Mobile County Public Schools

Student Code of Conduct



Board Approved – 2025-2027

Mobile County Public Schools
Student Code of Conduct

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PARENT/GUARDIAN'S ACKNOWLEDGEMENT OF RECEIPT OF *STUDENT CODE OF CONDUCT*

The school needs your help and cooperation. ***Your signature on the Online Student Enrollment Information indicates that you have received this Student Code of Conduct and you will read and discuss it with your son/daughter.***

This code has been developed to help your son/daughter gain the greatest possible benefit from his/her school experience. The policies apply to all students and parents/guardians in the Mobile County Public School System at all school campuses, school buses and school-related activities and events.

Parents/guardians have the responsibility for the actions of their child/children and should be involved in the education of their child/children. The parent/guardian should take special notice of the weapons, controlled substances, suspension and expulsion sections, as well as the provisions of this *Student Code of Conduct*.

A parent or guardian's failure to sign the *Online Student Enrollment Information* will not relieve the student or the parent/guardian from their responsibility to know the contents of the *Student Code of Conduct* and will not excuse any student's failure to comply with the *Student Code of Conduct*.

The parent/guardian is legally responsible for student's behavior as stated in the *Code of Alabama*, Section 16-28-12 (see detailed information on page 2 of this handbook).

PREFACE

Students need an environment that is safe and appropriate for learning. To provide and maintain that environment, the *Student Code of Conduct* provides guidelines that:

- Describes a positive school environment
- Describes conduct that is disruptive to the school's environment
- Works to create standard procedures for school employees to respond to disruptive situations
- States the rights and responsibilities of administrators, teachers, parents/guardians and students
- Creates a system for the school district to distribute information to parents/guardians each year, as required by federal and state laws

The principal shall work cooperatively with faculty, parents/guardians and students to review the *Student Code of Conduct* for the Mobile County Public School System and will make sure that teachers, parents/guardians and students have access and/or receive a new copy including any revisions, each year. During the first two weeks of school, the principal will ensure that teachers review the *Student Code of Conduct* with students in a manner appropriate for the students' age group.

If there are changes in federal or state law that require changes to the Student Code of Conduct, it will be revised and approved by the Board of School Commissioners.

As students' progress through their school career, the school district expects them to take more responsibility for their actions. Age is considered when determining what type of disciplinary action is appropriate. However, the procedures outlined in the *Student Code of Conduct* apply to all students who attend schools or participate in activities as part of the Mobile County Public School System.

The *Student Code of Conduct* is in force:

- During regular school hours
- Anytime on school board property
- While students are being transported on a school bus
- At any other times and places where school administrators have responsibility for students including, but not limited to, school-sponsored events, field trips, athletic functions, and other activities

For safety reasons, a bus driver has the authority to require a reasonable degree of quiet; to assign seats; require that students remain seated; and prevent unsafe and disruptive behavior. Students are expected to follow the directions of the bus driver or face disciplinary action. That disciplinary action may include losing the privilege of riding the bus. Bus drivers will report all misconduct to the principal.

In addition, the principal or a person he identifies to act on his behalf is authorized to take administrative action whenever a student's misconduct away from school has a negative effect upon other students or on the orderly educational process.

SECTION I

INTRODUCTION

Discipline in our schools helps to prepare youth to be active citizens in our democratic society. Schools must establish discipline policies and procedures to teach respect for authority and to maintain learning conditions free from distractions and misbehavior.

Creating a school environment that allows for meaningful and effective learning experiences requires efforts by parents/guardians, students, and school personnel. It is the responsibility of school administrators and teachers to see that the rules and regulations of the school are carried out in a consistent manner that promotes fairness, honesty, and genuine concern for the school community.

Therefore, the Board of School Commissioners of Mobile County Public Schools believes that self-discipline is critical to a democratic society. Self-discipline is developed through a progressive learning process. In order to be effective, discipline must be directed toward improving self-control and providing corrective guidance rather than punishment. Behavior and discipline policies must demonstrate the need for maintaining a proper atmosphere for learning within each school.

The *Code of Alabama*, Section 16-28-12: (states in pertinent part)

A. Each parent, guardian, or other person having control or custody of any child required to attend school or receive regular instruction by a private tutor who fails to have the child enrolled in school or who fails to send the child to school, or have him or her instructed by a private tutor during the time the child is requires to attend a public school, private school, church school, denominational school, or parochial school or be instructed by a private tutor, or fails to require the child to regularly attend the school or tutor, or fails to compel the child to properly conduct himself or herself as a pupil in any public school in accordance with the written policy on school behavior adopted by the local board of education pursuant to this section and documented by the appropriate school official which conduct may result in the suspension of the pupil, shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than one hundred dollars ($100) and may also be sentenced to hard labor for the county for not more than 90 days. The absence of a child without the consent of the principal, teacher of the public school he or she attends or should attend, or of the tutor who instructs or should instruct the child, shall be prima facie evidence of the violation of this section.
B. Each local public board of education shall adopt a written policy for its standards on school behavior. Each local public school superintendent shall provide at the commencement of each academic year a copy of the written policy on school behavior to each parent, guardian, or other person having care or control of a child who is enrolled. Included in the written policy shall be a copy of this section. The signature of the student and the parent, guardian, or other person having control or custody of the child shall document receipt of the policy.
C. Any parent, guardian, or other person having control or custody of any child enrolled in public school who fails to require the child to regularly attend the school or tutor, or fails to compel the child to properly conduct himself or herself as a pupil in accordance with the written policy on school behavior adopted by the local board of education and documented by the appropriate school official which conduct may result in the suspension of the pupil, shall be reported by the principal to the superintendent of education of the school system in which the suspected violation occurred. The superintendent of education or his or her designee shall report suspected violations to the district attorney within 10 days.

SECTION II

RIGHTS AND RESPONSIBILITIES

Administrators

Administrators should foster the teaching/learning process.
Administrators should:

- Be guided by professional ethics in relationships with employees of the Mobile County Public School System, parents/guardians, students and citizens of the community.
- Ensure teachers keep accurate daily records in PowerSchool on students, attendance, behavior/conduct, work study skills, and academic progress.
- Follow the policies of the Board of School Commissioners regarding discipline for students and handle each case of student misconduct fairly and consistently, including documentation in PowerSchool.
- Serve as a connection between the Board of School Commissioners and the community and strive to represent the Board in a positive manner in all matters of student discipline.
- Promote effective discipline based upon fair and impartial treatment of all students.
- Develop a school-wide discipline plan.
- Implement (RTI) and Multi-Tiered System of Supports (MTSS) protocols consistently.
- Request a conference with parent/guardian to discuss a student's behavior problem before the problem develops to the point where severe action is necessary.
- Request a parent/guardian conference without depriving a student the opportunity to attend school.
- Encourage parent/guardian to maintain regular communication with school personnel.
- Maintain a safe atmosphere that promotes good behavior and allows a flexible curriculum to meet the needs of all students.
- Encourage the school staff, parents/guardians, and students to use the services of community agencies.
- Publicize local school rules, regulations and procedures and distribute them annually.
- Involve students and the community in developing policies that will improve the quality of life within the school.

Teachers

Teachers should recognize the magnitude of their individual responsibilities as educators.
Teachers should:

- Be guided by professional ethics in their relationship with students, parents/guardians, the community, and other school personnel.
- Keep accurate daily records in PowerSchool on students' attendance, behavior/conduct, work study skills, and academic progress.
- Be respectful to all individuals, providing a caring, supportive, and nurturing instructional environment while developing relationships.
- Provide academic rigor
- Protect the rights of students to participate in and benefit from any school program without regard to the student's race, color, gender, sexual orientation, creed, religion, disability or national origin.
- Plan and conduct a program of instruction that captures the interest and meets the needs of each student.
- Be prepared with appropriate working materials.
- Be respectful and teach responsibility of care for property of self and others.
- Do not use professional relationships with students for private advantage.
- Avoid profane or inflammatory statements.
- Protect students from unnecessary embarrassment.

- Inform parents/guardians about students' academic progress and conduct through regular communication.
- Know and enforce discipline policies courteously, consistently, fairly, firmly, and impartially.
- Use informal disciplinary and guidance methods before, during, and after formal disciplinary action.
- Keep information that has been obtained in the course of professional service confidential, unless disclosure serves professional purposes or is required by law.
- Conduct themselves in a safe and responsible manner, attend and participate in school functions, and maintain a well-groomed appearance.
- Abide by the rules and regulations set forth by the school and district.

Teachers have the right to:
- Receive, from the Board of School Commissioners and school administration, support in maintaining reasonable and necessary classroom discipline and control.
- Use physical force as is reasonable and necessary to protect themselves from attacks or prevent injury to a student.
- Be present at any conference with students and parents/guardians concerning serious classroom disruption.
- Be free from any physical or verbal threats as a result of carrying out their duties.

Parents/Guardians

Parents/guardians must recognize that discipline is primarily their responsibility and that the influence of the home will be reflected in the conduct of the student while attending school.

Parents/guardians have the responsibility to:
- Help create an environment in and out of school that nurtures quality in education.
- Provide the student with the resources needed to complete class work.
- Encourage students to respect the rights and individuality of others.
- Ensure that students' promptly and regularly comply with attendance rules and other procedures necessary for the best possible education.
- Explain absences or tardiness to school.
- Comply with all provisions of the law, including but not limited to avoiding threatening behaviors such as profanity and/or physical aggression.
- Comply with all provisions of the law that prohibit the possession and/or use of drugs, alcohol, tobacco or weapons on campus or any school system property.
- Attend necessary conferences with school personnel each year.
- Maintain regular communication with the school to see that students complete school assignments on time and thoughtfully so that they can achieve the highest possible performance rating.
- Log in frequently to the parent portal in PowerSchool for students' attendance, behavior/conduct, work study skills, and academic progress.
- Talk with students about school activities, plan a time and place for schoolwork assignments, and provide necessary supervision.
- Discuss report cards and work assignments with students.
- Assist students in being healthy and well-groomed.
- Bring to the attention of school authorities any problems or conditions that affect the student or other students of the school community.
- Provide the school with a current list of home, work, and emergency telephone numbers, including doctor and hospital preferences.

Parents/guardians have the right to:

- Expect quality in the program of instruction.
- Expect students to be treated with dignity as individuals.
- Expect all students to receive an equitable opportunity for a public education.
- Participate in appropriate school programs.
- Access all school records relating to their child.
- Expect the school to use proper procedures and allow students to voice their perspectives especially in response to school discipline.
- Request and be granted a conference with the teacher and/or principal within a reasonable time period.
- Obtain regular official reports of students' progress.
- Ask for an explanation of the basis for any grade given by a teacher.

Students

Students must share responsibility in ensuring that our schools have an atmosphere that promotes learning and achieving.

Students have the responsibility to:

- Respect teachers and those in authority.
- Respect the rights privileges, and property of others.
- Obey laws and local school rules and policies.
- Exhibit a sense of fairness, honesty, loyalty, obedience, courtesy, pride, and trustworthiness.
- Respect the property of other students, school personnel, and the Board of School Commissioners.
- Strive for academic excellence.
- Be prepared for school activities by bringing appropriate materials and completing all assignments.
- Log in frequently to the student portal in PowerSchool for students' attendance, behavior/conduct, work study skills, and academic progress.
- Regularly attend for school and classes on time.
- Be knowledgeable of and follow the Mobile County Public School System's Student Code of Conduct.
- Behave in a manner that permits uninterrupted learning.
- Dress and be well-groomed according to uniform dress code policy.

Students have the right to:

- Receive an appropriate public education.
- Be informed of laws and local school rules and policies.
- Expect the school to use proper procedures and allow the student to voice his perspective, especially in response to school discipline.
- Expect records to be maintained confidentially.
- Receive equal treatment regardless of race, gender, sexual orientation, creed, color, religion, disability or national origin.
- Access information contained in their cumulative and discipline files.
- Receive fair and reasonable punishment that is consistent with the nature and seriousness of the offense.
- Receive all educational services provided by the system if the student meets the established criteria.
- Participate in student organizations authorized and sponsored by the school if the students meet the established criteria.
- Keep their personal possessions private unless school officials need to inspect property to protect students and school property.
- Receive an explanation of grades and/or progress reports.
- Attend school in an appropriate learning environment.

Contact Student Support Services for additional information on (CAPP) Conflict and Anger Prevention Program

SECTION III

SPECIFIC PROCEDURES FOR FORMAL DISCIPLINARY ACTION

Sound professional judgment shall be used in determining whether formal disciplinary proceedings are necessary in each individual case.

1. Detention (After School Hours)

   a. Students detained after school hours shall be informed of the reason for detention.
   b. Students shall be given notice at least one day in advance unless prior approval of the parent/guardian has been obtained.
   c. Parent/guardian must be notified in advance.

2. Suspension (In-School Retract Center Program)

   a. Referrals to retract will be made by the school's administrative staff. Parent/guardian of assigned students will be notified in writing.
   b. Students will receive credit for school attendance. Assignment to retract will be regarded and treated as a school-sponsored and supervised activity. Classroom teachers should code attendance as "In Retract" (NR) for each student.
   c. The Retract Manager will be responsible for monitoring students. Students will not be allowed to associate or communicate with others in retract, lunchroom, or in passing to and from the restroom.
   d. Visitors and passes to or from retract are not allowed.
   e. All assignments must be completed.
   f. Failure to comply with the terms of retract will result in a recommendation for suspension by the school's administrator.
   g. All teachers must provide and monitor assignments for their students while they are in retract.

3. Suspension (Out-of-School)

   Definition
   A suspension shall be defined as action taken to deprive a student the privilege of attending school because of behavior which was found to be in violation of the *Student Code of Conduct*. A student will not be able to withdraw from or enroll in any other school in the Mobile County Public School System while under suspension. A suspended student shall not participate in any school-sponsored activities or attend on-campus activities until the suspension is cleared. A student suspended long-term may be offered admission to an alternative program. The principal shall refer students to the Division of Student Support Services for placement in the alternative program.

A. Short-term Suspension

   Short-term suspension shall range from one (1) to ten (10) days.
   1. Prior to suspending a student, the principal shall give the student oral or written notice of the charges. If the student denies the charges, an explanation shall be given to the student of the evidence the principal has to support the charges. An opportunity shall be provided for the student to present his/her account of the incident.
   2. A student whose presence poses a continuing danger to persons, property or is an ongoing threat of disrupting the academic process may be immediately removed from school. The notice shall be given to the student and a conference held as soon as practical.
   3. The parent/guardian shall be given oral or written notice of the discipline imposed as soon as practical.

4. Short-term suspensions may be appealed to the supervisor of your child's school within two (2) school days.

B. Long-Term Suspension/Long-Term Suspension with Alternative School Placement

Long-term suspension shall range from eleven (11) days to the end of the semester or longer. Also, if the offense occurs within thirty (30) school days of the end of a semester, the suspension may be extended through the next semester or longer.

1. Written Recommendation for Long-Term Suspension/Long-Term Suspension with Alternative School Placement shall be prepared by the principal for each suspension.
2. The student shall be informed personally of the Recommendation for Long-Term Suspension/Long-Term Suspension with Alternative School Placement, except under extreme circumstances. The principal shall notify the parent/guardian of the proposed disciplinary action on the day of the infraction (if possible).
3. The Recommendation for Long-Term Suspension/Long-Term Suspension with Alternative School Placement shall include the date and time of the scheduled conference.
4. The Recommendation for Long-Term Suspension/Long-Term Suspension with Alternative School Placement shall be signed by the principal. If the principal is away from regular duties for more than one day, the Notice of Proposed Suspension may be signed by the assistant principal. One (1) copy shall be furnished to the parent/guardian and one (1) copy shall be kept on file at the local school.
5. A student whose presence poses a continuing danger to persons, property or is an ongoing threat of disrupting the academic process, may be immediately removed from school pending the conference.
6. The parent/guardian conference shall be scheduled within two (2) school days following notice of the request for conference.
7. The student and parent/guardian must come for the scheduled conference.
8. The participants in the conference will be the student, parent/guardian and principal and/or assistant principal.
9. Legal Counsel:
   1) The student and parent/guardian may exercise the right to have legal counsel at the conference in an advisory capacity. Instead of legal counsel, the student and parents may request that the school counselor attend the conference to act as an advocate for parents and students, as long as the student or parent provides the school counselor with reasonable advance notice.
   2) The principal must be notified that legal counsel will be present at least twenty-four (24) hours in advance to provide the Board of School Commissioners an opportunity to have legal counsel in an advisory capacity to the principal.

Conference

1. The administrator will discuss the details and results of the investigation with the parent/guardian and the student.
2. Parent/Guardian will receive a Notice of Long-Term Suspension/Long-Term Suspension with Alternative Placement.
3. The parent/Guardian must sign the Discipline Hearing Letter.
4. If the parent/guardian desires to appeal, he/she must sign in the space provided on the Discipline Response Letter. The Discipline Hearing form must be completed and received within 48 hours of the Notice of Expulsion letter.
5. If the parent waives the right to an appeal hearing, he/she must sign in the designated space provided on the letter and have the parent contact Student Support Services.

C. Expulsion Procedures – The procedures for expulsion are the same as the procedures for long-term suspension.

Definition

Expulsion is the removal of the right and obligation of a student to attend a public school for no less than a calendar year, under conditions set by the Board of School Commissioners. The Board of School Commissioners has sole authority to modify an expulsion. An expelled student will not be eligible to enroll in any school in the Mobile County Public School System, participate in any school-sponsored activities or attend on-campus activities. A student whose presence poses a continuing danger to persons, property or is an ongoing threat of physical harm or of disrupting the academic process may be immediately removed from school and allowed to serve their tenure in the Mobile County Public School System in an alternative setting.

Exceptions are students expelled for:

1. Possession or use of a firearm (loaded or unloaded)
2. Selling drugs
3. Physical assault of an employee

The students will be expelled, and no educational services will be provided.

Notification to Superintendent

1. Written Notice of Recommendation of Expulsion shall be prepared by the principal.
2. The student shall be informed personally of the recommendation for expulsion, except under extreme circumstances. The principal shall notify the parent/guardian of the proposed disciplinary action on the day of the infraction (if possible).
3. The Recommendation of Expulsion shall include the date and time of the scheduled conference.
4. The Recommendation of Expulsion shall be signed by the principal. If the principal is away from regular duties for more than one day, the Recommendation for Expulsion may be signed by the assistant principal. One (1) copy shall be furnished to the parent/guardian and one (1) copy shall be kept on file at the local school.
5. A student whose presence poses a continuing danger to persons, property or is an ongoing threat of disrupting the academic process, may be immediately removed from school pending the conference.
6. The parent/guardian conference shall be scheduled within two (2) school days following notice of the request for conference.
7. The student and parent/guardian must come for the scheduled conference.
8. The participants in the conference will be the student, parent/guardian and principal and/or assistant principal.
9. Legal Counsel:
   1) The student and parent/guardian may exercise the right to have legal counsel at the conference in an advisory capacity. Instead of legal counsel, the student and parents may request that the school counselor attend the conference to act as an advocate for parents and students, as long as the student or parent provides the school counselor with reasonable advance notice.
   2) The principal must be notified that legal counsel will be present at least twenty-four (24) hours in advance to provide the Board of School Commissioners an opportunity to have legal counsel in an advisory capacity to the principal.

Preliminary Investigation

1. Upon receipt of a principal's recommendation for expulsion, the Superintendent/ designee shall make such investigation as deemed necessary and shall determine whether additional data should be gathered. The investigation should be completed no later than three (3) school days from receipt of the principal's recommendation.
2. Should the Superintendent determine that no reasonable basis for an expulsion recommendation to the Board of School Commissioners exists, all interested parties will be informed, in writing, and the student shall immediately return to school with no penalty for absences related to the investigation. This does not refer to the initial school suspension if reasonable in nature. Student records shall be properly updated to indicate that grounds for expulsion were insufficient. If the Superintendent determines that the student was falsely accused and that the charges are clearly unfounded, the student's records relating to the expulsion charge will be promptly expunged.

Conference

1. The administrator will discuss the details and results of the investigation with the parent/guardian and the student.
2. Parent/Guardian will receive a Notice of Expulsion Letter
3. The parent/Guardian must sign the Discipline Hearing Letter.
4. If the parent/guardian desires to appeal, he/she must sign in the space provided on the Discipline Response Letter. The Discipline Hearing form must be completed and received within 48 hours of the Notice of Expulsion letter.
5. If the parent waives the right to an appeal hearing, he/she must sign in the designated space provided on the letter and have the parent contact Student Support Services.

Appeal Hearing Before the Board of School Commissioners

1. Upon written request of the parent/guardian, the Board of School Commissioners may conduct or designate a member of the Board to conduct the hearing to determine questions of fact, disputed or undisputed, as well as to receive evidence or statements in mitigation of the recommended action set forth in the charges.
2. The Board may designate a qualified person as Hearing Officer in lieu of a Board Member.
3. The record shall consist of the following:
   a) Summary of grounds and dates of notices;
   b) Recommendation based on Hearing Officer's report;
   c) Written transcript of Hearing Officer's report;
   d) Resource Officer's investigative report;
   e) Summary of discipline record, academic record and attendance record of student;
   f) Any additional information deemed necessary by school officials.
4. Parent/guardian or student shall not be foreclosed from being represented at the hearing by a person of majority age, whether as legal counsel or personal representative.
5. The Hearing Officer shall ensure that the hearing has been tape-recorded and the hearing shall be maintained with the file of the proceedings.

Action of the Board of School Commissioners (Post Hearing)

1. If there is an appeal hearing, the recommendation of the Board is provided to the parent/guardian at the conclusion of the hearing. The hearing outcome by the Board is final.

SECTION IV

ADDITIONAL DISCIPLINE PROCEDURES

STUDENTS EIGHT (8) YEARS OR YOUNGER MAY NOT RECEIVE A LONG-TERM SUSPENSION FOR A OR B OFFENSES AND SHOULD NOT BE SUSPENDED FOR ANY OFFENSE EXCEPT AS A LAST RESORT.

A student will not be allowed to remain at school if that student is a threat to the safety of other students, teachers, or staff, or if the student is presenting a significant obstacle to the teacher's ability to teach and the other students' ability to learn. The time that the student is out of school before the approval will count towards the student completing the suspension.

Make-Up Work/Homework:

When a student is not allowed to attend school pending a conference, whenever possible, that student will receive homework assignments and make-up work. When a student is suspended, the school will make its best efforts to provide make-up work during the suspension. The student will be allowed to make up work missed when he or she returns to school.

Withdrawal Process:

A student will not be able to withdraw from or enroll in any other school in the Mobile County Public School System while under suspension or expulsion**.** Exceptions are enrollment in home schools, private schools or other school systems. The withdrawal record will indicate the student is currently under suspension or expulsion.

Appeal Forms:

Appeal forms will be available at every school and will be reasonably clear and easy to understand. If a parent needs assistance filing an appeal, the school will make assistance available, subject to economic realities and feasibility.

Superintendent's Review:

The Superintendent or her/his representative will review any proposed suspensions over 10 school days, and her or his approval of any such long-term suspension will be required. If the Superintendent selects a representative, that representative will either be an Assistant Superintendent, or the Executive Director of Student Support Services.

SECTION V

SCHOOL RESPONSE TO INAPPROPRIATE BEHAVIORS

The mission of the Mobile County Public School System is to graduate citizens who are literate, responsible, and committed to learning over a lifetime. In order to achieve that goal, the school system sets high expectations for appropriate behavior and promotes academics that support the school system's mission.

School administrators are the first line of defense in advancing this mission and have the responsibility to ensure that the school is a safe and orderly environment. When students become disruptive or exhibit inappropriate behaviors that interfere with teaching and learning, administrators must respond promptly, consistently, and in a manner that is proportional to the seriousness of the disruption.

The following pages detail the school's response to inappropriate behaviors. The sections are divided from minor disciplinary infractions to major disciplinary infractions. They range in codes from "A" offenses (minor infractions) to "E" offenses (extremely serious infractions). Before each level of infraction, a description of the school-level response is provided. For example, administrators will limit their response to an "A" level offense to level 1 and level 2 responses to first or subsequent offenses within each level. For example, when a "B" offense is committed the first time, the administrator will impose the lowest level response. However, if a student continues to exhibit inappropriate behavior, administrators will impose more severe punishments in response to each occurrence or severity of offense.

When administrators, teachers, and other staff members respond to student misbehavior, they must consider a student's age, health, decision-making ability and disability or special education status. Administrators, teachers, and other staff members may also consider prior conduct, student willingness to correct the behavior, and the seriousness of the incident. Before imposing a disciplinary response, school officials will examine the impact of a student's inappropriate behavior on the entire school community. Finally, school officials will contact parents/guardians whenever code of conduct violations occur.

SECTION VI

STUDENT MISCONDUCT

GROUP A

Group A: Disruptive behaviors include those student offenses that disrupt the orderly educational process in the classroom or anywhere else where the school has authority. Teachers must attempt to resolve Group A misconduct when it is appropriate before referring a student to the administrator for official disciplinary action. These interventions and responses may be implemented for violations of any Group A offenses within a school year.

First (1st) Offense

Classroom Interventions and Responses include:

- Teacher contacting parent/guardian by phone, email, or text message
- Teacher verbally correcting a student's misbehavior
- Student drafting a written apology for his behavior
- Conducting a conference between the teacher, student, and parent(s)

Student Support Team Interventions and Responses include:

- {TEACHER or SCHOOL ADMINISTRATOR} notifying the parent/guardian about the student's misbehavior
- Conducting a conference between the student and community
- Student participating in a mentoring program
- Student being referred to a Multi-Tiered System of Supports (MTSS)
- Student being referred to school-based health or mental health clinic (parent consent **REQUIRED**)
- Student performing service to the school

Second (2nd) Offense

Intensive Support Staff and Administrative Interventions and Responses may include:

- Changes to a student's schedule or class
- Teacher notifying parent \ guardian
- Student performing service to the school or community
- Student repaying any costs resulting from his or her misbehavior
- Detention
- Student participating in conflict resolution or peer mediation
- Teacher referring student to a school administrator

GROUP A

STUDENT MISCONDUCT		
Group A disruptive behaviors include those student offenses which disrupt the orderly educational process in the classroom or anywhere else where the school has authority over students. Teachers must attempt to resolve **Group A** behaviors when it is appropriate before referrals are made to the administrator for official disciplinary action.		
Offense	***First (1st) Offense***	***Second (2nd) Offense***
1. Excessive talking in class	Teacher Conference to Parent Contact	Teacher Conference to Office Referral
2. Cheating/ or copying the work of other students	Teacher Conference to Parent Contact	Teacher Conference to Office Referral
3. Minor acts of disobedience	Teacher Conference to Parent Contact	Teacher Conference to Office Referral
4. Being improperly dressed or out of approved uniform	Teacher Conference to Parent Contact	Teacher Conference to Office Referral
5. Minor misbehaviors on the school bus (see glossary)	Verbal Warning/refer parent by letter	Teacher Conference to Office Referral
6. Public display of physical affection	Teacher Conference to Parent Contact	Teacher Conference to Office Referral
7. Non-participation in class: no books, materials, etc.	Teacher Conference to Parent Contact	Teacher Conference to Office Referral
8. Misuse of lunch card/identification number	Teacher Conference to Parent Contact	Teacher Conference to Office Referral
9. Possessing nuisance items as defined by principal (such as fake items: snakes, spiders, etc.)	Teacher Conference to Parent Contact	Teacher Conference to Office Referral
10. Tardiness to class and /or school	Teacher Conference to Parent Contact	Teacher Conference to Office Referral
11. Infractions that are minor in nature and disrupt the orderly educational process	Teacher Conference to Parent Contact	Teacher Conference to Office Referral
12. Any other offense which the principal may deem reasonable to fall within this category or acts of misconduct.	Teacher Conference to Parent Contact	Teacher Conference to Office Referral
Group A offenses are cumulative by group, for each academic year. The words "2nd Offense and Subsequent Offenses" refer to and include all second and subsequent violations of any Group A offense within a school year. If the offense is committed by a special education student, please refer to the Special Education section before disciplining the student. If the offense is committed by a Section 504 eligible student, please refer to the 504 section before disciplining the student.		

GROUP B

Group B: These are behaviors which upset the orderly classroom and all areas where the school has authority. The words "2nd Offense and Subsequent Offenses" refer to and include all second and subsequent violations of any Group B offenses within a school year.

First (1st) Offense

Classroom Interventions and Responses may include:

- Teacher contacting parent/guardian via, email, or text message
- Student drafting a written apology
- Teacher changing a student's seat
- Daily progress sheet on behavior
- Other Classroom Responses

Student Support Team Interventions and Responses may include:

- Student Support Team or Teacher or School Administrator notifying Parent or guardian about student's misbehavior
- Conducting a conference between the student and Community
- Student being referred to the Individualized Education Program
- Student being referred to school-based health or mental health clinic (parent consent **REQUIRED**)
- Student performing service to the school
- Student participating in conflict resolution
- Other and Student Support Responses
- Student receiving short-term suspension

Second (2nd) Offense

Intensive Support Staff and Administrative Interventions and Responses may include:

- Changes to a student's schedule or class
- Teacher notifying Parent/ guardian
- Student repaying any costs resulting from his or her misbehavior
- Detention
- In-School Suspension/Retract
- Student participating in conflict resolution
- Other Intensive Support responses
- Student being referred to the Multi-Tiered System of Supports (MTSS)

Subsequent Offenses

Suspension and Referral Responses may include:

- Teacher or School Administrator notifying Parent/guardian about the student's misbehavior
- Student receiving short-term suspension (five to seven days)
- Student being referred to substance abuse counseling (parent **MUST** be notified)
- Student being referred to the Twilight
- Student being referred to the Multi-Tiered System of Supports (MTSS)
- Student being assessed for Functional Behavior Assessments and Behavior Intervention Plans
- Others
- Excessive Group B offenses may result in a Proposed Long-Term Suspension

NOTE: When parents refuse to attend a conference, the principal may suspend after exhausting all reasonable attempts to contact parents. Efforts to contact parents must be documented.

Conflict/Anger Management Program (CAPPII) and/or Chemical Abuse Prevention Program (Tobacco, Electronic cigarettes, Vapes, and related products and/or devices) (CAPP), can be used as an alternative or in addition to other disciplinary action for offenses marked and may also be used to reduce suspension days.

GROUP B

STUDENT MISCONDUCT			
Group B serious disruptive behaviors include those student offenses, which seriously disrupt the orderly educational process in the classroom, or other areas where the school has authority. The words "2nd Offense and Subsequent Offenses" refer to and include all second or subsequent violations of any Group B offense within a school year. Excessive Group B offenses may result in a Proposed Long-Term Suspension.			
Offense	***First (1ST) Offense***	***Second (2nd) Offense***	***Subsequent Offenses***
1. Leaving the classroom or campus without permission	Administrator/Student/Guardian Conf.	Administrator/Student/Guardian Conf.	5–7-day suspension
2. Acts of physical aggression	Administrator/Student/Guardian Conf. to a 3-day Suspension	Administrator/Student/Guardian Conf. to a 5-day suspension	
3. Truancy	Administrator/Student/Guardian Conf. to a 3-day Suspension	Administrator/Student/Guardian Conf. to In-School Suspension	
4. Class cutting, skipping	Administrator/Student/Guardian Conf. to In-school Suspension	Administrator/Student/Guardian Conf. to a 3-day Suspension	5–7-day suspension
5. Acts of willful disobedience	Administrator/Student/Guardian Conf. to a 3-day Suspension	Administrator/Student/Guardian Conf. to a 5-day suspension	5–7-day suspension
6. Usage of electronic devices, including communication, AI glasses, and emerging technologies - While on campus, electronic devices shall be powered off and stored away until the dismissal bell rings.	Administrator/Student/Guardian Conf. to a 3-day Suspension	Administrator/Student/Guardian Conf. to a 5-day suspension	5–7-day suspension
7. Possessing, selling, furnishing, giving away, distributing, transferring, or obtaining commercial fireworks	Administrator/Student/Guardian Conf. to a 3-day Suspension	Administrator/Student/Guardian Conf. to a 5-day suspension	5–7-day suspension
8. Possessing, selling, furnishing, giving away, distributing, transferring, or obtaining a realistic toy, replica, or look-alike gun	Administrator/Student/Guardian Conf. to a 3-day Suspension	Administrator/Student/Guardian Conf. to a 5-day suspension	5–7-day suspension
9. Using aggressive, obscene/profane language-whether spoken, written or by gestures. Including verbal confrontation	Administrator/Student/Guardian Conf. to a 3-day Suspension	Administrator/Student/Guardian Conf. to a 5-day suspension	5–7-day suspension
10. Possessing and /or using tobacco products	Administrator/Student/Guardian Conf. to a 3-day Suspension Completion of the Chemical Abuse Prevention Program (CAPP)	Administrator/Student/Guardian Conf. to a 5-day suspension	5–7-day suspension

11. Using the Internet for other than approved academic reasons. This includes posting incidents on Facebook, MySpace, Twitter, YouTube, or internet or web communication that initiates an act of physical aggression to be completed on school grounds or at school-sponsored events. Cheating on tests, including Standardized Assessments	Administrator/Student/Guardian Conf. to a 3-day Suspension	Administrator/Student/Guardian Conf. to a 5-day suspension	5–7-day suspension
12. Bullying, cyberbullying, harassing behavior which threatens the health and welfare of any person (on campus/off campus)	Administrator/Student/Guardian Conf. to a 3-day Suspension	Administrator/Student/Guardian Conf. to a 5-day suspension	5–7-day suspension
12A. Bullying, based on sexual orientation	Administrator/Student/Guardian Conf. to a 3-day Suspension	Administrator/Student/Guardian Conf. to a 5-day suspension	5–7-day suspension
12B. Bullying, based on religion	Administrator/Student/Guardian Conf. to a 3-day Suspension	Administrator/Student/Guardian Conf. to a 5-day suspension	5–7-day suspension
12C. Bullying, based on disability	Administrator/Student/Guardian Conf. to a 3-day Suspension	Administrator/Student/Guardian Conf. to a 5-day suspension	5–7-day suspension
12D. Bullying, based on race	Administrator/Student/Guardian Conf. to a 3-day Suspension	Administrator/Student/Guardian Conf. to a 5-day suspension	5–7-day suspension
12E. Bullying, based on gender	Administrator/Student/Guardian Conf. to a 3-day Suspension	Administrator/Student/Guardian Conf. to a 5-day suspension	5–7-day suspension
13. Any other offense which the principal may deem reasonable to fall within this category of misconduct	Administrator/Student/Guardian Conf. to a 3-day Suspension	Administrator/Student/Guardian Conf. to a 5-day suspension	5–7-day suspension
14. Misuse of Lunch card/Student Identification number (Instances where student information is stolen)	Administrator/Student/Guardian Conf. to a 3-day Suspension	Administrator/Student/Guardian Conf. to a 5-day suspension	5–7-day suspension
15. Major acts of misbehaviors on the school bus (see glossary)	Administrator/Student/Guardian Conf. to a 3-day Suspension	Administrator/Student/Guardian Conf. to a 5-day suspension	5–7-day suspension
16. Possessing, selling, furnishing, giving away, distributing, transferring, obtaining, using, consuming, or admitting to any of the same, Electronic Cigarettes Vapes, or alternative **nicotine** product.	Administrator/Student/Guardian Conf. to a 3-day Suspension Completion of the Chemical Abuse Prevention Program (CAPP)	Administrator/Student/Guardian Conf. to a 5-day suspension	5–7-day suspension
Group B offenses are cumulative by group, for each academic year. The words "2nd Offense and Subsequent Offenses" refer to and include all second and subsequent violations of any Group B offense. If the offense is committed by a special education student, please refer to the Special Education section before disciplining the student. If the offense is committed by a student eligible for special services under Section 504 of the Rehabilitation Act, please refer to the 504 section before disciplining the student.			

GROUP C

Group C: Group C disruptive behaviors include those illegal student offenses, which disrupt the orderly educational process. This may be in the classroom and/or school sponsored activities, or other areas where the school has authority, and which **may result in criminal prosecution**. Principals **MUST** immediately inform a Resource Officer about any violation listed below. The parent/guardian **MUST** be notified. The Resource Officer's Report should be filed with the Office of the Superintendent.

First (1st) Offense

Suspension and Referral Responses may include:

- Student Support Team or Teacher or School Administrator notifying the parent/guardian about the student's misbehavior
- Student receiving suspension (three to Proposed Long-Term)
- Other

Second (2nd) Offense and Subsequent Offenses

Extended Suspension and Referral Responses may include:

- Student Support Team or Teacher or School Administrator notifying the parent/guardian about the student's misbehavior
- Student receiving Proposed Long-Term Suspension to Recommendation for Expulsion (serious behavioral infractions)
- Student being assessed for Functional Behavior Assessment
- Student being referred to community organizations

Conflict/Anger Management Program (CAPPII) can be used as an alternative or in addition to other disciplinary actions for offenses marked and may also be used to reduce suspension days.

The crime of making a terrorist threat in the second degree is a Class D felony if either of the following occurs:

a. The person has a prior adjudication or conviction of making a terrorist threat in any degree.
b. The person commits a second or subsequent offense of making a terrorist threat in the second degree within one year of making another terrorist threat in any degree.

GROUP C

STUDENT MISCONDUCT		
Group C most serious disruptive behaviors include those illegal student offenses, which most seriously disrupt the orderly educational process, in the classroom or other areas where the school has authority, and which **may result in criminal prosecution**. Principals **MUST** immediately inform a Resource Officer about any violation listed below. The parent/guardian **MUST** be notified. The Resource Officer's Report shall be filed with the Office of the Superintendent.		
Offense	***First (1st) Offense***	***Second (2nd)Offense and Subsequent Offenses***
1. Arson	3-day suspension to a Proposed Long-Term suspension	5-day suspension to a Recommendation for Expulsion
2. Theft of Property	3-day suspension to a Proposed Long-Term suspension	5-day suspension to a Recommendation for Expulsion
3. Receiving and Concealing Stolen Property	3-day suspension to a Proposed Long-Term suspension	5-day suspension to a Recommendation for Expulsion
4. Criminal Mischief	3-day suspension to a Proposed Long-Term suspension	5-day suspension to a Recommendation for Expulsion
5. Burglary	3-day suspension to a Proposed Long-Term suspension	5-day suspension to a Recommendation for Expulsion
6. Unlawful Breaking and Entering a Motor Vehicle	3-day suspension to a Proposed Long-Term suspension	5-day suspension to a Recommendation for Expulsion
7. Homicide		5-day suspension to a Recommendation for Expulsion
8. Assault, First Degree		5-day suspension to a Recommendation for Expulsion
9. Assault, Second Degree		5-day suspension to a Recommendation for Expulsion
10. Assault, Third Degree	3-day suspension to a Proposed Long-Term suspension	5-day suspension to a Recommendation for Expulsion
11. Menacing	3-day suspension to a Proposed Long-Term suspension	5-day suspension to a Recommendation for Expulsion
12. Reckless Endangerment	3-day suspension to a Proposed Long-Term suspension	5-day suspension to a Recommendation for Expulsion
13A. Harassment, based on sexual orientation	3-day suspension to a Proposed Long-Term suspension	5-day suspension to a Recommendation for Expulsion

13B. Harassment, based on religion	3-day suspension to a Proposed Long-Term suspension	5-day suspension to a Recommendation for Expulsion
13C. Harassment, based on disability	3-day suspension to a Proposed Long-Term suspension	5-day suspension to a Recommendation for Expulsion
13D. Harassment, based on race	3-day suspension to a Proposed Long-Term suspension	5-day suspension to a Recommendation for Expulsion
13E. Harassment, based on gender	3-day suspension to a Proposed Long-Term suspension	5-day suspension to a Recommendation for Expulsion
13F. Harassment, other	3-day suspension to a Proposed Long-Term suspension	5-day suspension to a Recommendation for Expulsion
14. Disorderly Conduct	3-day suspension to a Proposed Long-Term suspension	5-day suspension to a Recommendation for Expulsion
14A. Disorderly Conduct Physical/Fight	3-day suspension to a Proposed Long-Term suspension	5-day suspension to a Recommendation for Expulsion
15. Robbery	3-day suspension to a Proposed Long-Term suspension	5-day suspension to a Recommendation for Expulsion
15A. Robbery with a weapon, non-firearm	3-day suspension to a Proposed Long-Term suspension	5-day suspension to a Recommendation for Expulsion
15B. Robbery with firearm/explosive device		5-day suspension to a Recommendation for Expulsion
15C. Robbery without weapon	3-day suspension to a Proposed Long-Term suspension	5-day suspension to a Recommendation for Expulsion
16. Extortion	3-day suspension to a Proposed Long-Term suspension	5-day suspension to a Recommendation for Expulsion
17. Trespassing	3-day suspension to a Proposed Long-Term suspension	5-day suspension to a Recommendation for Expulsion
18. Terrorist Threat, First Degree – (Law Enforcement officials must be notified)		Recommendation for Expulsion
19. Terrorist Threat, Second Degree – (Law Enforcement officials must be notified)		Proposed Long-Term suspension to a Recommendation for Expulsion
20. Sexual Battery	3-day suspension to a Proposed Long-Term suspension	5-day suspension to a Recommendation for Expulsion
20A. Rape		5-day suspension to a Recommendation for Expulsion

20B. Attempted Rape	3-day suspension to a Proposed Long-Term suspension	5-day suspension to a Recommendation for Expulsion
21. Public Lewdness	3-day suspension to a Proposed Long-Term suspension	5-day suspension to a Recommendation for Expulsion
22. Indecent Exposure	3-day suspension to a Proposed Long-Term suspension	5-day suspension to a Recommendation for Expulsion
23. Discharging fireworks in an area that creates a threat to the security, safety, or well-being of students, faculty, or other school personnel or that disrupts the orderly educational process	3-day suspension to a Proposed Long-Term suspension	5-day suspension to a Recommendation for Expulsion
24. Possessing BB, pellet, or paintball guns	3-day suspension to a Proposed Long-Term suspension	5-day suspension to a Recommendation for Expulsion
25. Using a realistic toy, replica, look-alike BB, pellet, or paintball gun to scare, frighten, intimidate, threaten, rob, or otherwise disrupt the orderly educational process	3-day suspension to a Proposed Long-Term suspension	5-day suspension to a Recommendation for Expulsion
26. Possession and/or use of Vapes, and related products and/or devices used to consume any substance or chemical other than nicotine, THC, or substances listed under the D category of offenses	3-day suspension to a 10-day suspension Completion of the Chemical Abuse Prevention Program (CAPP)	11-day suspension to a Recommendation for Expulsion
27. Any other offense which the principal may deem reasonable to fall within this category or acts of misconduct found in Criminal Code Title 13.	3-day suspension to a Proposed Long-Term suspension	5-day suspension to a Recommendation for Expulsion
Group C offenses are cumulative by group, for grades K-5, 6-8, and 9-12. The words "2nd Offense and Subsequent Offenses" refer to and include all second and subsequent violations of any Group C offense. If the offense is committed by a special education student, please refer to the Special Education section before disciplining the student. If the offense is committed by a Section 504 eligible student, please refer to the 504 section before disciplining the student.		

GROUP D

Group D: most serious disruptive behaviors include those illegal student offenses, which most seriously disrupt the orderly educational process, in the classroom or other areas where the school has authority, and which **may result in criminal prosecution**. Principals **MUST** immediately inform a Resource Officer about any violation listed below. The parent/guardian **MUST** be notified. The Resource Officer's Report shall be filed with the Office of the Superintendent.

First (1st) Offense

Suspension and Referral Responses may include:

- Student Support Team or Teacher or School Administrator notifying the parent/guardian about the student's misbehavior
- Student receiving suspension (five days to Proposed Long-Term)
- Student being referred to Chemical Abuse Prevention Program (CAPP)
- Student being referred for Twilight/Alternative Placement
- Student being referred to community organizations

Second (2nd) Offense and Subsequent Offenses

Extended Suspension and Referral Responses may include:

- Student receiving Recommendation for Expulsion (serious behavioral infractions); student being referred to community organizations

Chemical Abuse Prevention Program (CAPP), can be used as an alternative or in addition to other disciplinary action for offenses marked and may also be used to reduce the suspension days.

Random Drug Testing Overview

Overview:

- Students are qualified by participating in extra-curricular activities, parking on campus or volunteering;
- Consent forms will be provided by school officials. Parents/guardians may find them at the school in the main administrative office.
- The drug testing agency will arrive at the designated school with a list of students to be tested;
- The designated administrator will assure that all of the students have consent forms on file; (There is no reason to pull the forms; all names were generated from the consent forms)
- The administrator will then bring the selected students to the testing area, starting with the male students;
- The testing agent will explain the process to the students;
- The male students will be escorted to the restroom one at a time, where they will produce a specimen in private;
- The specimen will be tested on the spot;
- If the specimen is non-negative, it will be divided and held for additional testing;
- The process will be replicated for the female students;
- If a student refuses to be tested, the parents should be notified immediately;
    - Students that refuse to be tested will lose extra-curricular /parking rights for 180 days from the incident date (no disciplinary action);
- It is recommended that the parents of all tested students be notified via phone and informed of the testing, particularly those who tested non-negative.
- Non-negative samples (may have drugs) will be brought to the testing center and tested. If the sample is positive, the parent will be notified by the testing service. **The administrator should provide the testing agency with the PowerSchool demographics of the student who tested non-negative.**
- If a positive sample is discovered, the MCPSS Drug Testing Coordinator will be notified, and in turn the Principal will be notified and will follow the policy procedures;
- Students that test positive will be tested at each subsequent random testing session until the end of the school year. (These will be in addition to the 10 selected randomly)

First Violation:

- Parking Students are suspended from parking on campus for a minimum of 30 days.
- Extra-Curricular Students and Volunteer Students may not participate in extra-curricular activities until they begin the suggested interventions.
- Activity students, Parking Students, and Volunteer Students may resume full participation upon completion of the suggested interventions.
- Students who do not complete the suggested interventions will be suspended from parking and extracurricular activities for 180 days from the date of the initial administrative conference.
- Students who test positive will be required to submit to testing at each testing session.

Interventions may include:

- Parent/guardian and student must attend a conference with a Drug Education counselor for an assessment. *Mobile Drug Education Council is recommended.*
- Student must begin and eventually complete the CAPPS program offered through MCPSS and the Mobile Drug Education Council.
- Student must report to a designated school counselor each week for four (4) weeks.

Second Violation:

- Activity students, parking students, and volunteer students are suspended from extra-curricular activities and driving or parking on campus for 40 days minimum.
- Activity students, parking students, and volunteer students may not participate in extra-curricular activities or park on campus during the suspension.
- Reinstatement requires a negative test on the school drug testing evaluation.
- **Reinstatement requires completion of assigned interventions.**

Interventions may include:

- Parent/guardian and student must attend a conference with a Drug Education counselor for an assessment.
- Parent/guardian and student must attend an approved prevention program. Parents/guardians are responsible for fees associated with the intervention program.
- Student must report to a designated school counselor each week for six (6) weeks.

Third Violation:

- Volunteer students are suspended from extra-curricular activities and driving or parking on campus for the school year.
- Activity students, parking students and volunteer students may not participate in extra-curricular activities or park on campus during the suspension.
- Reinstatement requires a negative test on the monthly school drug testing evaluation.
- **Reinstatement requires a completion of assigned interventions.**

Interventions may include:

- Parent/guardian and student must attend conference with a Drug Education counselor for an assessment.
- Student will be required to attend a drug prevention program indicated or a program approved by the school system.
- Student must report to a designated school counselor monthly for one year.
- Parent/guardian and student are referred to Helping Families.

GROUP D

STUDENT MISCONDUCT		
GROUP D offenses are cumulative by group, grades K-12. The words "Subsequent Offenses" refer to and include all second or subsequent violations of any Group D offense, at any time during the student's school career. To protect all children from taking medication belonging to another child, no child may keep medication on their person at school. The only exception would be emergency medications that are ordered by the physician/health caregiver and approved by the school nurse. Examples: epi-pen, glucose tablets and asthma rescue inhalers**. Group D offenses may result in criminal prosecution**.		
Offense	***First (1st) Offense***	***Second (2nd) Offense and Subsequent Offenses***
1A. Alcohol - Possessing, selling, furnishing, giving away, distributing, transferring, obtaining, using, consuming alcohol in any form, in any quantity, or admitting to any of those activities	5-day suspension to a Proposed Long –Term suspension	Recommendation for Expulsion
2A. Drugs - Possessing, selling, furnishing, giving away, distributing, transferring, obtaining, using, consuming, or admitting to any of the same, marijuana in any quantity including marijuana herb, cannabis oils, or wax as used in Electronic Cigarettes and Vapes	5-day suspension to a 10-day suspension Completion of the Chemical Abuse Prevention Program (CAPP)	11-day suspension to a Recommendation for Expulsion
2B. Drugs - Possessing, selling, furnishing, giving away, distributing, transferring, obtaining, using, consuming, or admitting to any of same, all other controlled substances listed in Schedules I through V in any quantity listed in the Federal Controlled Substances Laws and/or the Alabama Controlled Substances Laws (Narcotics, Depressants, Stimulants, Hallucinogens, etc.)	Proposed Long –Term suspension to a Recommendation for Expulsion	Recommendation for Expulsion
2C. Drugs - Possessing, selling, furnishing, giving away, distributing, transferring, obtaining, using, consuming, or admitting to any of the same, in any quantity, all prescription drugs not covered under controlled substances as listed in Section II-B of this policy	5-day suspension to a Proposed Long –Term suspension	Recommendation for Expulsion
3A. Other Substances - Possessing, obtaining, using, consuming, or admitting to any of the same, in any quantity, counterfeit, imitation, look-alike substances (including any synthetic drugs and/or substances), over-the-counter medications, vitamins, and food supplements, represented to be a controlled substance and/or a prescription medication. A violation that does not involve representing the substance to be a controlled substance and/or a prescription medication should be coded as a Group B, Item 23 violation.	5-day suspension to a Proposed Long –Term suspension	Recommendation for Expulsion
3B. Controlled Substances and/or Prescription Medication - Selling, furnishing, giving away, distributing, transferring, or admitting to doing so any quantity of counterfeit, imitation, look-alike substances, over-the-counter medications, vitamins, and food supplements, represented to be a controlled substance and/or a prescription medication	5-day suspension to a Proposed Long –Term suspension	Recommendation for Expulsion
3C. Other Substances - Possessing, selling, furnishing, giving away, distributing, transferring, obtaining, using, consuming, or admitting to doing so, any quantity of deliriants	5-day suspension to a Proposed Long –Term suspension	Recommendation for Expulsion

3D. Prescription - Possessing, using, consuming, or admitting to possessing, using, or consuming, a legitimate prescription - This violation does not require completion of the Chemical Abuse Prevention Program (CAPP).	5-day suspension to a Proposed Long –Term suspension	Recommendation for Expulsion
4A. Intoxication/Under the influence - Any time the offender is under the influence of any drug, deliriant, or alcohol.	5-day suspension to a Proposed Long –Term suspension	Recommendation for Expulsion
5A. Paraphernalia - Possessing, selling, giving away, distributing, transferring, obtaining, or using drug paraphernalia or admitting to any of those activities	5-day suspension to a Proposed Long –Term suspension	Recommendation for Expulsion
Group D offenses are cumulative by group, grades K-12. The words "Subsequent Offenses" refer to and include all second and subsequent violations of any Group D offense throughout the student's school career. If the offense is committed by a special education student, please refer to the Special Education section before disciplining the student. If the offense is committed by a Section 504 eligible student, please refer to the 504 section before disciplining the student.		

GROUP E

Group E: most serious disruptive behaviors include those illegal student offenses, which most seriously disrupt the orderly educational process, in the classroom or other areas where the school has authority, and which **may result in criminal prosecution**. Principals **MUST** immediately inform a Resource Officer about any violation listed below. The parent **MUST** be notified. The Resource Officer's Report shall be filed with the Office of the Superintendent.

First (1st) Offense

Suspension and Referral Responses may include:

- Student Support Team or Teacher or School Administrator notifying the parent/guardian about the student's misbehavior
- Student receiving a 5-day suspension to a Recommendation for Expulsion
- Student being referred to Multi-Tiered System of Supports (MTSS)
- Student being referred to community organizations

Second (2nd) Offense and Subsequent Offense

Extended Suspension and Referral Responses may include:

- Students being referred to community organizations
- Students receiving recommendation for Expulsion (serious behavioral infractions).

Conflict/Anger Management Program (CAPPII) can be used as an alternative or in addition to other disciplinary action for offenses marked and may also be used to reduce suspension days

GROUP E

STUDENT MISCONDUCT		
GROUP E policies and procedures, reference Gun-Free Schools Act, Alabama Code Section 16-24-3, Alabama Administrative Code r. 290-030-010-06(2) (h) 3. **Violation of the Student Code of Conduct involving firearms will result in a REQUIRED expulsion. Grades K-12: 1st Offense and Subsequent Offense: Recommend expulsion, MUST notify Resource Officer immediately and may notify appropriate Law Enforcement Agency for arrest.**		
Offense	***First (1st) Offense***	***First (1st) Offense and Subsequent Offenses***
1A: Firearms- Using or admitting to using a firearm.		Recommendation for Expulsion
1B: Possessing, selling, furnishing, giving away, transferring, distributing, obtaining, or admitting to possessing, selling, furnishing, giving away, transferring, distributing, or obtaining a firearm		Recommendation for Expulsion
2A: Explosives – Using or admitting to using an explosive		Recommendation for Expulsion
2B: Possessing, selling, giving away, transferring, distributing, obtaining, or admitting possessing, selling, giving away, distributing, or obtaining an explosive		Recommendation for Expulsion
3A: Other Weapons – Using or admitting to using a knife, razor blade or other edged instrument of like kind or description (e.g. box cutter style knife, Exacto style knife, etc.)		Recommendation for Expulsion
3B: Using or admitting to using a weapon of any type other than a firearm, explosive, or knife, razor blade or other similar edged instrument (e.g. box cutter style knife, Exacto style knife, etc.), such as mace, other organic or chemical irritants of like kind, brass knuckles, bludgeoning instruments, martial arts style weapons, stun guns, taser guns or other devices designed to deliver an electrical shock, etc.		Recommendation for Expulsion
3C: Possessing, selling, giving away, transferring, distributing, obtaining, threatening use, or admitting to possessing, selling, giving away, transferring, distributing, obtaining, or threatening to use a knife, razor blade or other similar edged instrument of like kind or description (e.g. box cutter style knife, Exacto style knife, etc.)	5-day suspension to Recommendation of Expulsion	7-day suspension to Recommendation of Expulsion
3D: Possessing, selling, giving away, transferring, distributing, obtaining, threatening use, or admitting to possessing, selling, giving away, transferring, distributing, obtaining, or threatening to use a weapon of any type other than a firearm, explosive, knife, razor blade or other similar edged instrument of like kind or description (e.g. box cutter style knife, Exacto style knife, etc.) such as mace, other organic or chemical irritants of like kind, brass knuckles, bludgeoning instruments, martial arts style weapons, stun guns, taser guns or other devices designed to deliver an electrical shock, etc.	5-day suspension to Recommendation of Expulsion	7-day suspension to Recommendation of Expulsion

4A: Non-Weapons Used as a Weapon – Using threatening to use, or admitting to possessing, selling, giving away, transferring, distributing, or obtaining any article, object or substance as a weapon	5-day suspension to Recommendation of Expulsion	7-day suspension to Recommendation of Expulsion
Group E offenses are cumulative by group, grades K-12. The words "Subsequent Offenses" refer to and include all second or subsequent violations of any Group E offense throughout the student's school career. If the offense is committed by a special education student, please refer to the Special Education section before disciplining the student. If the offense is committed by a Section 504 eligible student, please refer to the 504 section before disciplining the student.		

SECTION VII

ARREST OF A STUDENT FOR NON-SCHOOL-RELATED CRIMES

A student's arrest for non-school-related crimes may result in placement in an alternative setting. The court may notify the Superintendent/representative immediately of any student's arrest and/or placement into an alternative setting. The Superintendent/representative will notify the principal of the student's arrest.

If the court commits a juvenile to a juvenile detention facility, boot camp, or to the Department of Youth Services that, is not able to provide services due to a lack of space and the juvenile is enrolled in public school, the court should order that the juvenile attend an alternative school while waiting for space to become available in the court-ordered program if an alternative school is available pending availability of space at the facility to which the court has committed the juvenile.

The Superintendent/representative may remove a student from regular classes and place him or her in an alternative setting, even if the court does not order that the student be placed into an alternative setting. Any decision to assign a student to an alternative setting shall include a review and consideration of the exceptional status of the student and any appropriate federal and state statutory and case law. Prior to placement in an alternative setting, the Discipline Process Procedures will be followed for students who receive special services.

School officials will cooperate with the local law enforcement when investigating crimes.

SECTION IX

Board Policies and Procedures relating to State Laws

Jason Flatt Act (Suicide Prevention)

This 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 as well as their families and the communities who may be affected. MCPSS policy and procedures regarding the Jason Flatt Act include, but are not limited to: counseling, crisis intervention, training for school personnel, students and families to improve understanding and awareness of the signs of suicidal tendencies, community resources information, development of interventions/strategies to assist survivors of attempted suicide, student and school personnel in coping with issues relating to attempted suicide, suicide, and the death of a student and healing after a suicide. Students are expected to treat other students with courtesy, respect, and dignity to comply with the Code of 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.

Erin's Law (Child Sexual Abuse)

The Superintendent, or his designee, shall implement and maintain such child abuse prevention instructional programs as necessary to comply with Erin's Law and the guidelines adopted by the Governor's Task Force on the Prevention of Sexual Abuse of Children. Said programs shall include "[a] professional training component for administrators, teachers and other school personnel on talking to students about child sexual abuse prevention, effects of child sexual abuse on children, handling of child sexual abuse disclosures, and mandated reporting."

Annalyn's Law (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 enroll or attending school within board's jurisdiction for the purpose of appropriate supervision during the school day and during school activities. 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 student's parent or guardian to develop an appropriate plan. In the event the student violates the Code of Conduct or the Plan, the student may be subject to discipline pursuant to the board policy and/or reassessment of the Plan's conditions.

Mental Health Opt In

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 with the specific procedures required by federal and/or state law, and information regarding any mental health services will be provided in the pertinent plan.

McKinney Vento

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.

SECTION X

GENERAL POLICY STATEMENTS

A. Searches

1. School officials should conduct a general search of school property periodically and whenever there is reasonable suspicion to believe that students possess an item(s) that it is a crime and/or a violation of the *Student Code of Conduct* to possess.

2. A specific student's area will be searched when there is reasonable suspicion to believe that the student possesses any item(s) that it is a crime and/or a violation of the *Student Code of Conduct* to possess. All searches of areas assigned to the student should take place in the student's presence when feasible.

3. A search of the body will be conducted when there is reasonable suspicion to believe that the person possesses any item(s), that it is a crime and/or a violation of the *Student Code of Conduct* to possess. Searches of the body will be with the student's consent, except under emergency conditions when the safety and the welfare of others are involved. **Parent/guardian consent is not required to search a student.**

4. Searches of all vehicles on school property, at school-sponsored activities, or in transit to and from a school-sponsored activity, are permitted when there is reasonable suspicion to believe that the vehicle(s) contains any item(s) that it is a crime and/or a violation of the *Student Code of Conduct* to possess.

5. Searches of personal belongings will be conducted when there is reasonable suspicion to believe that the personal belongings conceal any item(s) that it is a crime and/or a violation of the *Student Code of Conduct* to possess. The search of personal belongings may occur on school property, at school-sponsored activities, or in transit to and from school-sponsored activities.

6. Strip searches are prohibited.

7. The principal shall take appropriate disciplinary and/or legal action against any student who fails to cooperate with school authorities in an investigation of *Student Code of Conduct* violations, criminal violations, and/or other matters relating to the orderly and safe operation of the school.

8. Searches by school authorities should be done in front of a certificated person.

9. When the student does not consent to a search, the administrative staff will secure the assistance of parent/guardian, the Resource Officer, and/or law enforcement officials before performing the search.

10. Metal detectors may be used to conduct a minimally intrusive search of the person.
    Metal detectors may be used to conduct suspicionless searches using one of the following two procedures:
    a. Scanning Posts - An area or entrance will be selected and metal detectors used to search all students as they walk through.
    b. Random Selection - Metal detectors may be used to search students at random. Care must be exercised to be sure that it is possible to demonstrate that the selection of students to be searched as part of a random sweep is according to chance.

A. Alabama State Department of Education Policy: Use of Digital Device during the Administration of a Secure Test

The possession of a digital device (including but not limited to cell phones, MP3 players, cameras, or other telecommunication devices capable of capturing or relaying information) is **strictly** prohibited during the administration of a secure test. Any device observed during the administration of a secure test will be confiscated.

If a student is observed using a digital device during the administration of a secure test, the device will be confiscated and is subject to search, the student will be dismissed from testing, and the student's test will be invalidated.

B. Wireless Communication Devices

Wireless communication devices (WCD) are two-way communication devices, including cellular phones, mobile phones, MP3 or other music devices, portable computers, personal organizers, and similar electronic devices. The possession of a WCD is not a violation of the Student Handbook or Code of Conduct. However, possessing a WCD in a way that disrupts the educational process, using a cellular telephone during school hours, using a cellular phone to commit a crime, harassment, bullying, sexting, or possessing or using a WCD to disrupt or interfere with safety-to-life issue for students in the Mobile County Public Schools are infractions of the Student Handbook and Code of Conduct. In accordance with the *Focus Act* (Act 2025-386), the following rules must be followed regarding the possession, use, and display of wireless communication devices:

1. Students may possess, display and use wireless communication devices before or after the school day.
2. Students should avoid disrupting classroom activities by not displaying, using, or activating wireless communication devices during the school day.
3. Students must ensure that devices are turned off during the school day.
4. Students must conceal wireless communication devices in a locker, car or other container during the school day.
5. The school is not responsible if a student's wireless communication device is lost, stolen or damaged.

With the prior approval of the principal, the above rules may be relaxed only under the following circumstances:

- The use of wireless/electronic devices is specifically required to implement a student's current and valid IEP.
- The use of wireless/electronic devices is at the direction of a teacher for educational purposes.
- The principal determines that it is necessary to use wireless/electronic devices for other special circumstances, health-related reasons, or an emergency.

Sexting is the act of sending or forwarding sexually explicit, nude, or partially nude photographs/images through cellular telephones and other electronic media. It is the Mobile County Public Schools' mission to ensure the social, physical, psychological, and academic well–being of all students. The act of sexting is prohibited and will not be tolerated.

D. Law Enforcement

1. Investigations

Students are required to cooperate with school authorities in the investigation of *Student Code of Conduct* violations, criminal violations, and other matters related to the orderly operation of the school. School officials must allow students to participate in investigations conducted by law enforcement authorities.

2. Policy Statements

All municipal, county, state, and federal law enforcement agencies with legal authority in Mobile County are encouraged to make periodic, unannounced visits to local public schools within Mobile County for the purpose of detecting illegal drugs. The municipal, county, state, or federal officials must inform local superintendent and building principal in advance of the visit. Reference: Alabama Administrative Code r. 290-030-010-06 (2) (h) 1.

3. **Protocol**

The purpose of the following procedures is to establish a process to interview, arrest, and/or remove students from a local campus or school-sponsored activity. These procedures do not affect other policies that are listed in the *Student Code of Conduct*.

The law enforcement agent will interview or remove students from schools or a school-sponsored activity only after the law enforcement agent has exhausted all other strategies to deal with the student or when in the professional opinion of the law enforcement agent, the presence of the student presents a substantial risk to others or immediate contact is mandated by the circumstances related to the investigation.

a. Interview conducted on campus or that requires removing a student from campus as a victim, witness, or suspect related to an abuse and/or neglect investigation:

- The law enforcement agent who is on a school campus for the purpose of interviewing a or removing a student to be interviewed as a victim, witness, or suspect related to an abuse and/or neglect investigation will contact the principal or other administrative staff member and advise him or her of the need for the interview.

- The principal or other administrative staff member will either provide an interview location that affords privacy or will release the student into the custody of the law enforcement agent if the law enforcement agent requests that the student be released. The principal or other administrative staff member will not release a student into the custody of law enforcement unless the investigating law enforcement agent signs a release form prior to removing a student from campus.
  The investigating law enforcement agent may request that the principal or other administrative staff member be present during the interview.

- The principal or other administrative staff member will not contact the involved student's parent/guardian to advise same of the circumstances unless the investigating law enforcement agent requests same.

b. Court order:
- A law enforcement agent who is authorized by a court order to remove a student from a school campus or school-sponsored activity will contact the principal or other administrative staff member of the respective school before removing the student. After the law enforcement agent presents the court order to the principal or other administrative staff member for inspection the principal or other administrative staff member will release the student into the custody of the law enforcement agent. Upon advisement from law enforcement, the principal or an administrative staff member will notify the parent/guardian that the student has been removed from the school campus or a school-sponsored activity.

c. Arrest Warrant or Juvenile Complaint Form (State of Alabama Unified Judicial System Form JU-2):
- The law enforcement agent who is arresting a student at a school or school-sponsored activity by executing a valid arrest warrant or complaint form will contact the principal or other administrative staff member of the respective school.

- When the law enforcement agent presents a valid arrest warrant or complaint form to the principal or other administrative staff member for inspection the principal or other administrative staff member will release the student into the custody of the law enforcement agent. The principal or other administrative staff member will contact the involved student's parent/guardian immediately or as soon as practical and advise the parent/guardian that the student has been removed from the school campus or a school-sponsored activity by a law enforcement agent.

d. Arrest for felonies without warrant or complaint form:
   - A law enforcement agent, who is arresting a student at a school or school-sponsored activity without an arrest warrant or a complaint form, will contact the principal or other administrative staff member of the respective school and advise him/her of the arrest prior to removing the student. The principal or other administrative staff member will release the student into the custody of the law enforcement agent and contact the involved student's parent/guardian immediately or as soon as practical.

e. On-Campus Interview of a student as a witness:
   - A law enforcement agent, who is on a school campus for the purpose of interviewing a student as a witness will contact the principal or other administrative staff member of the respective school and advise him/her of the need to interview the student.
   - The principal or other administrative staff member will provide an interview location that affords privacy. The law enforcement agent will allow the principal or other administrative staff member to be present during the interview unless the nature of the investigation prohibits the presence of the principal or other administrative staff. The principal or other administrative staff member will contact the involved student's parent/guardian immediately or as soon as practical and advise the parent/guardian that the student is being interviewed by law enforcement.

f. Removal of a student from campus for interview as a witness:
   - A law enforcement agent who is on a school campus to remove a student from that campus to be interviewed as a witness at another location will advise the principal or other administrative staff member of the need to the remove the student from the campus to interview him or her at another location. The principal or other administrative staff member will release the student into the custody of the law enforcement agent after the agent signs the release form. The principal or other administrative staff member will contact the involved student's parent/guardian immediately or as soon as practical and advise same of the circumstances.

g. On-Campus Interview of a student as a suspect:
   - The law enforcement agent who is on a school campus to interview a student as a suspect will contact the principal or other administrative staff member of the respective school and advise him/her of the need for the interview.
   - The principal or other administrative staff member will provide a private location for the interview. The law enforcement agent will allow the principal or other administrative staff member to be present during the interview unless the nature of the investigation prohibits their presence. The principal or other administrative staff member will contact the involved student's parent/guardian immediately or as soon as practical and advise the parent/guardian that the student is being interviewed as a suspect.

h. Removal of a student from campus for interview as a suspect:
   - The law enforcement agent who is on a school campus to remove a student to be interviewed as a suspect at another location will contact the principal or other administrative staff member of the respective school and advise him/her of the need to remove the student. The principal or other administrative staff member will release the student into the custody of the law enforcement agent after the investigating law enforcement agent signs a release form. The principal or other administrative staff member will contact the involved student's parent/guardian immediately or as soon as practical and advise the parent/guardian that the student has been removed from campus to be interviewed as a suspect at another location.

E. **Sexual Harassment**

Sexual harassment is an unlawful form of discrimination on the basis of sex under Title VII of the Civil Rights Act of 1964, as amended in 1972 and 1991, Title IX of the Education Amendment of 1972, and Code of Alabama. Some forms of sexual harassment may amount to criminal conduct and result in criminal penalties. By issuing a single comprehensive policy statement, the Board of Education seeks to clarify and reaffirm its commitment to ensuring that all Mobile County Public School System employees and students are provided with a work and learning environment that is free of sexual harassment.

The Board of School Commissioners of Mobile County does not condone or tolerate any form of sexual harassment of, or by, staff (including non-employee volunteers) or students and is committed to the creation and maintenance of a learning and work environment in which all individuals who participate in school programs and activities can function in an atmosphere free from all forms of sexual harassment.

It is the intention of Mobile County Public School System to take all necessary action to prevent, correct, and, if necessary, discipline behavior which violates this policy.

It is the responsibility of every supervisor and principal to recognize acts of sexual harassment and take necessary action to ensure that such instances are addressed swiftly, fairly and effectively.

Consequently, all Mobile County Public School System administrative and supervisory staff in schools, offices, and other facilities must be aware of and responsible for effectively implementing the sexual harassment policy. If the complaint involves only students, the investigation will follow the procedures laid out in the *Student Code of Conduct*.

Malicious or frivolous complaints of sexual harassment are prohibited and subject to disciplinary action.

Retaliation of any kind is strictly prohibited against any person who has filed a report of sexual harassment, testified as a witness, assisted, or participated in any manner in any investigation or proceeding under this policy.

Reporting of sexual harassment, or participation in a sexual harassment investigation, must not affect the individual's status or future grades, assignments, employment, etc.

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other inappropriate verbal, written, or physical conduct of a sexual nature that takes place under any of the following circumstances:

- When submission to unwelcome sexual advances, performance of sexual favors or other inappropriate conduct of a sexual nature is made an explicit or implicit condition of employment, instruction, or participation in other school activities.
- When submission to or rejection of unwelcome sexual advances, performance of sexual favors, or other inappropriate conduct of a sexual nature is used as the basis for making personnel or academic decisions.
- When unwelcome sexual advances, performance of sexual favors, or other inappropriate conduct of a sexual nature unreasonably interferes with an individual's work and/or academic performance or creates an intimidating, hostile, or offensive work or learning environment.

NOTATION: Sexual harassment is determined only by looking at the record as a whole and evaluating each situation on a case-by-case basis.

F. **Pregnancy**

The school system will not discriminate against or exclude any student from its education program or activity, including any class or extracurricular activity, on the basis of the student's pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery from the termination of pregnancy, unless the student requests voluntarily to participate in a separate program or activity that is offered for students under those circumstances.

The school may require any student who is pregnant, has given birth to a child, or had a false pregnancy, terminated pregnancy or is recovering from terminating a pregnancy to obtain a physician's certification that she is physically and emotionally able to participate in the normal education program or activity only if the school requires all students returning from other physical or emotional conditions to provide a similar certification.

Any student who is pregnant, has given birth to a child, has had a false pregnancy, terminated pregnancy or is recovering from terminating a pregnancy shall be treated in the same manner as any other student who is absent for medical reasons. The parent/guardian and student are responsible for completing the Medical Leave Contract and notifying the school within 48 hours once the student's absence begins.

G. **Parental/Guardian, Family or Marital Status**

The School System will not treat students differently on the basis of gender, actual or potential parent/guardian, family, or marital status.

H. **Mandatory Immunization Law**

The Alabama Department of Public Health requires the Mobile County Health Department to audit immunization records in all public schools in order to ensure a healthy and safe school environment.

The ***Guidelines for Implementation of the Mandatory Immunization Law***, requires that all children receive the following immunizations before attending school:

- Pre-K – three (3) and four (4) year old children must show proof of at least one (1) Pneumococcal Conjugate Vaccine (PCV).
- 4 doses of Diphtheria/Tetanus/Pertussis (DTaP):
  One dose has to be given after the 4th birthday, if not the student must receive a 5th dose of the DTaP.
  Booster doses of tetanus and diphtheria toxoids vaccine (Td) must be given 5-10 years after the preschool booster. However, effective for students entering sixth grade beginning fall of 2010, a booster dose of tetanus and diphtheria toxoids and accellular Pertussis vaccine (Tdap) must be given at 11 or 12 years of age. This requirement will escalate by one successive grade each year for the following 6 years to include sixth through twelfth grades, beginning fall of 2016.
- 3 doses of either the Oral Polio Vaccine (OPV) or the Inactivated Poliomyelitis Vaccine (IPV):
  One dose has to be given after the 4th birthday; if not the student must receive a 4th dose of the OPV or IPV.
- 2 doses of Measles/Mumps/Rubella (MMR):
  Must have 2 doses before entering school, ***NO*** booster shot needs to be given for the vaccine.
- 1 dose of Varicella (Chicken Pox):
  Must have vaccine, a doctor/clinic documentation with date of disease or lab test immunity. It is required for children entering pre-school through 8th grade for the 2009-10 school year.

Parents/guardians must provide the school with the immunization record – a BLUE Form IMM-50 that contains all immunization data and lists exemptions.

Important Information on Meningococcal Disease and Vaccine
Meningococcal disease is a serious illness caused by bacteria. It is the leading cause of bacterial meningitis in children 2-18 years old in the United States.

MCV4, or the meningococcal vaccine, is recommended for all children 11-12 years of age and for unvaccinated adolescents at high school entry (15 years of age). High school seniors should also consider obtaining the vaccine prior to entering college, especially if they are planning on living in a dormitory. Please consult your physician or local health department for more information. For more information on this and other vaccine recommendations, go to: **www.adph.org/immunization.**

I. I. **Medications at School**

The goal of giving medication during school hours is to assist students in maintaining an optimal state of wellness thus enhancing their educational experience.

- Parent/guardian should treat minor illnesses at home. For example, a student with a cold severe enough to require frequent medication should remain at home.
- Medication prescribed three times a day should be given at home – just before leaving for school, upon returning home in the afternoon, and at bedtime.
- The only exception is medication that must be given before or with meals. The following requirements provide parents/guardians, and students with the guidance necessary to provide safe and proper assistance with medication in schools

- The parent/guardian and physician must sign the Alabama State Department of Education's School medication Prescriber/Parent Authorization Form granting permission for a child to receive prescription medication at school.
- The parent/guardian must provide the school with medication in a correctly labeled prescription bottle (which includes student's name, prescriber's name, name of medication, strength, dosage, time interval, route, and date of drug's discontinuation when applicable).
- The parent/guardian must provide the school with a new signed School Medication Prescriber/Parent Authorization Form at the beginning of each school year and/or before any prescription medication can be given at the school. This consent form authorizes school personnel to assist students with medication. If the medication order is changed during the school year (e.g., change of dosage), an additional prescriber authorization/order is necessary.
- The parent/guardian or the parent-designated responsible adult must deliver all medication to the school nurse or other school personnel designated by the nurse.
- The parent/guardian must give the student the first dose of a new medication or a change in dosage (increase or decrease) of a current medication at home, with the exception of emergency medications (e.g., EpiPen injection).
- The parent/guardian will pick up the student's unused medication (when the medicine is completed, out-of-date, or at the end of the school year). The school nurse or designated school personnel will destroy medications not picked up by the parent/guardian.
- Non-prescription medications (over-the-counter medications) will be given at school only when the student has a chronic condition. The parent/guardian and physician must sign the School Medication Prescriber/Parent Authorization Form for all non-prescription medication.

J. Medical Leave

Students who will be absent, due to planned or emergency medical leave (i.e., surgery, pregnancy, accident) are required to complete a Medical Leave Contract. The parent/guardian and student are responsible for completing the Medical Leave Contract and notifying the school within 48 hours once the student's absence begins. The parent/guardian and student should make arrangements with the school's administrator and teachers regarding make-up work. It is the responsibility of the parent/guardian and student to pick up and return work to and from the school.

MOBILE COUNTY PUBLIC SCHOOL SYSTEM
Pregnancy –Procedure for Instructional Services

Student	Grade	Age	Today's Date
School	Counselor	Parent/Guardian	
Healthcare Provider/Clinic		Home Phone	
Due Date		Work Phone	Cell

Attach print out of class schedule

As a student, I acknowledge my responsibility to continue my education while absent due to pregnancy. I agree to:

1. Contact the school nurse or counselor and pick up the appropriate medical form.
2. Have my Healthcare Provider/Clinic complete the medical form and return it to the school nurse or counselor.
3. Provide a doctor's note for pregnancy appointments and other absences to appropriate school administrator(s).
4. Schedule an appointment with my school counselor to make preparations for my school absence for my expected delivery (*within 2 days)*
5. Tell the school nurse and my school counselor if complications develop or if there is a change in my due date.
6. Notify my teachers of my anticipated last day of school before my expected due date to request my 1st week of assignments.
7. Make arrangements for a parent/guardian or family member to pick up and deliver my assignments on a by-weekly basis from my counselor. The counselor will request assignments from my teachers. *Assignments must be completed and returned before receiving the next set of assignments.*
8. Notify my school counselor if I am not receiving teacher assignments. *The Guidance department will then contact the appropriate teacher(s).*
9. Notify the school nurse or my counselor about my expected date of return to school. If my absence is to be longer than anticipated, I understand this will require another note from my Healthcare Provider/Clinic that documents a specific medical reason for an extended absence.
10. Check-in with the school nurse and my counselor upon my first day back to school.
11. Cooperate with my teachers to make up tests upon my return to school.
12. Follow the procedures of the counselor and school administrator and complete assigned course work to receive class credit.

I understand and accept my responsibility to follow the above procedures for instructional services while absent due to pregnancy.

Signature of Student _____ Date _____
Signature of Parent/Guardian _____ Date _____
Counselor/Administrator_____ Date _____
School Nurse _____Date _____

Original to Individual Health Record
Copy to: School Counselor, Student

SECTION XI

STUDENT ATTENDANCE POLICY

Grades K – 12

The following information is provided to you regarding the Mobile County Public School System's Attendance Policy:

Every absence MUST have an excuse! Suspensions are unexcused absences.

Excuses:

- No more than eight (8) days excused by parent notes per year.
- Doctor's notes.
- Head Lice: Only 3 days are excused. After the 3rd day, absences will be UNEXCUSED.
- ALL EXCUSES MUST BE BROUGHT TO SCHOOL WITHIN THREE (3) DAYS OF THE STUDENT'S RETURN TO SCHOOL. After the 3rd day, the absence is unexcused, *regardless* of the reason for the absence.

Unexcused absences are NOT acceptable! If your child has:

- 1 Unexcused absence – Parent/Guardian will receive a phone call or email from the school.
- 2 Unexcused absences – Parent/Guardian will receive a phone call or email from the attendance officer.
- 3 Unexcused absences – Parent/Guardian will receive a phone call or email from the District Attorney's Office stating that this is the last warning before the legal system becomes involved.
- 5 Unexcused absences – Parent/Guardian will receive a letter stating that attendance is mandatory at the Early Warning Truancy Program.
- 7 Unexcused absences – A court petition can be filed on the parent and student.
- 10 Unexcused absences – A referral to the Gulf Coast Family Center (participation is mandatory)
- 15 Unexcused absences – The student's diver permit or driver's license can be suspended

Early Warning Truancy Program:

- Parent/Guardian's attendance is mandatory.
- If the parent/guardian does not attend the Early Warning Truancy Program or the unexcused absences continue, a legal notice/petition to Juvenile Court will be processed.
- School staff will continue to monitor the student's attendance.

Alabama Compulsory Attendance

TAKE NOTICE, pursuant to the Code of Alabama (1975) § 16-28-16 that:

1. No valid reason for nonenrolment or nonattendance of your child/children at school has been found. State law, Code of Alabama (1975) § 16-28-3, requires all children between the ages of 6 and 17 attend school. Further, even if your child is not between the ages of 6 and 17 but is enrolled I school, it is your responsibility under the law to ensure the attendance of your child/children. In addition, §16-28-12 requires the parent or guardian of the enrolled child to ensure that the child properly conducts him/herself as a pupil in any public school in accordance with the written policy on school conduct as adopted by the local board of education.

2. If your child is absent from school without a valid excuse or goo reason as defined by the written policy of the Mobile County School Board, you are required to ensure your child/children attend school within three days from the date of this notice. Further, you are required to ensure that your child properly conducts him or herself in accordance with the written policy on school behavior.

3. If your child/children miss(es) one more day of school without valid excuse or good reason and intentionally, or does not properly conduct him or herself while at school, I am required by state law and school board policy to bring criminal prosecution against you.

4. If Criminal prosecution occurs, you will charged with the violation of § 13A-13-6, Code of Alabama (1975) for contributing to or causing the delinquency or dependency of a minor (as defined in § 12-15-1). This offense is punishable by a fine of up to $500 or a sentence to hard labor for the county for a period not to exceed twelve months, or both. Alternatively, you could also be charged with noncompliance of § 16-28-12(a), Code of Alabama, punishable for up to 90 days in jail or up to a $1000 fine or both.

Terrence S. Mixon, Sr., Assistant Superintendent
Division of Student Support Services
Barbara Smith, MSN, RN, Lead Nurse
Pamela Smith, MSN, RN, Lead Nurse
Health Services Department
Phone: (251) 221-4292
Fax: (251) 221-5390
Email: bsmith3@mcpss.com
Email: psmith1@mcpss.com

"It Starts With Us."

Mobile County PUBLIC SCHOOLS

P. O. Box 180069 • Mobile, AL 36618 • www.mcpss.com

Superintendent Chresal D. Threadgill

Dear Parents and Physicians/Health Care Providers,

To better serve our students and promote attendance and participation in school, we have been working to address chronic absences. Our goal is for all children to come to school every day healthy and ready to learn, however, some children need to be late or absent due to medical conditions beyond their control.

To better assist with children attending school unless an absence is medically necessary, a Physician Statement of Chronic Illness form must be completed each semester. Your child's healthcare provider must complete the medical information to include diagnosis, expected number of absences due to chronic illness, and the requirement of returning to the Physician's office. When reporting an absence, indicate the absence is due to the chronic condition listed on the Physicians Statement of Chronic Illness. Your student should submit a parent note **no later than 3 days after returning to school** for the absence to be excused.
Please be advised that while this form may excuse an absence, the student is **NOT** exempt from completing school assignments and responsibilities. The school nurse may request updated information at any point during the school year.

We strive to improve each child's school experience by providing quality health services and removing barriers to learning. If we can be of further assistance, please call 251-221-4292.

Thank you,

Barbara Smith, MSN,
RN Lead Nurse
251 221-4292

bsmith3@mcpss.com

Pamela Smith, MSN, RN
Lead Nurse
251 221-4292

psmith1@mcpss.com

Mobile County
PUBLIC SCHOOLS
"It Starts With Us."

Terrence S. Mixon, Sr., Assistant Superintendent
Division of Student Support Services
Curtess Belson, Attendance Supervisor
Attendance Department Phone: 221-4276
Barbara Smith, MSN, RN, Lead Nurse
Pamela Smith, MSN, RN, Lead Nurse
Health Services Department
Phone: (251) 221-4292 Fax: (251) 221-5390

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Superintendent Chresal D. Threadgill

CHRONIC AILMENT FORM

Student Name (printed) _____ Date of Birth _____ School _____
Below are the guidelines for completing the form correctly to establish and maintain this authorization.

1. Mobile County Public School System does not accept a Chronic Ailment Form (CAF) that does not have the expected frequency of episodes, length of absence, diagnosis, or appropriate symptoms listed. Physicians must sign and date the CAF and return it to the parent/guardian for completion.
2. The school nurse may fax the CAF back to the physician's office to verify the documents authenticity. The school nurse must refuse acceptance of any CAF found to be fraudulent.
3. Please monitor the expected frequency and length of the episode for reasonable compliance with the physician's guidelines outlined on the form in order for absences to be excused. If there is a concern about the student not making academic progress due to these absences or that the privilege is being misused, the school will contact the student and/or parent/guardian to discuss these concerns.
4. Remember, the form expires at the end of each semester. Obtain a new form twice per year (beginning of 1st semester and beginning of 2nd semester).

For questions, please contact one of the Lead Nurses listed below at 221-4292.
Barbara Smith MSN, RN or **Pamela Smith MSN, RN**

Mobile County Public School System will authorize absences resulting from a chronic medical condition or extended illness once this form is on file with your child's school. Your child's healthcare provider must complete the medical information on the attached Physician Chronic Ailment Statement form before returning the form to the school nurse. When reporting an absence, indicate the absence is due to the chronic condition listed on the Physician's Chronic Ailment Statement. Your student should submit this in the form of a parent note no later than 3 days after returning to school for the absence to be excused. Please be advised that while this form may excuse an absence, the student is NOT exempt from completing school assignments and responsibilities.
Your signature on this letter also authorizes a release of information between the school nurse and healthcare provider regarding the child's chronic health issue and its impact on school attendance. The school nurse may request updated information at any point during the school year.

COMPLETE THE INFORMATION BELOW AS DOCUMENTATION OF PARENT/GUARDIAN RECIEPT OF THE ABOVE INFORMATION REGARDING YOUR CHILDS CHRONIC AILMENT FORM.

Parent/Guardian Signature _____ Date _____

Daytime Phone _____ Alternate Phone _____

CHRONIC AILMENT PHYSICIAN'S STATEMENT OF ILLNESS

STUDENT NAME: _____ DATE: _____

DATE OF BIRTH: _____

This student is a patient of mine and has been diagnosed with the condition outlined below. This condition may necessitate absences from school. **THIS STATEMENT MUST BE SUBMITTED TO YOUR CHILD'S SCHOOL AT THE BEGINNING OF THE FIRST SEMESTER also UPDATED AND RESUBMITTED AT THE BEGINNING OF SECOND SEMESTER.**

Diagnosis:

Anticipated number of absences:

Requirement for returning to the physician's office:

Physical limitations the student may have in getting to school:

Other pertinent information related to this illness:

Doctor's name: _____

Address: _____

Phone: _____ Fax: _____

_____ _____

Physician's Signature **(REQUIRED)** Date

SECTION XII

SPECIAL EDUCATION

This section is based upon the Individuals with Disabilities Education Improvement Act, 2004, Section 615.

A. Detention after School Hours of Special Education Students

See Section III. Specific Procedures for Formal Disciplinary Action, 1. Detention After School Hours.

B. Assignment to In-school Suspension Program

The same procedures as those for long-term and short-term suspension apply when placing students with a disability in an In-school Suspension Program. If a disabled student is to be placed in the program short-term (as defined in short-term suspensions), the short-term suspension procedure must be followed. If a student with a disability will be placed in the program long-term, the long-term suspension procedure must be followed. The student's IEP must be implemented while in the program.

The days spent by a student in an in-school suspension program are not considered suspension days if the student is provided the opportunity to continue to meet the goals specified in the student's Individualized Education Program and to participate with students with a disability to the extent he/she would in his/her current placement.

C. Suspension of Special Education Students from Transportation Services

A student with disabilities cannot be suspended from transportation services unless:
1. The student poses an immediate threat to the safety of himself/herself or others; or
2. Some alternative means of continuing educational service can be established for the student.
3. A student may be removed from the bus for short-term suspensions. However, if the student does not come to school, these days count in his "10 days" of suspensions for the year.

D. Suspension of Special Education Students (Out-of-School)

The following procedures shall apply to the disciplining of students enrolled in the special education program. These procedures shall also apply to students referred for evaluation for a special education program, pending the determination from the eligibility committee.

All students enrolled in Mobile County Public Schools are subject to the rules and restrictions outlined in the *Student Code of Conduct*, provided, however, that the following shall apply in the disciplining of those students who are disabled as defined in the Individuals with Disabilities Education Improvement Act of 2004.

Short-Term Suspension
A special education student who commits an act of misconduct that warrants suspension may be placed on a short-term suspension following the same procedures that apply to all students, as outlined in Section III A of the *Student Code of Conduct*. Please involve the case manager before the suspension takes place.

EXCEPTION: If the school administrator who is suspending the student has knowledge that the student's behavior has a direct and significant relationship to the student's disability, the student cannot be suspended unless the student poses an immediate threat to the safety of himself/herself or others, in which case the student may be temporarily excluded from school for up to ten (10) days.

A short-term suspension is defined as a suspension for up to, but no more than ten (10) consecutive school days for any one disciplinary action. A student may not be repeatedly placed on short-term suspension in an effort to avoid placing the student on long-term suspension. If a short-term suspension will result in more than ten (10) suspension days in a school year for a student, the school administration must follow the procedure below:

1. The IEP Team must convene to determine if the placement is appropriate, to conduct a functional behavior assessment, and to develop a behavior intervention plan to address the inappropriate behavior. If the student has a behavior intervention plan, the IEP Team shall review the plan and modify it as necessary.
2. The principal/designee, must consult with the special education teacher of the student to determine the extent to which services are necessary to enable the child to appropriately progress in the general curriculum and appropriately advance toward achieving the goals set out in the student's IEP during the time of suspension.
3. Within five (5) school days, the principal/designee must notify the special education resource teacher assigned to the school in writing. The notification should include the student's name, the number of days suspended, and the plan for continuing services.

NOTE: A series of short-term suspensions that create a pattern of excluding the student from school constitutes a significant change in placement, and the procedure for long-term suspension must be followed. Partial school days must be included in determining whether a student has been removed for more than ten (10) cumulative school days or is subject to a change of placement. Please involve the case manager <u>before</u> the suspension takes place.

<u>Long -Term Suspension</u>
Any of the following constitutes a long-term suspension:

1. A suspension for more than ten (10) consecutive school days; or
2. A series of short-term suspensions that create a pattern of excluding the student from school.

Before a student is placed on long-term suspension, the school administration must follow the procedure below:

1. The school administration shall notify the student's parent/guardian of the student's misconduct and the proposed suspension. An IEP Team meeting may be held as soon as is reasonably possible, but in no case later than ten (10) school days. **Please involve the case manager <u>before</u> the suspension takes place.**
2. The IEP Team shall determine whether further information is needed and shall determine whether the student's misconduct had a direct and significant relationship to his/her disability (Manifestation Determination). **Once the student has been suspended for ten (10) days, a Manifestation Meeting must be held <u>before</u> the decision for another suspension is made.**
3. If it is determined by the IEP Team that the student's misconduct did not have a direct and significant relationship to the student's disability, the principal may then suspend the student in accordance with Section III B of the *Student Code of Conduct*, in the same manner and to the same extent as a similarly situated student without a disability; however, education services must not completely cease during the time of suspension.

   If the decision is made that the student will receive a long term suspension of more than ten (10) days, the school administrator must reconvene an IEP Team meeting to determine appropriate educational placement. A special education resource teacher must be notified. The IEP Team must develop a functional behavior assessment and a behavior intervention plan to address the inappropriate behavior. If the student already has a behavior intervention plan, the IEP Team shall review the plan and modify it as necessary.

4. If it is the determination of the IEP Team that the student's misconduct did have a direct and significant relationship to the student's disability, the IEP Team must determine whether the student's current educational placement is appropriate. **A student with a disability may not be placed on long-term suspension for any misconduct that had a direct and significant relationship to the student's disability.** The IEP Team must develop a functional behavior assessment and a behavior intervention plan to address the inappropriate behavior. If the student already has a behavior intervention plan, the IEP Team shall review the plan and modify it as necessary.

5. If the IEP Team recommends a change in placement, the student and his/her parent/guardian are entitled to be given notice of the proposed change, an opportunity to examine relevant records, an impartial hearing with an opportunity to participate or be represented by counsel, and a review of the IEP Team's decision about the proposed change in placement.

If the parent/guardian requests a due process hearing relative to the IEP Team's determination of the change in placement, the student must remain in his/her current educational placement until the change of placement is confirmed.

EXCEPTION: If the student poses an immediate threat to the safety of himself/herself or others, the principal may request that the school system seek an expedited hearing from a hearing officer to obtain an order to have the student temporarily removed from the present educational placement until the issue is resolved.

Educational services may not completely cease during the time the student is removed from school, unless authorized or ordered by the court.

NOTE: None of the above-described procedures shall prevent a school from using normal, reasonable procedures short of a change in placement for dealing with students who are endangering themselves or others. When a student presents an immediate threat to the safety of himself/herself or others, school officials may temporarily adjust the placement or exclude the student from school for up to ten (10) school days, in accordance with rules that are applied to all students.

E. Expulsion Procedure for Special Education Students

When a student with a disability is accused of a violation for which the *Student Code of Conduct* recommends expulsion, the principal may recommend expulsion from school if the behavior is determined by the IEP Team NOT to be a manifestation of the student's disability.

If the IEP Team determines that the misconduct is a manifestation of the disability, the student may not be expelled.

The procedures below shall be followed if a student is to be considered for expulsion.

1. **Notice**
   The student and/or parent/guardian must be told by the principal of the reason(s) for consideration of suspension or expulsion.
2. **Hearing**
   The student must be given the opportunity to present his/her account of the incident, verbally and/or in writing, and must have the opportunity to present witnesses to the incident.
3. **Principal's Recommendation**
   If the principal determines that there are sufficient grounds for expulsion, then the principal shall inform the student that he/she is being suspended from school beginning the next school day.
4. **Formal Notice to Attend Conference**
   The principal/designee shall report in writing to the student's parent/guardian that the student has been suspended and will be considered for expulsion. This report shall include (1) notice of an IEP Team meeting, and (2) procedures for expulsion of a student with a disability and be mailed or delivery initiated within seventy-two (72) hours of the start of the suspension or on the next regular workday. Reasonable effort shall be made to contact the parent/guardian prior to the start of the suspension.
5. **IEP Team Meeting**
   The IEP Team must be comprised of the principal or his/her designee, a special education teacher, a regular education teacher of the student, the parent/guardian and, if appropriate, the student. A special education resource teacher must also attend. The IEP Team will determine whether the conduct is a manifestation of the disability (Manifestation Determination).

6. **Opportunity for Informal Hearing**
   After the Manifestation Determination is completed, the parent/guardian shall be given an opportunity for an informal hearing with the principal on the grounds for expulsion. This opportunity shall be provided within seventy-two (72) hours of the request (excluding Saturday, Sunday, and school holidays).
7. **Principal's Decision**
   At the conclusion of the hearing, the principal, after reviewing the case with the parent/guardian, will either advise the parent/guardian of his/her decision to recommend expulsion, or based upon consideration of the facts and circumstances explained at the hearing and the findings of the IEP Team, will advise the parent/guardian of the school's intention to re-admit the student and take some alternative action.
8. **IEP Team Must Reconvene**
   After the principal's decision has been made, the IEP Team must reconvene immediately. The student may be referred to Psychological Services for re-evaluation if the student has not been evaluated within the past year or if additional testing is necessary to determine the most appropriate educational placement.

   a. If the student's misconduct was determined to be a manifestation of his/her disability and the student may not be expelled, the IEP Team must find educational alternatives for resolving the problem other than an expulsion.

      1) The IEP Team must develop a functional behavior assessment and a behavior intervention plan to address the inappropriate behavior.
         If the student already has a behavior intervention plan, the IEP Team must review the plan and modify it as necessary.
      2) The IEP Team will examine and recommend alternatives for continuing educational programs and services. These alternatives may include, but are not limited to:
         - Continuation in present program with some modifications;
         - A reduced day program;
         - Placement in a more restrictive environment;
         - A homebound program or other alternative educational setting;
         - Other options or some combination of the above.
      3) The IEP Team shall inform the parent/guardian of due process rights for students with disabilities.

   b. If the IEP Team has determined that the misconduct is not a manifestation of the student's disability, then the student may be expelled from the regular school environment; however, expulsion shall not result in cessation of special education, related services, and/or access to general curriculum.
      The IEP Team must develop a functional behavior assessment and a behavior intervention plan to address the inappropriate behavior. If the student already has a behavior intervention plan, the IEP Team must review the plan and modify it as necessary. Options for providing appropriate educational services may include, but are not limited to the following:
      - Placement in a more restrictive environment;
      - A homebound program or other alternative educational setting;
      - Other options, or some combination of the above.
9. **Principal's Recommendation**
   The principal shall notify the Superintendent and the Executive Director for Special Services in writing of the suspension, the IEP Team's determination, and the recommendation for expulsion. This notice shall be made within twenty-four (24) hours of the IEP Team's determination. The principal shall include a detailed report on the alternative measures, if applicable, taken prior to the recommendation for expulsion.

   This report shall include, but not be limited to, information on the following:
   a. Attendance, conduct, and suspension.
   b. A listing of efforts by the school's support services personnel such as counselors, school psychologists, resource teachers and others.
   c. Interventions developed by the IEP Team.
   d. IEP/Curriculum adjustments.
   e. The extent and results of parent/guardian involvement in the student's adjustment problems.
   f. Other measures taken by the school to bring about a change in the behavior of the student, (e.g., implementing a Behavior Intervention Plan).

g. Current Individualized Educational Plan, most recent psychological evaluation, and IEP Team report.

The remainder of the expulsion procedure for students with disabilities shall be in accordance with expulsion procedures (Section III 4).

NOTE: If a student with a disability carries a weapon to school or to a school function or if the student with a disability knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance or if the student causes serious bodily injury to another individual while at school or a school function, school personnel may unilaterally order a change in placement of the student with a disability to an appropriate alternative educational setting for not more than forty-five (45) school days. A decision from a hearing officer is necessary to extend the time for more than forty-five (45) school days.

The IEP Team including the parent/guardian may remove the student to an alternative setting for more than forty-five (45) school days with the parent/guardian's consent. If the parent/guardian does not consent to the placement, the maximum time in the alternative setting can only be forty-five (45) school days. If the IEP Team decides to place a student in alternative school setting, the system procedures for placing a student in an alternative school must be followed.

F. Seclusion and Restraint

In order to protect the safety of students and staff, the Mobile County Public School System will adhere to the Alabama State Board of Education's adopted Rule 290-3-1-.02 SECLUSION AND RESTRAINT FOR ALL STUDENTS. This rule prohibits the use of seclusion and limits the use of restraint to those situations in which students are a danger to themselves or others.

1. Definitions

The definitions established here are provided explicitly for reference and are exactly the same as the definitions in the rule (Rule 290-3-1-.02).

a. Chemical Restraint: Refers to any medication that is used to control violent physical behavior or restrict the student's freedom of movement that is not a prescribed treatment for the student's medical or psychiatric condition.
b. Mechanical Restraint: Refers to the use of any device or material attached to or adjacent to a student's body that is intended to restrict the normal freedom of movement and which cannot be easily removed by the student. The term does not include an adaptive or protective device recommended by a physician or therapist when used as recommended by the physical functioning, and/or to prevent self-injurious behavior. The term also does not include seatbelts and other safety equipment when used to secure students during transportation.
c. Physical Restraint: Refers to direct physical contact from an adult that prevents or significantly restricts a student's movement. The term physical restraint does not include prone restraint, mechanical restraint, or chemical restraint. Physical restraint does not include: providing limited physical contact and/or redirection to promote student safety or prevent self-injurious behavior, providing physical guidance or prompting when teaching a skill, redirecting attention, providing guidance to a location, providing comfort, or providing limited physical contact as reasonably needed to prevent imminent destruction to school or another person's property.
d. Prone Restraint: Refers to a specific type of restraint in which a student is intentionally place face down on the floor or another surface, and physical pressure is applied to the student's body that restricts the flow of air into the student's lungs. Use of this type of restraint is prohibited in Alabama schools.
e. Seclusion: Refers to a procedure that isolates and confines the student in a separate, locked area until he or she is no longer an immediate danger to himself/herself or others. The seclusion occurs in a specifically constructed or designated room or space that is physically isolated from common areas and from which the student is physically prevented from leaving. Seclusion does not include situations in which a staff member trained in the use of de-escalation techniques or restraint is physically present in the same unlocked room as the student, time-out as defined in paragraph (1)(f) of this rule, in-school suspension, detention, or a student-requested break in a different location in the room or in a separate room.

f. Time Out: Refers to a behavior intervention in which the student is temporarily removed from the learning activity. Time-out is used appropriately when;
   - The non-locking setting used for time-out is appropriately lighted, ventilated, and heated or cooled.
   - The duration of the time-out is reasonable in light of the purpose of the time-out and the age of the child.
   - The student is reasonably monitored while in time-out.
   - The time-out space is free of objects that unreasonably expose the student or others to harm.

2. Prohibition on the Use of Seclusion

   State Board Rule 290-3-1-.0# SECLUSION AND RESTRAINT FOR ALL STUDENTS prohibits use of seclusion in all public Alabama schools and educational programs.

3. Limitations on the Use of Restraint
   a. The use of chemical restraints is prohibited in Mobile County Public Schools and educational programs. School or educational program staff cannot administer any medication that is used to control behavior or restrict the student's freedom of movement when it is not a prescribed treatment for the student's medical or psychiatric condition. Staff must provide medication exactly as prescribed including the appropriate dosage and frequency as prescribed.
   b. The use of mechanical restraints is prohibited in Mobile County Public Schools and educational programs. Mechanical restraints include devices or materials attached to or adjacent to student's body to restrict the normal freedom of movement and cannot be easily removed by the student. Adaptive or protective devices recommended by a physician or therapist are not considered to be mechanical restraints and are allowed when used to promote normative body positioning and physical functioning.
   c. Seatbelts and other safety equipment such as safety harnesses are not considered to be mechanical restraints and are permitted when used as recommended to secure students during transportation.
   d. Prone physical restraints are prohibited in Mobile County Public Schools and educational programs.
4. Student and Staff Safety
   a. When using physical restraint to protect students who are a danger to themselves or others, the following procedures are recommended:
      - Less restrictive interventions should first be used to de-escalate the behavior and the student should only be restrained when these less intensive interventions prove unsuccessful.
      - Restraints should be conducted by staff who are trained in the restraint procedures that have been adopted by the school or program. Staff must know and utilize the prescribed procedures for requesting assistance.
      - Staff should carefully observe the student throughout the restraint to observe the student's physical status and to determine when the child is no longer a danger to himself/herself or others. Restraint should be immediately terminated if the child is observed to be in severe distress. The student's breathing should be carefully monitored, and the restraint should be immediately terminated if the student is exhibiting any respiratory distress.
      - When possible, all potentially dangerous materials such as pencils, pens, or other sharp objects should be removed to ensure the student's safety.
      - The restraint should be removed as soon as the student is no longer a danger to himself/herself or others. Students should be restrained for very short periods of time. Additional staff support should be provided and the documentation log should record restraints that last for longer periods of time.
      - As soon as appropriate after the restraint is removed, the staff should discuss the incident leading up to the restraint with the student and discuss alternative behaviors that could have been utilized. When the student is no longer a danger to himself/herself or others, he/she should be returned to the instructional activity, if appropriate, or to a less restrictive environment.
      - The restraint should be documented in an incident report that is turned in to the school or program administrator.

5. Parents should be informed that restraint was used within a reasonable time not to exceed one school day from the use of restraint. Written Policies and Procedures

   Parents must be provided information regarding the school or program's policies governing the use of physical restraint. This information should be provided to parents at the beginning of each school year or upon the student's enrollment in school if the student enrolls after school has started.

   a. The written policies must include the following provisions:
      - Staff and faculty training on the use of physical restraint and the school or programs policy and procedures. It is suggested that multiple teams be trained in order to respond quickly to a crisis situation. This is especially important in schools that have multiple buildings.
      - Written parental notification when physical restraint is used to restrain their student within a reasonable time not to exceed one school day from the use of restraint. The parents will be notified, as soon as possible after the incident, by phone or a conference and receive a paper copy of the Seclusion and Restraint Log within 1 day of the incident. Parents will be asked to sign that they received the Seclusion and Restraint Log.
      - Documentation of the use of physical restraint by staff or faculty participating in or supervising the restraint for each student in each instance in which the student is restrained will be reported, electronically, on the Seclusion and Restraint Log and also in Review 360.
      - Procedures for the periodic review of the use of restraint and the documentation will be provided by the Special Education Resource Teachers, who will review the Seclusion and Restraint Logs quarterly. A report will be generated, by school, and provided to the Executive Director of Special Education.
      - Procedures for reporting the use of restraint and the documentation will be that the staff participating in and the one(s) observing the restraint
      - Procedures for reporting the use of restraint and the documentation described in paragraph (2)(vii)(III) and any prohibited use of seclusion and chemical, mechanical, or physical restraint to the local board of education annually. The Executive Director will provide an annual report to the Board of Education.

6. Staff Training
   a. Schools and educational programs that use physical restraint must ensure that staff and faculty are trained in the use of physical restraint. This training shall be provided as part of a program which addresses crisis intervention, de-escalation techniques, and positive behavior intervention strategies.
   b. Schools and educational programs must maintain written or electronic documentation on training provided and the list of participants in each training. Records of these trainings must be made available to the Alabama Department of Education.

7. Documentation of the Use of Restraint
   a. This documentation should be provided using an incident report that is completed for each student in each instance in which the student is restrained. Completed incident reports should be reviewed by school or program administrators and other staff on a weekly basis or as appropriate.
   b. Information from the individual incident reports as well as the summary reports, should be used to regularly assess the effectiveness of the use of physical restraint techniques. When the student repeatedly must be restrained, the staff should determine if the interventions are effectively meeting the student's needs.

8. Parental Notification
   a. Upon entry into a school or educational program that uses restraint, a student's parents should be notified in writing that restraint may be used in situations in which the student is in immediate danger to himself/herself or others. The notice should inform parent that they will be notified in writing each time their child has been restrained.
   b. Parents and school staff may mutually agree that notification may be provided via e-mail or handwritten communication.

c. Staff should promptly notify parents when their child is injured in a restrained situation and/or is removed from the school setting by law enforcement or medical personnel.

9. Role of Law Enforcement and Emergency Medical Personnel
    a. It may be necessary to seek assistance from law enforcement and/or emergency medical personnel in situations in which the student is a danger to himself or others.
    b. Nothing in the restraint and seclusion rule or in this guidance document should be construed to interfere with the duties of law enforcement or emergency medical personnel.

Parents must be informed as soon as possible when students are removed from the school or educational program setting by emergency medical or law enforcement personnel.

RESTRAINT AND SECLUSION LOG

Complete the form electronically. Notify the parent before the end of the school day, via phone call or conference, and provide a copy of this log with 1 day of the incident.

STUDENT NAME: **STUDENT ID:** **SCHOOL:**

Describe the behaviors, dangerous to self or others, which led to your decision to use restraint or seclusion.

RESTRAINTS: Check all used:

☐ Bear Hug Restraint ☐ Standing Basket Hold Restraint ☐ Follow-down Horizontal Restraint

Describe what you explained to the student about the behaviors required to end the restraint or seclusion.

Describe the behavior demonstrated by the student that led to your decision to end the restraint or seclusion.

The tables below should ONLY be used to describe student behavior DURING the intervention.

TIME	**PHYSICAL STATUS**				
0 - 15 min	☐ Normal Breathing	☐ Rapid Breathing	☐ Normal Appearance	☐ Flushed face	☐ Sweating
16 - 30 min	☐ Normal Breathing	☐ Rapid Breathing	☐ Normal Appearance	☐ Flushed face	☐ Sweating
31 - 45 min	☐ Normal Breathing	☐ Rapid Breathing	☐ Normal Appearance	☐ Flushed face	☐ Sweating
46 - 60 min	☐ Normal Breathing	☐ Rapid Breathing	☐ Normal Appearance	☐ Flushed face	☐ Sweating

TIME	**MENTAL / EMOTIONAL STATUS**					
0 - 15 min	☐ Screaming	☐ Crying	☐ Threatening	☐ Combative	☐ Calming down	☐ Cooperative
16 -30 min	☐ Screaming	☐ Crying	☐ Threatening	☐ Combative	☐ Calming down	☐ Cooperative
31 - 45 min	☐ Screaming	☐ Crying	☐ Threatening	☐ Combative	☐ Calming down	☐ Cooperative
46 - 50 min	☐ Screaming	☐ Crying	☐ Threatening	☐ Combative	☐ Calming down	☐ Cooperative

INJURY SUSTAINED BY STUDENT? ☐ Yes * ☐ No **INJURY SUSTAINED BY STAFF?** ☐ Yes * ☐ No

BRIEF DESCRIPTION OF THE INJURY (* "YES" TO INJURY SUSTAINED ALSO REQUIRES INCIDENT REPORT TO BE COMPLETED):

Name(s) & signature(s) of staff performing intervention:

Name(s) & signature(s) of staff observing intervention:

Name & signature of staff completing this report:

Family/Guardian first notified of intervention:
Date: Time: By whom: Method: ☐ phone call ☐ conference ☐ email

DATE PAPER COPY PROVIDED: **PARENT SIGNATURE:**

SECTION XIII

GIFTED STUDENTS

Definition of Gifted Students

Gifted students are those who perform or whom have demonstrated the potential to perform at high levels in academic or creative fields when compared to others of their age, experience or environment. These students require services not ordinarily provided by the general education program. Students possessing these abilities may be found in all populations, across all economic strata, and in all areas of human endeavor. Gifted students may demonstrate the following characteristics:

- Takes initiative.
- Shows leadership.
- Is curious.
- Takes creative risks.
- Uses ideas and learning in new situations.
- Shows persistence.
- Becomes passionately interested in a topic or idea.
- Chooses difficult tasks.
- Has a keen sense of humor.
- Expresses thoughts with ease, often at great length.
- Have many different and unusual ideas.
- Is resourceful in solving problems.

Identification of Gifted Students

Students must be enrolled in a public school and at least six (6) years of age in order to be referred, evaluated and served. A student may be referred for gifted services by teachers, counselors, administrators, parents, or guardians, peers, self or any other individuals with knowledge of the student's abilities. Additionally, all second-grade students will be observed as potential gifted referrals using a gifted checklist.

For each referral, information is gathered in the following three areas:

- **Aptitude** – individual or group test of intelligence or creativity.
- **Characteristics** – behavior rating scale designed to assess gifted behaviors completed by a classroom teacher.
- **Performance** – three indicators of performance at the gifted level (i.e., achievement test scores, grades, products, work samples, portfolios, leadership, motivation.)

This information is then entered on a screening/eligibility matrix where points are assigned according to established criteria. The total number of points earned determines if the student is eligible for gifted services.

Gifted Services

Alabama State Act 106 mandates that school systems identify and serve gifted students. Guidelines are set forth in the *"gifted"* section of the Alabama Department of Education's Administrative Code for eligibility, evaluation, identification, and services for gifted students.

The Mobile County Public School System's program that provides services for gifted students is called the Pursuing Academics, Creativity and Excellence Program (PACE). The PACE Program was authorized in 1982; however gifted classes have been available since 1970.

The PACE curriculum is based on a framework of the processes needed by gifted students, which include creative thinking, critical thinking, discipline methodologies, and research skills. These processes are applied in all content areas. Specific program content is determined through a Gifted Education Plan (GEP). Service delivery is provided as follows.

Kindergarten – 2nd Grade: Consultative Services in the general education setting.
3rd – 5th Grade: Resource Room Pull-out Services (3 hours).
(Both options provided by Gifted Specialist.)

Middle School: Advanced Core, Pre-AP, Courses, Guidance and Counseling
(General Education Teachers teach all classes.)

High School: Advanced Classes, AP Courses, Dural Enrollment Courses, Distance Learning Courses, IB Courses (at selected school), Guidance and Counseling
(General Education Teachers teach all classes.)

SECTION XIV

SECTION 504 ELIGIBLE STUDENTS

Section 504 of the Rehabilitation Act states in part: "No otherwise qualified individual with a disability in the United States . . . shall, solely by reason of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance . . ."

The Coordinator of Section 504 is responsible for the district's efforts to comply with Section 504 of the Rehabilitation Act of 1973. The Section 504 Office is located at Denton Magnet School, 3800 Pleasant Valley Rd., Mobile, AL 36609. The telephone numbers are (251) 221-5188.

Notice of Parent/Guardian/Student Educational Rights under Section 504 of the Rehabilitation Act of 1973

Under Section 504 of the Rehabilitation Act of 1973 and its regulations, students with disabilities are entitled to be free from discrimination solely on the basis of their disabilities. In addition, they have the right to receive a free and appropriate public education that meets their educational needs as adequately as the needs of non-disabled students are met. Student with disabilities under Section 504 include those determined to have a disability by a 504 team, those for whom the development of an Individual Health Care Plan has been determined necessary and those who have been determined to be in need of Hospital/Homebound services. For students who have been found to have a disability under the IDEA, there are additional procedural safeguards and parent rights notices that are required to be provided.

If it is determined that your child has a physical or mental impairment that substantially limits major life activity, your child is considered disabled under Section 504 of the Rehabilitation Act of 1973 When making this determination, the ameliorative effects of mitigating measures (such as medication, assistive technology, etc.) will not be considered and the fact that an impairment is episodic or in remission will not preclude the existence of a disability if the impairment would substantially limit a major life activity when active. However, the ameliorative effects of mitigating measures or remission of a condition may be considered in determining whether your child needs are met as adequately as those of nondisabled children. In addition, if your child does not have a disability but has a record of a disability or is considered disabled by school personnel, your child is protected from discrimination under Section 504 but may not be considered currently disabled or in need of accommodations. If your child is disabled or you believe that your child is disabled or has been discriminated against, you are entitled to certain rights. This notice is designed to provide you with information about those rights.

Under Section 504, the parent/guardian has the right to:

1. Have your child participate in all school activities without discrimination solely on the basis of disability;
2. Have your child educated in facilities and receive services that are comparable to those provided to non-disabled students;
3. Have your child receive a free appropriate public education (FAPE) that consists of regular or special education and related services designed to meet the educational needs of your child. If it is determined that your child is eligible for special education, those services will be provided under the Individuals with Disabilities Education Act (IDEA) through an Individualized Education Plan (IEP);
4. With respect to the provision of educational services, the parent/guardian:
    a. Notice with respect to actions regarding the identification/eligibility, evaluation or educational placement to your child;
    b. Access to all records relevant to decisions concerning identification/eligibility, evaluation or educational placement of your child;
    c. The right to challenge any action regarding the identification/eligibility, evaluation or educational placement of your child by requesting mediation or an impartial hearing or, in the alternative, filing a grievance with the school system's Section 504 Coordinator listed below;
    d. The right to attend any hearing requested;
    e. The right to be represented by counsel if a hearing is requested; and
    f. The right to have any decision made at a hearing reviewed.

The procedures and forms for the initiation of an impartial hearing regarding the identification, evaluation or educational placement of your child are generally the same as those for students without disabilities under the Individuals with Disabilities Education Act (IDEA) and may be obtained from the School District's Section 504 Coordinator listed above.

5. With respect to complaints of discrimination that do not relate to the identification/eligibility, evaluation or educational placement of your child, you have the right to file a local grievance with the school systems in accordance with its grievance procedures. Procedures and forms for the initiation of an informal grievance may be obtained from the School District's Executive Director of Special Services, listed below.
6. With respect to complaints of discrimination based upon a record of a disability or the fact that school personnel are treating your child as disabled, you have the right to file a local grievance with the school system in accordance with its grievance procedures. Procedures and forms for the initiation of an informal grievance may be obtained from the School District's Executive Director of Special Services, Ms. Sharon Magee at 221-4236.

504 Grievance Procedure

Purpose
This procedure shall be used to resolve promptly and equitably, at the lowest possible administrative level, student complaints, differences, and issues relating to discrimination as based on Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act. These proceedings shall be kept as informal and confidential as may be appropriate at all levels of the procedure.

Definitions
1. A grievance is a complaint by any student, parent/guardian.
2. A grievance procedure is a description of the systematic process by which a person may seek to correct what the person considers to be an injustice or inconsistency.

Level One
The grievant must first discuss his/her grievance with the school principal with the objective of resolving the matter informally.

The grievant and his/her principal shall confer with a view toward arriving at a mutually satisfactory resolution of the grievance. At the conference, the grievant may appear alone or be accompanied by a mutually acceptable person. Principals may be afforded the same privilege.

Level Two / Step One
If a resolution is not reached, after a discussion between the grievant and principal, then within five school days, he/she shall set forth his/her grievance in writing to the principal by completing a 504 Grievance Form, which shall include the following:
1. The nature of the grievance;
2. The nature or extent of the injury, loss, or inconvenience;
3. The results of the previous discussion and reason for dissatisfaction;
4. The remedy expected.

The principal will communicate his/her decision to the grievant in writing within five school days of receipt of the written grievance. If a grievance is pursued beyond this level, written records shall be forwarded to the next level of procedure.

Step Two
If the grievant is not satisfied with the disposition of his/her grievance at Level Two, Step One, within five school days, he/she shall submit the Grievance Form to the 504 Coordinator. The 504 Coordinator will review the written record, counsel with the grievant, interview witnesses if needed, and render a decision in writing within ten school days after receipt of the parent/guardian's request.

Level Three / Step One
In the event the grievant is not satisfied with the disposition of his/her grievance at Level Two, Step Two, he/she may request a final review by forwarding a written request to the Executive Director for Special Programs. This must be made within five school days after the decision from Level Two, Step Two.

Within twenty days of the receipt of this request the Executive Director will do the following:
1. Review the file
2. Conduct any additional investigation, if needed
3. Convene a meeting with the grievant and other relevant parties
4. Notify the grievant of the decision in writing

Step Two

The Executive Director's decision is final and binding on all parties. If dissatisfied with the decision, the grievant may file an action in a court of proper jurisdiction.

504 Impartial Hearing Procedure

In addition to making its formal grievance procedure available to those who believe that they have been discriminated against on the basis of disability, the Mobile County School System makes available the opportunity for an impartial due process hearing with respect to issues related to the identification/eligibility, evaluation or educational program/placement of a student with a disability.

The following procedures are applicable to such hearings:
1. The parent/guardian/student will request an impartial hearing in writing and set forth the alleged violation, relevant issues and proposed resolution of the issues.
2. If it is determined that the requested hearing addresses issues of identification/eligibility, evaluation or educational programming for a student with a disability, the school system will appoint an impartial hearing officer to preside over the hearing.
3. The hearing officer will contact the parties and/or counsel for the parties to schedule a pre-hearing conference (via telephone) in order to address the following:
   a. Scheduling a date for the hearing that is mutually convenient to the parties and the hearing officer and is within a reasonably expeditious period of time;
   b. Advise the parties as to specific hearing procedures that will be adopted, such as the order of presentation, document and witness list exchanges, etc.;
   c. Preside over the hearing. At the hearing, the parties will have the following rights:
      i. The right to participate in the hearing;
      ii. The right to representation by counsel at the hearing; and
      iii. The right to confront and cross-examine witnesses.
   d. Render a decision as soon as practicable after the close of the hearing; and
   e. Provide a written decision to the parties.
4. Should either party wish to seek review of the decision of the hearing officer, review should be sought in federal district court.

This section is based upon the Rehabilitation Act of 1973, Section 504.

A. Detention after School Hours of Section 504 Eligible Students

See Section III Specific Procedures for Formal Disciplinary Action, 1. Detention after School Hours.

B. Assignment to In-School Suspension Program

See Section III Specific Procedures for Formal Disciplinary Action, 2. In-School Suspension.

C. Suspension of Section 504 Eligible Students (Out-of-School)

The following procedures shall apply to the disciplining of students enrolled in the Section 504 Program. These procedures shall also apply to students referred for evaluation for Section 504 placement, pending the determination of the eligibility committee.

All students enrolled in the Mobile County Public Schools are subject to the rules and restrictions outlined in the *Student Code of Conduct*, provided, however, that the following shall apply in the disciplining of those students who are disabled as defined under Section 504 of the Rehabilitation Act of 1973.

Short-Term Suspension
A Section 504 eligible student who commits an act of misconduct that warrants suspension may be placed on a short-term suspension following the same procedures that apply to all students, as outlined in Section III A of the Mobile County Public School System's *Student Code of Conduct*.

EXCEPTION: If the school administrator who is suspending the student has knowledge that the student's behavior has a direct and significant relationship to the student's disability, the student cannot be suspended unless the student poses an immediate threat to the safety of himself/herself or others, in which case the student may be temporarily excluded from school for up to ten (10) days.

A short-term suspension is defined as a suspension for up to, but no more than ten (10) consecutive school days for any one disciplinary action. A student may not be repeatedly placed on short-term suspension in an effort to avoid placing the student on long-term suspension. If a short-term suspension will result in more than ten (10) suspension days in a school year for a student, the school administration must follow the procedure for long-term suspension.

Long-Term Suspension
Any of the following constitute a long-term suspension:
A suspension for more than ten (10) consecutive school days; or
A series of short-term suspensions that create a pattern of excluding the student from school.

Before a student is placed on long-term suspension, the school administration must follow the procedure below:

1. The school administration shall notify the student's parent/guardian of the student's misconduct and suspension and shall schedule a Section 504 Team meeting as soon as is reasonably possible, but in no case later than ten (10) school days.
2. The Section 504 Team shall determine whether further information is needed and shall determine whether the student's misconduct had a direct and significant relationship to his/her disability (Manifestation Determination). Once the student has been suspended for ten (10) days, a Manifestation Determination meeting must be held before the decision for another suspension is made.
3. If it is determined by the Section 504 Team that the student's misconduct did not have a direct and significant relationship to the student's disability, the principal may then suspend the student in accordance with Section III B of the *Student Code of Conduct*, in the same manner and to the same extent as a similarly situated student without a disability.

4. If it is the determination of the Section 504 Team that the student's misconduct did have a direct and significant relationship to the student's disability, the Section 504 Team must determine whether the student's current educational placement is appropriate.
5. A Section 504 student may not be placed on long-term suspension for any misconduct that had a direct and significant relationship to the student's disability. The Section 504 Team must develop a functional behavior assessment and a behavior intervention plan to address the inappropriate behavior. If the student already has a behavior intervention plan, the Section 504 Team shall review the plan and modify it as necessary.

NOTE: 504 students are not entitled to "stay put" status. Students suspended over 10 days are not provided services or support.

None of the above-described procedures shall prevent a school from using normal, reasonable procedures short of a change in placement for dealing with students who are endangering themselves or others.

When a student presents an immediate threat to the safety of himself/herself or others, school officials may temporarily adjust the placement or exclude the student from school for up to ten (10) scholastic days in accordance with rules that are applied to all students.

D. Expulsion Procedure for Section 504 Eligible Students

When a student with a disability is accused of a violation for which the *Student Code of Conduct* recommends expulsion, the principal may recommend expulsion from school if the behavior is determined by the Section 504 Team NOT to be a manifestation of the student's disability.

If the Section 504 Team determines that the misconduct is a manifestation of the disability, the student may not be expelled.

The procedure below shall be followed if a student is to be considered for expulsion.

1. Notice
   The student and/or parent/guardian must be told by the principal of the reason(s) for consideration of suspension or expulsion.
2. Hearing
   The student must be given the opportunity to present his/her account of the incident, verbally and/or in writing, and must have the opportunity to present witnesses to the incident.
3. Principal's Determination
   If the principal determines that there are sufficient grounds for expulsion, then the principal shall inform the student that he/she is being suspended from school beginning the next school day.
4. Formal Notice to Attend Conference
   The principal or designee shall report in writing to the student's parent/guardian that the student has been suspended and will be considered for expulsion. This report shall include (1) notice of a Section 504 Team meeting, and (2) procedures for expulsion of a student with a disability and be mailed or delivery initiated within seventy-two (72) hours of the start of the suspension or on the next regular workday. Reasonable effort shall be made to contact the parent/guardian prior to the start of the suspension.
5. Opportunity for Informal Hearing
   After the Manifestation Determination is completed, the parent/guardian shall be given an opportunity for an informal hearing with the principal on the grounds for expulsion. This opportunity shall be provided within seventy-two (72) hours of the request (excluding Saturday, Sunday and school holidays).
6. Principal's Decision
   At the conclusion of the hearing, the principal, after reviewing the case with the parent/guardian, will either advise the parent/guardian of his/her decision to recommend expulsion, or based upon consideration of the facts and circumstances explained at the hearing and the findings of the Section 504 Team, will advise the parent/guardian of the school's intention to re-admit the student and take some alternative action.

7. Principal's Recommendation
   The principal shall notify the Superintendent in writing of the suspension, Section 504 Team's determination, and the recommendation for expulsion. This notice shall be made within twenty-four (24) hours of the Section 504 Team's determination.

   The principal shall include a detailed report on the alternative measures, if applicable, taken prior to the recommendation for expulsion. This report shall include, but not be limited to, information on the following:
   a. Attendance, conduct, and suspension
   b. A listing of efforts by the school's support services, personnel such as counselors and others
   c. Interventions developed by the r & i/Section 504 Team
   d. Curriculum adjustments
   e. The extent and results of parent/guardian involvement in the student's adjustment problems
   f. Other measures taken by the school to bring about a change in the behavior of the student
   g. Current Section 504 Plan and most recent psychological evaluation, if available

The remainder of the expulsion procedure for Section 504 eligible students shall be in accordance with Section III 4.

- **NOTE: If a Section 504 student carries a weapon to school or to a school function, or if the student with a disability knowingly possesses or uses illegal drugs, sells or solicits the sale of a controlled substance while at school or a school function, he/she may be disciplined under guidelines used for students without a disability.**

SECTION XV

STUDENT ENROLLMENT

"The district requests birth certificates to verify that students fall within a minimum and maximum age requirement. However, the school district will not bar students from enrolling because they have a foreign birth certificate or present no birth certificate at all. In those instances, the school district will allow for the presentation of alternative documentation to prove age."

"The district requests Social Security Numbers, however, disclosure of Social Security Numbers (SSN) is voluntary only. SSN are used by the district for the limited purpose of properly identifying students for record-keeping and transcripts and are kept confidential. The lack of or refusal to provide a SSN will have no impact on the district's enrollment decision. Students who enroll without a Social Security Number will be assigned an alternate identification number."

In the event that a student has two parents and one parent has custody, the noncustodial parent has the right to receive copies of their child/children's educational records, including but not limited to, a copy of report cards, unless such rights have been denied by a court order or other legally binding documents. The noncustodial parent will be allowed to conference with administrators and teachers at the child/children's school. The primary role of our schools is to provide a safe learning environment for all students and the schools will not become the environment for parental custodial disputes. These types of issues must be dealt with away from the school campus.

Legal Guardianship and Custody

OPTION 1: LEGAL GUARDIANSHIP:

Once the guardian has met with an attorney, the process includes a hearing before the judge who must approve the request. Once the judge issues the Legal Guardianship, the judge is the only person who can change the order. Note: Legal guardianship requires a judge's signature; any other delegation of parental rights is not legal guardianship. The cost varies; however, the guardian may request legal assistance through the Volunteer Lawyers Program 251-438-1102 and the Alabama Bar Referral 1-800-392-5660.

OPTION 2: ORDER OF CUSTODY THROUGH JUVENILE COURT

An Order of Custody gives authority to the guardian for the dependent child. The order is issued if a parent is unable to care for the child personally or if there are other issues; the guardian is then responsible for the child's total care.

The guardian should call the Juvenile Court office at Strickland Youth Center (251-574-1450) for information or the guardian may contact an attorney directly. This process includes a hearing before the judge who must approve the request. Once the judge issues the Order of Legal Custody, the judge is the only person who can change the order. The cost varies for this option.

Permission for Emergency Enrollment

On a limited basis, permission to enroll a student in school will be given to an adult who does not have legal custody of the student if one or more of the following conditions/circumstances are present:

1. Removal of a student from his/her home, by the Department of Human Resources, with placement in a relative's home or in a shelter/assessment setting. (official documentation from DHR is required).
2. Incarceration of parent/guardian (official proof must be provided to staff in the Division of Student Support Services for verification).
3. Death of parent/guardian (copy of obituary, funeral program and /or death certificate required).
4. Military service that requires out-of-town/out-of-country placement (documentation from the military or a copy of the deployment order/out-of-town placement is required).
5. Long-term hospitalization of parent/guardian (official doctor's statement required).

Permission for Emergency Enrollment is only valid for the current school year. Applications must be completed in the Division of Student Support Services. Applicants must bring current photo identification, the child's birth certificate and appropriate documentation as listed above in order to complete the application.

Non-Resident Students

Students who reside out-of-county or out-of-state may apply for enrollment, tuition free provided space is available. Out of county student are not eligible for magnet schools.

Advanced Enrollment

If a family plans to move into a particular attendance zone within three months, advanced enrollment may be requested through the Division of Student Support Services. Prior to approval, documentation of the planned move must be provided (lease agreement, purchase agreement, etc).

Parent/Custody Issues

Due to the overwhelming number of custody issues involving students, all Mobile County Public School System employees will follow the same procedure as outlined below relating to noncustodial parent visitation. **School system employees should not be placed in position of reading and attempting to interpret divorce decrees and/or other legal documents to resolve custody issues.**

The Student Enrollment Information, as completed, by the enrolling parent, will govern issues relating to pick up, visitation, withdrawal from school, etc., of students at school. The custodial parent, who completes the Student Enrollment Information at the time of enrollment, may complete the Parent/Legal Guardian #2 section for noncustodial parent. Visitation of children at school, by the noncustodial parent, **is not** allowed unless written permission is given by the custodial parent or the noncustodial parent's name is on the enrollment information labeled Guardian #2. This includes lunch, field trips, class parties, etc. All other contacts should be placed in the Emergency Contact section of the enrollment card.

SECTION XVI

DRESS AND PERSONAL GROOMING

All students are expected to observe the basic standards of cleanliness, modesty, pride, good judgment in their clothing, and good grooming. Final determination about whether a student is complying with this policy is left to the discretion of the principal.

Statement of Policy

All elementary, middle, and high schools in the Mobile County Public School System, with the exception of the magnet schools, shall implement the mandatory uniform policy beginning with the 1997-98 school year. This policy shall not apply to the magnet schools as they already have uniform dress provisions. The term "school" as used throughout this policy shall mean all elementary, middle, high schools, and other district offices of the Mobile County Public School System.

Students shall present themselves in proper uniform attire when addressing a school-related issue before the Board or in hearings with administrative personnel. (Examples: School Board Meetings/ Discipline Appeal Hearings)

Uniform Policy

The uniform policy was approved by the Alabama State Legislature and signed into law by Governor Fob James on May 27, 1997 § 97-581.
The uniform policy was adopted by the Board of School Commissioners on August 27, 1997 and implemented on September 15, 1997.

Information Dissemination

A. It is the responsibility of district and school support staffs to adequately communicate to parent/guardian information common to all school sites, including general guidelines for enforcement of the uniform policy.

B. Each school shall communicate to parent/guardian information specific to the individual school sites, *by the last day of school for the previous year*, including:
   1. Types and colors of uniform;
   2. Requirements for jackets/outer garments;
   3. Optional articles of attire, if any;
   4. Compliance measures to be employed;
   5. Availability of any financial support for uniforms;
   6. Methods to facilitate recycling of uniforms within the school community;
   7. Notice of uniform sales and lists of competitive prices from vendors of uniform articles.

C. The school should distribute this information one or more of the following ways:
   1. System-wide newsletters;
   2. School newsletters;
   3. Parent/guardian forums;
   4. Telephonic notification or through use of a telephone hotline;
   5. PTA meetings and newsletters;
   6. Parent/guardian advisory meetings;
   7. Television, radio, and/or newspaper announcements;
   8. Posters displayed at school and in the community;
   9. Registration materials.

Compliance Measures

Students who do not comply with policy will face disciplinary action and will be denied admission into the school until such time as they are in compliance with the policy. Reasonable accommodation should be made for religious beliefs if such accommodation would not unduly interfere with the effective functioning of the classroom. Additional students who willfully violate the uniform policy may be subject to disciplinary steps listed under Group A and Group B offenses.

SECTION XVII

INTERNET ACCEPTABLE USE AND SAFETY POLICY

The Board recognizes that advances in technology improve access to and communication of information and, may also improve and enrich instruction and student learning. The Board generally supports students accessing rich information resources and developing appropriate analysis and evaluation skills. In a free and democratic society, access to information is a fundamental right of citizenship.

Information technology resources have significantly altered the information landscape for schools. Board Policy 3.50 requires that all school materials be consistent with district-adopted guidelines, supporting and enriching the curriculum while taking into account the varied instructional needs, learning styles, abilities, and developmental levels of students. In the past, instructional and library media materials could usually be screened prior to use by committees of educators and community members intent on subjecting all such materials to reasonable selection criteria. Digital resources, which can be accessed through the Internet from any publicly available fileserver in the world, open classrooms to electronic information that may not have been screened by educators for use by students of various ages.

Information literacy skills, in a digital world, are fundamental for digitally literate citizens and 21st century employees. The Board expects that staff will blend thoughtful use of such skills throughout the curriculum and that the staff will provide guidance and instruction to students in the appropriate use of digital tools and resources. Staff will consult the guidelines for instructional materials contained in the system's guidelines and will honor the goals for selection of instructional materials contained therein.

Network and Internet access is provided as a tool for education. Access will be provided to students who agree to act in a considerate and responsible manner. Students are responsible for good behavior on the school computer network and Internet just as they are in a classroom or a school hallway.

As communications on the network and Internet are often public in nature, general school rules for behavior and communications apply (see *Student Code of Conduct*). Independent but supervised student use of digital resources will be permitted upon the submission of the agreement form located in the student *e*nrollment information. Access to the network and the Internet enables students to explore a seemingly infinite number of resources. The Board believes that the benefits of student access to information resources and opportunities for collaboration exceed the potential disadvantages. Ultimately, however, parents/guardians of minors are responsible for setting and conveying the standards that their children should follow when using digital resources.

The Mobile County Public School System will not be liable for the actions of any person, student or staff, connected to the Internet through the Mobile County Public School System. All users assume full liability–legal, financial, or otherwise–for their actions.

CORE RULES FOR SAFE AND ACCEPTABLE USE OF THE INTERNET

The use of Internet resources accessed from any computer that is the property of the school system or any computer connected to a local area network within any school system facility is a privilege, not a right, and inappropriate use will result in the cancellation of those privileges and/or punishment for such violations as prescribed in the *Student Code of Conduct*. Mobile County Public School System will utilize filtering software or other technologies to prevent students from accessing materials that are (1) obscene, (2) pornographic, or (3) harmful to minors. Schools will also monitor the online activities of students, through direct observation and/or technological means.

Unacceptable uses of the school network and Internet include the following:

- Using the network to access or send pornography (both written and graphic), inflammatory material, profane or obscene material.
- Using the network to access or send any material not specifically related to the instructional lesson, objective, or assignment.
- Deliberate introduction of malevolent software or programming code, including viruses, worms, Trojan horses, malware, or spyware.
- Activities, including hacking, that interfere with or disrupt network users, services, or equipment.
- Using the network for financial gain, commercial activity, or any illegal activity.
- Cyber-bullying or any harassing behavior which threatens the health and/or welfare of any person and is inappropriate for school, through any digital means.
- Lending passwords to other individuals.
- Altering and forwarding personal communication without the author's prior consent.
- Spoofing or otherwise attempting to send anonymous messages of any kind.
- Copying and/or distributing commercial software in violation of copyright laws.
- Using copyrighted materials in reports without permission.
- Using the network for sending and receiving a large number of personal messages.
- Any other use that is unacceptable or not in keeping with the mission or goals of the Mobile County Public School System.

All users should be aware that the inappropriate use of Internet resources could be a violation of local, state, and federal laws.

Contract Regarding Safe and Acceptable Use of the Internet

By signing the Parent/Guardian and Student Acknowledgment for the *Student Code of Conduct*, which is found on the student enrollment information, the parent/guardian agrees to the rules and regulations stated in the Internet Acceptable Use and Safety Policy.

The parent/guardian of this student has read the terms and conditions for system Internet access privileges. The parent/guardian understands this access is for educational purposes and that the Mobile County Public School System has taken reasonable precautions in forewarning and educating all interested parties of the controversial material that is accessible through the Internet. The parent/guardian also recognizes that it is impossible for the Mobile County Public School System to restrict access to all controversial materials. The parent/guardian will not hold the Mobile County Public School System or its employees responsible for materials acquired by their child over the school system network. The parent/guardian accepts that inappropriate behavior may lead to penalties, including revoking of Internet access, disciplinary action, and/or legal action. The student agrees to abide by all rules that are listed in the Mobile County Public School System's *Core Rules for Safe and Acceptable Use of the Internet.* The student realizes that the primary purpose of the Mobile County Public School System's Internet connection is educational, and that as such, educational purposes shall take precedence over all others. The student realizes that the use of the Internet is a privilege, not a right.

SECTION XVIII

STUDENT EDUCATION RECORDS, SURVEY INFORMATION, MILITARY RECRUITERS, AND DIRECTORY INFORMATION

Education Records

The Mobile County Public School System provides for the creation and maintenance of education records necessary for the education of students. Education records are those records, files, documents, and other materials which contain information directly related to a student and as further defined by the Family Educational Rights and Privacy Act (FERPA).
Statute: 20 U.S.C. § 1232g. Regulations: 34 CFR Part 99.

Education records are confidential and access to them is protected by federal law. The following guidelines apply to the release of student education records:

1. Parents or guardians shall be provided on request with a list of the types of records directly related to students which are maintained by the school system.
2. If any material or document in the education record of a student includes information on more than one student, the parents or guardians of one of such students shall have the right to inspect and review only such part of such material or document as relates to such student or to be informed of the specific information contained in such part of such material.

The Family Educational Rights and Privacy Act (FERPA) afford parents and students over 18 years of age ("eligible students") certain rights with respect to the student's education records.

These rights are:

1. The right to inspect and review the student's education records (34 CFR § 99.10) within 45 days of the day the school receives a request for access. Parents or eligible students should submit to the school principal a written request that identifies the record(s) they wish to inspect. The principal or his/her designee will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.
2. The right to request a change to the student's education records (34 CFR §§ 99.20, 99.21, and 99.22) that the parent or eligible student believes are inaccurate. Parents or eligible students may ask the school to amend a record that they believe is inaccurate. They should write the school principal, clearly identify the part of the record they want changed and specify why it is inaccurate. If the school decides not to amend the records as requested by the parent or eligible student, the school will notify the parent or eligible student of the decision and advise them of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.
3. The right to agree to disclosure of personally identifiable information contained in the student's education records, except as specified by law (34 CFR §§ 99.30 and 99.31. One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. A school official is a person employed by the school as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the school Board; a person or company with whom the school has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist); or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility. Upon request, the school discloses education records without consent to officials of another school district in which a student seeks or intends to enroll (34 CFR §§ 99.7 and 99.34(a)(ii).

1. The right to file a complaint with the U.S. Department of Education about allegations that the Board of School Commissioners of Mobile County failed to follow the requirements of FERPA.

   The name and address of the office that administers FERPA are:

   Family Policy Compliance Office
   U.S. Department of Education
   400 Maryland Avenue, S.W.
   Washington, DC 20202-5920
   (202) 260-3887

Survey Information

The Protection of Pupil Rights Amendment (PPRA)

Statute: 20 U.S.C. § 1232h. Regulations: 34 CFR Part 98.

Parents and students who are 18 or emancipated minors ("eligible students") have certain rights regarding the School Board's use of surveys, collection and use of information for marketing purposes, and certain physical exams. These include the right to:

A. Consent before students are required to submit to a survey that concerns one or more of the following protected areas ("protected information survey") if the survey is funded in whole or in part by a program of the U.S. Department of Education (ED):
   1. Political affiliations or beliefs of the student or student's parent;
   2. Mental or psychological problems of the student or student's family;
   3. Sex behavior or attitudes;
   4. Illegal, anti-social, self-incriminating, or demeaning behavior;
   5. Critical appraisals of other individuals with whom respondents have close family relationships;
   6. Legally recognized private relationships, such as those with lawyers, physicians, and religious leaders;
   7. Religious practices, affiliations, or beliefs of the student or student's parents; or
   8. Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

B. Receive notice and an opportunity to opt a student out of:
   1. Activities involving collection, disclosure, or use of personal information;
   2. Any survey containing one or more of the eight protected information areas listed above, regardless of funding;
   3. Any non-emergency, invasive physical examination or screening that is: 1) required as a condition of attendance; 2) administered by the school and scheduled at the school in advance; and 3) not necessary to protect the immediate health and safety of the student, or of other students, except for hearing, vision, or scoliosis screening, or any physical exam or screening permitted or required under State law.

C. Inspect, upon request and before administration or use:
   1. Protected information surveys of students;
   2. Instruments used to collect personal information from students for any of the above marketing, sales, or other distribution purposes; and
   3. Instructional material used as part of the educational curriculum.

The Board of School Commissioners of Mobile County will also directly notify parents and eligible students at least annually at the start of each school year of the specific or approximate dates of the following activities and provide an opportunity to opt a student out of participating in:

1. Collection, disclosure, or use of personal information for marketing, sales or other distribution.
2. Administration of any protected information survey not funded in whole or in part by ED.
3. Any non-emergency, invasive physical examination or screening as described above.

Parents/eligible students who believe their rights have been violated may file a complaint with:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, S,W,
Washington, DC 20202-5920
(202) 260-3887

Military Recruiters

The Board of School Commissioners of Mobile County allows military recruiters the same access to secondary school students as it provides to colleges and universities or to prospective employers. Additionally, the Board of School Commissioners of Mobile County will provide student's names, addresses and telephone listings, when requested by military recruiters. Parents/guardians have the right to request that this information not be released to military recruiters for their children.

Parents/guardians electing to "opt-out" of the release of information to military recruiters on their children must make that request in writing to the Director of District Technology Support Services, Mobile County Public Schools, Post Office Box 180069, Mobile, Alabama 36618 within thirty days of the beginning of school or within thirty days of the student's admission if the student is admitted after the beginning of the school year. [1]

Directory Information

The Family Educational Rights and Privacy Act (FERPA), a Federal law, requires that the Board of School Commissioners of Mobile County, with certain exceptions, obtain parent/guardian's written consent prior to the disclosure of personally identifiable information for your child's education records.

Directory information, which is information that is generally not considered harmful or an invasion of privacy if released, can also be disclosed to outside organizations without a parent's prior written consent. Outside organizations include, but are not limited to, companies that manufacture class rings or publish yearbooks. In addition, two federal laws require local education agencies (LEAs) receiving assistance under the Elementary and Secondary Education Act of 1965 (ESEA) to provide military recruiters, upon request, with three directory information categories - names, addresses and telephone listings - unless parents have advised the LEA that they do not want their student's information disclosed without their prior written consent.

The Board of School Commissioners of Mobile County has selected the following information as directory information:

- Student's name
- Address
- Telephone listing
- Electronic mail address
- Photograph
- Date and place of birth
- Major field of study
- Grade level
- Participation in officially recognized activities and sports
- Weight and height of members of athletic teams
- Degrees, honors, and awards received
- The most recent education agency or institution
- Dates of attendance

[1]These laws are: Section 9528 of the ESEA 20 U.S.C. § 7908, as amended by the *No Child Left Behind Act of 2001* and 10 U.S.C. 503 as amended by § 544, the *National Defense Authorization Act for* Fiscal Year 2002 (Pub.L. No. 107-107).

Hearing Held: May 6, 2003
Adopted: May 27, 2003
Replaces: JO / JO-G / JR

If a parent/guardian does not want the Board of School Commissioners of Mobile County to disclose directory information from the child's education records without prior written consent, the parent/guardian must notify the Board in writing to the Director of District Technology Support Services, Mobile County Public Schools, Post Office Box 180069, Mobile, Alabama 36618, within thirty days of the beginning of school or within thirty days of the student's admission if the student is admitted after the beginning of the school year.

If a parent/guardian does not want the Board of School Commissioners of Mobile County to disclose information from your child's education records to military recruiters without your prior written consent, you must notify the Board in writing to the Director of District Technology Support Services, Mobile County Public Schools, Post Office Box 180069, Mobile, AL 36618, within thirty days of the beginning of school or within thirty days of the student's admission if the student is admitted after the beginning of the school year.

Parents/guardians must indicate on their opt-out submission whether the "opt-out" applies to military recruiters.
Otherwise, the Board of School Commissioners of Mobile County will allow military recruiters access to the child's information.

The school system is not required to release student directory information to the public. The decision to authorize release of student directory information shall be discretionary with the Superintendent or his/her representative. If the Superintendent or his or her representative decides to release student directory information, the release will not include any information that parents/guardians have requested that the school not release provided that the request has been made following the procedures outlined here.

All of the rights listed above may be subject to certain restrictions or limitations. Such rights are transferred from parent/guardian to the student once the student has reached the age of eighteen or is attending an institution of postsecondary education.

For more information regarding the above, contact the Division of Student Services, Supervisor of Attendance Services.

SECTION XIX

GRIEVANCE PROCEDURE FOR TITLE IX OF THE EDUCATION AMENDMENTS OF 1972

Notification of Title IX Grievance Procedure

It is the policy of the Mobile County Public Schools not to discriminate on the basis of sex in its educational programs, activities, or employment as required by Title IX of the 1972 Education Amendments. Students are protected from sex discrimination in the following areas:

Students may not be discriminated against on the basis of sex in:

- Admission to most schools
- Access to enrollment in courses
- Access to and use of school facilities
- Counseling and guidance materials, tests, and practices
- Vocational education
- Physical education
- Competitive athletics
- Graduation requirements
- Student rules, regulations, and benefits
- Treatment as a married and/or pregnant student
- Housing
- Financial assistance
- Health services
- School-sponsored extracurricular activities
- Most other aid, benefits, or services

These procedures apply to complaints by students or employees alleging discrimination/harassment carried out by employees, other students or third parties.

Step I:

Any student or employee who has a complaint of alleged sex discrimination/harassment shall attempt to promptly resolve the complaint by meeting(s) with his/her school principal. The complaint may be made in writing or orally. The principal shall provide an adequate, reliable and impartial investigation of the complaint, including the opportunity for the complainant to present witnesses and other evidence. The principal shall keep a written record of the discussions. The principal shall render his/her written response to the complainant within ten (10) calendar days after the final meeting with the complainant.

Step II:

If the complaint is not resolved in Step I, the complainant may, within ten (10) calendar days after receiving the written response of the principal, submit a written or oral complaint to:

Bryan Hack
Title IX Coordinator
Board of School Commissioners of Mobile County
1 Magnum Pass
P. O. Box 180069
Mobile, Alabama 36618
(251) 221-4543

The Title IX Coordinator shall arrange a meeting with the complainant to discuss the complaint within ten (10) calendar days after receiving the complaint. The Title IX Coordinator shall review the written record and response of the principal, shall conduct any additional and impartial investigation, as needed, and also give the complainant an opportunity to present witnesses and other evidence. The Title IX Coordinator shall keep written records of this meeting. The Title IX Coordinator shall render his/her written decision within ten (10) calendar days of the meeting and provide written notice of his/her decision to the complainant.

Step III:
If the decision of the Title IX Coordinator does not resolve the complaint, the complainant may, within ten (10) calendar days of the decision, appeal in writing to the Board of School Commissioners of Mobile County. The notice of appeal shall be sent to the Title IX Coordinator who will contact the Superintendent within five (5) calendar days for placement of the appeal on the agenda of the next meeting of the Board. The Board's review and decision will be based upon the written records created in Steps 1 and 2 above. The Board's decision will be made no later than five (5) calendar days after the second meeting of the Board following the Superintendent's receipt of the complaint. A copy of the Board's decision will be mailed to the complainant, principal and Title IX Coordinator. The decision of the Board shall be final, although the complainant retains all other criminal, civil or administrative remedies provided by law.

The Board, its administrators and employees assure any complainant that it will take steps to prevent recurrence of any sex discrimination/harassment and to correct the discriminatory effects on the complainant and others, if appropriate. The Board, its administration and employees also assure any complainant that no person shall retaliate against them as a result of the filing of a complaint under these procedures

SECTION XX

BOARD OF SCHOOL COMMISSIONERS' LEGAL RESPONSIBILITY

A. Should a principal or other authorized officer or employee of the Board of School Commissioners swear out a warrant against some person for conduct thought to justify such action and thereafter a lawsuit should be brought against the individual swearing out the warrant for false arrest or for malicious prosecution or should an action be brought against one administering discipline to a student pursuant to the provisions of policies dealing with discipline or any other charges filed against an employee acting within the provisions of this policy, the Board of School Commissioners of Mobile County shall pay the legal expenses (including Court costs and attorney fees) incurred by the defendant in either of the type proceedings mentioned above, except as prohibited by other policies.

B. The Board of School Commissioners shall assume responsibility for legal expenses specified in policy statement number one above, when in its judgment the action taken by the defendant which forms the basis for the lawsuit against him was clearly within the purview of the Board of School Commissioner's policies on discipline and when disciplinary action was not motivated by personal anger or ill will.

C. The Board of School Commissioners, under the provisions of present statutes, shall not accept the responsibility of paying judgments rendered by the Court which require that the defendant pay damages to the claimant. The only recourse for the plaintiff to collect damages awarded by the Court shall be from the defendant or from the State Board of Adjustment.

GLOSSARY	
TERMS	**DEFINITIONS**
Acts of Physical Aggression	Students hitting, kicking, pushing, and/or punching each other with or without visible bodily injury
Acts of Willful Disobedience	Deliberate actions and/or behavior that are in direct contrast to instructions/directives given by teachers, school staff and administrators
Administrative Intervention	Actions taken by school staff to correct student behavior prior to delivering discipline consequences
Alternative Placement	The removal of students from the regular day school program
Assault, First Degree	With intent to cause serious physical injury; one causes serious physical injury to any person by means of a deadly weapon or a dangerous instrument
Assault, Second Degree	With intent to cause serious physical injury; one causes serious physical injury to any person
Assault, Third Degree	With intent to cause physical injury; one causes physical injury to any person
Assignment of Work Projects	Students completing duties (picking up paper, sweeping, mopping, etc.) on the campus in lieu of suspension
Behavior Intervention Plan	Written strategies developed for students who show inappropriate behavior after it is determined that the behavior is not a result of a disability

Bullying	Ongoing use of force, threat, or coercion to abuse, intimidate, or aggressively impose domination over others
Cheating or Copying	Students providing, receiving, or reviewing answers to quizzes, tests, or independent assignments; the use of notes or notebooks during a test without permission from a staff member
Class Cutting, Skipping	Failure to appear in or attend a scheduled class
Classroom Interventions	Actions taken by school staff to correct student's behavior prior to delivering discipline consequences
Conference	Meeting held with school officials regarding students
Credit Recovery	Methods whereby students can make up work missed or previously failed without repeating the entire course for a final grade
Criminal Mischief	With intent to damage property, one causes damage to property
Detention	Process of holding students during a time outside normal school hours for disciplinary purposes
Disciplinary Action	Delivery of sanctions upon student(s) due to inappropriate behavior
Disorderly Conduct	With intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof; one engages in fighting or violent tumultuous or threatening behavior; makes unreasonable noise; or uses abusive or obscene language or obscene gestures

Expulsion	The exclusion of a student from his or her regular school environment for more than 90, and less than 190, school days, per incident, for disciplinary purposes.
504 Plan	Specifies that no one with a disability can be excluded from participating in federally funded programs or activities, including elementary, secondary, or postsecondary schooling
Harassment	With intent to harass, annoy, or alarm another person; one strikes, shoves, kicks, or otherwise touches another person or subjects another person to physical contact; directs abusive or obscene language or obscene gestures to another person; communicates with another person anonymously or otherwise, by telephone, any forms of written or electronic communication in a manner likely to harass or cause alarm
IEP Team	Group made of school officials, parent, and student to determine the best scenario for academic progress in the least restrictive environment for special needs students
Improperly Dressed	Students at school not wearing the school uniform. Including improper garments and not wearing the uniform itself properly
Indecent Exposure	With intent to arouse or gratify sexual desire of themselves or of another person; one exposes their genitals under circumstances in which one knows their conduct is likely to cause affront or alarm in any public place
In-School Suspension	Holding students in a separate area during school hours away from the regular population
Internet Use	SEE ACCEPTABLE USE POLICY
Infractions	Improper discipline acts committed by students

Major Acts of Misbehavior on the School Bus	Instances where the driver is distracted by the actions of students, including, but not limited to, bullying, harassment, or physical contact
Minor Acts of Misbehaviors on the School Bus	Instances where the bus driver is not distracted by the actions of students and where students are not being bullied, harassed, or are engaged in physical contact
Menacing	By physical action, one intentionally places or attempts to place another person in fear of imminent serious physical injury
Misuse of Lunch card/Identification Number	Sharing (Group A Offense) or Stealing (Group B Offense) numerical codes used in the Child Nutrition Program
Public Lewdness	One exposes their genitals or anus in a public place and is reckless about whether another person may be present who will be offended or alarmed by the act; commits a lewd act in a public place which one knows is likely to be observed by others who would be affronted or alarmed
Reckless Endangerment	Recklessly engaging in conduct which creates a substantial risk of serious physical injury to another person
Suspension	Not allowing students who have committed severe disciplinary infractions to attend school for a period of time less than one calendar year
Suspension- Short-Term Suspension	10 days or less
Suspension- Long-Term Suspension	The exclusion of a student from his or her regular school environment for more than 10, and less than 90, school days, per incident, for disciplinary purposes.
Suspension- Long-Term Suspension with Alternative School Placement	The placement of a student in alternative school for more than 15 school days, per incident, for disciplinary purposes.