

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

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

### **WHO MAY REGISTER A STUDENT FOR ENROLLMENT?**

To register a student the Enrolling Adult:

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

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

## **ENROLLMENT DOCUMENTATION**

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

1. Submitting all requested addresses information which could include but not limited to current proofs of residence in the name of the enrolling adult who lives within the BCPS school zone area.
2. Submitting prompt receipt of records from previous school, if applicable;
3. Submitting a birth certificate or valid document that will verify age for student entering Kindergarten, new first grade students and new students to the system). Ala. Admin. Code § 290-3-1-.02(4)(b)(2)
4. Submitting local emergency telephone numbers; (two (2) numbers are required for students in grades K-6).
5. Submitting an original and up to date *Certificate of Immunization, Military Medical records (Ala. Act 2025-455); Certificate of Medical Exemption or Certificate of Religious Exemption*. (can be obtained from the Baldwin County Health Department or your physician) Ala. Code §16-30-3 & 4

6. Completing and submitting the *Alabama State Department of Education Health Assessment Record*.
7. Completing and returning all student information as requested.

*Note: Failure to provide complete and accurate information on all forms as required may result in the delay of enrollment and/or the student's withdrawal from BCPS.*

# ENROLLMENT TRANSFERS FROM OTHER EDUCATIONAL SETTINGS

## **TRANSFER STUDENTS AND GRADUATION**

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

## **NON-ACCREDITED EDUCATIONAL SETTINGS**

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

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

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

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

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

## **STUDENTS WITH PENDING LEGAL CONCERNS**

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

## **EXCLUSIVE ENROLLMENT**

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



# STUDENT TRANSCRIPTS

## **TRANSFER STUDENT TRANSCRIPTS**

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

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

## **FOREIGN SCHOOL TRANSCRIPTS**

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

# STUDENT ENROLLMENT AND DRIVER'S LICENSES

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

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

## **DISCIPLINARY POINT SYSTEM - AGE OF STUDENT ELIGIBILITY.**

- (a) Notwithstanding any other provision of law, each student over the age of 12 years who is enrolled in a public or private secondary school shall be subject to a disciplinary point system for an infraction committed on school property to determine the age at which the student shall be allowed to apply for a learner's permit, motor driven cycle operator's license, driver's license, or any license required by the State of Alabama for the operation of a motor vehicle or vessel. The disciplinary points imposed for a disciplinary action shall be as follows:
  - 1. One day in-school suspension - 1 point.
  - 2. One day out-of-school suspension - 2 points.
  - 3. Alternative school placement - 6 points.
  - 4. Expulsion - 20 points.
- (b)
  - 1. The points shall accumulate on a yearly basis, beginning with the school year including summer school in which the student turns 13, and accumulate each year until the student is eligible to apply for a driver's license under the imposed point system. Each accumulated point shall add one additional week to the age at which the student is eligible to be issued a learner's permit, motor driven cycle operator's license, or driver's license.
  - 2. Notwithstanding subdivision (1), the age at which a student may apply for a license or permit shall not be extended by Act 2009-713 beyond one year from the date the student initially applies for a learner's permit, motor driven cycle operator's license, driver's license, or any license required by the State of Alabama for the operation of a motor vehicle or vessel.
- (c) The following subdivisions are contingent upon the technical capability of the student data management system to track, manage, and coordinate the data:
  - 1. Points shall be accrued on a school-year basis.
  - 2. Points may not accrue for the first three days of in-school suspension in any school year; however, beginning with the fourth day of suspension in any school year, all days, including the first three, of in-school suspension shall be counted in determining the points.
  - 3. Points may not accrue for an initial out-of-school suspension of two days or less in any school year; however, the days of the initial suspension shall be used to determine the points after a second out-of-school suspension in any school year or all days will be used to determine points if the initial suspension exceeds two days.
  - 4. Accumulated points shall be reduced by one-half if the student has not received additional accumulated points for one school year. If no additional points are received for two years, all records of the accumulated points shall be removed from the student's records at the school.  
(Act 2009-713, p. 2095, §1.)
- (d) For students seventeen (17) years of age or older who withdraw from school, the Supervisor of

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

### **ENROLLMENT EXPECTATIONS**

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

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

### **VISAS AND PUBLIC SCHOOL ENROLLMENT**

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

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

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

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

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

# CUSTODY AND GUARDIANSHIP

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

A parent who was not granted physical custodial rights to their child at birth by Alabama statute or by case law must be adjudicated/court ordered as a custodial parent by a judge's Order in order to serve as the enrolling parent. The enrolling parent of any child whose custodial relationship has been adjudicated/court ordered by a judge's Order must provide custodial documents, which meet BCPS custody requirements outlined in the *Custody and Guardianship* section of this handbook. **The adjudicated/court ordered documents are to be submitted during the process of online registration, to each school office prior to the first day of attendance or as requested by the school.**

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

## **DEFINITIONS**

The following definitions apply in regards to custody and guardianship terms used in this handbook:

1. **Enrolling Adult** The adult completing the registration process for a child. This adult must meet all custodial and residential requirements as dictated by BCPS Policy.
2. **Legal Custody** A custodial relationship created by an order of a court of proper jurisdiction, which vests the legal care, custody and control of the minor child in the custodian.
3. **Physical/Residential Custody** A custodial relationship created by an order of a court of proper jurisdiction, which vests the custody, control and physical possession of the minor child in the custodian.
4. **Legal Guardianship** A person appointed by a court of proper jurisdiction, as guardian of a minor child whose powers and duties are listed in the Code of Alabama § 26-2A-78.
5. **Accepted Legal Documentation** A court order, or judgment, signed by a judge and filed with the clerk of proper jurisdiction, granting the required custody is sufficient to establish and confer the necessary custodial relationship for the purpose of school enrollment. When requested or prior to the first day of school attendance, the student's custody or guardianship Order/judgment signed by a judge and filed with the clerk of proper jurisdiction, must be delivered to the system designee or to the school principal for approval or at any time the student's custodial relationship is amended. The mere filing of a Dependent Complaint, or Custody Affidavit Petition with a court of proper jurisdiction, or any other document seeking custody or guardianship, does not create the necessary custodial relationship required by BCPS to establish residence for the purpose of school enrollment.
6. **Military Power of Attorney** BCPS will accept a Military Power of Attorney properly executed by the appropriate military authority, in the event a parent/legal guardian receives military activation orders for active deployment, for the duration of the active deployment. Official records must be presented for documentation.

7. **Foster Parents** Foster parents should contact the BCPS attendance supervisor at the Board of Education for guidance in student enrollment prior to completing the online registration process.
8. **Delegation of Parental Authority** A Delegation of Parental Authority, *Code of Ala. § 26-2A-7*, does not establish residency and or guardianship for the purpose of school enrollment. This is sometimes referred to as a “notarized power of attorney.”
9. **Conservatorship of the Estate** Conservatorship of an estate awarding guardianship of a child will not be used to determine school enrollment or the school attendance zone assignment. Guardianship of and enrollment of the child shall only be accepted when all residential and guardianship requirements as described above are met.

# ENROLLMENT AND RESIDENCY REQUIREMENTS

## **CRITERIA FOR ESTABLISHING RESIDENCY**

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

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

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

## **EMANCIPATION**

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

## **STUDENT RESIDENCY REQUIREMENTS FOR ATTENDANCE**

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

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

Except for those out of district application and waiver processes outlined in Board policy, BCPS does not accept for enrollment students who reside outside of the Baldwin County Public School System attendance zones. A student whose residency is not fixed could be eligible for special residency designations that may allow for other registration options. Contact the Counseling and Social Services Coordinator for guidance and see the *Homeless Student Designation* section in the *Parent and Student Handbook*.

### **\*Custodial Relationship Documents and Residency:**

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

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

By requirement of BCPS, it is the responsibility of the Enrolling Adult (parent/legal custodian or guardian) to provide requested address verification information and/or current proofs of residency for their student(s) annually and/or when requested. *In other words, the burden of proof in providing current residency documentation is the responsibility of the parent/legal custodian or guardian.* Failure to provide the required proofs may prohibit the returning or new student from being enrolled for the requested school term/year.

The residency documentation may be uploaded by the enrolling adult at the time of the student's on-line registration or by providing a physical copy of the residency documentation to the student's school. All uploads must be clear and concise. Submitted documents must be in the name of the Enrolling Adult with the primary residence listed for

the address. The proofs (originals and uploaded forms) must be clear, legible, signed if applicable, not altered, dated, show residence address and parent/legal guardian's name. Additional documentation may be required at any time that residency or the residency documentation provided is thought to be in question or not adequate.

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

1. Home Ownership:
  - a. Baldwin County property tax paid receipt (not the appraisal) for the most current tax year **AND** a current month's utility billing (power/water/gas).
  - b. Warranty deed (physical and legal address noted, recorded/filed/signed) **AND** current month's utility billing (power/water/gas).
  - c. Recent Purchase - Warranty Deed (Signed/dated) with Real Estate Sales Validation Form (signed/dated) **AND** utility statement of service or current month's utility billing for owner and property (power/water/gas)
  - d. Current Mortgage Statement specifically indicating the mortgaged property address and specifically identifying the mortgagor (borrower) and the mortgagee (lender) **AND** utility statement of service or current month's utility billing for owner and property (power/water/gas)
2. Rental Property:
  - a. Current lease/rental agreement \* **AND** Lessee's current month's utility billing or utility statement of service (power/water/gas)
    - i. Lease must be official, signed, notarized if applicable, unaltered with active begin/end dates.
    - ii. If lease expires during the school year, a renewed active lease/extension must be provided to each child's school at the time of expiration and renewal.
    - iii. Leases on or extended to a month-to-month basis require a *Residency Affidavit* to be filed to include each child.
3. Mobile Home Ownership or Rental:
  - a. Mobile home rental contract or ownership document **AND** Lot lease\* or Lot Lessee statement of occupancy (on letterhead, dated, occupants listed) **AND** Current month's utility billing or utility statement of service for owner and property (power/water/gas)
  - b. Mobile home rental contract/Lot lease\* or Lot Lessee statement of occupancy (on letterhead, dated, occupants listed) **AND** Current month's utility billing or utility statement of service for owner and property (power/water/gas)

### **RESIDENCY AFFIDAVIT**

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

Some situations that automatically require a Residency Affidavit:

1. lease is expired and/or renting is on a month- to-month basis;
2. currently living, whether temporarily or permanently, in another person's residence
3. current living arrangement does not allow for the submission of the required proofs

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

### **Proof for Residency Affidavit**

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

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

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

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

### **HOME VISIT RESIDENCY CHECK**

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

1. Students entering or continuing their enrollment to BCPS on a Residency Affidavit;
2. Student does not reside with the parent/legal guardian and/or at the given enrollment address;
3. Custodial/Guardianship documents have not been properly executed;
4. Parent, custodial adult, or legal guardian does not reside every day within the BCPS' limits;

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

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



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

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

#### **ATTENDANCE ZONES FOR ENROLLMENT PURPOSES**

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

#### **ATTENDANCE ZONE VARIANCES (BOARD POLICY 6.2.2)**

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

# STUDENT ATTENDANCE

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

## **ARRIVALS / DISMISSALS**

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

## **TARDINESS**

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

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

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

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

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

## **ABSENCE MONITORING**

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

## **EXCUSED ABSENCES**

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

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

## **WRITTEN EXCUSE**

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

For a student's consecutive days of absence, a parent/legal custodian or guardian may submit one written excuse. The number of days absent covered in that written excuse will be counted as individual written excuses toward the allowed maximum nine (9) parent written excuses per calendar year.

The written excuse must include the following:

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

Parents of students in grades K-12 may submit up to nine (9) parent written excuses per calendar year and may be required to submit an excuse for late check-ins and early checkouts. After nine (9) absences have accrued in a year, a doctor's or legal excuse may be required for additional absences to be excused. (Please note that a doctor's excuse should reflect that a student actually visited or was seen by an actual physician, physician's assistant, or nurse practitioner that is not also the parent of the child).

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

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

## **UNEXCUSED ABSENCES**

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

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

## **STUDENT WITHDRAWAL DUE TO ABSENCES**

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

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

## **EARLY WARNING TRUANCY NOTICE**

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

Students deserve every opportunity for academic success and prompt, regular, daily attendance not only teaches life supporting skills but, also, increases the likelihood of school being a positive experience. A uniform attendance

emphasis must then define the responsibilities of the groups of people directly related to the program. These groups will be: students, parents, teachers, administrators, and courts.

#### Responsibilities of the Student

1. Arriving at school prior to the opening time.
2. Being seated and ready for instruction in each class before the tardy bell rings.
3. Bringing to each class those books and materials necessary to make attendance meaningful.
4. Remaining in class for the entire class period.

#### Responsibilities of the Parents

1. Encouraging their child to be present daily and on time.
2. 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.
3. Refraining from asking the school to violate the checkout procedure approved by the Baldwin County Board of Education.
4. Scheduling necessary appointments for their child outside the school day when possible.
5. Cooperating with the school in providing valid excuses for their child's absence.
6. Attending conferences arranged by the principal.

#### Responsibilities of the Teacher

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

#### Responsibilities of the Administration

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

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

The Alabama Compulsory School Attendance Law (Ala. Code §16-28-3) requires children between the ages of six (6) and seventeen (17) to enroll and attend school. Additionally, Section 16-28-12, 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 Public Schools since the 1989-90 school year. The program was recommended by the State Department of Education and the Administrative Office of the Courts and has been approved by the Baldwin County Board of Education and the Juvenile Court. Pursuant to Section 16-28-12 of the Code of Alabama, all students - grades Pre-K--12 are subject to the provisions of this program.

Schools shall follow the following protocol when absences occur:

1. First Truancy/unexcused absence (warning)  
Parent/guardian shall be notified by the school principal or designee that the student was truant and the date of the truancy.
2. Second Truancy/unexcused absence (written notification)  
Parents will be sent a letter from the school notifying them of next steps should trancies continue.
3. Third Truancy/unexcused absence (school conference)  
Parents will participate in a truancy intervention conference at the school, via teleconference, and/or via telephone with the school principal and/or designee (assistant principal, counselor, social worker, lead teacher, etc..) to discuss next steps if trancies continue.
4. Fifth Truancy/unexcused absence – (referral to Early Warning Truancy Prevention Program)
  - a. The parent, guardian, or person having control of the child shall attend the Early Warning Program provided by the BCPSS level attendance office in conjunction with partnering agencies.
  - b. Attendance shall be mandatory except where prior arrangements have been made or an emergency exists.  
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 (BCPSS level intervention)  
The BCPSS 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 BCPSS 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. Trancies after Referral to Early Warning: Non-attendance of the Early Warning Program and/or subsequent trancies 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. The purpose of the Act is:

- A. 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
- B. ***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.

1. **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.
2. **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:
  - a. is enrolled in a secondary school, or
  - b. 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
  - b. is gainfully and substantially employed, or
  - c. is a parent with care and custody of a minor or unborn child, or
  - d. has a physician's statement that the parents of the person depend on him/her as their sole source of transportation, or
  - e. is exempt from these requirements based on Section 16-28-40 of the Code of Alabama.
3. **Operational Procedures**
  - a. Principal's Responsibilities
    - i. Principals or designees shall provide students with information relative to the Act and procedures for compliance.
    - ii. 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.
    - iii. 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.
    - iv. 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.
  - b. Student's Responsibilities
    - i. 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.

- ii. 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.
4. **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 DRIVERS LICENSE ENROLLMENT/EXCLUSION STATUS INSTRUCTIONS (BOE Policy #6.22)**

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

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

# GENERAL STUDENT/PARENT GRIEVANCE PROCEDURES

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

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

## **FORMAL GRIEVANCE PROCEDURES:**

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

### *Step One:*

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

### *Step Two:*

The administrator and staff designated by the Superintendent will investigate the complaint using various procedures, and investigating techniques, including but not limited to interviews, phone contact, data reviews, and witness reports. After the review, the administrator will report back to the Superintendent and/or their designee with the suggested action to be taken by BCPS. 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 BCPS 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 BCPSS 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 BCPS 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 BCPS 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 BOE 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

### **OVERVIEW OF STUDENT CODE OF CONDUCT**

In accordance with BOE Policy 6.20, the Superintendent has prepared and presented to the Board for adoption the below Student Code of Conduct. The Student Code of Conduct comprehensively describes the rules and standards of conduct and discipline that will be maintained and enforced within the Baldwin County Public School System. The Student Code of Conduct sets forth the specific grounds for disciplinary action, the penalties, sanctions, and/or consequences that may be imposed for a student's violation of the Student Code of Conduct, the methods and procedures by which violations of the Student Code of Conduct will be determined, and any applicable appeal or review procedures that are available to students. The Student Code of Conduct incorporates applicable statutory and regulatory requirements by reference, and any hearing and appeal procedures specified within the Student Code of Conduct are intended to conform to any applicable statutory and constitutional standards and requirements. The Student Code of Conduct is deemed an extension of Board Policy and will have the force and effect thereof.

In accordance with Alabama law and in applying the included Student Code of Conduct, the principal, or his or her designee, may consider all or any of the following factors when recommending or initiating disciplinary action against a student:

- (1) The age of the student
- (2) The disciplinary history of the student
- (3) The seriousness of the violation or behavior
- (4) Whether a lesser intervention would appropriately address the behavior of the student.

*See Ala. Act No. 2024-262*

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

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

1. To abide by laws and local board of education and individual school rules and policies regarding respect for person, privacy, and property.
2. To respect the recognized privacy rights of others.
3. 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.
4. To respect the property rights of those at school and the general public.

Student rights are:

1. To be informed of local board of education and individual school rules and policies regarding respect of person, privacy and property.
2. 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:

1. To abide by laws and local board of education and individual school rules and policies regarding rules of conduct:

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

Student Rights Are:

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

## **DRESS CODE POLICY**

### **I. Overview**

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

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

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

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

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

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

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

1. All attire:
  - a. No pictures, emblems, or writings on clothing that:
  - b. Are lewd, offensive, vulgar or obscene,
  - c. Advertises or depicts tobacco products, alcoholic beverages, drugs or any other illegal substance, or
  - d. Contains fighting words or incites criminal activity; or
  - e. Can reasonably be expected to cause a material or substantial disruption of, or interference with, normal school operations.
2. Tops:
  - a. Tops that reveal the body in an inappropriate manner are not permitted. This includes but is not limited to mid-driffs, crop tops, bare at the sides, sundresses, "spaghetti strap" type

- tops, racer backs, off-the-shoulder tops, low-cut front or low-cut tops
  - b. No cut off/crop tops. (No midriff can be showing)
  - c. No sleeveless garments.
  - d. No see-through garments.
  - e. Designed so that the neckline does not reveal cleavage.
  - f. Designed to cover all undergarments.
  - g. Fit properly- no oversized or overly tight tops.
  - h. No tank top/undershirt can be worn as a shirt.
3. Shorts:
- a. Length should be at fingertip/hand or mid-thigh, whichever is longer.
  - b. Fit properly- no oversized or tight shorts.
  - c. No spandex, biker, or see-through shorts.
  - d. Must be hemmed and not rolled up
4. Dresses:
- a. Length should be at fingertip or mid-thigh, whichever is longer.
  - b. Splits may not exceed (3) inches above the top of the knee.
5. Pants:
- a. Proper fit- no sagging or baggy fit: worn at the waist. (No pajama bottoms)
  - b. No see through or spandex legging pants.
  - c. Pants that are too tight or allow for exposure of undergarments are not permitted.
  - d. Leggings, yoga pants, and other tight fitting, spandex or lycra based pants must be worn with an acceptable top that covers the private areas of the body.
  - e. Leggings/tights may be worn only under shirts and dresses of appropriate length so that the buttocks and private area are covered.
  - f. No holes in jeans in inappropriate areas (length rule); Pants or Jeans may only have holes at the knee or below. Pants or Jeans that have holes above the knee are not allowed, unless there is material beneath the holes
  - g. Sweat pants and warm-up suits will be allowed.
6. Shoes:
- a. Must be worn at all times, fastened properly.
  - b. Classes may require certain shoes and/or prohibit certain shoes for safety reasons. Ex. P.E., Chemistry.
  - c. No bedroom slippers.
  - d. For elementary school students, no open toed or open heeled shoes may be allowed for safety reasons (i.e. no Crocs).
7. Accessories:
- a. Students may not wear hats or head coverings in school buildings or on school premises. This includes but is not limited to bandanas, athletic headbands, headscarves/hair wraps, hoodies, and other forms of headgear or hair covering.
  - b. Exceptions include:
    - i. Head gear used as part of a uniform such as the JROTC cap, band uniform hats, and athletic headgear worn with a uniform on the playing and practice fields are allowed.
    - ii. Religious purposes, which have been approved prior to wearing.
    - iii. During extreme cold weather, students will be allowed to wear toboggans outdoors on campus.
  - c. Other than safety-related accessories for safety related purposes, accessories such as masks, hats, caps, sweatbands, or other head covering will not be worn in building;
  - d. No gang related clothing/items will be allowed.

- e. Students must cover and/or conceal any court and/or law imposed tracking and/or monitoring devices.

### C. Exemptions for Schools

All students enrolled in the BCPS 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 POSSESSION FIREARMS (SEE BOE POLICY 4.2.1)**

**SPECIFIC DISCIPLINE RELATED TO FIREARMS**

In compliance with Code of Alabama § 16-1-24.3 and Board Policy, **any** student who has been determined to have brought to school or to have in their possession a firearm in a school building, on school grounds, on school buses, or at other school sponsored functions will be expelled for a period of one year. For the purpose of this section, the term “firearm” has the same meaning as defined in Title 18 U.S.C. § 921. The expulsion requirement for possession of a firearm may be modified in writing by the Superintendent upon the recommendation of the Superintendent’s Expulsion Review Committee on a case-by-case basis.

Students who are expelled for firearm possession may not attend regular school classes in any public school in the state during the expulsion period. Students who are expelled from schools for firearm possession may be permitted to attend alternative schools or an alternative educational setting designed to provide education services. Discipline of students with disabilities who violate the BCPS firearm possession policies shall be determined on a case-by-case basis in accordance with federal and state law.

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

Students shall not use, possess, distribute, and/or sale drugs or alcohol in a school building, on school grounds, on Board property, on school buses, or at a school-sponsored function. Drugs shall include those listed in the State and/or Federal Controlled Substances Laws, prescription drugs and/or unauthorized over-the-counter medications or nutritional substances (except in accordance with Board policies and procedures on prescription medications at school), and drug or alcohol paraphernalia.

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

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

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

### **1. Overview**

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

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

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

*Elementary Pre-k – 6<sup>th</sup>*

- A. First offense: for the first violation of this policy, the school principal or designee shall:

1. Immediately suspend the student from attending regular classes and school activities.
  2. The student shall be provided due process in accordance with BOE Policy #6.20 and the Student Code of Conduct.
  3. Unless otherwise provided herein, the suspension may range from a minimum of five days and shall not exceed nine (9) days.
  4. Notify the parent/guardian as soon as possible.
  5. Notify appropriate law enforcement officials.
- B. Subsequent offenses: for second and subsequent violations of this policy, the school principal or designee shall:
1. In grades kindergarten through sixth, immediately suspend the student from attending regular classes and school activities.
  2. Consequences for violations of this policy may range from a minimum of five days of suspension up to a recommendation for expulsion with possible placement into an alternative educational setting.
  3. Due process shall be provided in accordance with BCBE Policy # 6.20 and the Student Code of Conduct.
  4. Notify the parent/guardian as soon as possible.
  5. Notify appropriate law enforcement officials.

*Secondary- 7<sup>th</sup>-12<sup>th</sup>*

- A. First offense: for the first violation of this policy, the school principal or designee shall:
1. Immediately suspend the student from attending regular classes and school activities.
  2. The student shall be provided due process in accordance with BOE Policy #6.20 and the Student Code of Conduct.
  3. Unless otherwise provided herein, the suspension may range from a minimum of five days and shall not exceed nine (9) days.
  4. Notify the parent/guardian as soon as possible.
  5. Notify appropriate law enforcement officials.
  6. Inform the parent/guardian of the requirement to successfully complete the BCPS Chemical Abuse Prevention Program (CAPP) for first offenses to this policy. Administrators must inform the parent/guardian and student of CAPP details including time, location, requirements, and consequences of not attending. Students who commit second and subsequent offenses are not eligible to attend CAPP.
  7. Failure to successfully complete all sessions of CAPP will result in an additional three-day suspension. CAPP attendance is in addition to the suspension for the first offense.
- B. Subsequent offenses: for second and subsequent violations of this policy, the school principal or designee shall:
1. In grades seven through twelve, immediately suspend the student from attending regular classes and school activities, pending a recommendation for expulsion.
  2. Due process shall be provided in accordance with BCBE Policy # 6.20 and the Student Code of Conduct.
  3. Notify the parent/guardian as soon as possible.
  4. Notify appropriate law enforcement officials.
3. **Sell, Furnish, Give Away, Distribute or Transfer.** Students who sell, furnish, give away, distribute, or transfer alcoholic beverages, illegal drugs, prescription drugs or counterfeit substances on Board property as described above shall be in violation of this policy. The school principal or designee shall:
- A. *In grades kindergarten through six (K-6)*, immediately suspend the student from attending



regular classes and school activities. Consequences for violations of this policy may range from a minimum of five days of suspension up to a recommendation to expel, with possible placement into an alternative educational setting. Due process shall be provided in accordance with BCBE Policy # 6.20 and the Student Code of Conduct.

- B. *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 and the Student Code of Conduct.
- C. Notify the parent/guardian as soon as possible.
- D. Notify appropriate law enforcement officials.

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

## **PROHIBITION ON STUDENT THREATS TO HARM SELF OR OTHERS**

As included in the bullying and harassment policies outlined below and in Board Policy, the BCPS defines a threat as a communication of a desire to harm someone, including oneself, that may be spoken, written, gestured, or expressed in some other form, such as via text messaging, email, or other digital means. An expression of desire to harm someone or oneself is considered a threat regardless of whether it is communicated to the intended target(s) and regardless of whether the intended target is aware of the threat. Threats may be implied by behavior that an observer would reasonably regard as threatening, planning, or preparing to commit a violent act. Since threats are not always easily recognized as harmless (e.g., an obvious joke that worries no one), all threats should be reported to the school administrator or other school team members so that the appropriate team member can evaluate and respond to the threat, including but not limited to taking immediate action if violence is imminent, notifying law enforcement, investigating the threat(s), taking precautions, screening student for further services and/or counseling, developing a safety plan, and/or removing student from the educational environment until, for example, a health care professional can assess whether or not it is safe for student to return to school. For additional guidance on processes for readmittance to school following a student's threat to harm oneself or others, including but not limited to any required medical clearance from a health care professional, please see student handbook provisions regarding specific discipline responses below as well as those policies and procedures related to student health services.

## **SPECIFIC DISCIPLINE 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. (The BCPSS reserves the right to respond and take action, in addition to discipline, in order to keep campuses operating as a safe and positive learning environment). That being said, ***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 investigation and discipline of student threats to harm others, subject to any rules and laws regarding students with disabilities:

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

- A. First occurrence – up to 2-day suspension at the discretion of the Principal based on all the facts and circumstances
  - 1. Call parents and schedule a re-entry conference with campus SRO present.
  - 2. Notify SRO for law enforcement determination on whether additional law enforcement investigation necessary as well as to discuss referral for additional safety measures including but not limited to a student threat assessment.
  - 3. Notify school counselor and school nurse to assess whether medical clearance necessary before student returns to school.
  - 4. School counselor meet with all students involved and follow any applicable counseling procedures/guidelines.
  - 5. Digital history checked on Chromebook or laptop reviewed. Contact David Besancon, Ed Technology Director. If concerns are evident, system technology department will be notified for a deeper investigation.
  - 6. Notify parents of student(s)/victim(s) involved in the situation.
- B. Second occurrence – 5 days suspension.
  - 1. Call parents and schedule a re-entry conference with campus SRO present.
  - 2. Notify SRO for law enforcement determination on whether additional law enforcement investigation necessary as well as to discuss referral for additional safety measures including but not limited to a student threat assessment.
  - 3. Notify school counselor and school nurse to assess whether medical clearance necessary before student returns to school.
  - 4. Alta Pointe referral will be offered.
  - 5. School counselor meet with all students involved and follow any applicable counseling procedures/guidelines.
  - 6. Digital history checked on Chromebook or laptop. Contact David Besancon, Ed Technology Director. If concerns are evident, system technology department will be notified for a deeper investigation.

7. Notify parents of student(s)/victim(s) involved in the situation.
- C. Third occurrence – Notify school counselor and campus nurse and contact Assistant Superintendent or Superintendent for additional guidance and whether suspension, pending expulsion and/or placement into an alternative educational setting is warranted and/or to assess whether medical clearance and/or additional documentation necessary before student returns to school.

*Fourth – Six Grades (4-6)*

- A. First occurrence – up to 3 days suspension at principal discretion based on all facts and circumstances
  1. Notify SRO for law enforcement determination on whether additional law enforcement investigation necessary as well as to discuss referral for additional safety measures including but not limited to a student threat assessment.
  2. Call parents and schedule a re-entry conference with campus SRO present.
  3. Notify school counselor and school nurse to assess whether medical clearance necessary before student returns to school
  4. School counselor meet with all students involved and follow any applicable counseling procedures/guidelines.
  5. Digital history checked on Chromebook or laptop. Contact David Besancon, Ed Technology Director. If concerns are evident, system technology department will be notified for a deeper investigation.
  6. Notify parents of student(s)/victim(s) involved in the situation.
- B. Second occurrence – 5 days suspension.
  1. Notify SRO for law enforcement determination on whether additional law enforcement investigation necessary as well as to discuss referral for additional safety measures including but not limited to a student threat assessment.
  2. Call parents and schedule re-entry conference with parents and SRO present.
  3. Notify school counselor and school nurse to assess whether medical clearance necessary before student returns to school
  4. School counselor meet with all students involved and follow any applicable counseling procedures/guidelines including but not limited to Alta Pointe referral should be offered.
  5. Digital history checked on Chromebook or laptop. Contact David Besancon, Ed Technology Director. If concerns are evident, system technology department will be notified for a deeper investigation.
  6. Notify parents of student(s)/victim(s) involved in the situation.
- C. Third occurrence – Notify school counselor and school nurse and contact Assistant Superintendent or Superintendent for additional guidance and whether suspension, pending expulsion and/or placement into an alternative educational setting is warranted and/or to assess whether medical clearance and/or additional documentation necessary before student returns to school.

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

- A. First occurrence – 5 day suspension, pending expulsion for full review of facts and circumstances in order to determine if expulsion and/or placement into an alternative educational setting is warranted.
  1. Notify SRO for law enforcement determination on whether additional law enforcement investigation necessary as well as to discuss referral for additional safety measures including but not limited to a student threat assessment.
  2. Notify school counselor and school nurse to assess whether medical clearance necessary before student returns to school;
  3. School counselor meet with all students involved and follow any applicable

counseling procedures/guidelines including but not limited to Alta Pointe referral should be offered.

4. Regardless of discipline imposed, a re-entry meeting with the student, parents, counselor, principal and police (SRO) must take place before the student can return to school.
5. Digital history checked on Chromebook or laptop. Contact David Besancon, Ed Technology Director, to have a complete IT footprint check on the student. If concerns are evident, system technology department will be notified for a deeper investigation.
6. Notify parents of student(s)/victim(s) involved in the situation

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

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

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

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

The Board seeks to comply with Alabama law in regards to its cell phone policies and procedures. The Board aims to reduce distractions that can interfere with academic engagement and achievement. By promoting a learning environment free from the distraction of cell phones, the Board also aims to foster face-to-face interactions, enhance social skills development, and promote well-being among students.

In accordance with Alabama law and Board Policy, no student shall use or operate any wireless communication device in any public elementary or secondary school building or on the grounds thereof during the instructional day. In addition, no student may possess a wireless communication device in any public elementary or secondary school building or on the grounds thereof during the instructional day, as that term is defined under the law, unless the wireless communication device is turned off and stored off their person in a locker, car, or similar storage location. The Superintendent or designee is authorized to determine appropriate storage locations for such devices at each school.

In accordance with Alabama law and Board Policy, “wireless communication devices” includes, a cellular telephone, tablet computer, laptop computer, pager, gaming device, or any other portable electronic device, such as a smart watch, that has the capability of exchanging voice, messaging, or other data communication with another electronic device.

Under the law and Board Policy, the “instructional day” is defined as the period of time during which a public elementary or secondary school is (1) open and in session for purpose of meeting the minimum number of instructional days or hours pursuant to Section 16-13-231, Code of Alabama, 1975, and the term also includes (2) class time, class transitions, lunch, non-instructional times, and (3) any other time as specified by the Student Code of Conduct or other school rules or as instructed by the Superintendent and/or his or her designees. The use of wireless communication devices by students is also prohibited while students are being transported on a school bus, except as provided for herein.

Notwithstanding the above, a student may use, operate, or possess a wireless communication device in a public elementary or secondary school building or on the grounds thereof during the instructional day in any of the following circumstances: (1) The use, operation, or possession is pursuant to the student's Individualized Education Program, Individualized Accommodation Plan, Section 504 plan, or Individualized Health Plan as determined by the student's IEP, 504 or IHP team. (2) The use, operation, or possession is for educational or learning purposes under the supervision of local board of education personnel. (3) The use, operation, or possession occurs during an emergency threatening the life or safety of the student or another person. The Superintendent or designee is authorized to develop additional guidelines for implementation of these exceptions.

In accordance with, and subject to Alabama law, and any additional requirements or rules adopted by the Alabama State Department of Education, principals and/or their designees will also have the authority to further restrict or deny the use of such devices by any student to prevent the misuse, abuse, or violation of school rules regarding the use of such devices. The Board hereby delegates to the Superintendent and his or her designee the authority to put additional procedures or measures in place to ensure that State law, State Department rules or requirements, and/or Board policy is followed in regards to student use of electronic communication 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 should be in accordance with the law. Any students found to be in violation of the Board's wireless communication device policy will be subject to discipline under the Board's Parent and Student Handbook/Student Code of Conduct. The Board assumes no responsibility for theft, loss, or damage to any personal/wireless communication device. In the event students are suspended and/or expelled for violating the Electronic Communication Device Policy, due process shall be provided in accordance with

Board Policy 6.20 and the Student Code of Conduct.

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

The possession of a digital electronic communication device (including but not limited to cell phones, Apple watches, MP3 players, cameras, or other telecommunication devices capable of capturing or relaying information) is strictly prohibited during the administration of a secure test. If a student is observed to be in possession of, or to have in a prohibited location, a digital device during the administration of a secure test, the device will be confiscated. If a student is observed using a digital device during the administration of a secure test, testing for the student will cease, the device will be confiscated and is subject to search. The student will be dismissed from testing, and the student's test will be invalidated. Local education agency (LEA) personnel will make all students, parents, and/or guardians aware of this prohibition through inclusion of this policy in the Student Code of Conduct Handbook and other regularly used modes of communication.

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

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

Violations	Sanctions
<p><b><u>CLASS I</u></b></p> <ul style="list-style-type: none"> <li>• Bullying (minor or first offense)</li> <li>• Destruction of School Property (minor)</li> <li>• Dishonesty</li> <li>• Disobedience/Refusal to Complete Assignments</li> <li>• Disorderly conduct as defined by Alabama Act 2024-409</li> <li>• Display of criminal related electronic monitoring device (ankle monitor)</li> <li>• Disrespect</li> <li>• Disruptive Behavior/Demonstrations/Interference with teaching and learning (minor or first incident)</li> <li>• Disruption on a School Bus, minor incident</li> <li>• Electronic Communication Device (Cell Phone/cell phone accessories defiance/unauthorized use or possession of device)</li> <li>• Failure to sign in/out properly</li> <li>• Failure to Follow Directive/defiance (minor)</li> <li>• Harassment/intimidation of another student (Minor and isolated incident)</li> <li>• Horseplay/Pushing</li> <li>• Inappropriate Display of Affection (minor)</li> <li>• Intimidation of a Student (Bullying)- Minor (including but not limited to intimidating communications)</li> <li>• Littering of School Property</li> <li>• Non-conformity to Dress Code</li> <li>• Obstruction of the teaching or learning process of others in the classroom</li> <li>• Presence in an unauthorized area</li> <li>• Profane, vulgar, obscene language- non direct/indirect use of</li> <li>• Tardiness from School or Class</li> <li>• Truancy/Unauthorized Absence</li> <li>• Unauthorized Absence from/skipping Class</li> <li>• Unauthorized use of school or personal property</li> <li>• Violation of Technology Acceptable Use, minor incident, first incident (including but not limited to inappropriate use of technology/sharing of inappropriate content)</li> <li>• Any further violations which may be outlined by the Board or which the principal may reasonably believe to fall within this category after investigation and consideration of extenuating circumstances</li> </ul>	<p><b><u>Class I Possible Sanction</u></b></p> <ul style="list-style-type: none"> <li>• Student Conference</li> <li>• Parent Conference</li> <li>• Referred to Counselor</li> <li>• Referred to Peer Mediation</li> <li>• Student Contract</li> <li>• Verbal Warning/Reprimand</li> <li>• Removal from Class</li> <li>• Loss of Privileges</li> <li>• Bus Suspension</li> <li>• Detention (during school or Saturday)</li> <li>• In-school Suspension</li> <li>• Restitution</li> <li>• Other sanctions as approved by the Board of Education and further outlined in the Student Code of Conduct.</li> <li>• The Board hereby designates to the Superintendent and/or his designee the authority to develop Student Code of Conduct suggestive and/or required guidelines for progressive discipline sanctions to include a progressive step up to maximum sanction for certain offenses in accordance with the approved sanctions outlined herein.</li> </ul>

CLASS II	Class II possible sanctions
<ul style="list-style-type: none"> <li>• Bullying- moderate or repeated</li> <li>• Defiance of Authority/insubordination (moderate incident)</li> <li>• Attempt to or Destruction of School Property (moderate or serious)</li> <li>• Cheating</li> <li>• Disorderly Conduct as defined by Ala. Act 2024-409 (moderate or third incident)</li> <li>• Display of criminal related electronic monitoring device (ankle monitor) second offense</li> <li>• Disruptive Behavior/interference with teaching and learning (moderate or second offense)</li> <li>• Disruption on a school bus, ( moderate or third incident)</li> <li>• Dress Code violations (repeated)</li> <li>• Electronic Comm. Device (Cell Phone/cell phone accessories defiance/unauthorized use or possession of device in violation of Alabama law and Board policy) Moderate or second</li> <li>• Failure to follow directives moderate or repeated</li> <li>• Gambling</li> <li>• Gang Activity/Gang display/Gang solicitation (first or second offense)</li> <li>• Hitting, Kicking, Biting</li> <li>• Indecent Exposure</li> <li>• Inappropriate public display of affection, repeated or significant</li> <li>• Inappropriate Touching of another person (including but not limited to choking, slapping, hitting)</li> <li>• Larceny/Theft</li> <li>• Matches or lighters- Use, Sale, Possession</li> <li>• Over the counter medication violation of medication policy</li> <li>• Possession of Unauthorized item (does not include fireworks, matches, toy weapons, other dangerous items)</li> <li>• Possession of Stolen Property (Theft)</li> <li>• Profanity/Vulgarity/Obscene gesture or language towards school personnel/adults (written, oral, recorded)</li> <li>• Sexual language/Sexual Harassment* -minor, isolated, harassment outside Title IX definition</li> <li>• Harasses, threatens, abuses, intimidates, or attempts to intimidate another student</li> <li>• Tardies to school/class (repeated)</li> <li>• Tobacco/Vape use, possession, distribution (first offense)</li> <li>• Trespassing</li> <li>• Verbal altercation with another</li> <li>• Unauthorized absences from school/skipping from school one day or more</li> <li>• Use of audio/visual recording devices without permission of teacher or administrator</li> <li>• Vandalism/Property Damage</li> <li>• Violation of Technology Acceptable Use, and Electronic Communications Device policy, moderate or second incident (including but not limited to inappropriate use of technology/sharing of inappropriate content, purposely looking for security problems, attempting to disrupt technology resources, monopolizing/compromising school resources, copying computer software attempting/threatening/damaging/stealing property while using school technology resources, using technology resources to distribute/display inappropriate material/computer trespass/sexting/lewd behavior/possession of pornographic materials/simulated sex acts, inappropriate downloading, internet activity, communications or use, physical misuse/neglect of school issued technology, use of a proxy, modification of a school record, and any other prohibited act.</li> <li>• <i>*Any Class I Violation- Repeated or Moderate Any other offense or violations as further outlined in the Student Code of Conduct or in which the principal may reasonably believe to fall within this category after investigation and consideration of extenuating circumstances</i></li> </ul>	<ul style="list-style-type: none"> <li>• Out of School Suspension (no longer than 10 school days)</li> <li>• Referral to Outside Agency</li> <li>• Removal from Regular School Environment</li> <li>• Long Term Suspension</li> <li>• <i>Any sanctions included in Class I such as ISS and other sanctions as approved by the Board of Education and further outlined in the Student Code of Conduct.</i></li> <li>• The Board hereby designates to the Superintendent and/or his designee the authority to develop Student Code of Conduct suggestive and/or required guidelines for progressive discipline sanctions to include a progressive step up to maximum sanction for certain offenses in accordance with the approved sanctions outlined herein.</li> </ul> <p><i>*As defined outside of Title IX</i></p>



### **CLASS III**

- Accessing or changing information in school computers without authorization
- Alcohol- Possession/storage, unlawful Sale or giving, purchase, Use, Distributing
- Arson
- Assault
- Bomb Threat/Threats against the school
- Bullying, Intimidation, Abuse, Threatens, Harasses a BCPSS employee and/or Severe/Repeated toward another student (including but not limited to harassing or threatening communications)
- Burglary of school property
- Criminal Mischief- Vandalism
- Crimes as defined by the State of Alabama or the United States
- Computer Tampering- Major
- Defiance of Authority/insubordination (repeated)
- Distribution of over the counter or prescription medication
- Disruptive Behavior/interference with teaching and learning (serious or repeated 3+)
- Drugs, illegal drugs, synthetic drugs, or drug paraphernalia – Possession/Storage, Use/Consume, Buying, Distributing, selling
- Gang Activity/Gang display/Gang solicitation (third offense)
- Electronic Comm. Device (Cell Phone/cell phone accessories defiance/unauthorized use or possession of device in violation of Alabama law and Board policy) Severe or Third
- Explosive/Incendiary/Poison Gas (preparing, possessing, and/or organizing use of)
- False Information/reports (falsifying documents, failure to identify oneself or giving false name, falls calls to emergency services)
- Fighting/attacking
- Fire Alarm Tampering/unjustified fire alarm activation
- Inciting/urging/encouraging/counseling others to Create Disturbance/Fight
- Inciting or participating in major student disorder/disruption
- Profanity/Vulgarity/Obscene gesture or language towards school personnel/adults (written, oral, recorded) (third or more offense)
- Robbery
- Sexual Offenses\* See Title IX for those sexual offenses that meet definition of Sexual Harassment under Title IX
- Tobacco Vape Use, Possession, Distribution (Repeated offenses)
- Theft of property
- Weapon - Possession, Sale, Use (weapon includes a self-defense item such as stun gun, mace, knife, gun, blade, etc)
- Repeated insubordination/failure to follow directives from a school system staff member and/or severe
- Under the influence of inhalants/other substances'
- Violation of the Technology Acceptable Use and Electronic Communications Device policy, major/severe or repeated violations (including but not limited to inappropriate use of technology/sharing of inappropriate content, purposely looking for security problems, attempting to disrupt technology resources, monopolizing/compromising school resources, copying computer software, attempting/threatening/damaging/stealing property while using school technology resources, using technology resources to distribute/display inappropriate material/computer trespass/sexting/lewd behavior/possession of pornographic materials/simulated sex acts, inappropriate downloading, internet activity, communications or use, physical misuse/neglect of school issued technology, use of a proxy, modification of a school record, and/or and any other prohibited act)
- *Any Class I or II Violations- Repeated or Severe- Any other offense or violation as further outlined in the Student Code of Conduct or in which the principal determined reasonable to fall within this category after investigation in consideration of extenuating circumstances*

### **Class III possible sanctions**

- CAPP Program
- Removal from Regular School Environment
  - Long Term Alternative School Placement
  - Long Term Suspension (more than 10 and less than 90 school days)
  - Expulsion (removal of more than 90 days and less than 180 days)

#### **\*Any sanction from Class I and Class II**

Class III violations typically result in suspension or removal from the regular school environment as defined below. Provided however, discipline may include any sanctions(s) included in Classes I and II and other sanctions as approved by the Board of Education and as further outlined in the Student Code of Conduct.

The Board hereby designates to the Superintendent and/or his designee the authority to develop Student Code of Conduct suggestive and/or required guidelines for progressive discipline sanctions to include a progressive step up to maximum sanction for certain offenses in accordance with the approved sanctions outlined herein.

## **NOTICE TO PARENTS AND STUDENTS OF TEACHERS' BILL OF RIGHTS**

Under Alabama law, the Teachers' Bill of Rights requires teachers to have an approved classroom management plan and affords teachers the right to exclude disruptive students from their classrooms in limited circumstances if they follow that plan. The purpose of the Teacher Bill of Rights, and its being included in the Student/Parent Handbook Student Code of Conduct, is to outline for parents and students the Board's established standards applicable to the development and approval of a teacher's required classroom management plans; the standards applicable to the removal of a student from the classroom by a teacher under Alabama law; and the appeal process available to a teacher if a student is returned to the classroom by the principal in limited circumstances.

For purposes of this policy, the term principal also includes assistant principal, vice principal, and/or his or her designee.

### **A. Classroom Management Plans:**

1. Development of Classroom Management Plans: To be eligible to use the exclusion procedures in Section "B," a teacher must develop an approved classroom management plan for his or her classroom that is age and developmentally appropriate for the grade(s) served. The classroom management plan should align with the Student Code of Conduct; local school and/or district's behavior management policies, plans, and procedures; and any behavioral intervention supports or other behavior management systems adopted by the principal of the local school and/or the district. Implementation of an approved classroom management plan may preclude student exclusion for instances of behavior listed in "B" below. The Superintendent or his or her designee is authorized to develop model classroom management plans that a teacher may be required to adopt or use for the development of his or her plan.
2. Approval of Classroom Management Plans: Each classroom management plan must be approved by the principal before the tenth (10<sup>th</sup>) day of instruction for students during each academic year. Principals are authorized to set a deadline for submission of classroom management plans by teachers that provides them with ample time to review and approve plans and seek revisions. Principals should review submitted plans promptly and approve them if they meet the standards outlined above. If the principal does not approve a teacher's initial classroom plan, the teacher must either submit a revised plan within two (2) school days or opt to use a model plan if one is available. If the teacher's revised plan is not approved, the principal is authorized to require the teacher to use a model plan or another approved plan. Plans submitted or approved outside the stated timeframes may be valid if otherwise properly submitted and approved.

### **B. Exclusion of Student from Classroom by Teacher:**

1. In accordance with Alabama law, a teacher may exclude any student from his or her classroom due to their behavior if:
  - a. The student has:
    - i. Engaged in "disorderly conduct," which is defined as any conduct that intentionally disrupts, disturbs, or interferes with the teaching of students or disturbs the peace, order, or discipline at any school;
    - ii. Behaved in a manner that obstructs the teaching or learning process of others in the classroom;
    - iii. Threatened, abused, intimidated, or attempted to intimidate an education employee or another student;
    - iv. Willfully disobeyed an education employee; or
    - v. Used abusive or profane language directed at an education employee.
  - b. The referring teacher followed his or her approved classroom management plan before excluding the student from the classroom; and
  - c. The referring teacher completes any required referral form and submits it to the principal or his or her designee when the student is excluded and referred to the school administration.

2. Nothing in this policy shall prohibit teachers from otherwise disciplining students as they deem appropriate consistent with local policies, procedures, and state law.
- C. **Principal Review and Decision:** The Superintendent shall develop guidance and procedures for principals to handle instances of student exclusion pursuant to this policy and consistent with Alabama law.
- D. **Appeal:** An appeal, under Board Policy 4.5.2 Complaints and Grievances (A copy of the Employee General Complaint/Grievance Procedures and forms may be requested from the Human Resources Department) may be filed by a teacher if:
1. a principal refuses to allow a student to be excluded from the classroom under this policy, or
  2. a teacher believes the principal has prematurely ended the exclusion of a student from the classroom under this policy.
  3. The appeal process available under this policy may not be invoked to challenge or seek review or reconsideration of disciplinary or placement decisions if:
    - a. **The decision to not exclude a student from the classroom or to return a student to the classroom results from a decision reached at the end of a school disciplinary hearing required by the Code of Student Conduct or state or federal law;**
    - b. **A 504 or IEP team, or another legally authorized person or entity, determines that a student with a disability has the right to remain in or return to the classroom under the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act of 1990; or**
    - c. **The student is otherwise legally entitled to remain in or return to the classroom.**
  4. **Filing of Appeal:** The teacher must complete and submit the approved appeal form to the appropriate Assistant Superintendent within one (1) school day of the principal's refusal to exclude the student from the classroom or following the return of the student to the teacher's classroom. The appeal form must be completed in full and signed by the teacher. The appeal under this policy, *i.e.* in accordance with the Alabama Teacher Bill of Rights, will bypass the Level I principal review under Board policies and procedures for Board Policy 4.5.2, and proceed directly to a Level II appeal, investigation and determination.
  5. **Status of Student During Appeal:** During the pendency of any appeal, the decision of the principal regarding the placement of the student, if any, will remain in effect. This placement may include the student remaining in the appealing teacher's classroom until the appeal decision has been reached.
  6. **Administrative Review:** Upon receipt of a timely appeal, the Superintendent or designee shall start an investigation of the appeal. The investigation may include but not be limited to: interviews of the teacher, the principal, and/or witnesses; obtaining or reviewing written statements, classroom management plans, or other pertinent documents; holding administrative conferences, and any other lawful action deemed necessary to reach a just disposition of the appeal at the discretion of the investigator. Upon completion of the investigation, the Superintendent or designee shall prepare a written recommendation regarding the issues raised in the appeal. If the recommendation is made by the Superintendent's designee, the Superintendent may adopt, reject, or modify the recommendation based on his or her review of the evidence. If the recommendation includes disciplinary action that entitles a student to a disciplinary hearing and/or manifestation determination and it has not been held, the disciplinary action will be treated as a recommendation subject to the outcome of the hearing or manifestation determination process. The written recommendation of the Superintendent or his or her designee should be made and mailed or transmitted to the teacher within thirty (30) calendar days of the date on which the appeal is filed, unless more time is reasonably needed based on the particular circumstances of the appeal, as determined by the Superintendent or his or her designee. Should the Superintendent or his or her designee need such additional time to issue a written decision, the teacher should be notified of same in writing and advised of when the decision will be issued.
  7. **Appeal to Board of Education:** A teacher dissatisfied with the Level II decision of the Superintendent or his or her designee may appeal the decision to the Board of Education by filing a written notice of appeal with the Superintendent within five (5) calendar days of receipt of the Superintendent's or

designee's written decision. The Superintendent shall then transmit to Board Members for their review a copy of the written appeal, the decision, the notice of appeal, all statements, recommendations, documents, recordings, transcripts, or other written or tangible evidence filed, submitted, or considered at any stage of the administrative review process. Not later than sixty (60) calendar days following receipt of the notice of appeal by the Superintendent, the appeal shall be placed on a Board meeting agenda for consideration. Written notice of the Board meeting date will be provided to the teacher. The appropriate appeal procedures will be determined by the Board but will include an opportunity for the teacher and the administration to each make a presentation with an opportunity for questioning by the Board. The teacher and administrator may choose to submit his or her arguments in written form. The Board appeal shall be open to the public unless the Board opts to enter executive session using the procedures dictated by the Open Meetings Act. After consideration of the appeal and administrative record, the Board may, by majority vote:

- a. Affirm the decision of the Superintendent or his or her designee;
  - b. Reverse the decision of the Superintendent or his or her designee; or
  - c. Modify the decision of the Superintendent or his or her designee.
8. The Board and/or Superintendent will give written notice to the teacher regarding the decision of the Board. A final Board decision on the appeal shall be issued within ten (10) calendar days after the Board votes.
9. Board's Decision. The Board's decision will be final, and the Superintendent will take steps to implement the decision, provided, however, that if the Board votes for disciplinary action that entitles a student to a disciplinary hearing and/or manifestation determination and it has not been held, the disciplinary action will be treated as a recommendation subject to the outcome of the hearing or manifestation determination process.

*See Ala. Act No. 2024-408*

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

### **I. Definitions:** In accordance with Section 16-1-14 of the Code of Alabama, the following terms have the following meanings:

- A. *Expulsion* The exclusion of a student from his or her regular school environment for more than 90, and less than 180, school days, per incident, for disciplinary purposes
- B. *Long- Term Alternative School Placement* The placement of a student in alternative school for more than 15 school days, per incident, for disciplinary purposes.
- C. *Long Term Suspension* The exclusion of a student from his or her regular school environment for more than 10, and less than 90, school days, per incident, for disciplinary purposes.
- D. *Regular School Environment* Any learning environment provided by the local board of education, including in-school suspension and virtual school.
- E. *Short Term Suspension*- the exclusion of a student from his or her regular school environment for less than 10 school days, per incident, for disciplinary purposes.

### **II. Short Term Suspensions**

#### *A. Overview*

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

#### *B. Intent*

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

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

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

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

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

- 1. The student shall be informed orally or in writing, by the principal or by his or her designee, of the charges against him or her. In the event the student denies the charges, the student will be provided an opportunity to present his or her side of the story. Under all circumstances, a student will be provided an opportunity to state matters and mitigation of the charges.
- 2. If in the opinion of the principal or his or her designee, the student committed the offense in question, the student shall be suspended from school the principal should immediately notify the student's parent or legal guardian of the action taken, the reason or bases for the action, and what further action will be taken, if any.
- 3. When a student is suspended, the student is denied any admission to any other school in the system until the student clears his or her record with the school originating this suspension even though the student might have moved into a new attendance zone. Suspension of students with disabilities will be subject to applicable limitations and requirements imposed by the IDEA, Section 504, and any applicable implementing regulations thereunder.

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

#### *A. Overview*

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

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

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

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

#### *B. Intent*

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

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

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

In the event that a student's misbehavior, is in the opinion of the principal, severe enough to warrant removal from the regular school environment either via a long-term alternative school placement of more than 15 school days, a long term suspension (more than 10 school days but less than 90 school days) or an expulsion (more than 90 school days and less than 180 school days), the procedure should be as follows, subject to any subsequent changes to State law or rules or requirements provided by the Alabama State Department of Education:

1. Initial Notice and Opportunity to be Heard. The student should be clearly informed by the principal, or by his or her designee, of the offense with which the student is being charged. The student will be given an adequate opportunity to state his or her position regarding the alleged offense and provide any matters in mitigation. The principal, or his or her designee, *may* consider all of the following factors before recommending or initiating a removal from the regular school environment: (1) the age of the student; (2) the disciplinary history of the student; (3) the seriousness of the offense or behavior; and (4) whether a lesser intervention would appropriately address the behavior of the student. This initial notice and opportunity to be heard usually happens at the initial office referral on the same day that any initial discipline is investigated and/or imposed.
2. Immediate Suspensions- In the event that the principal determines that the student poses an immediate threat to persons or property, or threatens immediately to disrupt the educational process, the student may be suspended immediately for a period of no more than 10 days. In such cases when a student is suspended immediately- with no initial meeting with the principal or his or her designee- notice of the misconduct with which the student is charged should be given as soon as practical, either in person, by phone, by email, or by US Mail to the parent or guardian based on the contact information listed in the BCPSS's student recordkeeping system, no later than two (2) school days following the immediate suspension. Under such circumstances, when immediate suspension has occurred with no time for an initial meeting, the principal or his or her designee should schedule a time, as soon as practical and not later than three (3) school days after the immediate suspension, to provide the student and his or her parent or guardian an adequate opportunity to state the student's position regarding the alleged offense and provide any matters in mitigation. A student and his or her parent or guardian may waive the student's right to this initial meeting if a parent or guardian or the student interferes with a principal's ability to schedule a time for the initial meeting.
3. Removal Recommendation. Following the initial notice and opportunity to be heard and no later than five (5) school days after the immediate suspension, if any, if, in the judgment of the principal, or his or her designee, the student committed the offense or offenses in question, the Principal will provide notice to the parent or guardian and student of the principal's decision regarding removal from the regular school setting. The notice will state that the student shall be suspended from school, pending a final opportunity for a hearing and determination by the Expulsion Review Committee as to whether the principal's proposed removal from the regular school environment is warranted. If the principal determines that based on the totality of the circumstances that a removal from the regular school environment is warranted, the principal should provide the parent or guardian with written notice of the removal recommendation. The written notice should be delivered to the parent or guardian personally or by mail sent to the mailing address on file with the BCPSS's student information recordkeeping system. The written notice should contain the following:
  - a. A description that based on the principal's recommendation of removal, the student is afforded an opportunity for a disciplinary hearing before the Expulsion Review Committee to determine whether the alleged violation has occurred;
  - b. A short and plain statement detailing the alleged conduct, the provision of the code of student conduct or state law allegedly violated, and the recommended discipline;
  - c. A statement outlining the rights of the student at the hearing, including that (a) the student shall have the right to be represented by legal counsel or another advocate of the student's choice at the student's expense, (b) to ask questions of the principal and any witnesses, excluding any individuals under the age of 14, in attendance at the request of the principal, and (c) to present witnesses during the appeal hearing.
  - d. A statement that if the parent or guardian desires to have a disciplinary hearing, the parent

or guardian should deliver in writing by email a request for a hearing to the Assistant Superintendent, Mr. Marty McRae, , or any designated Assistant Superintendent, with copy to Ms. April Salter at [asalter@bcbe.org](mailto:asalter@bcbe.org) and the student's principal.

- e. A statement if the student, parent, or guardian and legal counsel or advocate of the student desires to review any applicable audio or video recording of the incident and, consistent with federal and state student record laws and regulations (e.g. redaction of any personally identifying information of a student witness), any records, documents, or other information that may be presented as evidence at the hearing, including written statements made by witnesses related to the alleged incident leading to the removal from the regular school environment they should **submit such request in writing within the request for a hearing** so that arrangements can be made for the student, parent, or guardian and legal counsel or advocate to view any of the above, if available, at least 5 days before the proposed disciplinary hearing.
  - f. A statement that if the parent fails to respond to the notice by requesting a hearing as set forth above, that the hearing may be deemed waived indicating the parent or guardian's assent to the alleged violation or violations and to the recommended discipline.
  - g. A statement that upon the expiration of ten (10) school days, if a hearing is not requested by the parent or guardian, the principal's recommendation regarding removal shall become final.
  - h. The principal may also provide the parent or guardian with an optional waiver of the disciplinary hearing indicating the parent or guardian's assent to the alleged violation or violations and to the recommended discipline. If parent or guardian completes the waiver, the principal's recommendation regarding removal shall become final upon the principal's receipt of the signed waiver form.
4. **Expulsion Review Committee.** Following an alleged violation of the code of conduct or an alleged violation of state law that results in a recommendation from the principal for either a long-term alternative school placement, long term suspension, or expulsion of a student, the Board hereby designates that a student and his or her parent or guardian shall be afforded the right to a disciplinary hearing before the Superintendent's selected Expulsion Review Committee (ERC). The Expulsion Review Committee (ERC), appointed by the Superintendent, should be composed of a minimum of three (3) persons (examples: Central Office Administration, School Administration, and Specialized Student Needs Administration). Upon receipt of a written request for a hearing, the Assistant Superintendent and/or the ERC will schedule a hearing to be held, when practical, within ten (10) school days after the initial suspension from school, unless good cause is otherwise shown or upon agreement of the parties. If the parent or guardian also requested to review relevant records or documents, the Assistant Superintendent and/or the ERC will arrange for a time, at least five (5) days before the proposed hearing, for the student, parent, or guardian and legal counsel or advocate of the student to review any applicable audio or video recording of the incident and, consistent with federal and state student record laws and regulations (e.g. redaction of any personally identifying information of a student witness), any records, documents, or other information that may be presented as evidence at the hearing, including written statements made by witnesses related to the alleged incident leading to the removal from the regular school environment.

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

- a. The time, place, and nature of the hearing;
- b. The proposed time and place where the parent will be allowed an opportunity to review the relevant records or documents as identified above;
- c. A short and plain statement detailing the alleged conduct, the provision of the code of



- student conduct or state law allegedly violated, and any recommended discipline;
- d. A statement outlining the rights of the student at the hearing, including that the student shall have the right to: (a) be represented by legal counsel or another advocate of the student's choice at the student's expense, (b) to ask questions of the principal and any adverse witnesses in attendance at the hearing at the request of the principal, and (c) to present evidence, testimony from supporting witnesses, written statements and other documentary evidence during the hearing.

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

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

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

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

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

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

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

### **ALTERNATIVE EDUCATIONAL SETTINGS**

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

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

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

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

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

### **I: Principal's/Designee's Response**

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

### **II: Principal's Notice**

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

### **III: Assistant Superintendent and Expulsion Review Committee Response**

If the parent requests a hearing, the Superintendent, or his or her designee, will schedule a date for the ERC to convene and hear the circumstances that surround the infraction and subsequent disposition. The ERC will consider all relevant written information and will make a determination as to whether the conduct occurred and recommend to the Superintendent that he or she either uphold, modify, or reject the removal recommendation of the principal.

### **IV: Superintendent Response**

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

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

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

## **ON-CAMPUS/IN-SCHOOL SUSPENSION PROGRAM (OCS/ISS)**

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

## **BUS TRANSPORTATION CODE OF STUDENT CONDUCT**

BCPS provides bus transportation to students who are eligible to ride based on State and Local Board of Education provisions. Subject to certain exceptions outlined by law, providing students bus transportation is a privilege and not a right. Safety is of utmost importance in the transportation of students; therefore, the Board expects students to follow all rules and regulations regarding school buses. Students should observe classroom conduct (except for ordinary conversation) at all times when getting on, off, or riding the bus and shall be subject to all school rules and regulations applicable during regular school hours. The bus/bus stop is an extension of the school in which the student attends.

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

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

Students are expected to be at the bus stop 10 minutes prior to their bus scheduled pick-up time. The bus will not wait for students who are tardy. Any child who misses the bus will need to be taken to school by a parent/guardian. Students should not chase after the bus. Parents should not attempt to meet up with the bus at other locations. It is extremely dangerous for students to attempt to board a bus at a different location as the bus driver may not see the child in their mirror due to blind spots. Parents are prohibited from having students exit a vehicle behind the bus to board the school bus. Increased risk of students being seriously injured, or death may occur.

### **1. Behavior Expectations and Specific Rules for Students Riding Buses**

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

- A. Obey and cooperate with the bus driver (the driver may assign seats for students);
- B. Be seated immediately after boarding and remain seated;
- C. Be courteous to fellow pupils and the bus driver;
- D. Books, packages, coats, band instruments, and other items should not be in the aisles or in the driver compartment and should not be left on the bus. These items must be held in the child's lap or underneath the seat and must not occupy the seat of another child;
- E. Do not fight, harass, quarrel, yell, or use profane or obscene language;
- F. Keep feet, arms, and belongings out of the aisle and keep feet off the bus seats;
- G. Do not throw objects in or out of the bus;
- H. Keep hands, head, and objects inside the bus;
- I. Do not eat, drink (water is allowed), or chew gum on the bus;
- J. Do not smoke vape, or use tobacco products;
- K. Do not bring weapons of any kind on the bus;
- L. The use of cell phones or other electronic devices on buses is prohibited (unless required by law or allowed under Board policy and this Student Code of Conduct) and must be kept secured inside of the student's belongings (bookbag, purse, pocket, etc.). Cell phones must be on silent/vibrate. Sound should not be heard. All recording of video and/or audio is **prohibited**. Students should remove any earphones or similar electronic equipment prior to loading or unloading the bus as to be able to hear any instructions from drivers or noise from oncoming vehicles that may illegally pass the school bus stop sign. Students should always focus on the bus driver and traffic when crossing a roadway, entering, and exiting a school bus. Students should not commit careless or willful acts which may cause injury to others;
- M. Keep bus clean by picking up any trash that is dropped;
- N. Do not commit careless or willful acts which may cause damage to the bus or injury to others (parent/legal guardian may be held financially responsible for repairs or replacement due to bus damage);
- O. Ride to and from school on the bus assigned unless approved by the principal.

- P. Students will get on and off at their assigned stop
- Q. If needing to cross the street, students should always check traffic and wait on the bus driver's signal before crossing; continually check to ensure all vehicles are stopped.
- R. Students are expected to provide their name and address if asked by the bus driver.

## 2. Administrative Responses To Discipline Referrals for Violation of Bus Expectations and Rules May Include, But Are Not Limited To:

- A. First Offense: Up to 20-day suspension from bus and out of school suspension from school;
- B. Second Offense: Up to 40-day suspension from bus and out of school suspension from school;
- C. Third+ Offense: up to 1 year suspension from bus and expulsion from school.

## 3. Student Bus Safety Tips:

- A. Hold onto the handrail to prevent a slip or fall. Go directly to your seat and sit down.
- B. Move away from the bus as soon as you exit.
- C. Look to the rear of the bus for oncoming vehicles as you exit the bus.
- D. Do not play in the loading/unloading zones.
- E. Do not go back to the bus retrieve anything you may have dropped or left behind.
- F. Do not bend down near or under the bus.
- G. Minimize conversation with driver as to not distract him or her while driving or while driver is engaged in safety sensitive procedures.
- H. ALWAYS STAY WHERE THE BUS DRIVER CAN SEE YOU – THINK BEFORE YOU MOVE!!
- I. Get Ready! Before reaching their stop, children should stay seated, but get ready to leave by getting their belongings together.

## **NOTICE**

Parents are not allowed to board a school bus or prevent the bus from leaving an area. All communication with drivers should be through the front-office at the school. *See Charles "Chuck" Poland, Jr. Act below.*



**OFFENDERS WILL BE PROSECUTED TO THE  
FULLEST EXTENT OF THE LAW.**

**PUNISHMENT COULD RESULT IN A FINE OF UP TO \$6,000 AND UP TO ONE YEAR IN JAIL**

**CHARLES "CHUCK" POLAND, JR. ACT (ALABAMA ACT 2013 - 347)**

*No Trespassing on School Buses - Offenders will be prosecuted to the fullest extent of the law. Punishment could result in a fine up to \$6,000 and up to one year in jail. Charles "Chuck" Poland, Jr. Act (Alabama Act 2013 - 347)*

a. A person commits the crime of trespass on a school bus in the first degree if he or she is found guilty of doing any of the following:

1. Intentionally demolishing, destroying, defacing, injuring, burning, or damaging any school public bus.
2. Entering a public school bus while the door is open to load or unload students without a lawful purpose, while at a railroad grade crossing, or after being forbidden from doing so by the authorized school bus driver in charge of the bus, or upon demand of a principal of a school to which the bus is assigned or other duly authorized school system official.
3. As an occupant of a public school bus, refusing to leave the bus on demand of the authorized school bus driver in charge of the bus, or upon demand of a principal of a school to which the bus is assigned or other duly authorized school system official.
4. Intentionally stopping, impeding, delaying, or detaining any public school bus being operated for public school purposed with the intent to commit a crime therein.

b. The crime of trespass on a school bus in the first degree is a Class A misdemeanor.

c. Subdivisions (2), (3), and (4) of subsection (a) do not apply to a child who is less than 12 years of age or to authorized school personnel who are boarding the school bus as a part of their job assignment.

References Ala. Code § 13A - 7-4.2 Charles "Chuck" Poland, Jr. Act

## **ANTI-HARASSMENT POLICIES**

### **I. Sexual Harassment, Title IX, (BOE Policy 6.12)**

In accordance with the 2020 Title IX regulations, 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 2020 Title IX regulations and the requirements of 34 C.F.R. § 106.45, the following procedures will apply to the formal complaint process.



1. **Filing the Formal Complaint** A complainant or the Title IX Coordinator may file a formal complaint of sexual harassment. Such complaints should be submitted on the Board's "Sexual Harassment Complaint Form." The Sexual Harassment Complaint Form can be located online or by contacting the Title IX Coordinator. A complainant may file a formal complaint with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information listed herein. The complainant should sign the document or provide their name if submitting the Sexual Harassment Complaint Form by e-mail. Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a complainant or otherwise a party under 34 C.F.R. part 106 or under 34 C.F.R. § 106.45 See 34 C.F.R. § 106.30(a).
2. **Notice.** Upon receipt of a formal complaint, the Title IX Coordinator, or his or her designee, shall provide written notice to the parties (complainant and respondent). The Written notice shall contain the following:
  - a. Notice of the Board's grievance process as outlined below, including any available informal resolution process;
  - b. Notice of the allegations of sexual harassment potentially constituting sexual harassment as defined and including sufficient details known at the time. Sufficient details should include the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known.
  - c. A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process.
  - d. A statement informing the parties that they may have an advisor, of their choice, who may be, but is not required to be, an attorney.
  - e. A statement informing the parties that they may inspect and review evidence gathered as a result of the formal complaint process.
  - f. A statement informing the parties that the Board's sexual harassment policies and procedures prohibit knowingly making false statements or knowingly submitting false information during the grievance process.
3. **Dismissal of Formal complaint.** A formal complaint shall, or may, be dismissed in the following situations:
  - a. Mandatory Dismissal. If the conduct alleged in the formal complaint (1) would not constitute sexual harassment even if proved, (2) did not occur in the Board's education program or activity, or (3) did not occur against a person in the United States, then the Title IX Coordinator, or his or her designee, must dismiss the formal complaint with regard to that conduct for purposes of sexual harassment under Title IX. Such a dismissal does not preclude action under another provision of the Student Code of Conduct.
  - b. Permissive Dismissal. The Title IX Coordinator may dismiss a formal complaint, or any allegations therein, if at any time during the investigation or grievance process:
    - i. A complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein;
    - ii. The respondent is no longer enrolled in the school system and/or the respondent is no longer employed by the school system; or
    - iii. Certain circumstances prevent the Title IX Coordinator, or his or her designee, from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein (e.g., passage of time, lack of cooperation by

the complainant).

- c. Written notice of dismissal. Upon a required and/or permitted dismissal pursuant to the above paragraphs of this section, the Title IX Coordinator, or his or her designee, must promptly send written notice of the dismissal and reason(s) therefore simultaneously to the parties.

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

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

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

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

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

After the Title IX Coordinator, or his or her appointed investigator, has sent the complainant and respondent the draft investigative report, the complainant and respondent will have ten (10) days to prepare a written response to the draft report. The appointed investigator will consider the response(s) provided, if any, prior to completing the investigation report. The complainant and respondent’s response should also contain any written, relevant questions that a party wants asked of any party or witness. Each party will then have an opportunity to provide answers, and an opportunity for any additional, limited, follow-up questions from each party. Questions and evidence about the complainant’s sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence concern specific incidents of the complainant’s prior sexual behavior with respect to the respondent and are offered to prove consent. The appointed investigator should inform the party proposing questions regarding any decision to exclude a question as not relevant. Ultimately, the appointed investigator has the sole discretion to determine the relevance of evidence, and whether it should be included in, or excluded, from the investigation report. Once the investigative report is complete, the appointed investigator should send the complainant and respondent a written copy of the Final Investigation Report. Both parties will be provided ten (10) days to review the Final Investigation Report and provide a written response if they desire. The Final Investigation Report will be redacted in accordance with state and/or federal law before the parties’ review. The appointed investigator shall then submit the written report, and any responses thereto, to the designated administrator.

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

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

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

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

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

## **7. Appeals.**

- a. Right to an appeal.

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

those in which a party may appeal:

- i. A procedural irregularity affected the outcome of the matter;
  - ii. New evidence was not reasonably available at the time the determination regarding responsibility or dismissal was made, and such evidence could affect the outcome of the matter; or
  - iii. The Title IX Coordinator, appointed investigator(s), or designated administrator had a conflict of interest or bias for or against complainants or respondents generally, or the individual complainant or respondent specifically, that affected the outcome of the matter.
- b. Appeal process.:
- i. Upon receiving the written notice of appeal, as soon as practicable, the Title IX Coordinator, must notify the other party in writing when an appeal is filed;
  - ii. After receiving the notice of appeal from the Title IX Coordinator, each party will be provided five (5) days to submit a written statement in support of, or challenging, the determination.
  - iii. The Superintendent, or his or her designee, will hear appeals of decisions based on student-on-student sexual harassment. (appeal authority)
  - iv. The Superintendent will hear appeals of decisions against actions by Board employees. (appeal authority)
  - v. If (1) no appeal is filed within five (5) days of the receipt of the notice of the designated administrator's written determination; or, 2) if the appeal authority determines that the appeal does not identify one of the bases for appeal listed above, then the appeal authority will provide simultaneous notice to the parties that no valid appeal was filed and that the decision of the designated administrator is final and the case is closed.
  - vi. Upon receiving the notice of appeal, the Title IX Coordinator will forward the appeal, and any supporting information or evidence, to the appropriate appeal authority. The appeal authority will review the appeal documents, the written determination of responsibility by the designated administrator, any new evidence submitted by the parties, and the investigation report and exhibits. The appeal authority will render a written decision which includes a rationale for the decision as to each of the grounds appealed. The appeal authority will forward the decision to Title IX Coordinator within fourteen school (14) days from the date of receipt of the appeal, unless circumstances require additional time. The decision of the appeal authority will be final.

#### F. Informal Resolution

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

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

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

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

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

#### G. Confidentiality

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

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

#### H. No Retaliation

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

Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment. The exercise of rights protected under the First Amendment does not constitute retaliation prohibited under this section. Charging an individual with a Student Code of Conduct violation for making a materially false statement in bad faith in the course of the grievance process under this part does not constitute retaliation prohibited under this section, provided, however, that a negative determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

#### I. Harassment or Violence as Abuse

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

#### J. Emergency removal/administrative leave

In addition to offering supportive measures to the complainant, the school system may need to initiate an emergency removal of the respondent from campus. In accordance with 34 C.F.R. 106.44, the Title IX formal complaint and grievance process does not prevent a principal from immediately removing a student respondent from the educational program or activity on an emergency basis, provided that the principal: (1) informs the Title IX

Coordinator of the alleged act, and (2) conducts an individualized safety and risk analysis and determines that emergency removal is necessary in order to protect a complainant or other student or individual from an immediate threat to physical health or safety. In the event that an emergency removal of a student respondent is necessary, the principal should comply with the Student Code of Conduct provisions regarding suspension and expulsion of students in order to provide respondent with the appropriate notice and opportunity to challenge the decision.

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

#### K. False Statements and Allegations

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

#### L. Record-keeping

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

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

### A. Prohibition –

BCPS is committed to providing a safe and supportive learning environment in which all members of the school community are treated with respect. In accordance with Alabama law, bullying, violence, and threats of violence, and intimidation are prohibited and constitute unacceptable behavior that will not be tolerated.

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

### B. Definitions –

1. **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:
  - a. Place a student in reasonable fear of harm to his or her person or damage to his or her property.
  - b. Have the effect of substantially interfering with the educational performance, opportunities, or benefits of a student.
  - c. Have the effect of substantially disrupting or interfering with the orderly operation of the school.
  - d. Have the effect of creating a hostile environment in the school, on school property, on a school bus, or at a school-sponsored function.
  - e. Have the effect of being sufficiently severe, persistent, or pervasive enough to create an intimidating, threatening, or abusive educational environment for a student.
2. **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.
3. **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.
4. **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.
5. **Threat of violence** - an unjustified expression of intention to inflict injury or damage that is made by a student and directed to another student.
6. **Intimidation** - an unjustified threat or other action that is intended to cause fear or apprehension in a student.
7. **Student** - a person who is enrolled in BCPS.

### C. Description of Behavior Expected of Students –

1. **Expectations:** 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.

2. **Prohibition** 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:
  - a. The student's race;
  - b. The student's sex;
  - c. The student's religion;
  - d. The student's national origin;
  - e. The student's disability;
  - f. The student's marital status;

D. 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.

E. 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



# EDUCATIONAL TECHNOLOGY

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

The Board respects your privacy and is committed to protecting it. This Online Privacy Policy outlines the BCPSS's privacy practices regarding the collection, use, and protection of personal information gathered through the BCPSS's online platforms.

This policy applies to all official websites and online platforms managed by the BCPSS, including individual school sites. It does not extend to third-party websites, individual staff, faculty, researchers, students, or student organizations not under the BCPSS's direct control. We encourage users to review the privacy policies of external sites before sharing any personal information.

The BCPSS collects personal information only with user consent and in compliance with applicable privacy laws, such as the Family Educational Rights and Privacy Act (FERPA) and the Children's Online Privacy Protection Act (COPPA). Information collected may include student and parent account details, email addresses for communication services, and data used for educational platforms and digital tools. The BCPSS uses various learning tools and online resources extensively to support student education. These tools may collect student information as part of their functionality, and the BCPSS ensures that student data is contained and used only for educational purposes. We take every measure to ensure data is secure and used responsibly.

In addition to personal information, the BCPSS collects non-personal data related to usage patterns, website traffic, and system performance to enhance and optimize our digital offerings. This information helps us evaluate how visitors use our websites and improve their effectiveness.

The BCPSS does not sell, rent, or lease personal information. However, we may share limited data with trusted third-party service providers who assist with web hosting, content management, student learning platforms, and data security. All third-party providers must comply with the BCPSS data protection requirements and cannot use personal information for any purpose other than providing agreed-upon services.

To safeguard student data, the BCPSS follows industry-standard security practices, including encryption of sensitive information, regular security audits, risk assessments, and restricted access to student and staff information. We comply with cybersecurity best practices to ensure student and staff data remain protected.

This policy is subject to periodic updates to align with legal and technological advancements. Any modifications will be posted on the BCPSS website with the updated effective date.

## **AUTHORIZATION OF ONLINE APPLICATION ACCESS FOR STUDENTS UNDER 13**

The Board utilizes a variety of online educational applications and digital tools to support student learning. Some of these applications may collect or track limited student data as part of their functionality. Recent policy changes by technology providers, including but not limited to Google, require parental or institutional authorization for students under the age of 13 to access certain applications and services.

By enrolling a student in the BCPSS, parents and guardians acknowledge that the BCPSS will authorize access to these educational applications for students under the age of 13 as needed for instructional purposes. Due to the integrated nature of these digital tools within the BCPSS's learning environment, the BCPSS is unable to provide an opt-out process for individual applications while still ensuring equitable access to instructional resources.

The BCPSS remains committed to protecting student privacy and adheres to all applicable federal and state laws regarding student data security, including but not limited to the Children's Online Privacy Protection Act of 1998 (COPPA) and the Family Educational Rights and Privacy Act (FERPA). If parents or guardians have concerns regarding specific online applications, they are encouraged to review the terms of service and privacy policies of

those platforms.

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

The *Electronic Communications Privacy Act of 1986* allows for schools to utilize a blocking/filtering system where it relates to review of communications once they are stored in a school or district system, monitoring for legitimate purposes where one (1) party has previously consented to such monitoring (Acceptable Use Agreement), and (2) monitoring by personnel performing duties necessary to maintaining the computer systems or to protecting the rights or property of BCPS.

The Children's Internet Protection Act (*CIPA- PL 106-554*) requires that schools implement technology measures to protect minors from visual depictions that are obscene, pornographic, or "harmful to minors." Students and staff of the BCPSS are subject to the provisions of the Alabama Digital Crime Act (2012). For more information regarding the BCPSS's blocking, filtering and monitoring of technology please review the BCPSS's Technology Acceptable Usage Policy under the "Forms" tab found at <https://www.bcbe.org/Page/103>.

### **CONTROVERSIAL MATERIAL**

Users may encounter material which is controversial and which users, parent, teachers, or administrators may consider inappropriate, offensive, obscene, lewd, and/or harmful for minors. It is the users' responsibility not to initiate access to such material. Users who voluntarily access such material may be prohibited from using the Internet and subject to any applicable discipline. The BCPSS shall not be liable for users' inappropriate use of the BCPSS's technology resources, violations of copyright restrictions or other laws, users' mistakes or negligence, and costs incurred by users. The BCPSS shall not be responsible for ensuring the availability of the BCPSS's technology resources or the accuracy, age appropriateness, or usability of any information found on the internet

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

The entire AUP policy may be found on the BCPS' website.

**PURPOSE:** The purpose of the Board 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 BCPS. 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 Assistant Superintendent for Educational Technology. Violations of the AUP will be handled in a manner consistent with comparable situations requiring disciplinary and/or legal action.

# STUDENT RELATED RIGHTS AND SERVICES

## **LEARNING**

Student Responsibilities Are:

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

Student Rights Are:

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

## **PARTICIPATION IN EXTRACURRICULAR ACTIVITIES**

Student Responsibilities Are:

1. 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)
2. To be courteous and responsible at all school programs and activities.
3. To complete assignments related to his/her participation in school programs and activities.

Student Rights Are:

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

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

In accordance with Board policy regarding graduation and commencement, students who have satisfactorily completed requisite course work, met minimum attendance criteria, and passed required examinations are eligible for graduation. Students who have fulfilled coursework requirements are eligible to participate in graduation ceremonies. Student participation in graduation ceremonies and related graduation activities will be subject to the principal's approval and payment of any outstanding financial obligations. Participation in graduation-related ceremonies may be prohibited by the principal if the student violates disciplinary standards, or if, in the judgment of the principal, the student's participation could lead or contribute to disorder or disruption of the ceremony or activity. Further, a student who has been suspended at the time of graduation or who is attending an alternative school setting is not allowed to participate in the graduation ceremony or any related graduation activities. Participating in the graduation commencement ceremony is a privilege and not a right. Students have no constitutional right to receive their diploma at a specific graduation ceremony.

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

### **1. Participation**

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

### **2. 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:

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

Student Rights Are:

1. To be informed of laws and local board of education and individual school rules and policies regarding free speech.
2. 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:

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

Student Rights Are:

1. To be informed of laws and local board of education and individual school rules and policies regarding student publications.
2. 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:

1. To abide by laws and local board of education and individual school rules and policies in regard to assembly.
2. To seek approval, plan, and conduct meetings consistent with local board of education rules.
3. Student Rights Are:
4. To be informed of laws and local board of education and individual school rules and policies regarding assembly.

5. To assemble in a lawful manner for lawful purpose with prior approval by local school officials.

#### **CHECKS RETURNED FOR INSUFFICIENT FUNDS** *(See BOE POLICY # 3.19)*

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

The Board 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.

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

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

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

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

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

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

1. 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.
2. 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.

## **AFTER SCHOOL CHILDCARE**

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

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

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

\*If your child has any health, medical, or special needs, please document the need on the application form. If additional staff is needed to accommodate your child, there may be a delay in starting the program until adequate staff can be put in place to meet the child's need. The criteria for participating in the Afterschool Care program, and the policies by which the program is governed, are subject to change at any time at the sole discretion of the Afterschool Care program or the Baldwin County Board of Education.

## **PRESCHOOL PROGRAMMING**

### **OSR PreK Classrooms**

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

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

# HEALTH SERVICES *(BOE POLICY # 6.15)*

## **SCHOOL HEALTH SERVICES**

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

## **IMMUNIZATION REQUIREMENT FOR SCHOOL ENTRY**

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

## **SICK DAY EXCLUSIONS**

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

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

## **COMMUNICABLE DISEASES**

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

## **FOOD ALLERGIES AND ANAPHYLAXIS**

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

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

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

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

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

### **BACKPACK SAFETY**

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

### **STUDENT AIDS/HIV**

BCPS does not discriminate on the basis of a student's human immunodeficiency virus ("HIV") or acquired immunodeficiency syndrome ("AIDS") status or the association with another person with HIV/AIDS. A student with HIV/AIDS infection has the same right to attend school and receive services as any other student, and will be subject to the same rules and policies. HIV/AIDS infection shall not factor into any decisions concerning class assignments, privileges or participation in any school-sponsored activity. Based on a student's need for accommodations or services, school authorities will determine the educational placement of a student known to be infected with HIV/AIDS on a case-by-case basis by following established policies and procedures for students with chronic health problems or students with disabilities. Every employee has a duty to treat as highly confidential any knowledge or speculation concerning the HIV/AIDS status of a student. Violation of medical privacy may be cause for disciplinary action. No information regarding a person's HIV/AIDS status will be divulged without a court order or the informed, written, signed and dated consent of the parent or guardian of a minor with HIV/AIDS.

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

Employees are required to follow infection control guidelines in all settings at all times. Schools will operate according to the guidelines and standards set forth by the National Associations of State Boards of Education, the



U.S. Department of Education, and in the of the Alabama State Department of Education concerning blood borne pathogens.

**SUICIDAL/HOMICIDAL THREATS AND/OR IDEATION AND/OR SELF HARM**

Staff are expected to follow applicable Board policies and procedures in regards to intervention with a student threat or desire to harm himself or herself or another. Instances wherein a student threatens or expresses a desire to harm himself/herself or another may be viewed and treated as a clinical and/or medical event. In addition to any applicable discipline and/or safety interventions and/or threat assessments that may be imposed and/or put in place for a student at school, parents and/or guardians may be required to provide proof from a qualified health care provider that a student is safe to return to school. This letter may be supplied by the campus, but it must be returned dated, signed, and provide the health care provider's full name and credentials. Until and unless the student is cleared to return to school, the school may serve the student virtually or in another alternative educational setting. Copies of all relevant forms and procedures related to student threats and/or self-harm may be found on the BCPSS's counseling website.

# INSTRUCTIONAL SERVICES

## **INSTRUCTIONAL MEDIA AND DIGITAL LEARNING PLATFORMS**

BCPSS 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 the BCPSS 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 Board's Acceptable Use Policy.

## **STUDENT OWNERSHIP AND USE OF SUBMITTED ASSIGNMENTS**

By submitting any assignment, project, or other academic work while enrolled as a student in the BCPSS, students acknowledge and agree that their work may be reviewed, analyzed, and submitted to both internal and external resources for academic assessment purposes. This includes but is not limited to plagiarism detection services, originality verification tools, and other educational integrity platforms.

Students further understand that these external services may retain their work within secure databases for the purpose of comparing future submissions and maintaining academic integrity across institutions. This process helps protect the value of student work and ensures a fair academic environment for all.

By turning in assignments, parents and students consent to this usage and acknowledge that their work may contribute to broader academic integrity efforts while remaining subject to all applicable privacy and data protection policies.

## **ACADEMIC INTEGRITY**

Every member of the BCPSS community is expected to maintain the highest standards of academic integrity. As indicated above, all work submitted for credit is expected to be a student's own work. BCPSS may initiate discipline against a student accused of scholastic dishonesty. While specific examples are listed below, this is not an exhaustive list, and scholastic dishonesty may encompass other conduct, including any misconduct through electronic or computerized means. Scholastic dishonesty includes, but is not limited to, one (1) or more of the following acts:

1. **Cheating.** Cheating includes, but is not limited to, intentionally or unintentionally having access to and/or using unauthorized materials identified by a teacher or staff member, including, but not limited to, material generated by Artificial Intelligence (AI) programs and content generators, or electronic, digital media, telecommunication, and/or wearable devices (e.g., laptops, phones, smartwatches, Fitbits, Bluetooth devices, tablets) to complete a quiz, examination, or class assignment; receiving information in an unauthorized manner during a quiz or examination or to complete an assignment; using, buying, selling, soliciting, stealing, or otherwise obtaining course assignments and/or examination questions in advance; using information about exams posted on the internet or in any electronic medium; violating a teacher's and/or the Testing Center's testing policies and procedures; leaving a test site without permission; failing to secure test materials; removing tests or answer sheets from a test site; using someone else's work for an assignment in whole or in part as if it were one's own (e.g., turning in a copy of someone else's work as one's own work, or incorporating text generated by AI programs or content generators as one's own writing); submitting academic work in whole or in part for more than one (1) assignment, class, or institution without the teacher's permission (i.e., recycling an assignment or self-plagiarism); using annotated texts or teacher's editions; making false statements or omissions related to applications for enrollment, credit or classwork, research, or the award of a degree; falsifying academic records

- or documents; and attempting to fulfill the requirements of a course through any other dishonest means.
2. Collusion. Collusion includes, but is not limited to, intentionally or unintentionally aiding or attempting to aid another in an act of scholastic dishonesty; failing to secure academic work; providing an inappropriate level of assistance; collaborating with or communicating answers to a classmate about an examination or course assignment without the teacher's permission; and allowing a classmate to copy answers.
  3. Plagiarism. Plagiarism includes, but is not limited to, intentionally or unintentionally failing to quote and cite words, information, and/or ideas taken from a source(s) in accordance with a citation style approved by the faculty member and/or inadequately paraphrasing.

In cases where an incident report has been filed for an alleged violation of scholastic dishonesty, the teacher may either:

1. Delay posting a grade for the academic work in question until the case is finally adjudicated by the Principal and/or the Assistant Superintendent's office; or
2. Enter a temporary placeholder grade of zero (0), along with an explanatory note, on the assignment(s) under review until the case is finally adjudicated by the Principal or his or her designee and/or the Assistant Superintendent's office.

A final grade for the course will not be entered prior to a final resolution of the case by the Principal or his or her designee. A student found responsible for a scholastic dishonesty offense(s) will receive an appropriate disciplinary penalty or penalties from the Principal. The student may also receive an academic penalty in the course where the scholastic dishonesty took place. The staff member will determine the appropriate academic penalty based on their syllabus, Board policies, and in compliance with law, which may include, but is not limited to, a grade of zero (0) on the assignment or failing the course. For more information, see above Code of Conduct charts regarding specific disciplinary sanctions that may be imposed.

### **ACADEMIC INTEGRITY WITH ARTIFICIAL INTELLIGENCE ("AI")**

Artificial intelligence (AI) is the ability of a computer or computer-controlled robot to mimic human tasks that require learning, problem solving, and recognizing patterns to make predictions. Developers program AI to learn from data and then use that information to solve problems, make predictions, and emulate human thought-processes. AI is powered by machine learning, which is the process that allows machines to learn from data independently. Through machine learning, computers can pull in large amounts of data in the form of images, video, text, and audio and learn to recognize patterns and make predictions. Machine learning processes often use large language models that can understand and generate human language. These models, known as generative AI, produce content such as text, images, and audio. Google Genesis and Open AI ChatGPT are examples of generative AI that utilize machine learning and large language models. While AI may seem like the newest tool in the world of technology, it's been working behind the scenes for decades. Today, we are surrounded by AI in our personal and professional lives, including Google search assistant, virtual assistants (e.g., Siri and Alexa), predictive text, facial recognition, medical procedures, and countless other applications.

When using generative AI, users should acknowledge the use of nontrivial AI-generated content and avoid academic dishonesty, including but not limited to plagiarism. Students should properly cite AI-generated content in academic work and ensure that AI-generated content does not violate BCPSS academic integrity policies. It is permissible to use AI for brainstorming, correcting spelling and grammar, and for formatting references. When using AI for generating new text, the content should be explicitly cited. AI must only be used within the parameters of the teacher's established guidance and clear instruction. In that regard, teachers and staff should provide clear instructions about permissible AI uses in their courses. This should include specific guidance on how the above academic integrity policies relate to AI tools as well as providing information to students on what responsible AI use looks like both inside and outside of class, including how to appropriately cite the use of AI generated work. Students are encouraged and should ask teachers about the expectations for using AI to complete classroom assignments and how to avoid academic dishonesty.

### **POWERSCHOOL/PARENT PORTAL**

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

### **CURRICULUM**

In accordance with Alabama Act #2024-35, classroom curricula should be made available to students, parents, or guardians of enrolled students through the school's website. In addition, each classroom teacher upon the request of any parent or guardian, shall provide, by email, telephone, or other electronic means, a detailed summary of the instructional materials adopted by the local board of education, supplementary instructional materials in the classroom that were not adopted by the local board of education, and books in the classroom that are available for students to read. In addition, upon the request of a parent or guardian of a child enrolled in a class, each classroom teacher shall make a syllabus available to the parent or guardian. For any class in which reading books is required, the classroom teacher shall include the titles of the books in the classroom for students to read in the class syllabus. If following a review of the curricula, a parent or guardian would like further information regarding how the instructional materials relate to the content standards adopted by the State and/or would like to physically examine any instructional materials used in his or her child's classroom, the parent or guardian may request that the Board allow such examination at the next work session of the Board. The following procedures will apply, subject to any rules or guidelines issued by the Alabama State Department of Education, to a parent or guardian's request to physically examine instructional materials used in the child's classroom:

1. A parent or guardian should submit a request in writing or by email to the Superintendent;
2. Such request should identify the child's name, the classroom teacher's name, and the specific instructional materials that the parent or guardian is seeking further information on and/or whether the parent or guardian is seeking to physically examine the instructional materials;
3. The Superintendent will notify the Board of the parent or guardian's request;
4. If the parent or guardian is seeking to physically examine the instructional materials, the Board, through its designee, will notify the parent or guardian AND the teacher of the issues involved and the date and time of the next work session wherein parent or guardian will be afforded an opportunity to physically examine the instructional materials. The teacher or his/her designee shall also be present for such examination.
5. By request of the parent and the mutual consent of the principal and Superintendent, the meeting location, date, and/or time may be changed to a more convenient setting at the student's school or classroom, however, once agreed upon, the time, date, and setting shall not be altered.

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

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

In accordance with Board Policy, and subject to any State or Federal laws outlining otherwise, students are promoted from grade to grade on the basis of students meeting applicable promotion criteria, including but not limited to academic credit earned during the school year, in summer school programs, or in such other academic programs as may be approved or recognized by the Board and in accordance with applicable law. In grades K-8, the decision to promote or retain will be made in the best interest of the child, subject to any applicable State or Federal laws dictating otherwise. Students may be placed at the level determined most appropriate by the principals. In grades 9-12, students are promoted or retained based on the number of Carnegie credits earned. For additional guidelines and procedures regarding promotion and retention decisions for grades K-8 and the awarding of Carnegie units in grades 9-12, individuals should contact the Assistant Superintendents for the respective grade levels.

### **DUAL ENROLLMENT**

Students who choose to participate in dual enrollment courses assume full responsibility for meeting the academic and technological requirements set forth by the partnering college or university. As a K-12 institution, the Board provides students with BCPSS-issued devices and a filtered network in compliance with applicable laws and regulations, which may restrict access to certain websites, software, or online services required by college instructors.

The Board cannot guarantee that BCPSS-provided devices or networks will support all technology needs for dual enrollment coursework. Additionally, the Board does not manage or control the curriculum, instructional methods, or technological tools mandated by colleges and universities.

Students enrolled in dual enrollment courses are responsible for ensuring they have access to the necessary technology and resources to complete their coursework. This may include obtaining a personal device, securing an alternative internet connection, and/or coordinating with the college or university for appropriate accommodations.

By enrolling in dual enrollment courses, students and their families acknowledge that the Board may not be able to meet all technological requirements set by higher education institutions, and it is the parent and student's responsibility to address any such limitations.

### **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:**

1. 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.
2. 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.

3. Next, a committee at the local school will review all data and determine if there is enough information to continue with the referral. The referral is then sent to Loxley Satellite Office or the Foley PAC building for processing.
4. 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.
5. 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 Ms. Amy McClellan, Special Services Supervisor, at 251-972-6858.

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

### **TEXTSBOOK ACCOUNTABILITY**

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

1. 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.
2. 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.
3. The parent, guardian, or other person having custody of a child to whom textbooks are issued shall be held liable for any loss, abuse, or damage in excess of that which would result from the normal use of the textbooks. In computing the loss or damage of a textbook that has been in use for a year or more, the basis of computation shall be a variable of 50 to 75 percent of the original cost of the book to the local board of education. If the parent, guardian, or person having custody of the child to whom the textbook was issued fails to pay the assessed damages within 30 days after notification, the student shall not be entitled to further use of the textbooks until remittance of the amount of loss or damage has been made.

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

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

### **ACCIDENTS**

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

### **FIRST AID**

Principals shall establish and maintain a first aid area commonly referred to as "Health Room, to provide health and

emergency services to students.

### **INCIDENTS**

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

### **VOLUNTARY RELIGIOUS EXPRESSION** *(BOE POLICY #6.11)*

### **FUND RAISING** *(BOE POLICY #3.17)*

### **STUDENT RECORDS** *(BOE Policy 6.14)*

The Board 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.

### **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, BCPSS-provided student email address, 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 used within available media including but not 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 contacting your student's principal or the BCBE Communications Office on your child's behalf. In accordance with FERPA, a parent must opt out of directory information every school year. Should you have questions regarding this information or process, please contact your local school principal or Mrs. Chasity Riddick, Communications Coordinator, Baldwin County Public Schools at [criddick@bcbe.org](mailto:criddick@bcbe.org).

### **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. 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**

<b>Size/Format</b>	<b>Fee</b>
8.5 x 11	\$0.25 per page
8.5 x 14	\$0.25 per page
11x17	\$0.25 per page
CDs	\$1.00 each
DVDs	\$1.00 each
Jump Drive	\$2.00 each
Actual postage cost will be added for any request that is fulfilled by mail	

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

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

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

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

<b>Type</b>	<b>Location</b>	<b>Custodian</b>
Cumulative School Records	School Office	School Principal/Princ. Designee
Cumulative School Records (Former Students)	School Office and/or Office of Prevention and Support	School Principal/Princ. Designee and/or Prevention and Support Supervisor
Student Health Records	School Office or Student Health Services	School Principal/Princ. Designee and/or Health Services Coordinator
Special Education Records (Active and Inactive)	Special Services Office	Special Education Coordinator or his or her designee
Counseling and Section 504 Records	Office of Counseling and Intervention	Intervention Supervisor



School Transportation Records	Transportation Department	Director of Transportation
System-Wide Test program records	School Office	School Principal/Princ. Designee
Discipline Records	School Office	School Principal/Princ. Designee
Grades, Student Test Papers or Work Samples	School Office	School Principal/Princ. Designee and/or student's teacher

### **DISCLOSURE OF EDUCATION RECORDS**

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

1. To school officials who have legitimate educational interest in the records. A "school official" is:
  - A person employed by the BCPSS 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 BCPSS 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 BCPSS.
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**

BCPS 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.

BCPS 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 BCPS 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 BCPSS. 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 BCPS discloses the contested portion of the record, it shall also disclose the statement.
8. If BCPS 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**

Guidelines 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 above and beyond any free breakfast or lunch and/or ala carte items actually 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)*

BCPS 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 Board hereby authorizes the Superintendent to develop guidelines regarding any charges incurred by students in regards to additional meals and/or ala carte items.

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

The Child Nutrition Program offers lunch to all children in BCPS 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 BCPS has been to require all grades to implement OVS. For lunch, students may decline 2 of

the 5 food items offered and still be considered a reimbursable lunch. For breakfast, students may decline 1 of the 4 food items offered and still be considered a reimbursable breakfast. A reimbursable meal consists of 3 different food components and meets nutrient and portion size standards. Reimbursable meal prices are the same regardless if students decline items as long as a reimbursable meal is served. Students can choose to take all 5 meal components.

For lunch, the food items students choose from are:

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

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

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

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

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

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

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

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

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

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

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

It is advised by the State Department of Education and USDA that all children with diet prescriptions on file obtain new diet prescriptions for each school year. Because food allergies and special dietary needs can change as children

get older, it is necessary to obtain updated information from a medical doctor regarding the child's condition and dietary needs.

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

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

In furtherance of its commitment to fostering healthy nutritional and physical activities that support student achievement and that promote the development of lifelong wellness practices, the Board endorses nutrition education and physical education and activity. For more information regarding BCPS'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.