

MOBILE COUNTY PUBLIC SCHOOL SYSTEM POLICY BOOK

CHAPTER 5: STUDENTS

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ASSIGNMENT

The principal shall determine, in accordance with all School Board policies, the student's assignment to class.

Hearing: May 25, 2010
Revised: May 25, 2010

TO SCHOOLS

1. Each elementary, middle and senior high school shall serve the attendance zone which has been ordered by the Federal Court and approved for implementation by the Board. All changes in attendance zones shall be approved by the Board.

2. Students shall be assigned to the school serving the attendance zone in which their parents or legal guardians reside. Exceptions to this policy may be authorized by the Division of Student Support Services in accordance with the provisions of other policies.

3. Students whose parents or legal guardians move from one attendance zone to another during the school year, may be transferred to the school attendance zone which serves the new residence address, or they may be permitted to remain on roll until the end of the school year in which the residential change occurred.

4. Parents or legal guardians who have definite plans to move to a new attendance area during the early part of a school year and who desire to have their children initially enrolled in the school serving the attendance area where they will later reside shall make application for advanced enrollment to the Division of Student Support Services.

Hearing: May 25, 2010
Revised: May 25, 2010

TRANSFERS AND WITHDRAWALS

1. Attendance Zone Transfers —Transfers are approved in the Division of Student Support Services by the Executive Director. A parent or legal guardian may file, in the Division of Student Support Services, a request for an attendance zone transfer. Transfers shall be considered only for the following reasons:

   a. Students who are seeking admission to special programs offered in other schools.

   b. Residence has been established in another attendance zone in Mobile County and the parent/guardian wishes for the student to remain at the school in which he/she is enrolled.

   c. Cases of extreme hardship or extenuating circumstances, provided space is available and provided that such transfers do not require special transportation arrangements by the School Board.

2. Withdrawals – Students shall be withdrawn from school in accordance with procedures established by the Division of Student Support Services.

Hearing: May 25, 2010
Revised: May 25, 2010

COMPULSORY ATTENDANCE AGES

Reference Alabama Code - §16-28-3.

Date Adopted: December 11, 2007

ENTRANCE AGE

Reference Alabama Code - §16-28-4.

Date Adopted: December 11, 2007

SCHOOL ADMISSION

Required Documentation

Students entering the Mobile County Public School System for the first time, regardless of grade level, shall be required to submit a certified birth certificate and a certificate of immunization or an exemption on the form prescribed by the Department of Health and signed by a private physician or appropriate health department official.

Resident Students

Students, to be eligible to attend Mobile County Public Schools ~~System~~, shall reside with a parent or legal guardian who is a resident of Mobile County except as provided in this policy. Special authorization from the Division of Student Support Services is required for students to enroll from the residence of an adult other than the parent or legal guardian.

Non-Resident Students

Students whose parents or guardians reside outside Mobile County are non-resident students. The parent or guardian must obtain a permit from the Division of Student Support Services for the student's admission to the Mobile County Public School System.

Non-resident students will be charged a non-resident tuition. The tuition fees will be established annually and published in the Student Handbook and Code of Conduct.

Foreign Exchange Students

Students who enter the United States under an approved exchange program must reside with an approved sponsor family residing in Mobile County. The guardian must obtain a permit from the Division of Student Support Services for the student's admission to the Mobile County Public School System.

Students Under Expulsion From Other School Systems

Any student who has been expelled from another school system or private/parochial or other school who seeks admission to the Mobile Count Public School System must comply with all current MCPSS admission requirements including, but not limited to, all provisions of the Student Handbook and Code of Conduct.

Date Adopted: December 11, 2007

Hearing: May 25, 2010
Revised: May 25, 2010

Tuition for Out-of-System Students

1. Regular Education Annual Tuition Rate
   a. All out-of-system students with no special requirements will be charged tuition at a predetermined amount set by the Superintendent in accordance with Alabama law. The amount of tuition is subject to change on an annual basis and will be published in the *Student Handbook and Code of Conduct*.
   b. Tuition will be waived for out-of-system students with no special requirements whose parents are active employees of the Mobile County Public School System.
   c. No refunds will be granted if the student leaves the Mobile County Public School System due to long-term suspension, is expelled, or drops out. Refunds will be granted for students moving to a school outside the Mobile County Public School System.
   d. Partial Year Enrollment – For students who enroll after the school year has begun the tuition rate will be prorated based on percentage of year remaining.

2. Special Education: The LEA in which the student resides is legally responsible for providing services to its students. Assuming space availability, the Superintendent, Executive Director of Special Programs, and the Chief School Financial Officer may enter into a negotiated contractual agreement with a sending LEA in specific situations, wherein the sending LEA will reimburse the Mobile County Public School System for all of the provided services. In no case will the reimbursement amount be less than the predetermined tuition amount set by the Superintendent.

3. No out-of-system students will be accepted into the Mobile County Public School System's Magnet School Program.

4. Each year the student database will be reviewed by the Accounting Department in collaboration with the Micro Information Systems Department and the Division of Student Support Services to ensure that tuition is being received according to this policy. Any school in the Mobile County Public School System which has accepted an out-of-system student for whom tuition is due will be charged the amount due for each such student from that school's local funds.

5. Tuition payments must be *PAID IN FULL* prior to the student being allowed to register at a school in the Mobile County Public School System.

6. Payments will be accepted by on-line credit card payment and at the Central Office by a representative of the Accounting Department in the form of cash or check.

7. The school must receive signed authorization from the Central Office before accepting an out-of- system student's registration packet. This will be in the form of a paid-in-full receipt or a statement confirming receipt of payment.

8. *NO* Transportation will be provided to out-of-system students unless provided for in a negotiated contractual agreement referred to in Paragraph 2 above.

9. Out-of-system students accepted will be subject to the same rules as transfer students.

Hearing: January 19, 2012
Adopted: April 23, 2012
Revised: May 17, 2012

TRUANCY

Reference: AAC 290-3-1-.02(7)(c)(1-5).

Date Adopted: December 11, 2007

HOMELESS STUDENTS AND FOSTER CARE

In accordance with the McKinney-Vento Homeless Assistance Act and the Every Student Succeeds Act, the Mobile County Public School System will meet any requirements of the Acts regarding giving homeless and foster care students access to a free, appropriate education, removing barriers to enrollment for homeless and foster care students, and assisting in securing necessary documents.

Reference: AAC 290-3-3-.02 (7)(d) – Homeless Students
Date Adopted: May 25, 2010
Date Revised: February 22, 2017

HOMELESS STUDENTS – ENROLLMENT DISPUTE POLICY

In accordance with the McKinney-Vento Homeless Assistance Act and the Every Student Succeeds Act, the Mobile County Public School System will meet any requirement of the Acts regarding enrollment disputes of homeless students. This policy is in place for the prompt resolution of disputes regarding educational placement of homeless children and youth. This policy will provide a mechanism for MCPSS to resolve disputes at the LEA level that may arise over school selection or enrollment in school by a homeless student.

Date Adopted: January 24, 2018

McKinney-Vento (Homeless Education) Dispute Resolution Procedure

The dispute resolution process begins at the time a school/district challenges the enrollment of a homeless student. If there is a dispute regarding a student's homeless status, school selection/enrollment and/or request for transportation, **the student must be immediately enrolled in the school where enrollment is sought and provided with transportation services.**

The school must adhere to the following procedures:

1) The school must complete the ***Initial Challenge Form*** and have the parent sign this form. The original form goes to the parent/guardian/unaccompanied youth. A copy of this form is sent to Student Support Services, Homeless Education Program. The school should also retain a copy of this form.
2) At the time of the initial challenge, the school must provide to the parent/guardian/unaccompanied youth the ***Appeal Form*** and provide the contact information of the assigned homeless liaison.

The district must adhere to the following procedures:

1) Upon receiving the ***Initial Challenge Form*** from the school, the assigned homeless liaison will contact the parent within twenty-four (24) hours to inform parent/guardian/unaccompanied youth of their right to appeal.
2) If the parent appeals the initial challenge, the district must complete an inquiry to determine if the student is entitled to enrollment and supportive services under McKinney-Vento.
3) The district must complete the ***Final District Decision Form*** within five (5) business days of receiving the ***Appeal Form*** and notify the parent/guardian/unaccompanied youth in writing. The assigned homeless liaison will notify the school of the final decision.
4) The district must advise the parent/guardian/unaccompanied youth that the district's final decision may be appealed to the Alabama State Department of Education within five (5) business days.
5) If the parent/guardian/unaccompanied youth decides to appeal the district's final decision to the Alabama State Department of Education, the parent/guardian/unaccompanied youth must contact the Homeless Education liaison to assist with filing the appeal.

The student must remain enrolled and provided with transportation (if needed) until the district makes a final determination. If the parent/guardian/unaccompanied youth appeals the district's decision to the Alabama State Department of Education, then the student must remain enrolled and provided with transportation (if needed) until the State notifies the parent/district of their final decision.

Revised 10/2017

Mobile County Public School System
Homeless Enrollment Dispute
Final District Decision

Demographic Information

STUDENT NAME:	First	Last	**SCHOOL NAME:**
STUDENT NAME:	First	Last	**SCHOOL NAME:**
STUDENT NAME:	First	Last	**SCHOOL NAME:**
PARENT/GUARDIAN/UNACCOMPANIED YOUTH NAME:			**CONTACT NUMBER:**

DISPUTED ADDRESS:	Street	City	State	Zip
VERIFIED ADDRESS (If Different From Disputed Address):	Street	City	State	Zip

Inquiry Disposition

____ Based on the inquiry conducted by Student Support Services, it has been determined that the above named student(s) is/are entitled to enrollment and/or transportation to the above named school(s).

____ Based on the inquiry conducted by Student Support Services, it has been determined that the above named student(s) is/are **NOT** entitled to enrollment and/or transportation to the above named school(s) for the following reasons:

Parent/Guardian/Unaccompanied Youth Notification of Final Enrollment Decision

You have the right to appeal the Final District Decision. If you would like to appeal this decision, please contact the Homeless Education Liaison at 251-221-4275 within FIVE (5) business days of the district's decision. If you decide to appeal to the Alabama State Department of Education, the assigned homeless liaision will assist you with filing the appeal. **You can bring a lawyer, a non-lawyer advocate, or any other person to assist you in this proceeding or any appeal. You can also provide written or oral documentation to support your position during this proceeding or any appeal.** If you appeal, the above named student(s) must remain enrolled and provided with transportation, if needed, until the state makes a final decision.

SIGNATURE:	**DATE:**
Terrence S. Mixon, Sr., Executive Director of Student Support Services/Designee	

No Child
LEFT BEHIND

EDUCATION FOR HOMELESS CHILDREN AND YOUTH PROGRAM

TITLE VII-B OF THE MCKINNEY-VENTO HOMELESS ASSISTANCE ACT,

AS AMENDED BY THE

NO CHILD LEFT BEHIND ACT OF 2001

NON-REGULATORY GUIDANCE

UNITED STATES DEPARTMENT OF EDUCATION
WASHINGTON, DC

July 2004

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Appendix E: Dispute Resolution Process School Sample Form*

Everyday Independent School District

. *[This form was not developed nor is it endorsed by the U.S. Department of Education. It is not a required form. It was adapted for use as an example].

School Name:_____

School Address: _____Phone: (777)_____Fax: (777)____

Student's Name:_____ I.D.#:_____ Grade: __

Current Address: _____ Current Phone:_____

Sample

Parent/Guardian/Complaining Party's Name:_____

Relationship: □ Parent □ Guardian □ Unaccompanied Youth □ Other:

Current Address: _____ Current Phone: (_)_____

Please note: Information regarding student's address, phone number, and information protected by Everyday School Records Act and can only be released to parent/guardian, the student, or to a person specifically designated as a representative of the parent/guardian.

Lives in a Shelter □ Yes □ No

Name of school that parent chooses child to be immediately enrolled in and /or transported to/from until dispute is resolved:

Is this the school of origin*? □ Yes □ No

**School of Origin means the school that the child attended when permanently housed or the school in which the child was last enrolled.*

If no, from which school was the student transferred? _____

Reason for the Complaint: _____

Signature of parent/guardian/complaining party: Date:

Principal's Actions on the Complaint
Taken within __ school day(s) after receiving notice of the complaint.

Date Homeless liaison was notified of the dispute:

Action taken by principal to resolve the dispute: _

_____

Was the dispute resolved? □ Yes □ No

Explanation:

Appendix F: Dispute Resolution Process School District Sample Form*

EVERYDAY PUBLIC SCHOOLS

*[This form was not developed nor is it endorsed by the U.S. Department of Education. It is not a required form. It was adapted for use as an example].

Student's Name: _____ I.D.#: _____

Grade: _____

School Name: _____

Sample

District Action On Complaint

Taken within ____ school days after receiving notice of the complaint.
Did the Education Liaison resolve this dispute? □ Yes □ No

If dispute was resolved: describe the actions taken by the Education Liaison to resolve the dispute to the satisfaction of parent/guardian:

If dispute was *not* resolved to the satisfaction of the parent/guardian: provide the date that a District Education Officer convened a meeting of the parties and briefly describe the outcome of this meeting:

The following organizations are willing to provide low-cost or free legal assistance to residents of Everyday*:

Everyday Coalition for the Homeless Main Street Everyday, USA (800) 555-5555)
Everyday Coalition is willing to provide to homeless children and parents free legal services regarding educational matters.

*By listing these organizations as sources of low-cost or free legal services, the Everyday Board of Education does not in so doing recommend or advocate the use of the services of the listed organizations, nor is the Board responsible for the quality of services provided by any of these listed organizations, should their services be used.

Action taken by Everyday School District to resolve the dispute (if necessary):

Was the dispute resolved? □ Yes □ No Date:
Explanation:

Appendix G: References

The Education of Homeless Children and Youth Program: Learning to Succeed. (November, 2002). Chapter I, Phillips, C.M.,Wodatch, J.K., & Kelliher, C.T. *Access and achievement: Reducing barriers for homeless children and youth.* Chapter II, Funkhouser, J.E., Riley, D.L., Suh, H.J., and Lennon, J.M. *Educating Homeless Children and Youth: A Resource Guide to Promising Practices.* Washington, DC: U.S. Department of Education.

Local Homeless Liaison Toolkit. (January, 2003). (Pre-Publication Draft) Popp, P.A., Hindman, J.I., Stronge, J.H. National Center for Homeless Education at SERVE Greensboro, NC.

Report To Congress Fiscal Year 2000. (December, 2001). Education for Homeless Children and Youth Program, Washington, D.C.: U.S. Department of Education.

Symposium on Homeless Education and Title I. (Proceedings, 2001). Hosted by U.S. Department of Education and the National Center for Homeless Education at SERVE Greensboro, NC.

Education for Homeless Children and Youths Program
Non-Regulatory Guidance

Title VII-B of the McKinney-Vento Homeless Assistance Act, as amended by the Every Student Succeeds Act

July 27, 2016

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The U.S. Department of Education does not mandate or prescribe practices, models, or other activities in this non-regulatory guidance document. This guidance contains examples of, adaptations of, and links to resources created and maintained by other public and private organizations. This information, informed by research and gathered in part from practitioners, is provided for the reader's convenience and is included here to offer examples of the many resources that educators, parents, advocates, administrators, and other concerned parties may find helpful and use at their discretion. The U.S. Department of Education does not control or guarantee the accuracy, relevance, timeliness, or completeness of this outside information. Further, the inclusion of links to items does not reflect their importance, nor is it intended to endorse any views expressed, or materials provided.

- Explore possibilities for volunteers to provide transportation for homeless students. This option should be considered only if pupil transportation safety policies would allow it and if sufficient driver background checks are conducted.
- Consider economical approaches to providing transportation. Brainstorm cost-saving solutions with LEA and community stakeholders.

K. Dispute Resolution Procedures

K-1. Under the McKinney-Vento Act, are States required to have procedures to resolve disputes regarding educational placement of homeless children and youths?

Yes. Every State must have procedures for the prompt resolution of disputes regarding the educational placement of homeless children and youths. (*See* section 722(g)(1)(C)). In addition, some LEAs have their own written dispute resolution policy that describes procedures for resolving disputes at the local level. Because these policies should be consistent with the State dispute resolution policy, a State may wish to provide technical assistance to LEAs in developing a strong local dispute resolution policy or even provide a common local policy that each LEA can adopt. The benefit of a common local dispute policy is to create consistency as homeless students move across school district lines due to their homelessness.

K-2. What procedures must an LEA follow if a dispute arises between a school and a parent, guardian, or unaccompanied youth or guardian regarding eligibility, school selection, or enrollment of a homeless child or youth?

If a dispute arises over eligibility, school selection, or enrollment, the LEA must immediately enroll the homeless student in the school in which enrollment is sought, pending final resolution of the dispute, including all available appeals. (Section 722(g)(3)(E)(i)). The dispute resolution policy should also consider that the statutory definition of "enroll" and "enrollment" includes attending classes and participating fully in school activities. (*See* section 725(1)). Therefore, dispute resolution procedures at the LEA and SEA level should address barriers to attending classes and fully participating in school activities. Inter-district enrollment disputes should be resolved at the SEA level (*See* question K-8).

Homeless families and youths may be unaware of their right to challenge placement and enrollment decisions. Therefore, the LEA must provide the parent, guardian, or unaccompanied youth with a written explanation of any decisions related to school selection or enrollment made by the school, the LEA, or the SEA involved, along with a written explanation of the appeal rights. (Section 722(g)(3)(E)(ii)). The LEA must refer the unaccompanied youth, parent, or guardian to the local liaison, who must carry out the dispute resolution process established by the SEA as expeditiously as possible. (Section 722(g)(3)(B)(iii)). The local liaison should assist the child and family in preparing the appeal and should make the resources of the school (e.g., copying, mailing, or obtaining records) available to the parent, guardian, or unaccompanied youth.

K-3. What elements should be included in the written explanation of the enrollment decision and the right to appeal this decision?

If a dispute arises over eligibility, school selection, or enrollment in a school, the parent, guardian, or unaccompanied youth must be provided with a written explanation of any decisions related to

eligibility, school selection, or enrollment made by the school, the LEA, or the SEA involved, including the rights of the parent, guardian, or unaccompanied youth to appeal such decisions. (Section 722(g)(3)(E)(ii)). Notice and written explanation from the LEA about the reason for its decision, at a minimum, should include the following:

- An explanation of how the school reached its decision regarding eligibility, school selection, or enrollment, which should include:
    - A description of the action proposed or refused by the school;
    - An explanation of why the action is proposed or refused;
    - A description of any other options the school considered;
    - The reasons why any other options were rejected;
    - A description of any other factors relevant to the school's decision and information related to the eligibility or best interest determination including the facts, witnesses, and evidence relied upon and their sources;
    - Appropriate timelines to ensure any relevant deadlines are not missed; and
- Contact information for the local liaison and State Coordinator, and a brief description of their roles.

Tips for Establishing an Effective Dispute Resolution Process

In establishing a strong effective dispute resolution process, LEAs may also consider including the following items in information distributed to parents, guardians, or unaccompanied youths when informing them of decisions regarding enrollment:

- Notice of the right to file a complaint, raise a compliance issue, or file an appeal;
- A step-by-step description of how to appeal the school's decision that includes a simple form parents, guardians, or unaccompanied youths can complete and submit to the school to initiate the dispute process. Copies should be provided to the parent, guardian, or youth for their records;
- Notice that, if the parent, guardian, or unaccompanied youth are English learners, use a native language other than English, or need additional supports because of a disability, translators, interpreters, or other support services will be made available without charge in the appropriate language;
- Notice of the right to be enrolled immediately in the school in which enrollment is sought pending final resolution of the dispute;
- Notice that immediate enrollment includes receiving adequate and appropriate transportation to and from the school of origin and the ability to fully participate in all school activities;
- List of legal and advocacy service providers in the area that can provide additional assistance during any part of the process;
- Contact information for the local liaison and State Coordinator, with a brief description of their roles; and

- Timelines for resolving district- and State-level appeals.

  These processes may include, but are not limited to, any administrative procedures adopted by the LEA for addressing matters such as parent or student complaints, attendance, credit recovery, or grade placement. In some circumstances, additional concerns may be appropriately addressed in an Individualized Education Program (IEP) team meeting or a Section 504 placement team meeting. Other appropriate processes may include investigation of matters related to bullying, sexual harassment, or illegal discrimination.

K-4. How can an LEA ensure that the written explanation of its decision or determination and the notice to appeal is in a manner and form understandable to a parent, guardian, or unaccompanied youth?

The LEA should ensure that all decisions and notices are drafted using language and formatting appropriate for low-literacy, limited vision readers, and individuals with disabilities.

For children and youth and/or their parents or guardians who are English learners or whose dominant language is a language other than English, LEAs must provide translation and interpretation services in connection with all stages of the dispute resolution process, consistent with the requirements of the Equal Educational Opportunities Act (20 U.S.C. 1701 et seq.) and Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.).

If the parent, guardian, or unaccompanied youth has access to email, the LEA should provide notices electronically followed by a written notice provided in person or sent by mail.

K-5. What types of situations fall outside of the parameters of the McKinney-Vento Act dispute resolution process?

Not all eligibility or enrollment disputes initiated by a parent, guardian, or unaccompanied youth are eligible to go through a dispute resolution process at the LEA or SEA level. For example, when the child or youth is not residing in a homeless situation in the boundaries of an LEA, but the parent, guardian, or unaccompanied homeless youth seeks to initiate an enrollment dispute in that particular LEA. Or, for example, a parent, guardian, or unaccompanied youth may wish to use the dispute resolution process to resolve a disagreement that is unrelated to the McKinney-Vento Act, such as a special education issue. In these cases, the LEA should refer the parent, guardian, or unaccompanied youth to the program or administrator that would more effectively address the complaint.

K-7. What are effective strategies for LEAs and SEAs to use to resolve enrollment disputes?

LEAs and SEAs should consider the following strategies for effectively resolving disputes:

- Resolve disputes at the district level rather than the school level;
- Create an option for an informal process as an alternative to formal appeals, which should be in place but must not waive the parent's, guardian's, or unaccompanied youth's access to a more formal process if the informal resolution is not successful;
- Inform parents, guardians, and unaccompanied youths that they can bring a lawyer, a non-lawyer advocate, or any other person to assist them in such a proceeding or appeal;

- Ensure that any written notice is complete, as brief as possible, simply stated, tailored to limited literacy readers, and provided in a language and format the parent, guardian, or unaccompanied youth can understand.
- When inter-district issues arise, ensure representatives from all involved districts and the SEA are present to resolve the dispute;
- A State-level appeal process, involving the State Coordinator, should be available for appeals of district-level decisions and resolution of inter-district disputes;
- Any communication to the State Coordinator should be provided to all parties involved to ensure fairness;

- The dispute resolution process should be as informal and accessible as possible, including not requiring unnecessary notarization or authentication of documents or other materials submitted, not requiring strict legal evidentiary standards, and allowing for impartial and complete review;
  - Parents, guardians, and unaccompanied youths should be able to initiate the dispute resolution process directly at the school they choose, as well as at the district or local liaison's office;
  - States should establish timelines to resolve disputes at the local and State level. The dispute resolution should be prompt but not sacrifice equitability and fairness;
  - Parents, guardians, and unaccompanied youths should be informed that they can provide written or oral documentation to support their position;
  - Parents, guardians, and unaccompanied youths should be given the opportunity to challenge the school system's assertions; and

Students must receive all services for which they are eligible until final resolution of all disputes and appeals. (*See* sections 722(g)(3)(E)(i) and (iv)).

Tips for Promoting Supportive Discipline and a Positive School Climate for Homeless Students

Homeless children and youths face many challenges outside of the classroom. It is critical for schools, therefore, to provide safe and supportive climates for homeless students and to employ fair discipline strategies. Removing students from school (e.g., by suspending a student) should be used only as a last resort; this is particularly important due to the high mobility of homeless students and the lack of access to food and other services that out of school suspension or expulsion may cause.[23]

SEAs and LEAs should:

- Create awareness among educators and administrators of the types of behaviors that might be related to a student's homelessness and provide strategies to assist the students;
- Ensure that, prior to taking disciplinary action, school personnel consider issues related to a student's homelessness. This may be especially relevant when students accumulate absences and tardies related to a change of caregivers or nighttime residence;

[23] For more information on supportive school discipline, please see http://www2.ed.gov/policy/ecn/guid/school-discipline/fcdefforts.html#guidance.

- Review discipline records for individual schools to identify patterns in punishment that could indicate an unfair bias against students experiencing homelessness;
- Consult with school behavior response teams to assign discipline corresponding to the behavior;
- Assign advocates for students and consult them appropriately as decisions are made;
- Determine the key contact—caregiver, student, parent, or guardian—with whom to address truancy and other behavioral issues;
- Provide information to school personnel regarding how trauma can impact student behavior and how to mitigate the effects of trauma in the school environment by providing trauma-informed support;
- Connect homeless students with mental health services as needed;
- Work with community agencies to provide mentoring or other support;
- Make referrals to parenting classes as needed for pregnant and parenting youths;
- Provide clear and specific expectations of appropriate class and school behavior, positive and consistent classroom management practices, and frequent positive interactions with teachers and staff members;
- Encourage teachers to establish nurturing and culturally responsive classrooms to ensure that all students feel a sense of belonging and value;
- Implement discipline alternatives to suspensions or separating homeless children and youths from their peers; and
- Implement a schoolwide approach to positive and proactive behavioral support systems and behavioral interventions for at-risk students.

V. Collaboration and Coordination

L. Coordinated Services

L-1. What education, homeless assistance, and social services programs should be considered as part of State and LEA coordination duties under the McKinney-Vento Act?

Many of the Department's programs use the McKinney-Vento Act definition of "homeless children and youths" and have parallel coordination requirements with the McKinney-Vento program. Of those, the main programs are Title I, Part A of the ESEA, and IDEA Parts B and C for children with disabilities ages three through 21 and birth through two, respectively. In the postsecondary education context, the College Cost Reduction Act amendments to the Higher Education Act (HEA) also authorize local liaisons to verify the unaccompanied homeless youth status for the purpose of applying for independent student status below the age of 24 on the Free Application for Federal Student Aid (FAFSA).

Several Federal programs administered by the U.S. Department of Agriculture (USDA) and the U.S. Department of Health and Human Services (HHS) use the McKinney-Vento Act's definition of "homeless children and youths" referenced in A-1, so it is important for State Coordinators and local liaisons to coordinate for several reasons: to determine eligibility consistently across agencies

Dispute Resolution

If a dispute arises over eligibility, school selection or enrollment in a school (including full participation):

- The student shall be immediately enrolled in the school in which enrollment is sought, pending resolution of the dispute (including all available appeals).
- The parent, guardian or unaccompanied youth must be provided a written explanation of decisions made by the school, LEA or SEA, and how to appeal them.
- The parent, guardian or youth must be referred to the liaison, who must carry out the dispute resolution process as expeditiously as possible.
- The liaison shall ensure unaccompanied youth are immediately enrolled pending resolution of the dispute.

11432(g)(3)(E); Guidance K2

Avoiding Disputes

- Designate and train appropriate liaisons and school-based contacts. 11432(g)(1)(J)(ii), (iv); 11432(g)(6)(A)(ix)
- Rectify concerns raised during monitoring.
  - States are now required to monitor LEAs. 11432(f)(5)
- Develop and implement good local policies on school discipline, identification, enrollment, retention; barriers due to fees, fines, and absences; credit accrual; full participation in academic and extra-curricular activities; enrollment of unaccompanied youth; school stability; transportation; privacy; inter-district collaboration.

ENGLISH LANGUAGE LEARNERS (ELL), MIGRANT OR IMMIGRANT STUDENTS

In accordance with Title VI of the Civil Rights Act of 1964, the Mobile County Public School System will meet any requirements of the Act regarding giving English Language Learners (ELL), Migrant, and Immigrant students access to a free, appropriate education, removing barriers to enrollment for these students, and assisting in securing necessary documents.

Reference: Title VI of the Civil Rights Act of 1964
Hearing: May 25, 2010
Adopted: May 25, 2010

STUDENT RIGHTS AND CONDUCT

A Student Handbook and Code of Conduct will be adopted and reviewed by the board in accordance with state law. Students and their parents will be given a copy each school year and acknowledge in writing that they have reviewed the document.

Reference: Alabama Code - §16-1-24.1.
Alabama Code - §16-28-12.

Reference: Model Notification of Rights Under the Protection of Pupil Rights Amendment

Reference: Model Notification of Rights Under FERPA for Elementary and Secondary Schools

Reference: Model Notice and Consent/Opt-Out for Specific Activities

Reference: Model Notice for Directory Information

Legal Reference: Alabama Code - §16-1-14; §16-1-23; §16-1-24; §16-1-24.1; §16-1-24.3; §16-28-12; §16-28A-3; 20 U.S.C. §1232g; 34CFR §SEC Part 99
Date Adopted: December 11, 2007

VOLUNTARY RELIGIOUS EXPRESSION

The Mobile County Board of School Commissioners does not discriminate against students or their parents or guardians on the basis of their religious viewpoints or their expression of such viewpoints. Such views and expressions are treated in the same manner as nonreligious viewpoints, activities, or expressions.

Students may express their religious beliefs in all phases of their schoolwork without penalty or reward based on the religious nature or content of such expression. Schoolwork is evaluated according to the academic standards and pedagogical objectives that otherwise apply to the work or activity in question. These standards and objectives include but are not limited to acquisition and/or mastery of factual information; development of analytical, problem solving, learning, critical thinking, communication, organizational, and social skills; college preparatory and career readiness training; proficiency in and appreciation of the performing arts; and the development of personal skills that are designed to facilitate attainment of the foregoing objectives, future academic success, and employability. The scholastic work of the system's students will be evaluated in light of the foregoing standards and objectives, academic and curricular guidelines and criteria established or approved by the state and the Board of School Commissioners of Mobile County, and determined by evaluation, achievement, assessment, and testing materials, instruments, methods, and measures that have been generally recognized as appropriate for such purposes within the educational community and applied successfully in public school settings.

Students may organize and participate in religious activities before, during, and after school and have access to school facilities to the same extent students are permitted to organize and participate in other noncurricular activities to the extent that such access to or use of board facilities does not constitute a constitutionally impermissible endorsement or sponsorship of the organization or violate any right established or imposed by either the Alabama or United States Constitutions.

Legal Reference: Act No. 2015-129
Date Adopted: December 16, 2015

DRESS CODE

All elementary, middle and high schools in the Mobile County Public School System will enforce a mandatory uniform policy.

Reasonable accommodation will be made for students with financial hardship and for religious beliefs if such accommodation would not unduly interfere with the effective functioning of the school.

Date Adopted: December 11, 2007

ELECTRONIC COMMUNICATION DEVICES

Reference: Student Code of Conduct

Legal Reference: Alabama Code - §16-1-27.
Date Adopted: December 11, 2007

POLICY 5.231

DISTRIBUTION OF EXPLICIT IMAGES

No student shall distribute, display, solicit, possess, or produce a sexually or pornographic explicit image of any individual, including sexually explicit images of a child. This prohibition applies whether or not the image is of an identifiable person nor whether the age of the individual can be determined. This prohibition includes images of known and unknown individuals and those generated by artificial intelligence.

This policy shall be incorporated into the Code of Student Conduct and treated as a Class C violation.

Adopted:
Ref: Act. No. 2024-98

SEARCHES

School officials will cooperate with local law enforcement agencies by permitting periodic searches for illegal drugs on the approval of the superintendent and building principal.

Legal Reference: Alabama Administrative Code 290-3-1-.02(1)(b)(4)(1)
Date Adopted: December 11, 2007

CORPORAL PUNISHMENT

The Board of School Commissioners prohibits the use of corporal punishment as a means of student discipline.

Legal Reference: Alabama Code - §16-28A-1.
Date Adopted: December 11, 2007

PHYSICAL ABUSE OR NEGLECT

All professional personnel shall report suspected physical abuse or neglect of children according to the Alabama Code. Said Code provides immunity from liability for persons reporting suspected abuse or neglect.

Legal Reference: Alabama Code - §26-14-3
Date Adopted: December 11, 2007

DRUG FREE SCHOOL POLICY

The Mobile County Public School System requires that all students referenced in the System's Drug Free Policy Procedures be subjected to drug testing as set forth in said procedures.

The Mobile County Public School System shall comply with all laws regarding the maintenance of drug free schools including, but not limited to, Code of Alabama § 16-1-24.1, as amended, and the regulations of the Alabama State Department of Education.

Reference: Procedures: Drug Free School Policy

Legal Reference: Code of Alabama § 16-1-24.1, as amended.

Date Adopted: July 24, 2008
Hearing Dates: March 19, 2013, March, 25, 2013
Date Amended: March 25, 2013

BULLYING

Section 1: Bullying, Intimidation, Violence, and Threats of Violence Prohibited.

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.

Section 2: Definitions

In this policy, these terms shall have the following meanings:

(a) "Bullying" means 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:

- Have the effect of substantially interfering with the educational performance, opportunities, or benefits of a student.
- Have the effect of substantially disrupting or interfering with the orderly operation of the school.
- Have the effect of creating a hostile environment in the school, on school property, on a school bus, or at a school-sponsored function.
- Have the effect of being sufficiently severe, persistent, or pervasive enough to create an intimidating, threatening, or abusive educational environment for a student.

(b) "Hostile environment" means the perception by an affected student that the conduct of another student constitutes a threat of violence or bullying and that the conduct is objectively severe or pervasive enough that a reasonable person, under the circumstances, would agree that the conduct constitutes bullying, threat of assault, or assault.

(c) "Violence" means the unjustified infliction of physical force by a student with the intent to cause injury to another student or damage to the property of another student.

(d) "Threat" means a statement of an intention to inflict pain, injury, damage, or other hostile action to cause fear of harm. The intention may be communicated through an electronic, written, verbal, or physical act to cause fear, mental distress, or interference in the school environment. The intention may be expressly stated or implied and the person communicating the threat has the ability to carry out the threat.

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

(f) "Intimidation" means an unjustified threat or other action that is intended to cause fear or apprehension in a student.

(g) "Student" as used in this policy means a person who is enrolled in the Mobile County Public School System.

Section 3: Description of Behavior Expected of Students

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

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

- Race
- Sex
- Religion
- National origin
- Disability

Section 4: Consequences for Violations

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

Section 5: Reporting, Investigation, and Complaint Resolution Procedures

(a) Complaints alleging violations of this policy may be made on a Board-approved complaint form available in the Student Code of Conduct, on the website, or at the school's office. The complaint must be delivered to the principal or the principal's designee either by mail or personal delivery. Incidental or minor violations of the policy may be presented and resolved informally.

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 is authorized to inform the student's parent or guardian of the report unless at the discretion of the school principal or the principal's designee the apparent cause of the threat of suicide is child abuse or other significant harm from a parent or guardian.

(b) Upon receipt of the complaint, the principal or the principal's designee will 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 a reasonably prompt investigation of the complaint. The investigation will entail the gathering of relevant facts and evidence taking into account the circumstances of the complaint. If the investigation establishes a violation, appropriate disciplinary sanctions may 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.

(c) 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 may be subject to disciplinary sanctions that may include any sanction, penalty, or consequence that is available to school officials under the Student Code of Conduct. A student who deliberately, recklessly, and falsely accuses another student of a violation of this policy may be subject to disciplinary sanctions as outlined in the Student Code of Conduct.

Section 6: 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 on the website of the Mobile County School Board and each school, shall be available at each school office, and shall be included in the Student Code of Conduct that is distributed to each student at the beginning of each school year.

Legal Reference: **The Jamari Terell William Student Bullying Prevention Act, No. 2018-472**
Date Adopted: March 25, 2019

SUPERVISION OF LOW RISK JUVENILE SEX OFFENDERS

Pursuant to Annalyn' s Law, the Superintendent shall be notified by local law enforcement when a low risk juvenile sex offender is enrolled or attending school within board's jurisdiction for the purpose of appropriate supervision during the school day and during school activities.

1. . Definitions - In this policy these terms shall have the following meanings:

   a. "Plan" refers to the "'individualized student safety plan" developed following Student's adjudication and/or enrollment in the school to serve as a behavior contract between the Student and the School.

   b. "School" refers to "all school property and school-sponsored functions including but not limited to, classroom instructional time, assemblies, athletic events, extracurricular activities, and school bus transportation" related to the Student's current school of record.

   c. "'Student" refers to "the low risk juvenile sex offender" designated by a juvenile court judge as having a low risk of re-offense.

      "'Teachers and staff with supervision over the student" or "Supervision team" to school officials or staff who have a specific responsibility for the Student, including the school principal, the Student's assigned teachers and/or coaches, Student's counselor, and if applicable, the Student's bus driver, during the subject school year and who will be privy to information regarding the Student's status. Teachers and staff with only passing and/or general contact with the Student shall not be privy to information regarding the Student's status.

   e. "Victim" refers to the victim, if known by and attending the same school as the Student, of the offense for which the Student was adjudicated delinquent.

2. Notification

   a. *Current Students* - In the event a currently enrolled Student is adjudicated delinquent and designated "low risk" by the juvenile court, local law enforcement is expected to notify the local Superintendent and principal of the Student's school in writing.

   b. *Newly Enrolled Students* - In the event a Student seeks to enroll in the district as a new student, and that Student has been previously designated as a low risk juvenile

Sex offender, local law enforcement is expected to notify the local Superintendent and principal of the Student's school in writing.

c. *Students That Change Schools Within the District* - In the event a currently enrolled Student transfers to another school in district or is promoted to another school in the district, the principal of the original school should notify designated law enforcement of the change as soon as practicable.

Following that notification, the principal of the original school should orally or in writing brief the principal of the new school regarding the original Plan and the transferring Student's status and circumstances. Regardless, the principal of the prior school must provide the Student's records and Safety Plan to the principal of the new school as soon as practicable.

The new principal should review the Plan and meet with the Student, the Student's parent or guardian, and the anticipated new Supervision Team to determine whether the current terms are sufficient or should be adjusted based on the Student's circumstances.

d. *School Staff Changes* - In the event the principal or a member of the Supervision Team leaves his position or is no longer responsible for supervising the Student, a replacement team member should be named, if necessary and appropriate, and briefed by the principal or the most senior member of the Supervision Team regarding the Student's status and Plan. The Student, his parent or guardian, and other members of the Supervision Team should be notified of changes to Supervision Team within a reasonable timeframe.

3. Plan Development and Maintenance - Upon proper notification from law enforcement, the Student's principal or designee will call together the anticipated Supervision Team to meet with the Student and/or the Student's parent or guardian to develop an appropriate Plan. This meeting should take place within 10 school days or as soon as practicable. In the event the Student's parent or guardian is unable or unwilling to meet, the principal or designee and the Supervision Team should meet with the Student within a reasonable timeframe to develop an appropriate Plan.

In the event the Victim attends the same school as the Student, the plan should include measures to reduce the likelihood of Victim and Student interaction.

The terms of the Plan and any updates to it must be memorialized in writing and approved by the principal or designee before being distributed to the Student and the Student's parent or guardian, as well as the Supervision Team.

The principal or designee should meet with the Student, the Student's parent or guardian, and the Supervision Team at least annually, but as often as deemed necessary by the principal or designee to assess the Student's status and to determine whether adjustments should be made to the Plan.

4. Supervision - The Student will be subject to the general Student Code of Conduct and any other conditions deemed necessary by the principal or designee as incorporated in the Student's Plan. Members of the Supervision Team should report any suspected violations of the Plan to the principal or designee.

   The school officials and staff responsible for supervising the Student on a daily should do so in a manner that is discrete and unobtrusive.

5. Students with Disabilities - Discipline of Students with disabilities will be subject to applicable limitations and requirements imposed by the Individuals with Disabilities Education Act and/or Section 504 of the Rehabilitation Act and implementing regulations.

6. Violations of the Plan - In the event the Student violates the Student Code of Conduct or the Plan, the Student may be subject to discipline pursuant to board policy and/or reassessment of the Plan's conditions.

7. Challenges to the Plan - In the event the Student and/or his parent or guardian object to conditions of the Plan or the application of a sanction, a challenge must be submitted in -writing to the Superintendent or his designee to consider whether adjustment of the Plan or response modification is warranted. The Superintendent's decision shall be final. A response that constitutes disciplinary action will adhere to applicable School disc1p11nary policies and procedures and the Student will be afforded process due thereunder.

8. Confidentiality - Information received by school officials or staff related to the Student's delinquent status must be treated as confidential from other students, staff members, officials and stakeholders. Any document identifying the Student's status should be safeguarded from unintentional disclosure by the members of the Supervision Team. Any school official or school employee who improperly discloses the Student's status to any other person may be subject to school discipline and/or criminal charges as provided by law.

9. Retaliation - Members of the Supervision Team should make every effort to treat Student with the same respect and courtesy to which every student is entitled. The Team is reminded that the Student has been deemed by the juvenile court as not likely to reoffend and should be encouraged to fully integrate into the student body as a successful student. Mistreatment of any student may be cause for discipline.

10. Procedures - The Superintendent shall have the authority to develop appropriate training and additional procedures for staff members in furtherance of this policy.

[Reference: Ala. Act No. 2018-528, Ala. Code § 16-1-51.1 (1975)].
Date Adopted:_____

STUDENT SEXUAL HARASSMENT

A. Sexual Harassment Prohibited - Sexual Harassment in any form that is directed toward students is prohibited. Persons who violate this Board 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.

B. Definition - For purposes of this policy, sexual harassment means conduct on the basis of sex that satisfies one or more of the following:

1. Sexual assault as defined in 20 U.S.C. §1092(f)(6)(A)(v), dating violence has 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);

2. 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 Board's education program or activity;

3. An employee of the Board 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".

34 C.F.R. §106

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

1. Demands for sexual favors accompanied by implied or overt promises of preferential treatment or threats with regard to the student's educational status;

2. Unwelcome, inappropriate sexual touchings;

3. Repeated unwelcome solicitations of sexual activity or sexual contact;

4. Verbal harassment or abuse of a sexual nature, including graphic comments, the display of a sexually suggestive object(s) or pictures, and sexual propositions.

C. Sexual Harassment Complaint Procedures - In accordance with Title IX of the Education Amendments of 1972, 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 verbal or written reports of sexual harassment and formal complaints. These procedures have been 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, to provide supportive measures to the complainant and/or respondent, establish a grievance process for formal complaints of sexual harassment, address confidentiality requirements, and prevent any retaliation based upon the filing of the complaint. The procedures comply with Title IX and its implementing regulations and reflect due regard for the legal rights and interests of all persons involved in the complaint, and have been drafted, explained, and implemented so as to be understandable and accessible to all student population groups and ages. Procedures include proper recordkeeping and retention requirements in accordance with Title IX's implementing regulations.

D. 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" (see C 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.

E. 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 the student who believe that they have been subjected to sexual harassment. The complaint procedures will also be published in the Board's Student Code of Conduct. The Superintendent will undertake to provide training of Title IX coordinators, investigators, decision-makers, and all employees regarding the above sexual harassment policies and procedures.

Legal Reference: 34 C.F.R. Part 106
Reference-Procedures: Student Sexual Harassment Complaints
Adopted: _____

STUDENT SEXUAL HARASSMENT COMPLAINT PROCEDURE

The Board does not discriminate on the basis of sex in its education programs or activities it operates, nor does it tolerate sexual harassment. All inquiries, questions, or comments regarding Title IX concerns should be sent to: Bryan Hack, Human Resources Supervisor, Title IX Coordinator, 1 Magnum Pass, P.O. Box 180069, Mobile, AL 36618 (251) 221-4543, Bhack@mcpss.com. In accordance with Board Policy 5.281, all complaints regarding *sexual harassment* should be filed and reviewed under the Board's student sexual harassment policy and procedures. The procedures are set forth below. 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 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.

Sexual harassment, as defined in the Board Policy 5.281 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 a student who is alleged to be the victim of conduct that could constitute sexual harassment.

2. Respondent - respondent means and 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. Sexual assault as defined in 20 U.S.C. §1092(f)(6)(A)(v), dating violence as defined in the 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).

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. An employee of the Board conditioning the provision of an aid, benefit or service of the recipient on and individual's participation in unwelcome sexual conduct (otherwise known as "quid pro quo").

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 Mobile 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 Board 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 these procedures, 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 above.

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 below must be initiated and followed.*

E. Formal Complaint and Grievance Process

All formal complaints of sexual harassment should comply with the requirements of 34 C.F.R. § 106.45. The formal complaint process should be investigated and findings made with reasonable promptness. Temporary delays of any of the grievance processes, and/or limited extensions of time frames, will be allowed for (1) good cause, with (2) written notice to the complainant and the respondent of the delay or extension, and (3) the reasons for such action. Good cause may include but not be limited to, considerations such as the absence of a party, a party's advisor, a witness, concurrent law enforcement activity, or the need for language assistance or accommodation of disabilities.

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

1. Filing the Formal Complaint

A complainant or the Title IX Coordinator may file a formal complaint of sexual harassment. Such complaints should be submitted on the Board's "Sexual Harassment Complaint Form." (attached) 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 against the respondent 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. The respondent is no longer enrolled in the school system and/or the respondent is no longer employed by the school system; or

ii. A complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein;

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 (e.g. FERPA) 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 (e.g. FERPA) before the parties' review. The appointed investigator shall then submit the written report, and any responses thereto, to the designated administrator.

6. Determination regarding responsibility.

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

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

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

a. identification of the allegations potentially constituting sexual harassment;

b. a description of the procedural steps taken from the receipt of the formal complaint through the determination;

c. findings of fact supporting the determination;

d. conclusions regarding the application of the Board's Student Code of Conduct to the facts;

e. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the designated administrator recommends being imposed on the respondent, and whether remedies designed to restore or preserve equal access to the education program or activity will be provided by the school system to the complainant; and

f. The procedures and permissible bases for the complainant and respondent to appeal.

The determination regarding responsibility becomes final either (1) on the date that the school system provides the parties with the written determination of the result of the appeal, if an appeal is filed, or (2) if an appeal is not filed, the date on which an appeal would no longer be considered timely.

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

Any recommended sanction(s) imposed on a student respondent shall be done in accordance with the Student Code of Conduct.

7. Appeals.

a. Right to an appeal.

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

v. If (1) no appeal is filed within five (5) days of the receipt of the notice of the designated administrator's written determination; or, 2) if the appeal authority determines that the appeal does not identify one of the bases for appeal listed above, then the appeal authority will provide simultaneous notice to the parties that no valid appeal was filed and that the decision of the designated administrator is final and the case is closed.

vi. Upon receiving the notice of appeal, the Title IX Coordinator will forward the appeal, and any supporting information or evidence, to the appropriate appeal authority. The appeal authority will review the appeal documents, the written determination of responsibility by the designated administrator, any new evidence submitted by the parties, and the investigation report and exhibits. The appeal authority will render a written decision which includes a rationale for the decision as to each of the grounds appealed. The appeal authority will forward the decision to Title IX Coordinator within fourteen (14) days from the date of receipt of the appeal, unless circumstances require additional time. The decision of the appeal authority will be final.

F. Informal Resolution

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

Coordinator, or his or her designee, believe that an informal resolution process may be appropriate, the Title IX Coordinator, or his or her designee, shall:

1. Notice.

Provide to the parties a written notice disclosing:

i. the allegations;

ii. the requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations;

iii. provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint; and

iv. any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared; and

2. **Consent.**

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

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 and to carry out the purpose of these procedures.

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 complaint procedure section 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 Ala. Code §16-1-24 and Ala. Code §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 complaint procedures. 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.

Student Sexual Harassment Complaint Form

This form may be used by a student, a student's parent or guardian, or an individual acting on a student's behalf who believes the student is a victim of sexual harassment to submit a complaint regarding sexual harassment (Board Policy 5.281 Student Sexual Harassment). This form should be submitted to the principal of the school. However, if the complaint concerns the principal, the complaint may be made directly to the Title IX Coordinator or the Superintendent.

Student's Name: _____ School: _____

Grade: _____

Name of Person Completing the Form (if not the student) _____

Your Home Phone: _____

Your Home Address: _____

Describe the sexual harassment, including all pertinent facts supporting the complaint.

_____

_____

_____

_____

(Attach additional paper, if needed.)

When did this happen (over what time period if continuing or more than once):

_____

_____

_____

_____

(Attach additional paper, if needed.)

Identify the person(s) whose actions led to the filing of the complaint, and all witnesses or other persons having information that is relevant to the complaint.

_____

_____

_____

_____

(Attach additional paper, if needed.)

Do you have suggestions for resolving this situation? If so, list them here:

_____

_____

_____

_____

(Attach additional paper, if needed.)

Attach copies of documents or other evidence that is relevant to the complaint.

I affirm that to the best of my knowledge, the foregoing information is true, accurate, and complete.

Signature: _____ Date: _____

Youth Suicide Awareness and Prevention

Introduction

Suicide is the tenth cause of death in the United States according to the Centers for Disease Control and Prevention. For youth between the ages of 10 and 24, the cause of death rankings are 2nd and 3rd in the nation, and these rankings are higher for youth in the same age brackets in the state of Alabama. The *Jason Flatt Act* was passed in order to equip education institutions and their personnel to recognize and act on signs of suicide risk in order to provide prevention, intervention and postvention with students at risk, their families and the communities who may be affected.

The *Jason Flatt Act*, which amends 16-28B-8 of the Code of Alabama 1975, includes several elements listed below (*in italics*) which should be interpreted as Policy. "To the extent that the legislature shall appropriate funds, or to the extent that any local board may provide funds from other sources, each school system shall implement the following standards and policies for programs in an effort to prevent student suicide":

Section 1. Prevention of Suicide

The *Jason Flatt Act* was passed in order to equip Alabama school districts and their personnel to recognize and act on signs of suicide risk in order to provide prevention, intervention and postvention with students at risk, their families and the communities who may be affected. This act, which amends 16-28B-8 of the *Code of Alabama 1975*, includes prevention of harassment and violence.

Section 2. The *Jason Flatt Act* includes several elements which should be interpreted as Policy. Mobile County Public Schools will:

(1) Foster individual, family, and group counseling services related to suicide prevention.
(2) Make referral, crisis intervention, and other related information available for students, parents, and school personnel.
(3) Foster training for school personnel who are responsible for counseling and supervising students.
(4) Increase student awareness of the relationship between drug and alcohol use and suicide.
(5) Educate students in recognizing signs of suicidal tendencies and other facts and warning signs of suicide.
(6) Inform students of available community suicide prevention services.
(7) Promote cooperative efforts between school personnel and community suicide prevention program personnel.
(8) Foster school-based or community-based, or both, alternative programs outside of the classroom.
(9) 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.

(10) Engage in any other program or activity which the local board determines is appropriate and prudent in the efforts of the school system to prevent suicide.

(11) Provide training for school employees and volunteers who have significant contact with students on the Mobile County Public School System policy to prevent harassment, intimidation, and threats of violence.

(12) 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.

(13) 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 Mobile County Public School System.

Section 3. Description of Behavior Expected of Students

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 to (1) comply with the requirements of the law, policy, regulation, and rules prohibiting harassment, violence, or intimidation and (2) to comply with the system's prevention strategies related to suicide prevention, intervention, and postvention support.

Section 4. Responsibility of Reporting

Any person involved in a cause of action or omission resulting from the implementation of this suicide prevention policy or resulting from any training, or lack thereof, required by this section, shall be subject to state immunity law.

Section 5. Promulgation of Policy and Related Procedures, Rules and Forms

This policy and any procedures and rules 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 Mobile County Public School System website.

Legal Reference: Alabama Code Section 16-28B-8, as amended, ("Jason Flatt Act")
Date Adopted: September 25, 2017

HEALTH SERVICES

A program of student health services shall be offered as required by law. -

Date Adopted: December 11, 2007

WELLNESS

The board believes a good education prepares students for all facets of life, including healthy living. In accord with the state Board of Education's Implementation Guidelines for Exercise and Nutrition, the school board supports activities to encourage student wellness, including:

- Integrating nutrition information across the curriculum, aside from the health curriculum, when appropriate;
- Providing students opportunities for physical activity such as physical education courses and intramural athletics;
- Adopting regulations regarding reimbursable meals consistent with federal guidelines;
- Encouraging students to participate in the school meal programs for which they are eligible; and
- Supporting professional development for staff and informational programs for students on nutrition and physical education.

The superintendent designates an administrator to oversee the board's efforts to promote student wellness and collaborate with parents, students, administrators and food authority representatives when developing student wellness policies and programs.

Reference: State Board of Education Resolution (as amended) July 12, 2005
Statewide Committee to Review the State of Health of America's Youth with Particular Emphasis on Alabama's Youth: Implementation Guidelines for Exercise and Nutrition

Legal Reference: P.L. 108-265 Section 204.
Date Adopted: December 11, 2007

MEDICATION

Students may not take medicine during school hours unless a parent or guardian has notified the principal in writing when it is necessary for a student to be administered medicine during school hours. Self-administering of medication (i.e., asthma inhalants and insulin) is allowed in accord with state law. The Student Handbook and Code of Conduct will outline procedures for receiving, labeling and dispensing medicine to students.

Reference: Alabama Code - §16-1-39.

Legal Reference: Alabama Code - §16-1-39
Date Adopted: December 11, 2007

COMMUNICABLE DISEASES

Staff will observe the current guidelines and advisories for the control of communicable diseases in public schools as recommended by the state Department of Public Health.

Acquired Immune Deficiency Syndrome: Employees have a duty to treat as highly confidential any knowledge or speculation concerning the HIV status of a student. Malicious or frivolous allegations in regard to HIV status or violation of medical privacy are cause for disciplinary action.

No information regarding a person's HIV status will be divulged to any individual or organization without a court order or the informed, written, signed and dated consent of the person with HIV infection (or the parent of guardian of a legal minor). The written consent must specify the name of the recipient of the information and the purpose for disclosure.

All health records, notes and other documents that reference a person's HIV status will be kept in a secure and confidential file apart from any student record or employee file.

AIDS/HIV Infection Control: Employees are required to follow infection control guidelines in all settings and at all times. Schools will operate according to the standards promulgated by the U.S. Centers for Disease Control Occupational Health and Safety Administration for the prevention of blood-born infections. Equipment and supplies needed to apply the infection control guidelines will be maintained and kept reasonably available. School Health Services personnel will implement the precautions, investigate, correct and report on instances of lapse.

School staff members are expected to alert the supervisor of the Department of Health Services if a student's health condition or behavior presents reasonable risk of transmitting any infection.

If a situation occurs at school in which a person might have been exposed to an infectious agent, such as an instance of blood to blood contact, school authorities will counsel that person, (or, if a minor, alert a parent or guardian) to seek appropriate medical evaluation.

HIV and Athletics: School authorities will make reasonable accommodations to allow students with HIV infection to participate in school-sponsored physical activities.

Physical education teachers and athletic program staff will complete an approved first aid and injury prevention course that includes implementation of infection control guidelines. Student orientation about safety on the playing field will include guidelines for avoiding HIV infection.

HIV Prevention Education: Parents and guardians will have opportunities to preview HIV prevention curricula and material. School staff members will assist parents or guardians who ask for help in discussing HIV infection with their children. If a parent or guardian submits a written request to a principal that a child not receive instruction in specific HIV prevention topics at school, the child will be excused without penalty.

The board will cooperate with HIV prevention efforts in the community that address out-of-school youth and youth in situations that put them at risk of acquiring HIV.

Related Services: Students will have access to voluntary, confidential, age and developmentally appropriate counseling about matters related to HIV infection through the assigned school nurse. School administrators will maintain confidential linkage and referral mechanisms to facilitate voluntary student access to appropriate HIV counseling and testing programs and to other HIV-related services as needed. Public information about resources in the community will be kept available for voluntary student use.

Staff Development: All school staff members will participate in a planned HIV education program that includes annual review sessions. Certain employees also will receive additional specialized training as appropriate to their positions and responsibilities.

Date Adopted: December 11, 2007

DO NOT ATTEMPT RESUSCITATION ORDERS

No DNAR (Do Not Attempt Resuscitation) requests from parents or guardians will be honored under any circumstance.

Date Adopted: December 11, 2007

5.305

Automated External Defibrillator (AED) Program

A program to place and monitor automatic defibrillators in the schools shall be offered as required by Act 2009-754, Section 16-1-45.

Legal Reference: Alabama Code, Section 16-1-45
Public Hearing: March 17, 2011
Date Adopted: March 28, 2011

Opt-In for Mental Health Services by Parent or Legal Guardian Policy/Procedures

No student under the age of fourteen may participate in mental health services, unless (1) the student's parent or legal guardian has submitted a written opt-in granting permission for the student to participate or (2) there is an imminent threat to the health of the student or others.

For purposes of this policy, "mental health services" includes services, treatment, surveys, or assessments relating to mental health; however, it does not include instructional activities designed to educate students regarding topics related to mental health (1) contained in the school system's approved curriculum or (2) otherwise required to be taught by law (*e.g.,* Erin's Law; Jason Flatt Act).

This policy is not applicable to any "mental health services" contained in a student's PST, IEP, or §504 plan. Consent for those services will be obtained in accordance the specific procedures required by federal and/or state law, and information regarding any mental health services will be provided in the pertinent plan.

A. **Written Notification** – At least annually, the school system shall provide parents and legal guardians a written notification regarding school provided or sponsored mental health services. The notification will include the purpose and general description of each of the mental health services available; information regarding ways parents may review materials to be used in guidance and counseling programs available to students; and information regarding ways parents may allow, limit, or prevent their student's participation in the programs.

The written notification may be provided electronically, including through the school system's online enrollment portal or by such other means and methods as are customarily used for such purposes.

B. **Opt-In To Participate in Mental Health Services** –

1. *General Requirement* – For a student under the age of fourteen to participate in mental health services, written permission by the student's parent or legal guardian is required annually. The written permission must be specific as to any treatment and not broad in nature. Parents and legal guardians may be provided the opportunity to opt-in electronically during online enrollment or by such other means and methods as are customarily used for such purposes.

2. *Rescinding Permission* – A parent or guardian may rescind permission for a student to participate in mental health services at any time by providing written notice to school administration.

3. *Requests for Opt-In and Referrals Authorized* – If a parent or legal guardian does not initially opt-in to mental health services, school officials may contact the parent

or legal guardian to (1) attempt obtain permission for the student to participate in mental health services if the school official believes that the student would benefit from services or if circumstance arise for which services could be beneficial; and/or (2) provide a parent or legal guardian with a referral or information regarding mental health services that may be available to a student through other agencies or providers.

4. *Exception for Imminent Threat* – If a parent or legal guardian has not opted-in to mental health services, a student may be provided mental health services if there is an imminent threat to the health of the student or others. School employees may determine in their discretion whether such an imminent threat exists and provide any mental health services they deem necessary under the circumstances.

C. **Information for Parents/Legal Guardians** – If a student's parent or legal guardian elects to opt-in to mental health services, the individual providing services shall keep the parent fully informed regarding any diagnosis and any recommendations for additional treatments beyond the services for which the parent or legal guardian has already opted in. The parent shall have the authority to make final decisions regarding any such recommended counseling and treatments.

D. **Recordkeeping –** Written records maintained by the school system and directly related to a student's mental health services will be treated in the same manner as health care records and are subject to the confidentiality protections applicable to education record generally. Such records will be available for examination and review by authorized persons in the manner prescribed and to the extent required by federal and/or state law.

Records pertaining to a student's mental health services will be kept separately from academic records unless including such record(s) in the student's academic record is necessary to implement a state and/or federal law (*e.g.,* special education referral process).

Legal Reference: Ala. Act. No. 2022-442
Date Adopted:

Annual Notification Regarding
School Provided or Sponsored Mental Health Services

Mental Health Services

The school system provides or sponsors the following mental health services. The following list contains some examples:

1. **Mentoring** - Peer Helpers, Big Brothers/Big Sisters, and/or Social Work Interns work with students in school on topics such as friendships, healthy relationships, anger management, and anxiety.
2. **Assessments or Surveys -** includes questionnaires provided to students related to social behaviors, feelings, etc.
3. **Crisis intervention** - short-term, immediate assistance by school counselor or professional for a specific situation.
4. **School-Based Mental Health** - On-going mental health services by school professionals or private practitioners in the school setting.

Review of Materials

You may request to review any materials used in the guidance and counseling programs available to students by contacting the student's principal.

Information Regarding How to Allow, Limit, or Prevent Your Child's Participation in Mental Health Services

Under Alabama law, no student under the age of fourteen may participate in ongoing school counseling services including, but not limited to, mental health services, unless (1) the student's parent or legal guardian has submitted a written opt-in granting permission for the student to participate or (2) there is an imminent threat to the health of the student or others.

Therefore, if your child is under fourteen, they will only be allowed to participate in mental health services if you opt-in. **If you would like the school system to be able to offer and/or provide mental health services to your child, you must opt-in for each service listed for them to participate in that service.**

Even if you do not opt-in to mental health services, your child may be provided mental health services if there is an imminent threat to their health or others. School employees may determine in their discretion whether such an imminent threat exists and provide any mental health services they deem necessary under the circumstances.

Parent of students with disabilities: Please note that the opt-in process is not applicable to any school counseling services or "mental health services" contained in a student's IEP or §504 plan. Consent for those services will be obtained and information regarding your child's mental health services will be provided through the usual special education process.

OPT-IN FOR MENTAL HEALTH SERVICES

As of the date of my signature below, my child, _____, is under the age of 14 years old:

☐ Yes

☐ No

If No, stop here.

If Yes, continue below.

I hereby give my permission for my child to participate in the following mental health services:

[Check the box for each mental health service you want to be available to your child]

☐ **Mentoring** - Peer Helpers, Big Brothers/Big Sisters, Social Work Interns work with students in school on topics such as friendships, healthy relationships, anger management, and anxiety.

☐ **Assessments/Surveys** – includes questionnaires provided to students related to social behaviors, feelings, etc.

☐ **School-Based Mental Health** - On-going mental health services by school professionals or private practitioners in the school setting.

You may rescind permission for a student to participate in mental health services at any time by providing written notice to school administration.

_____
Parent/Guardian Name (Printed)

Date: _____

_____
Parent/Guardian Name (Signature)

Seizure Safe Schools Management Plan Policy

Purpose

The Mobile County Public School System (MCPSS) is committed to providing a safe learning environment for students diagnosed with seizure disorders. This plan outlines district procedures for seizure recognition, response, staff training, and medical management in accordance with state law and professional school nursing standards.

District Responsibilities

MCPSS shall:

• Maintain a district-wide Seizure Management Plan
• Provide annual seizure recognition and response training for designated school personnel
• Ensure students with seizure disorders have a Seizure Action Plan on file
• Allow trained personnel to administer prescribed seizure rescue medication when ordered by a physician
• Maintain documentation and communication with parents and healthcare providers

Role of the School Nurse

School nurses are responsible for:

• Reviewing physician orders for students diagnosed with seizure disorders
• Developing Individual Healthcare Plans (IHP) and Seizure Action Plans
• Training school personnel in seizure recognition and response
• Ensuring proper storage and administration of seizure rescue medication
• Documenting seizure activity and communicating with parents/guardians

Emergency Response

School personnel shall:

1. Remain calm and ensure the student's safety
2. Protect the student from injury
3. Time the seizure activity

4. Follow the student's Seizure Action Plan
5. Administer rescue medication if prescribed
6. Call Emergency Medical Services (911) when indicated

Staff Training

Training will include:

• Seizure recognition
• Seizure first aid
• When to activate emergency medical services
• Administration of seizure rescue medication
• Student safety precautions

Training may be conducted by the school nurse or through approved training programs.

Compliance

The MCPSS Health Services Department will monitor compliance and review the plan periodically to ensure alignment with state law and best practices.

Legal Reference: Ala. Code § 16-30C-1

Date Adopted: _____

EXTRACURRICULAR ACTIVITY PARTICIPATION

Reference: AAC 290-3-1-.02(18).

Date Adopted: December 11, 2007

STUDENT TRANSPORTATION

The board will provide transportation for students attending their zoned school and who live two or more miles from the assigned school.

The superintendent is authorized to approve temporary transportation service to meet extraordinary and extenuating circumstances.

Date Adopted: December 11, 2007

TRANSPORTATION SAFETY

Safety rules and regulations for student transportation will be developed and distributed annually.

Student conduct rules will be provided in the Student Code of Conduct.

Bus driver rules and regulations will be provided in the Transportation Handbook.

Date Adopted: December 11, 2007

VEHICLE MAINTENANCE PROGRAM

A regularly scheduled vehicle maintenance program will be implemented in keeping with economic and safety concerns.

Date Adopted: December 11, 2007

SPECIAL USE OF SCHOOL BUSES

School bus use will be restricted to the transportation of pupils to and from school and for other purposes approved by the assistant superintendent of Student Support Services and supervisor of Transportation.

Date Adopted: December 11, 2007