

VI. Students

6.1 *Admissions and Attendance*

- 6.1.1 Compulsory Attendance and Entrance Age – All persons between the age of seven and seventeen years of age are required by state law 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.

[Reference: ALA. CODE §16-28-3 (1975)]

a. *Kindergarten Age Requirement*

1. A child five years of age on or before September 1 shall be entitled to admission to kindergarten at the opening of that school year or as soon as practicable thereafter.
2. A child less than five years of age on September 1 shall not be entitled to admission during that school year.
3. An underage child transferring from the public school kindergarten in another state, and whose parents were residing in that state at the time of the transfer, may be admitted to kindergarten on a space available basis with Board approval. The child shall be admitted to first grade upon successful completion of kindergarten.

b. *First Grade Age Requirement.*

1. A child six years of age on or before December 31 shall be entitled to admission to first grade at the opening of school for that school year or as soon as practicable thereafter.
2. A child under six years of age on December 31 shall not be entitled to admission to the first grade during that school year.
3. An underage child who has moved into this state having successfully completed a mandated, public school kindergarten program in another state shall be admitted to first grade.

- c. *Age Determination.* Age is computed by including the day of birth so that a given age is attained the day before the birthday anniversary. Therefore, a child whose fifth birthday falls on September 2 is entitled to attend kindergarten, and a child whose sixth birthday falls on January 1 is entitled to attend first grade, at the opening of schools for that school year.

- d. *Transfers From Private or Parochial Schools.* Students may enroll in second grade after having attended first grade in an accredited private or parochial school the previous year, but must be seven years old on or before January 1 of the year for which enrollment is requested.

6.1.2 Admission to Schools

- a. *Resident Students* – School-age children who reside within the municipal limits of the City of Madison, Alabama, may be admitted to Madison City Schools. For purposes of this policy, the residence of the student will be the residence of the custodial parent or legal guardian. If custody of the child is shared, alternating, or unclear, or if the child does not reside with a custodial parent or legal guardian, the domicile or actual physical residence of the child will control, except when there is evidence that the claimed residence of the child is not his actual residence, or that the claimed residence is fraudulently given as a means of avoiding or violating admission, enrollment, attendance, and residency standards and requirements
- b. *Non-resident Students* –
 - (i) *Eligibility for Admission.* Madison City Schools do not admit students who reside outside of school system attendance zones, except as follows:
 - (a) The student is entitled to admission pursuant to an agreement between the Board and the Town of Triana regarding the admission of students residing in Triana.
 - (b) The student is the child of a school system employee and the Superintendent or his designee authorizes the student’s enrollment pursuant to an established application process.
 - (c) The Superintendent or his designee authorizes the student’s enrollment based on a determination that the student’s parent or legal guardian has submitted adequate documentation (i.e. an officially executed contract or lease) of a forthcoming move to a residence in the school system’s attendance zone within the next six months.

The Board reserves the right to refuse or revoke the enrollment of a non-resident students for the following reasons: 1) because of false, misleading or incomplete information on the enrollment application; 2) because a school, grade, or program(s) lacks space, staff, support services, facilities, or equipment; or 3) because the student has been suspended or expelled from school, has withdrawn from a school to avoid possible suspension or expulsion, or has a record of excessive absences or truancy from school.

- (ii) *Transportation.* The Board will not provide transportation to and from school or homebound instruction outside of the Madison City Schools attendance zones, except as may be required by law.
- (iii) *Tuition.* Beginning with the 2019-2020 school year, non-resident students who are admitted to Madison City Schools pursuant to their parent’s employment with the school system must pay tuition each school year.

The amount of tuition will be determined by the Superintendent on a yearly basis and will be based upon the current local school *ad valorem* tax rate for the average value home in the City of Madison. The Superintendent is authorized to utilize any widely-available data to determine the average value of homes located within the City of Madison (e.g., Zillow, tax records, etc.). A household with more than one non-resident student attending Madison City Schools will only be required to pay an amount equal to tuition for one student each year.

Tuition must be paid in one lump sum before August 1st of each year or paid monthly via a voluntary deduction from the employee’s salary. Employees who enroll their child pursuant to this policy do so with the understanding that any tuition fees not paid in a lump sum will be deducted in equal installments from their paycheck and must complete any necessary paperwork to authorize the deduction.

- (iv) *Additional Procedures Authorized.* The Superintendent or designee is authorized to develop any procedures deemed necessary to implement this policy.
- c. *Admission Policy for Homeless, Migratory, and Immigrant Students, Children in Foster Care, and Limited English Proficient Students –* All homeless, migrant, and immigrant students, children in foster care, and English language learners will have equal access to the same free appropriate public education, including public preschool education, provided to other children and youth and will be provided the opportunity to meet the same challenging state content and state student performance standards to which all students are held without being stigmatized or isolated.

The enrollment of homeless, migrant, and immigrant students, children in foster care, and limited English proficient children and youth shall not be denied or delayed due to any of the following barriers that are specifically prohibited by applicable law, which may include the following:

- Lack of birth certificate
- Lack of school records or transcripts
- Lack of immunization or health records

- Lack of proof of residency
- Lack of transportation
- Guardianship or custody requirements
- Lack of social security card

Students enrolling without a social security number will be assigned a temporary number by the Attendance supervisor.

d. *Homeless Students* –

- (i) *Enrollment.* Homeless students will be permitted to enroll without regard to residency status and will not be denied services offered to other students in the school system. Homeless students may also be entitled to other accommodations under federal law.

Homeless students will continue in the school they attended before becoming homeless for the duration of their homelessness, or for the remainder of the academic year if the student becomes permanently housed during an academic year. Otherwise, a homeless student may be enrolled in any school in the system that non-homeless students who live in the attendance area in which the student is living are eligible to attend.

- (ii) *Dispute Resolution.* The formal dispute resolution process shall be initiated by the Federal Programs Coordinator following the receipt of a written or verbal notification of a challenge of the district’s placement decision by the parent/guardian or unaccompanied youth.

A. Should no agreement be satisfactorily reached, parents/guardians or unaccompanied youth may further appeal the decision to the Superintendent and the Board of Education verbally or in writing. The placement decision will be made, presented in writing, and shall include an explanation of the placement decision. The communication to the parent shall be provided within ten (10) working days to the parent/guardian or unaccompanied youth and the Federal Programs Coordinator.

B. If the dispute has not been satisfactorily resolved at the district level, parents/guardians or unaccompanied youth should be informed of their right to appeal the decision to the Alabama State Department of Education: Federal Programs.

C. Enrollment disputes between school districts should be resolved at the State level.

[Reference: 42 U.S.C. §§11432(g)(3)(A)&(E)]

- e. *Students in Foster Care* – A student in foster care will enroll or remain in the student’s school of origin, unless it is determined that remaining in the school of origin is not in such student’s best interest.

If it is not in a student’s best interest to stay in the school of origin, a student in foster care may be enrolled in any school in the system that serves the attendance area in which the student is living, even if the student is unable to produce records normally required for enrollment.

[Reference: 20 U.S.C. §§6311(g)(1)(E)]

- f. *Students Expelled or Suspended from Other School Systems* – Any student who is under suspension or expulsion from another school system or a private, parochial, or other school will not be permitted to enroll until the student has satisfied the conditions for readmission set by the expelling or suspending board or authority in addition to generally applicable admission requirements established by the Board, which may include temporary attendance at the alternative school.

- g. *Required Documentation* – Students entering the school system for the first time, regardless of grade level, are not required to submit a birth certificate, but may be requested to submit a birth certificate or another form of acceptable documentation to verify the student’s age. A social security number may also be requested, but such request is voluntary and is not a requirement of enrollment.

In addition, students may also be required to submit other registration materials as school officials may reasonably require including, but not limited to, a certificate of immunization or an exemption as prescribed by the Department of Public Health and signed by a private physician or appropriate health department official. The Superintendent may accept alternate forms of evidence or modify otherwise applicable requirements as necessary and appropriate to accommodate children in foster care and migrant, immigrant, limited English proficient or homeless students.

- h. *Placement of Students* – The Board will determine the placement of newly enrolled students in accordance with state law.

6.1.3 Attendance Zone and Class Assignment

- a. *Establishing School Zones.* The Board approves recommendations of the Superintendent to establish and update, as necessary, geographical attendance zones for schools of the same level/grade content within the District. Established zones shall be consistent with Madison County and Triana agreements and constitutional, statutory, and judicial mandates.

- b. *Attendance Zone Assignment* – Students will be assigned to the school serving the attendance zone in which his parent(s) or legal guardian reside(s). A student whose parent or legal guardian moves from one attendance zone to another during the school year will be transferred to the school attendance zone in which the new residence is located. The student may be permitted to remain in the school attendance zone that serves the former residence with the approval of the Superintendent. A parent or legal guardian who has documented plans to move to a new attendance area during the first or second grading period of the school year may have his child enrolled in the school serving the new residence upon approval by the Superintendent.
 - c. *Class Assignment* – Principals will assign students to classes in keeping with school accreditation standards and any procedures or criteria that may be established at the system or school level.
- 6.1.4 Absences and Excuses – Students are not permitted to be absent from school without a valid excuse. Absences will be designated as excused or unexcused. Excused absences will be permitted for the following reasons:

- Personal illness
- Hospitalization
- Emergency
- Death in immediate family
- Court subpoena
- Religious holidays
- Absences approved by the principal (to include out-of-school suspension)

Documentation supporting an excused absence must be submitted in a timely manner or the absence will be deemed to be unexcused. Excessive unexcused absences may result in a loss of academic credit or referral of the matter to juvenile or other appropriate legal authorities for investigation.

- 6.1.5 Truancy – Parents or guardians are required to ensure that students under their care, custody or control attend school regularly. Habitual or excessive absence from school may require Board officials to refer the matter to juvenile authorities or to initiate truancy proceedings.

[Reference: ALA. CODE §16-28-1, *et seq.* (1975); Ala. Admin. Code 290-3-1-.02]

6.2 Transfers and Withdrawals

- 6.2.3 Transfers – The Superintendent is authorized to permit transfers between schools within the school system for good cause. Transfer requests must be submitted in writing and must include detailed reasons for the request. The Superintendent or his designee may approve or deny a transfer request in light of the stated reasons for the request, the capacity and resources of the schools, the student’s record (including behavior, grades, attendance, and other

factors), and the best interests of the student and of the school system. The existence or availability of a transfer process does not create or give rise to any right to attend a particular school.

- 6.2.4 Withdrawals – No student of compulsory attendance age will be permitted to withdraw from school except in accordance with state law and any withdrawal procedures that may be developed by the Superintendent.

[Reference: Ala. Admin. Code 290-3-1-.02]

6.3 *Student Fees, Fines, and Charges*

Reasonable fees, fines, and charges not prohibited by law may be established by the Superintendent. All such fees, fines, and charges will be collected and accounted for in accordance with the procedures, rules, and regulations to be developed by the Chief School Financial Officer or as provided in the Board finance or local school finance manual(s).

6.4 *Extracurricular Activities*

- 6.4.3 General – Students may be offered an opportunity to participate in extracurricular activities and organizations. Extracurricular activities must meet the following criteria:

- a. The organization or activity must be approved by the school principal and must have an assigned faculty supervisor or sponsor;
- b. The organization or activity must promote or serve the intellectual, cultural, personal, or physical development of the student in a manner that is consistent with the purposes of public education, the Board’s legal mandate, mission statement, policies, and regulations, and with applicable requirements of state and federal law;
- c. The organization or activity must operate under and subject to general supervision of school officials; and
- d. The nature of the organization and its activities are not inconsistent with and do not interfere with instructional activities of requirements.

Student participation or membership in such organization activities may be governed by the specific policies of the organization and is subject to review and approval by the principal.

- 6.4.4 Athletics – Participation in Board sanctioned athletic programs will be on such terms and conditions as may be approved by the Board and any athletic association of which the Board is a member. Schools may establish terms and conditions for participation in such programs as long as school eligibility criteria are not inconsistent with system-wide eligibility or participation

criteria, rules, regulations, or standards established by any athletic association or organization of which the Board is a member, or any rule, principle, or provision of applicable law.

6.4.5 Extracurricular Activity Participation for Full-Time Students– Academics First – Effective for all students in Grades 8-12, eligibility for participation in extracurricular activities shall be determined by grades earned during the preceding school year and summer school.

a. Definitions.

1. Extracurricular activities associated with athletics are defined as those recognized and sanctioned by the Alabama High School Athletic Association (“AHSAA”), and other extracurricular activities are defined as those that are sanctioned by a public school which are not related to a student's academic requirements or success in a course(s).
2. Regular curricular activities are defined as those that are required for satisfactory course completion.

b. Eligibility Requirements for All Extracurricular Activities.

1. Students entering Grades 10-12 must for the last two semesters of attendance and summer school, if applicable, have a passing grade and earn the appropriate number of credits in each of six (6) subjects that total six (6) Carnegie units of credit including four (4) credits from the four (4) core subjects composed of English, science, social studies, and mathematics with a composite numerical average of 70 for the last two semesters of attendance and summer school, if applicable, have a passing grade in five (5) subjects with a composite numerical average of 70 with all other rules applying the same as to students in Grades 9-12. Students promoted to the seventh grade for the first time are eligible. (A semester is defined as one-half of a school year as set out in the current Madison City Schools calendar.)
2. Physical education may count as only one (1) unit per year.
3. No more than two (2) Carnegie units may be earned during summer school. If a unit(s) or subject(s) is repeated in summer school, the higher numerical grade for the unit(s) or subject(s) may be used to compute the composite grade average.
4. A student who is eligible at the start of the academic year remains eligible for the entire academic year. Students deemed ineligible at the beginning of the school year by virtue of having failed to meet the requirements outlined in (b) 1. above, may regain their eligibility at the end of the first semester by meeting the requirements for eligibility in the two most recently completed semesters, including summer school. Eligibility restoration must be determined no later than five (5) school days after the beginning of the

succeeding semester. [Note: unit calculations for regaining eligibility at the end of the first semester may not coincide exactly with units for graduation for students in schools on six or seven-period days.]

5. An ineligible student may not become eligible after the fifth school day of each semester. Bona fide transfers may be dealt with according to rules of the Alabama High School Athletic Association for sports and Madison City Schools' policies as they pertain to other extracurricular activities.
6. Each eligible student entering Grades 10- 12 must have a minimum composite numerical average of 70 and a minimum of six (6) Carnegie units from the preceding year, including summer school. Summer school work passed may substitute for regular school work repeated in computing the 70 average.
7. Each eligible student involved in athletics must meet the definition of a regular student as defined by the Alabama High School Athletic Association.
8. Any student who earns more than four (4) credits in the core curriculum in any given year or who accumulates a total in excess of the required four (4) per year may be exempt from earning the four (4) core courses in the succeeding year as long as that student remains on schedule for graduation with his/her class by earning eight (8) core credits over any two-year span, including summer school.

c. Participation Requirements.

1. School sponsors are required to submit a request for each curricular activity that occurs outside the regular school day and/or school to the principal. The principal shall be responsible for submitting such requests to the superintendent who shall determine whether to recommend approval of the request to the board.
2. Each request for full participation by all students, regardless of academic standing, in an extra-curricular activity shall be granted if the principal, Superintendent, and the board approve participation in the activity as an extension of a course(s) requirement(s) and it is an event sanctioned by a state/national subject matter association.
3. Notwithstanding anything to the contrary in this policy, activities offered by the school through math, science, band, choral music, and other courses at events such as athletic events (pre-game, game, halftime, or other breaks), club conventions, parades, amusement park trips and competitions, trips by tour companies, performances at various meetings, etc. are extracurricular, and students academically ineligible under this policy shall not be allowed to participate.

4. Decisions on a student's participation in extracurricular activities should be reached by the Superintendent, or his/her designee consistent with the requirements found in the Individuals with Disabilities Education Act (1997) and its implementing regulations, both federal and state, as well as Section 504 of the Rehabilitation Act of 1973 if the student is identified as eligible under these statutes, rules, and regulations, and such participation is determined to be appropriate.

6.4.6 Eligibility for Participation in AHSAA-Sanctioned Athletics by Nontraditional Students – For purposes of this policy, a non-traditional student (sometimes referred to by the AHSAA as a “homeschool” student) is a student who does not meet the AHSAA’s definition of a regular student, but is eligible to participate in interscholastic athletics sanctioned by the AHSAA subject to the following requirements:

- a. The student meets the AHSAA’s criteria for participation in interscholastic athletics by nontraditional students, including but not limited to, enrollment in required courses offered by Madison City Schools, compliance with the AHSAA’s rules governing academic accountability, and participation in required academic testing. *
- b. The student meets all applicable residency requirements and provides all required documentation for enrollment in school including, but not limited to, proper documentation of the student’s enrollment in a homeschool program recognized by Alabama law.
- c. The student complies with the requirements generally applicable to regular students participating in interscholastic athletics, including, but not limited to, compliance with the Student Code of Conduct and participation in mandatory meetings, workouts, or training.

In cases where limited spaces exist in a class in which a non-traditional student seeks to enroll for purposes of establishing athletic eligibility, full-time Madison City School students will be given preference.

A nontraditional student’s enrollment in Madison City Schools pursuant to this policy is conditional and may be revoked if the student does not make an athletic team; ceases to actively participate on such team; or is removed from the team for any reason, including, but not limited to, failure to comply with AHSAA requirements or team rules or due to violations of the Student Code of Conduct.

If a nontraditional student enrolled in Madison City Schools pursuant to this policy has their enrollment revoked, withdraws from the system, or ceases regularly attending classes, the school system may request that the student provide updated information regarding where the student is currently enrolled and attending school. If no such update is provided, Madison City Schools will assume that the student is returning to the program the student was attending when the student enrolled in Madison City Schools for purposes of participating in interscholastic athletics sanctioned by the AHSAA.

Nontraditional students are only eligible to participate in interscholastic athletics sanctioned by the AHSAA and nothing herein should be read to confer a right to such students to participate in other extracurricular activities offered by Madison City Schools or to enroll part-time in Madison City Schools for any other purpose.

* Due to the evolving guidelines from State Agencies, this Policy is subject to change and amendment.

6.5 *Off-Campus Events*

Student participation in and travel to off-campus events, concerts, functions, and activities, and the use of school buses or other transportation for such purposes may be authorized under and subject to the following terms and conditions:

- a. The destination is an activity, event, or function that services a *bona fide* educational or related extracurricular purpose, or is an athletic event or function sponsored or sanctioned by the school or the school system and the state athletic association;
- b. Adequate information regarding the trip (e.g., destination, duration, purpose, educational purpose, mode of transportation, nature and extent of student participation) has been provided to the principal, program director, and Superintendent.
- c. Adequate arrangements are made for supervision and other risk management considerations (e.g., parental permission, medical treatment authorization, special insurance requirements);
- d. Properly certified and qualified drivers have been selected and arrangements for the costs of the trip (e.g., salary, fuels, maintenance, lodging) have been made; and
- e. Approval for the trip is obtained from the Superintendent or designee.

The Superintendent is authorized to develop additional specific requirements for participation in and travel to and from official events and activities that are consistent with the terms of this policy.

6.6 *Student Publications*

The Superintendent is authorized to develop rules and regulations regarding student publications. 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.

6.7 *Student Employment (Work Release)*

Off school campus student employment during regular school hours may be authorized under and subject to the following terms and conditions:

- a. The employment does not violate state or federal law;
- b. The employment does not conflict with the student's academic coursework;
- c. The employment is necessary for the student to continue in school;
- d. Written approval is obtained from the student's parent or legal guardian and the Superintendent or his designee;
- e. Other rules, regulations, and requirements, including those pertaining to early dismissal or checkout, are observed; and
- f. Other rules and regulations that may be developed by the Superintendent and approved by the Board.

6.8 *Equal Educational Opportunities*

No student will be unlawfully excluded from participation in, be denied the benefits of, or subjected to discrimination in any program or activity offered or sponsored by the Board on the basis of race, ethnicity, color, disability, creed, national origin, sex, immigrant or migrant status, non-English speaking ability, or homeless status.

6.9 *Title IX*

6.9.3 Prohibition – In accordance with Title IX (20 U.S.C. §1681, *et seq.*), the Board strictly prohibits discrimination on the basis of sex or gender in its programs or activities, including sexual harassment, as defined by law and Board policy. Sexual harassment complaints should be filed and reviewed under the Board's student sexual harassment policy. All other complaints under Title IX will be filed and reviewed according to the Board's general complaint and grievance procedures.

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

6.10 *Student Sexual Harassment*

6.10.3 Sexual Harassment Prohibited – Sexual harassment 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.

6.10.4 Definition – For purposes of this policy, sexual harassment means unwelcome sexual advances, requests for sexual favors, other physical or verbal conduct or communications of a sexual nature, and any other gender-based harassment, whether initiated by students, school employees, or third parties, when:

- a. Submission to the conduct is made explicitly or implicitly a term or condition of the student's education, including any aspect of the student's participation in school-sponsored activities, or any other aspect of the student's education;
- b. Submission to or rejection of the conduct is used as the basis for decisions affecting the student's academic performance, participation in school-sponsored activities, or any other aspect of the student's education;
- c. The conduct has the purpose and effect of unreasonably interfering with a student's academic performance or participation in school-sponsored activities or creating an intimidating, hostile, or offensive education environment.

The following are examples of conduct that may constitute sexual harassment, depending on the circumstances:

- a. Verbal harassment or abuse of a sexual nature, including graphic comments, the display of sexually suggestive objects or pictures, and sexual propositions;
- b. Repeated unwelcome solicitations of sexual activity or sexual contact;
- c. Unwelcome, inappropriate sexual touchings;
- d. Demands for sexual favors accompanied by implied or overt promises of preferential treatment or threats with regard to the student's educational status.

6.10.5 Sexual Harassment Complaint Procedures Authorized – The Superintendent is authorized and directed to establish, implement and revise more detailed sexual harassment complaint procedures that are designed to provide students who believe that they are victims of unlawful sexual harassment with a thorough, discreet, and prompt internal procedure for investigating and resolving sexual harassment complaints. The procedures will be drafted so as to facilitate the gathering of relevant facts and evidence, permit timely assessment of the merits of the complaint, provide an opportunity for informal resolution of complaint where appropriate, eliminate any harassment that is established by the investigation, and prevent any retaliation based upon the

filing of the complaint. The procedures will reflect due regard for the legal rights and interests of all persons involved in the complaint, and will be drafted, explained, and implemented so as to be understandable and accessible to all student population groups and ages.

- 6.10.6 Initial Confrontation of Accused Harasser Not Required – A student who invokes the harassment complaint procedure will not be required to present the complaint to the accused or suspected harasser for resolution. Students will be permitted to report allegations of suspected harassment to any appropriate Board administrator, teacher, counselor, or employee, and such persons have a duty to promptly refer such allegations to the Superintendent or to take such action as may be required by the procedures established under “Sexual Harassment Complaint Procedures Authorized” (6.10.3) above. In no case will any employee who is the subject of a complaint be permitted to conduct, review, or otherwise exercise decision-making responsibility in connection with the processing of the complaint.
- 6.10.7 Notice of Policy to be Promulgated – The Superintendent will promulgate and disseminate this policy and the complaint procedures to the schools and will take such other steps and measures as may be reasonably available and expedient for informing the school community of the conduct prohibited by this policy and the recourse available to students who believe that they have been subjected to sexual harassment.

6.11 *Protection of Pupil Rights Amendment*

- 6.11.3 Consent – The Board will obtain parental consent before students are required to participate in a survey that concerns one or more of the following protected areas ("protected information survey") if the survey is funded in whole or in part by a program of the U.S. Department of Education (ED):
- a. Political affiliations or beliefs of the student or student's parent(s);
 - b. Mental or psychological problems of the student or student's family;
 - c. Sexual behavior or attitudes;
 - d. Illegal, anti-social, self-incriminating, or demeaning behavior;
 - e. Critical appraisals of others with whom respondents have close family relationships;
 - f. Legally recognized privileged relationships, such as with lawyers, doctors, or ministers;
 - g. Religious practices, affiliations, or beliefs of the student or parent(s); or
 - h. Income, other than as required by law to determine program eligibility.

6.11.4 Notice and Option to Opt Out – Parents will be provided notice and an opportunity to opt a student out of any of the following:

- a. Any survey that is designated to obtain protected information from a student, regardless of the source of funding;
- b. Any non-emergency, invasive physical exam or screening that is required as a condition of attendance, that is administered by the school or its agent, and that is not necessary to protect the immediate health and safety of a student, except for hearing, vision, or scoliosis screenings, or any physical exam or screening permitted or required under state law; and
- c. Activities involving collection, disclosure, or use of personal information obtained from students for marketing or for the purpose of selling or otherwise distributing the information to others.

6.11.5 Inspection – Parents will be allowed to inspect, upon request and before administration or use, the following:

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

6.11.6 Special Provisions for Certain Students – Students who are at least 18 years old and emancipated minors under state law will be allowed to take the above actions in lieu of their parents or guardians.

6.11.7 Additional Policies and Procedures Authorized – In consultation with parents, the Superintendent is authorized to develop additional policies, and arrangements to protect student privacy in the administration of protected information surveys and in the collection, disclosure, or use of personal information for marketing, sales, or other distribution purposes. The Board will directly notify parents of these policies and procedures at the beginning of each school year and after any substantive changes are approved.

6.11.8 Voluntary Religious Expression - Subject to the requirements and prohibitions of Amendments 1 and 14 to the United States Constitution, it is the policy of this Board that:

- (a) There shall be no discrimination against students or parents on the basis of their religious viewpoint or the religious content of their expression.
- (b) Students shall be allowed to express their beliefs about religion in homework, artwork, and other written and oral assignments free from discrimination based on the religious content of those submissions. Homework

and classwork assignments shall be judged by ordinary academic standards of substance and relevance, and against other legitimate pedagogical concerns, but may not be penalized or rewarded based on the religious content of the work.

(c) Students may pray or engage in religious activities or religious expression before, during, and after the school day in the same manner and to the same extent that students may engage in nonreligious activities or expression.

(d) Students may wear clothing, accessories, and jewelry which display religious messages or symbols in the same manner and to the same extent that students are permitted to wear other types of clothing, accessories, and jewelry that contain messages or symbols.

(e) The Board shall not take any actions which establish a religion or prohibit the free exercise of a particular religion.

(f) The Board retains the authority to protect the safety of its students, employees, and visitors, and to maintain order and discipline in its schools and on its properties in a content and viewpoint neutral manner.

[Reference: 20 U.S.C. §1232h; 34 CFR Part 98] [Reference: Alabama Code § 16-1-20.5]

6.12 *Student Records*

Educational records as defined by law or Board policy will be available for examination and review by authorized persons in the manner prescribed and to the extent required by law. Except where the context requires otherwise, the term “educational records” has the meaning given in 20 U.S.C. 1232g(a)(4). Copies of such records may likewise be provided to the extent required and under circumstances specified by applicable law or regulation. The Superintendent is authorized to establish administrative standards and procedures respecting access to such records, including a schedule of reasonable charges for the reproduction thereof. Parents will be provided required annual notification regarding educational records through the student handbook or by other appropriate means.

[Reference: 20 U.S.C. §1232g(a)(4); 34 C.F.R. §99.3]

6.13 *Student Health Services*

The Board may offer limited student health services that are designed to address minor medical issues that may arise during the school day or to assist with special or chronic health problems. In cases of acute or contagious illnesses, parents or guardians may be notified and required to pick up the student. If a parent or guardian is not available, the principal or school nurse may contact the Department of Public Health. School officials are authorized to take reasonable and appropriate steps to provide or arrange for the provision of emergency medical services to students who require immediate medical attention. In case of illness or accidental injury not requiring immediate medical attention, standard first aid procedures may be followed. The Superintendent is

authorized to develop and promulgate procedures, rules, and regulations concerning the taking, administration, and handling of medication, and the treatment of anaphylaxis at school consistent with state law and appropriate health standards.

6.14 *Student Conduct*

The Superintendent will prepare and present to the Board for adoption and periodic revision a Code of Student Conduct (“CSC”), with input from teachers, school personnel, students, parents and guardians, and other members of the education community and, as appropriate, the community at large. The CSC will comprehensively describe the rules and standards of conduct and discipline that will be maintained and enforced within Madison City Schools. The CSC will set forth the specific grounds for disciplinary action, the penalties, sanctions, or consequences that may be imposed for a violation of the CSC, the methods and procedures by which violations of the CSC will be determined, and any appeal or review procedures that are available to students. The CSC will incorporate applicable statutory and regulatory requirements, and the hearing and appeal procedures specified in the CSC will conform to applicable statutory and constitutional standards and requirements. The CSC may be incorporated in a student handbook and will be made available to all teachers, school personnel, students, parents and guardians at the beginning of each school year. The CSC will be deemed an extension of Board policy and will have the force and effect thereof.

[Reference: ALA. CODE §§16-28-12, 16-28A-1 to 3 (1975); Ala. Admin. Code 290-3-1-.02, 290-8-9-.09]

6.15 *Searches (Students)*

- a. *Board Property* – All school system property, facilities, and grounds may be entered, inspected, and searched for any lawful purpose by Board officials or their designees at any time, without prior notice and to the fullest extent permitted by law. The right to enter, inspect, and search includes and extends to (but is not limited to) Board owned or controlled offices, desks, file cabinets, lockers, computers, files, documents, data, and devices however and wherever kept, stored, or maintained.
- b. *Personal Property* – Personal property, including but not limited to vehicles, purses, wallets, gym bags, book bags, cell phones, computers, and personal electronic devices may be searched by authorized school officials, including school principals or their designees, when reasonable suspicion exists that the property contains prohibited materials, illegal substances, weapons, or other items that are reasonably deemed to present a risk or threat to the safety or welfare of the school community, provided that the nature and extent of the search shall be reasonably related and limited to the suspected violation.
- c. *Personal Searches* – Students may be searched whenever reasonable suspicion exists that the student possesses prohibited materials, illegal substances, weapons, or other items that are reasonably deemed to present a risk or threat to the safety and welfare of the school community. Student searches must be conducted by a school administrator in the presence of another certified school employee and

may include a private pat down of the student, a search of personal items and clothing, or a more thorough search upon specific approval of the Superintendent. Personal searches will be conducted with due regard for the age and gender of the student. Searches that require physical contact between the school official and the student, removal of clothing, or examination of the student in a way that would implicate privacy concerns must be conducted and witnessed by officials of the same gender as the student and in a way that preserves the dignity of the student to the extent practicable under the circumstances. Refusal to submit to a search or to cooperate in a search as provided in this policy may be grounds for disciplinary action.

- d. *Use of Recovered Items* – Property, material, substances, information, or records that are obtained, discovered, or recovered as a result of a search may be retained and used for any lawful purpose.

6.16 *Physical Restraint and Seclusion*

A. Policy Purpose

1. Madison City Schools acknowledges that maintaining a school environment conducive to learning requires that the environment be orderly and safe. Accordingly, the system recognizes that physical restraint of a student may sometimes be necessary in order to protect the student or other individuals.
2. The purpose of this policy is to provide for the appropriate use of physical restraint only when needed to protect a student and/or member of the school community from imminent, serious physical harm, to prevent or minimize any harm to a student as a result of the use of physical restraint, and to prohibit other inappropriate forms of restraint.
3. It is the intent of this policy to emphasize and encourage the use of techniques for the prevention and de-escalation of inappropriate behavior, in order to reduce the risk of injury to students and program staff, as well as facilitate the care, safety, and welfare of students.

B. Definitions

1. **Physical restraint** is direct physical contact from an adult that prevents or significantly restricts a student's movement. The term physical restraint does not include mechanical restraint or chemical restraint. Additionally, physical restraint does not include: providing limited physical contact and/or redirection to a student in order to promote safety or to prevent self-injurious behavior; providing physical guidance or prompting to a student when teaching a skill; redirecting attention; providing guidance to a location; providing comfort; or providing limited physical contact as reasonably needed to prevent imminent destruction to school or another person's property.

2. **Chemical restraint** is any medication that is used to control violent physical behavior or to restrict the student's freedom of movement that is not a prescribed treatment for a medical or psychiatric condition of the student.
3. **Mechanical restraint** is the use of any device or material attached to or adjacent to a student's body that is intended to restrict the normal freedom of movement and which cannot be easily removed by the student. The term does not include an adaptive or protective device recommended by a physician or therapist when used as recommended by the physician or therapist to promote normative body positioning and physical functioning, and/or to prevent self injurious behavior. The term also does not include seatbelts and other safety equipment when used to secure students during transportation.
4. **Seclusion** is a procedure that isolates and confines the student in a separate, locked area until he or she is no longer an immediate danger to himself/herself or others. Seclusion occurs in a specifically constructed or designated room or space that is physically isolated from common areas and from which the student is physically prevented from leaving. Seclusion does not include situations in which a staff member trained in the use of de-escalation techniques or restraint is physically present in the same unlocked room as the student; time-out as defined herein; in-school suspension; detention; or a student-requested break in a different location in the room or in a separate room.
5. **Time-out** is a behavioral intervention in which the student is temporarily removed from the learning activity. Time-out is appropriately used and is not deemed to be seclusion when:
 - (a) The non-locking setting used for time-out is appropriately lighted, ventilated, and heated or cooled.
 - (b) The duration of the time-out is reasonable in light of the purpose of the time-out and the age of the child; however, each time-out should not exceed 45 minutes.
 - (c) The student is reasonably monitored by an attending adult who is in reasonable physical proximity of the student and has sight of the student while in time-out.
 - (d) The time-out space is free of objects that unreasonably expose the student or others to harm.

C. Prohibitions

1. The use of physical restraint is prohibited in the school system and its educational programs except in those situations in which the student is an immediate danger to himself or others and the student is not responsive to reasonably implemented and less intensive behavioral interventions, such as verbal directives and other de-escalation techniques. Physical restraint as a form of discipline or punishment is prohibited.
2. All physical restraint must be immediately terminated when the student is deemed to no longer be an immediate danger to himself or others or if the student is observed to be in severe distress during the restraint. Any method of physical restraint in which physical pressure is applied to the student's body in such a manner as to restrict the flow of air into the student's lungs is prohibited in the school system and its educational programs.
3. The use of chemical restraint is prohibited in the school system and its educational programs.
4. The use of mechanical restraint is prohibited in the school system and its educational programs.
5. The use of seclusion is prohibited in the school system and its educational programs.

D. Requirements

1. Each designated staff person who engages or participates in any incident of any permitted or prohibited restraint or seclusion of a student has a duty to promptly report the incident to the local school principal.
2. Each local school's principal or his/her designee and each educational program that utilize restraint under this policy should provide staff with guidelines and procedural information regarding physical restraint and arrange for the appropriate training of those designated staff members that may be called upon to restrain a student. This training of designated staff members should be provided as a part of a program which addresses prevention and de-escalation techniques as well as positive behavioral intervention strategies. The training of designated staff members will be based on evidence-based techniques and strategies when possible. Designated staff members will be trained regarding their responsibility to promptly report each incident of physical restraint, whether initiated, continued or discontinued in compliance with this policy or not, and each incident of prohibited chemical and/or mechanical restraint or seclusion. Each local school's principal or his/her designee or program coordinator shall be responsible for providing periodic reviews.

3. Each local school's principal or his/her designee and each educational program that utilize restraint is expected to maintain written or electronic documentation on training provided at the local school regarding permissible physical restraint as well as prohibited physical, chemical or mechanical restraint or seclusion. The principal or designee should also maintain the list of participants in each training session. Records of such training will be made available to the Alabama Department of Education or any member of the public upon request.
4. Each local school's principal or his/her designee and each educational program that utilize restraint is responsible for generating and maintaining incident and debriefing reports of the use of restraint or seclusion at the local school and for submitting monthly summary reports regarding such incidents to the school system's Board of Education and to the Alabama Department of Education annually. Each local school principal or his/her designee or program's coordinator is expected to monitor the use of physical restraint on an on-going basis to ensure fidelity of implementation. Follow-up training will be provided following any situation in which policies and procedures are not followed.
5. Each local school's principal or his/her designee and each educational program that utilize restraint shall endeavor to provide a debriefing session following each incident of permissible restraint, prohibited restraint and/or seclusion of a student. All school personnel involved in the incident and appropriate administrative staff will be expected to participate in a debriefing session for the purpose of planning to prevent or reduce the reoccurrence of the use of restraint. A student's parent or legal guardian will be provided notification of this debriefing session and afforded the opportunity to attend or to request that the debriefing session be rescheduled. The debriefing session shall occur no later than five school days following the imposition of physical restraint or seclusion, unless the debriefing session is delayed, at the request of a student's parent or legal guardian, so that the parent or legal guardian may attend.
6. Each local school's principal or his/her designee and each educational program that utilize restraint will provide written notification to a student's parent or legal guardian when physical restraint is used on a student within a reasonable time following the restraint not to exceed one school day from the use of restraint.
7. Each local school's principal or his/her designee and each educational program will provide written notification to a student's parent or legal guardian when their child is restrained and/or removed from his/her school or program setting by emergency, medical, or law enforcement personnel within a reasonable time following the removal not to exceed one school day from the time of removal.
8. Each student's parent or legal guardian will be provided information regarding the school or program's policies governing the use of physical restraint. This information will be provided to parents at the beginning of each school year or upon the student's enrollment if the student enrolls after school has started. To

effectuate this requirement, the school system's website and student handbook/code of conduct will contain the following statement:

As a part of the policies and procedures of the school system, the use of physical restraint is prohibited in the system and its educational programs except in those situations in which the student is an immediate danger to himself or others and the student is not responsive to reasonably implemented and less intensive behavioral interventions such as verbal directives and other de-escalation techniques. Physical restraint is prohibited when used as a form of discipline or punishment. The use of other physical restraint, chemical restraint, mechanical restraint, or seclusion is prohibited in the school system and its educational programs.

The use of restraint may occur along with other emergency actions such as the school seeking assistance from law enforcement and/or emergency medical personnel which could result in a removal of the student by such personnel.

Significant violations of the law including assaults on students and staff will be reported to the police. As soon as possible after the restraint or removal of a student (and no longer than one school day following the occurrence), written notice will be provided to the parent or legal guardian.

E. Clarifications

1. Nothing in this policy shall be construed to interfere with the school system's or school personnel's authority to utilize time-out as defined herein or to utilize any other classroom management technique or approach, including a student's removal from the classroom, not specifically addressed under this policy.
2. Nothing in this policy modifies the rights of school personnel to use reasonable force as permitted under the Code of Alabama, 1975, §16-1-14 or modifies the rules and procedures governing discipline under the Code of Alabama, 1975, §16-28-12.
3. Nothing in this policy shall be construed to prohibit the school system or school personnel from taking reasonable actions to diffuse or break up a student fight or altercation.
4. Nothing in this policy shall be construed to prohibit the school system or school personnel from taking reasonable action to obtain possession of a weapon or other dangerous objects on a student or within the control of a student.

5. Nothing in this policy shall be construed to eliminate or restrict the ability of school personnel to use his or her discretion in the use of physical restraint as provided in this policy to protect students or others from imminent harm or bodily injury.
6. Nothing in this policy shall be construed to create a criminal offense or a private cause of action against any local board of education or program or its agents or employees.
7. Nothing in this policy shall be construed to interfere with the duties of law enforcement or emergency medical personnel or to interfere with the rights of the school system or school personnel from seeking assistance from law enforcement and/or emergency medical personnel.
8. Violation of this policy by school system personnel may be deemed to be a failure to perform duties in a satisfactory manner and may be deemed to provide grounds for disciplinary action, including dismissal, if appropriate under the circumstances.

6.17 *Corporal Punishment*

The Board does not permit the use of corporal punishment as a consequence for inappropriate behavior provided that school personnel are not prohibited from using appropriate physical contact or intervention in response to emergencies or other circumstances reasonably requiring such action.

[Reference: ALA. CODE §16-28A-2 (1975)]

6.18 *Student Suspension (including Students with Disabilities)*

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. Suspension may also be imposed as a disciplinary measure as provided in the Code of Student Conduct. Suspensions will be counted as excused absences. Make up work will be permitted for such absences unless permitting such work under the circumstances would be impractical or impossible, would serve no purpose, would place school personnel at risk of harm, or would be unreasonable in light of the grounds for the suspension. Suspension of students with disabilities will be subject to applicable limitations and requirements imposed by the Individuals with Disabilities Education Act (“IDEA”) and its implementing regulations.

6.19 *Student Expulsion (including Students with Disabilities)*

Students may be expelled from school for offenses serious enough to warrant such action as provided in Code of Student Conduct or other Board disciplinary policies. Students

who are recommended for expulsion may be suspended until such time as the Board meets to consider the recommendation for expulsion. Reasonable notice of the proposed action, the reasons therefore, and an opportunity to be heard will be afforded to the student and the student's parent or guardian prior to a final decision by the Board regarding expulsion. The Superintendent will notify the student or the student's parent or guardian, in writing, of any action taken by the Board. The term of an expulsion may extend to the maximum permitted by law. The Board may impose such reasonable limitations on the student's right to re-enroll in the school system following expiration of expulsion as may be permitted by law. A student who withdraws from school prior to the Board's consideration of a proposed expulsion may not re-enroll in the school system until the Board holds a hearing or other appropriate proceedings regarding the recommended expulsion. Expulsion of students with disabilities will be subject to applicable limitations and requirements imposed by the Individuals with Disabilities Education Act ("IDEA") and its implementing regulations.

6.20 *Electronic Communication Devices*

Personal, wireless communication devices include, but are not limited to, cellular telephones, smart phones, personal computers, tablets, digital wearables or any other electronic communication device. Students may possess a cell phone or other personal, wireless communication device on school property, but use of such devices during the school day is limited to uses expressly permitted by the supervising teacher or administrator. The Board assumes no responsibility for theft, loss, or damage to any personal/wireless communication device. Principals or their designees will also have the authority to further restrict or deny the use of personal wireless communication devices by any student to prevent the misuse, abuse, or violation of school rules regarding the use of such devices. School officials may read, examine, or inspect the contents of any such device upon reasonable suspicion that the device contains evidence of a violation of Board policy, the Code of Student Conduct, or other school rules, provided that the nature and extent of such examination shall be reasonably related and limited to the suspected violation.

[Reference: ALA. CODE §16-1-27 (1975)]

6.21 *Drivers' License*

6.21.3 Drivers' License – Unless exempted from the requirement by Board policy, a person under the age of 19 years may not under state law obtain a driver's license or a learner's permit without being enrolled in school or meeting alternative criteria established by law. Additionally, a driver's license may be suspended or revoked if a student withdraws or fails to attend school. Students may be exempted or excused from otherwise applicable statutory requirements if their withdrawal or nonattendance is caused by circumstances beyond the control of the student. Circumstances beyond the control of the student may be found with respect to:

- a. Students who are mentally or physically unable to attend school;

- b. Students who are regularly and legally employed in compliance with the provisions of the Child Labor Law; and
- c. Students who, because of the lack of public transportation, are compelled to walk more than two miles to attend a public school.

Students who are denied a driver’s license by virtue of their nonenrollment may appeal a decision affecting the student’s eligibility for a driver’s license to the Superintendent. The appeal should be in writing and filed with the school principal within 15 days of the decision from which the appeal is taken, and should set forth the reasons on which the appeal is based. An appeal should be promptly forwarded to the Superintendent for review and final decision.

6.21.4 Administrative Procedures Authorized – The Superintendent is authorized to develop procedures to implement the provisions of this policy and to comply fully with state law.

[Reference: ALA. CODE §16-28-40, *et seq.* (1975)]

6.22 *Student Parking Privileges*

In order to promote the safety and welfare of students and others who work on or visit school campuses, to encourage the development of safe and responsible driving practices, and to serve the general purposes of maintaining a drug and alcohol free school environment, students will be granted the privilege of driving and parking on school property only if they are free of the effects of alcohol or other illegal or controlled substances. Principals may impose reasonable additional conditions or requirements for the privilege of driving or parking a vehicle on school property including, for example, conditions relating to maintenance of academic and attendance standards and the payment of fees. Principals may also establish priorities for issuance and assignment of parking permits.

6.23 *Harassment, Violence, and Threats of Violence Prohibited*

6.23.1 Prohibition - No student shall engage in or be subjected to harassment, bullying, cyberbullying, violence, threats of violence, or intimidation by any other student that is based on any of the specific characteristics that have been identified by the Board in this policy. Students who violate this policy will be subject to disciplinary sanctions as provided herein.

6.23.2 Definitions –

- a. The term “harassment” as used in this policy means a continuous pattern of intentional behavior that takes place on school property, on a school bus, or at a school-sponsored function including, but not limited to, written, electronic, verbal, or physical acts 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 set forth in Section 6.22.3(b) below. To constitute harassment, a pattern of behavior may do any of the following:

1. Place a student in reasonable fear of harm to his or her person or damage to his or her property.
 2. Have the effect of substantially interfering with the educational performance, opportunities, or benefits of a student.
 3. Have the effect of substantially disrupting or interfering with the orderly operation of the school.
 4. Have the effect of creating a hostile environment in the school, on school property, on a school bus, or at a school-sponsored function.
 5. Have the effect of being sufficiently severe, persistent, or pervasive enough to create an intimidating, threatening, or abusive educational environment for a student.
- b. The term “violence” as used in this policy means the infliction of physical force by a student with the intent to cause injury to another student or damage to the property of another student.
- c. The term “threat of violence” as used in this policy means an expression of intention to inflict injury or damage that is made by a student and directed to another student.
- d. The term “intimidation” as used in this policy means a threat or other action that is intended to cause fear or apprehension in a student, especially for the purpose of coercing or deterring the student from participating in or taking advantage of any school program, benefit, activity or opportunity for which the student is or would be eligible.
- e. The term “bullying” as used in this policy is a pattern of intentional, repeated, aggressive behavior directed by or on behalf of one student against another. It includes physical actions, including but not limited to shoving, hitting or punching, and verbal actions including but not limited to teasing and name-calling, as well as verbal or physical intimidation.
- f. The term “cyberbullying” as used in this policy is a pattern of intentional, repeated, aggressive behavior directed by or on behalf of one student against another through the use of social media, text or instant messaging, e-mail or other electronic media or devices.
- g. The term “student” as used in this policy means a student who is enrolled in the Madison City school system.

6.23.3 Description of Behavior Expected of Students -

- a. Students are expected to treat other students with courtesy, respect, and dignity and comply with the Code of Student Conduct. Students are expected and required (1) to comply with the requirements of law, policy, regulation, and rules prohibiting harassment, violence, bullying, cyberbullying, or intimidation; (2) to refrain from inflicting or threatening to inflict violence, injury, or damage to the person or property of another student; and (3) to refrain from placing another student in fear of being subjected to violence, injury, or damage when such actions or threats are reasonably perceived as being motivated by any personal characteristic of the student that is identified in this policy.
- b. Violence, threats of violence, harassment, intimidation, bullying and cyberbullying are prohibited, and students found to have violated Board policy related to such conduct will be subject to disciplinary consequences and sanctions, including suspension and expulsion, 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 victim of such conduct:
 1. The student's race;
 2. The student's sex;
 3. The student's religion;
 4. The student's national origin;
 5. The student's disability;
 6. The student's imbalance of strength, power, or influence; or
 7. Other personal characteristics which motivate the prohibited action.
- c. Except as otherwise provided in this policy, the expectations of students expressed herein are not limited to behaviors which occur only on school grounds. This policy is premised on the notion that violence, threats of violence, intimidation, bullying and cyberbullying of one student by another may be detrimental to the best interest and welfare of students and disruptive of the opportunity for student learning in Madison City Schools without regard to the location where such behaviors occur. It is acknowledged that in some situations the nexus between the regulation of such unacceptable behaviors and Madison City Schools' interest in providing a safe environment for its students may be remote and thus not an appropriate basis for school disciplinary action. However, where the offending behavior causes a material and substantial disruption to school activities or undermines the ability of a student to learn in a non-hostile

environment, students violating this policy may be subject to discipline regardless of where the offending conduct occurs.

6.23.4 Consequences for Violations – A series of graduated consequences for any violation of this policy will be those outlined in the Code of Student Conduct or any rule or standard adopted under authority of this policy. The first and second occurrence of behaviors which, if repeated or continuous would constitute a violation of the policy, may result in Class I or Class II consequences as outlined in Section 6.23.8 of this policy. Depending on the severity of the offense, a Class II or Class III consequence may be administered for the first violation of this policy.

6.23.5 Reporting, Investigation, and Complaint Resolution Procedures -

Complaints alleging violations of this policy must be made on Board approved complaint forms available at the principal and/or counselor'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. The person reporting the violation may, upon request, be given an explanation of the outcome of the investigation and of any steps taken to prevent a recurrence of the violation, subject to any limitations on the disclosure thereof that may be imposed by law. A person reporting a violation who is not satisfied with the outcome of the investigation may appeal the decision in writing to the local Superintendent.

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.

6.23.6 Suicide Prevention – To the extent that the legislature appropriates funds or the Board provides funds from other sources, the Superintendent is authorized to develop a program to implement the following statutory requirements of the Jason Flatt Act in an effort to prevent student suicide:

- a. Foster individual, family, and group counseling services related to suicide prevention.
- b. Make referral, crisis intervention, and other related information available for students, parents, and school personnel.
- c. Foster training for school personnel who are responsible for counseling and supervising students.
- d. Increase student awareness of the relationship between drug and alcohol use and suicide.
- e. Educate students in recognizing signs of suicidal tendencies and other facts and warning signs of suicide.
- f. Inform students of available community suicide prevention services.
- g. Promote cooperative efforts between school personnel and community suicide prevention program personnel.
- h. Foster school-based or community-based, or both, alternative programs outside of the classroom.
- i. Develop a strategy to assist survivors of attempted suicide, students, and school personnel in coping with the issues relating to attempted suicide, suicide, the death of a student, and healing.
- j. Engage in any other program or activity which the Board determines is appropriate and prudent in the efforts of the school system to prevent student suicide.
- k. Provide training for school employees and volunteers who have significant contact with students on the Board policies to prevent harassment, intimidation, and threats of violence.

- l. Develop a process for discussing with students local board policies relating to the prevention of student suicide and to the prevention of harassment, intimidation, violence, and threats of violence.
- m. Provide annual training for all certificated school employees in suicide awareness and prevention. This training may be provided within the framework of existing inservice training programs or as a part of required professional development offered by the school system.

Students may be required to participate in curricular activities developed to implement the statutory requirements of the Jason Flatt Act and are encouraged to participate in any other activities or strategies developed by the Board for that purpose.

- 6.23.7 Promulgation of Policy and Related Procedures, Rules, and Forms – This policy and any procedures, rules, and forms developed and approved to implement the policy will be published, disseminated, and made available to students, parents and legal guardians, and employees by such means and methods as are customarily used for such purposes, including publication on the Madison City Schools’ website.
- 6.23.8 Classification of Offenses and Disciplinary Actions – On May 7, 2009, the Alabama Legislature enacted Act Number 2009-571, the Student Harassment Prevention Act (the “Act”). The Act was signed by the Governor on May 20, 2009 and became effective on October 1, 2009, Section 9 of the Act requires all local boards of education to establish a policy in compliance with the Act on or before July 1, 2010. Section 5 of the Act requires the State Department of Education (“SDE”) to develop a model policy prohibiting harassment, violence and threats of violence on school property, on a school bus, or at any school-sponsored function.

On October 20, 2009, the SDE sent a model policy to all city and county school boards of education. Madison City Schools used that model policy for this Student Harassment Policy.

Conduct falling within the definitions contained in this policy will be a Class I-Minor Violation, Class II-Intermediate Violation, or a Class III-Major Violation. The principal shall determine the classification of violations on a case-by-case basis depending upon the extent to which conduct is repeated or continuous and the severity of the conduct. Discipline for those violations shall be in accordance with the disciplinary actions for Class I, Class II, and Class III violations as set forth in this policy and the Student Code of Conduct.

- 6.23.9 Construction of Policy – This policy is supplemental to other Board policies

and procedures and does not repeal, replace, or supersede any other prohibition on harassment, violence, threats of violence or intimidation found elsewhere in Board policy or procedure, including the Code of Student Conduct. This policy shall not be construed to allow harassment, violence, threats of violence or intimidation for any reason not specifically listed in this policy or to prohibit the school from disciplining students for acts of harassment, violence, threats of violence or intimidation not specifically listed herein. Students who engage in harassment, violence, threats of violence or intimidation not specifically covered by this policy may be subject to appropriate disciplinary action in accordance with the standards and rules in the Code of Student Conduct.

[Reference: Ala. Code §16-28B-1, *et seq.* (1975)]

6.24 *Acceptable Use of Computer Technology and Related Resources*

Please see Policy 4.8 Employee and Student Acceptable Use of Technology and Related Resources