

## VI. Students

### 6.1 *Admissions and Attendance*

- 6.1.1 Compulsory Attendance and Entrance Age – All persons between the age of six (6) and seventeen (17) years of age are required by state law to attend school for the minimum number of scholastic days prescribed by the State Board of Education unless the person holds a certificate of exemption issued by the Superintendent or is otherwise exempt under state law.

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

### 6.1.2 Admission to Schools

- a. *Resident Students* – School-aged children who reside within Elmore County, Alabama, and not within the limits of a city operating an independent municipal school system, may be admitted to Elmore County Schools. For purposes of this policy, the residence of the student will be the residence of the custodial parent or legal guardian. If custody of the child is shared, alternating, or unclear, or if the child does not reside with a custodial parent or legal guardian, the domicile or actual physical residence of the child will control, except when there is evidence that the claimed residence of the child is not his actual residence, or that the claimed residence is fraudulently given as a means of avoiding or violating admission, enrollment, attendance, and residency standards and requirements.
- b. *Non-resident Students* – The Board may permit students who do not reside within the Elmore County School District to attend schools within the school system. The Board may establish criteria for admission of non-resident students, and may require the payment of tuition as a prerequisite to enrollment. The Board will not provide transportation to and from school or homebound instruction outside of Elmore County.
- c. *Homeless, Foster Care, Migratory, Immigrant, and Limited English Proficient Students* – Homeless, foster care, migrants, immigrants, and English language learners must have equal access to the education, including public preschool education, provided to other children and youth. Such children will be provided the opportunity to meet the same challenging state content and state student performance standards to which all students are held without being stigmatized or isolated.

The enrollment of homeless, foster care, migrant, immigrant, and limited English proficient children and youth shall not be denied or delayed due to any of the following barriers:

1. Lack of birth certificate

2. Lack of school records or transcripts
  3. Lack of immunization or health records
  4. Lack of proof of residency
  5. Lack of transportation
  6. Guardianship or custody requirements
- d. *Homeless and Foster Care Students –*
- (i) *Enrollment.* Homeless and foster care students will be permitted to enroll without regard to residency status and may be entitled to other accommodations under federal law.
  - (ii) *Dispute Resolution.* When a dispute arises regarding school placement, the system will immediately enroll the homeless or foster care student in the school in which enrollment is sought by the parent, guardian, or unaccompanied youth, pending resolution of the dispute. The school will provide the parent, guardian, or unaccompanied youth with a written explanation of the decision, a statement of the right to appeal, and the procedure for appealing the placement decision. The principal of the school will notify the Board’s Homeless or Foster Care Liaison of the dispute.
  - (iii) The Homeless or Foster Care Liaison will expeditiously carry out the system’s dispute resolution procedures as detailed in the Board’s homeless student plan or foster care plan.
- e. *Students Expelled or Suspended from Other School Systems –* Any student who is under suspension or expulsion from another school system or a private, parochial, or other school will not be permitted to enroll until the student has satisfied the conditions for readmission set by the expelling or suspending board or authority in addition to generally applicable admission requirements established by the Board which may include temporary attendance at the alternative school.
- f. *Required Documentation – Required Documentation –* Students entering the school system for the first time, regardless of grade level, will be required to submit documentation or other proof of residency and such other registration materials as school officials may reasonably require, including but not limited to a certificate of immunization or an exemption as prescribed by the Department of Health and signed by a private physician or appropriate health department official. A Delegation of Parental Authority will not be accepted for proof of guardianship; a court decree or other legal document is required. The Superintendent may accept alternate forms of evidence or modify otherwise applicable requirements as necessary and appropriate to accommodate migrant, immigrant, or homeless students.

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

### 6.1.3 Attendance Zone and Class Assignment

- a. *Attendance Zone Assignment* – Students will be assigned to the school serving the attendance zone in which his parent(s) or legal guardian reside(s). A student whose parent or legal guardian moves from one attendance zone to another during the school year will be transferred to the school attendance zone in which the new residence is located. The student may be permitted to remain in the school attendance zone that serves the former residence until the end of the semester with the approval of the Superintendent. A parent or legal guardian who has documented plans to move to a new attendance area during the first or second grading period of the school year may have his child enrolled in the school serving the new residence upon approval by the Superintendent.
- b. *Class Assignment* – Principals will assign students to classes in keeping with school accreditation standards and any procedures or criteria that may be established at the system or school level.

- 6.1.4 Absences and Excuses – Students are not permitted to be absent from school without a valid excuse. Absences will be designated as excused or unexcused. Excused absences will be permitted for the following reasons:

- Personal illness
- Hospitalization
- Emergency
- Death in immediate family
- Court subpoena
- Religious holidays
- Absences approved by the principal

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

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

[Reference: ALA. CODE §16-28-1, *et seq.* (1975); Ala. Admin. Code 290-3-1-.02; Policy revised 6/8/2017]

## **6.2 *Transfers and Withdrawals***

- 6.2.1 Transfers – The Board may permit transfers between schools within the school system for good cause. Transfer requests must be submitted in writing and must include detailed reasons for the request. The Superintendent may approve or deny a transfer request in light of the stated reasons for the request, the capacity and resources of the schools, the student’s record (including behavior, grades, attendance, and other factors), and the best interests of the student and of the school system. The existence or availability of a transfer process does not create or give rise to any right to attend a particular school, and school assignment remains wholly with the discretion of the Board. Transportation to and from school will be the responsibility of the parent.
- 6.2.2 Withdrawals – No student of compulsory attendance age will be permitted to withdraw from school except in accordance with state law and any withdrawal procedures that may be developed by the Superintendent.

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

## **6.3 *Student Fees, Fines, and Charges***

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

## **6.4 *Concussions***

Drawing on such medical and other authoritative publications and resources as may be available, the Board will:

1. Develop materials and information that are designed to educate students and their parents or guardians about the nature of concussion and brain injury and the risks of continuing to participate in athletics after receiving a concussion or brain injury;
2. Suitably summarize such materials on a concussion and head injury information sheet which is to be provided annually to current and prospective student athletes and their parents or guardians. Prior to the student’s participation in practice or competition, the head coach of the team must obtain and keep on file a copy of the information worksheet signed by the team member and his or her parent or guardian;
3. Develop a program designed to educate coaches on how to learn to recognize the symptoms of a concussion and how to seek proper medical treatment for a person suspected of having a concussion. The training shall be provided by qualified medical personnel or persons with special expertise in recognizing and responding

to concussions and brain injuries, and shall be offered to every coach prior to the beginning of practice for the athletic team that he or she coaches; and

4. Promulgate or otherwise inform coaches of the statutory requirement that a youth athlete must be removed from participation and may not return to play the day of the injury and until the athlete is evaluated by a licensed physician and receives written clearance to return to play from a licensed physician.

The Board may use information and forms prepared by the Alabama High School Athletic Association as they may be revised from time to time, but nothing in any such materials should be interpreted or otherwise understood to create a duty or standard of care on the part of any person charged with its implementation.

[Reference: Ala. Code §22-11E-2 as amended by Act of Alabama 2012-314]

## **6.5 *Extracurricular Activities***

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

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

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

6.5.2 Athletics – Participation in Board sanctioned athletic programs will be on such terms and conditions as may be approved by the Board and the Alabama High School Athletic Association.

6.5.3 Academic Ineligibility – – Participation in Board sanctioned athletic programs will be on such terms and conditions as may be approved by the Board, provided in applicable law or established by any athletic association of which the Board is a member. Schools may establish terms and conditions for participation in such

programs as long as school eligibility criteria are not inconsistent with system-wide eligibility or participation criteria, rules, regulations, or standards established by any athletic association or organization of which the Board is a member, or any rule, principle, or provision of applicable law.

[Reference: Ala. Admin. Code 290-3-1-.02(19)]

## **6.6 *Off-Campus Events***

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

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

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

## **6.7 *Student Publications***

The Superintendent is authorized to develop rules and regulations regarding student publications. Student publications are subject to and will be expected to meet standards associated with responsible journalism. The principal and student publication sponsor are responsible for the content of such publications.

## **6.8 *Student Employment (Work Release)***

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

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

## **6.9 *Equal Educational Opportunities***

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

## **6.10 *Title IX***

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

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

## **6.11 *Student Sexual Harassment***

6.11.1 Sexual Harassment Prohibited – Sexual harassment in any form that is directed toward students is prohibited. Persons who violate the policy will be subject to the full range of disciplinary consequences up to and including termination (for employees) and expulsion (for students) as dictated by the nature and severity of the violation and other relevant considerations. If appropriate, the circumstances

constituting the violation may be reported to law enforcement agencies or child welfare agencies for further investigation and action.

- 6.11.2 Definition – For purposes of this policy, sexual harassment means unwelcome sexual advances, requests for sexual favors, other physical or verbal conduct or communications of a sexual nature, and any other gender-based harassment, whether initiated by students, school employees, or third parties, when:
- a. Submission to the conduct is made explicitly or implicitly a term or condition of the student’s education, including any aspect of the student’s participation in school-sponsored activities, or any other aspect of the student’s education;
  - b. Submission to or rejection of the conduct is used as the basis for decisions affecting the student’s academic performance, participation in school-sponsored activities, or any other aspect of the student’s education;
  - c. The conduct has the purpose and effect of unreasonably interfering with a student’s academic performance or participation in school-sponsored activities or creating an intimidating, hostile, or offensive education environment.

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

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

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



the complaint, and will be drafted, explained, and implemented so as to be understandable and accessible to all student population groups and ages.

- 6.11.4 Initial Confrontation of Accused Harasser Not Required – A student who invokes the harassment complaint procedure will not be required to present the complaint to the accused or suspected harasser for resolution. Students will be permitted to report allegations of suspected harassment to any appropriate Board administrator, teacher, counselor, or employee, and such persons have a duty to promptly refer such allegations to the Superintendent or to take such action as may be required by the procedures established under “Sexual Harassment Complaint Procedures Authorized” (6.11.3) above. In no case will any employee who is the subject of a complaint be permitted to conduct, review, or otherwise exercise decisionmaking responsibility in connection with the processing of the complaint.
- 6.11.5 Notice of Policy to be Promulgated – The Superintendent will promulgate and disseminate this policy and the complaint procedures to the schools and will take such other steps and measures as may be reasonably available and expedient for informing the school community of the conduct prohibited by this policy and the recourse available to students who believe that they have been subjected to sexual harassment.

## **6.12 *Protection of Pupil Rights Amendment***

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

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

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

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

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

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

[Reference: 20 U.S.C. §1232h; 34 CFR Part 98]

## **6.13 *Student Records***

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

regarding educational records through the student handbook or by other appropriate means.

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

#### **6.14 *Student Health Services***

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

#### **6.15 *Student Conduct***

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

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

#### **6.16 *Searches (Students)***

- a. *Board Property* – All school system property, facilities, and grounds may be entered, inspected, and searched for any lawful purpose by Board officials or their designees at any time, without prior notice and to the fullest extent permitted by law. The right to enter, inspect, and search includes and extends to (but is not limited to) Board owned or controlled offices, desks, file cabinets, lockers,

computers, files, documents, data, and devices however and wherever kept, stored, or maintained.

- b. *Personal Property* – Personal property, including but not limited to vehicles, purses, wallets, gym bags, book bags, cell phones, computers, and “personal digital assistant” (PDA) devices may be searched by authorized school officials, including school principals or their designees, when reasonable suspicion exists that the property contains prohibited materials, illegal substances, weapons, or other items that are reasonably deemed to present a risk or threat to the safety or welfare of the school community.
- c. *Personal Searches* – Students may be searched whenever reasonable suspicion exists that the student possesses prohibited materials, illegal substances, weapons, or other items that are reasonably deemed to present a risk or threat to the safety and welfare of the school community. Student searches must be conducted by a school administrator in the presence of another certified school employee and may include a private pat down of the student, a search of personal items and clothing, or a more thorough search upon specific approval of the Superintendent. Personal searches will be conducted with due regard for the age and gender of the student. Searches that require physical contact between the school official and the student, removal of clothing, or examination of the student in a way that would implicate privacy concerns must be conducted and witnessed by officials of the same gender as the student and in a way that preserves the dignity of the student to the extent practicable under the circumstances. Refusal to submit to a search or to cooperate in a search as provided in this policy may be grounds for disciplinary action.
- d. *Use of Recovered Items* – Property, material, substances, information, or records that are obtained, discovered, or recovered as a result of a search may be retained and used for any lawful purpose.

### **6.17 Corporal Punishment**

The Board allows reasonable corporal punishment of students under the following terms and conditions. Corporal punishment will be administered only as a disciplinary measure, with due regard for the age and physical condition of the student, and without excessive force. Corporal punishment will be administered by the school principal or his representative in the presence of another adult professional school system employee. Corporal punishment should not be administered in the presence of another student. The Superintendent is authorized to develop and implement procedures for administering and documenting corporal punishment, consistent with the terms of this policy.

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

### **6.18 Student Suspension (including Students with Disabilities)**

In order to maintain order, minimize the risk of potential personal injury, property damage or disruption, or to permit an orderly investigation and evaluation of a suspected

violation of school or school system rules, standards, or policies, principals may temporarily suspend a student pending a conference with the parent or guardian of the student and a final disciplinary decision. Suspension may also be imposed as a disciplinary measure as provided in the Code of Student Conduct. Suspensions will be counted as excused absences for purposes of truancy monitoring. Make up work will only be permitted for the student's first suspension of the year. However, if permitting such make up work under the circumstances would be impractical or impossible, would serve no purpose, would place school personnel at risk of harm, or would be unreasonable in light of the grounds for the suspension, it may not be permitted. Suspension of students with disabilities will be subject to applicable limitations and requirements imposed by the Individuals with Disabilities Education Act ("IDEA") and its implementing regulations.

#### **6.19 *Student Expulsion (including Students with Disabilities)***

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

#### **6.20 *Electronic Communication Devices***

Personal, wireless communication devices are allowed on school grounds or while students are being transported on a school bus; however the use of such devices may be prohibited when they are used in an inappropriate or disruptive manner. Personal, wireless communication devices include, but are not limited to, cellular telephones, smart phones, pocket pagers, email devices, "walkie talkies," or any other electronic communication device. Principals or their designees will also have the authority to further limit or deny the use of personal/wireless communication devices by any individual student to prevent the misuse, abuse, or violation of school rules regarding the use of such devices. School officials may read, examine, or inspect the contents of any such device upon reasonable suspicion that the device contains evidence of a violation of Board policy, the Code of Student Conduct, or other school rules. The Board assumes no responsibility for theft, loss, or damage to any personal/wireless communication device.

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

## **6.21 Drivers' License**

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

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

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

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

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

## **6.22 Student Parking Privileges – Substance Abuse Policy**

In order to promote the safety and welfare of students and others who work on or visit school campuses, to encourage the development of safe and responsible driving practices, and to serve the general purposes of maintaining a drug and alcohol free school environment, students will be granted the privilege of driving and parking on school property only if they are free of the effects of alcohol or other illegal or controlled substances. Accordingly, any student who desires to drive a vehicle on school property or park on school property may be required to submit to periodically or randomly administered sobriety or drug tests as a condition to issuance of a permit authorizing the operation or parking of a motor vehicle on school grounds. Principals may impose reasonable additional conditions or requirements for the privilege of driving or parking a vehicle on school property including, for example, conditions relating to maintenance of academic and attendance standards and the payment of fees. Principals may also establish priorities for issuance and assignment of parking permits. The Board reserves

the right to require that sobriety or drug tests or screenings be passed as a condition to maintaining parking or vehicle permits, or privileges relating to use of a motor vehicle. Such testing or screening may also be performed whenever a school official observes or is made aware of circumstances that provide reasonable suspicion or belief that the student has used alcohol, illegal drugs, or other substances in violation of the Board's substance abuse policies. All such testing or screening will be performed in accordance with local, state and federal laws, and procedures that are developed by the Superintendent for approval by the Board.

### **6.23 *Student Competitive Extracurricular Activity Substance Abuse Policy***

In order to promote the safety and welfare of students who participate in competitive extracurricular activities, to insure that such participation is neither impaired nor any risk of injury exacerbated, to provide incentives to students to maintain safe and healthful practices, and to promote a school environment that is free of alcohol and illegal drugs or controlled substances, the Board reserves the right to require any student who participates in extracurricular competitive programs or activities to submit to sobriety tests or screening for illegal drugs or controlled substances prior to, during, or following a competitive event, practice, competition, or at any other time while the student is under the supervision of the school system. Such testing or screening may also be performed whenever a school official observes or is made aware of circumstances that provide reasonable suspicion or belief that the student has used alcohol, illegal drugs, or other substances in violation of the Board's substance abuse policies. All such testing or screening will be performed in accordance with local, state and federal laws and procedures that are developed by the Superintendent for approval by the Board.

### **6.24 *Harassment, Violence, and Threats of Violence Prohibited***

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

6.24.2 Definitions –

- a. The term “harassment” as used in this policy means a continuous pattern of intentional behavior that takes place on school property, on a school bus, or at a school-sponsored function including, but not limited to, written, electronic, verbal, or physical acts that are reasonably perceived as being motivated by any characteristic of a student, or by the association of a student with an individual who has a particular characteristic, if the characteristic falls into one of the categories of personal characteristics set forth in Section 6.24.3(b) below. To constitute harassment, a pattern of behavior may do any of the following:
  1. Place a student in reasonable fear of harm to his or her person or damage to his or her property.

2. Have the effect of substantially interfering with the educational performance, opportunities, or benefits of a student.
  3. Have the effect of substantially disrupting or interfering with the orderly operation of the school.
  4. Have the effect of creating a hostile environment in the school, on school property, on a school bus, or at a school-sponsored function.
  5. Have the effect of being sufficiently severe, persistent, or pervasive enough to create an intimidating, threatening, or abusive educational environment for a student.
- b. The term “violence” as used in this policy means the infliction of physical force by a student with the intent to cause injury to another student or damage to the property of another student.
  - c. The term “threat of violence” as used in this policy means an expression of intention to inflict injury or damage that is made by a student and directed to another student.
  - d. The term “intimidation” as used in this policy means a threat or other action that is intended to cause fear or apprehension in a student, especially for the purpose of coercing or deterring the student from participating in or taking advantage of any school program, benefit, activity or opportunity for which the student is or would be eligible.
  - e. The term “student” as used in this policy means a student who is enrolled in the Elmore County School System.

#### 6.24.3 Description of Behavior Expected of Students -

- a. Students are expected to treat other students with courtesy, respect, and dignity and comply with the Code of Student Conduct. Students are expected and required (1) to comply with the requirements of law, policy, regulation, and rules prohibiting harassment, violence, or intimidation; (2) to refrain from inflicting or threatening to inflict violence, injury, or damage to the person or property of another student; and (3) to refrain from placing another student in fear of being subjected to violence, injury, or damage when such actions or threats are reasonably perceived as being motivated by any personal characteristic of the student that is identified in this policy.
- b. Violence, threats of violence, harassment, and intimidation are prohibited and will be subject to disciplinary consequences and sanctions if the perpetrator of such action is found to have based the prohibited action on



one or more of the following personal characteristics of the victim of such conduct:

1. The student's race;
2. The student's sex;
3. The student's religion;
4. The student's national origin; or
5. The student's disability.

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

6.24.5 Reporting, Investigation, and Complaint Resolution Procedures -

Complaints alleging violations of this policy must be made on Board approved complaint forms available at the principal and/or counselor's office. The complaint must be signed by the student alleging the violation or by the student's parent or legal guardian and delivered to the principal or the principal's designee either by mail or personal delivery. At the request of the complaining student or the student's parent or legal guardian, incidental or minor violations of the policy may be presented and resolved informally.

Upon receipt of the complaint, the principal or the principal's designee will, in their sole discretion, determine if the complaint alleges a serious violation of this policy. If the principal or the principal's designee determines that the complaint alleges a serious violation, the principal or the principal's designee will undertake an investigation of the complaint. The investigation will entail the gathering of relevant facts and evidence and will be conducted in a reasonably prompt time period taking into account the circumstances of the complaint. If the investigation establishes a violation, appropriate disciplinary sanctions will be imposed on the offending student(s). Other measures that are reasonably calculated to prevent a recurrence of the violation(s) may also be imposed by the principal or the school system.

Acts of reprisal or retaliation against any student who has reported a violation of this policy or sought relief provided by this policy are prohibited, and are themselves a violation of this policy. Any confirmed acts of reprisal or retaliation will be subject to disciplinary sanctions that may include any sanction, penalty, or consequence that is available to school officials under the Code of Student Conduct. A student who deliberately, recklessly, and falsely accuses another student of a violation of this policy will be subject to disciplinary sanctions as outlined in the Code of Student Conduct.

The complaint form developed to report violations of this policy will include a provision for reporting a threat of suicide by a student. If a threat of suicide is reported, the principal or the principal's designee will inform the student's parent or guardian of the report.

- 6.24.6 Promulgation of Policy and Related Procedures, Rules, and Forms – This policy and any procedures, rules, and forms developed and approved to implement the policy will be published, disseminated, and made available to students, parents and legal guardians, and employees by such means and methods as are customarily used for such purposes.

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

## **6.25 *Seclusion and Restraint***

- 6.25.1 Seclusion – The Board prohibits the use of Seclusion – 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 and 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, so the Board does allow, the following situations: 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 below; in-school suspension; alternative school; detention; or a student-requested break in a different location in the room or in a separate room.

Time-Out – A behavioral intervention in which the student is temporarily removed from the learning activity. Time-out is appropriately used when:

1. The non-locking setting used for time-out is appropriately lighted, ventilated, and heated or cooled.
2. The duration of the time-out is reasonable in light of the purpose of the time-out and the age of the child; however, each time-out should not exceed 45 minutes.
3. The student is reasonably monitored by an attending adult who is in reasonable physical proximity of the student and has sight of the student while in time-out.
4. The time-out space is free of objects that unreasonably expose the student or others to harm.

6.25.2 Chemical Restraint – The Board prohibits the use of Chemical Restraint – any medication that is used to control violent physical behavior or restrict the student's freedom of movement that is not prescribed treatment for the student's medical or psychiatric condition.

6.25.3 Mechanical Restraint – The Board prohibits the use of Mechanical Restraint – 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.

Mechanical Restraint does not include, so the Board allows, an adaptive or protective device recommended by a physician or therapist when used as recommended by the physician or therapist to promote normative body positioning and physical functioning, and/or to prevent self-injurious behavior. In addition, mechanical restraint does not include seatbelts and other safety equipment when used to secure students during transportation.

6.25.4 Physical Restraint – The Board prohibits the use of Physical Restraint that restricts the flow of air to the student's lungs – any method (face-down, face-up, or on the side) of physical restraint in which physical pressure is applied to the student's body that restricts the flow of air into the student's lungs.

The Board prohibits the use of Physical Restraint – direct physical contact from an adult that prevents or significantly restricts a student's movement except in those situations in which the student is an immediate danger to himself or others and the student is not responsive to less intensive behavioral interventions including verbal directives or other de-escalation techniques. Physical restraint as a form of discipline or punishment is prohibited.

Physical Restraint does not include, so the Board allows, limited physical contact and/or redirection to promote student safety or to prevent self-injurious behavior, providing physical guidance or prompting when teaching a skill, redirecting attention, providing guidance to location, providing comfort, or providing limited physical contact as reasonably needed to prevent imminent destruction to school or another person's property.

Elmore County Schools shall utilize the following procedures for use of Physical Restraint:

1. All physical restraint must be immediately terminated when the student is no longer in immediate danger to himself or others or if the student is observed to be in severe distress.

2. Parents shall be provided, at least annually, with information regarding the policy for use of physical restraint.
3. Annual training for select faculty and staff on the use of physical restraint as well as the *Elmore County Schools Seclusion and Restraint Policy*.
  - a. Use of physical restraint.
  - b. Techniques to prevent the need to use physical restraint.
  - c. De-escalation techniques.
  - d. Positive behavioral intervention strategies.
  - e. Maintain written or electronic documentation on training provided and a list of participants for each training.
4. Written parental notification when physical restraint is used to restrain their student within one school day from the use of restraint.
5. The use of physical restraint shall be documented by staff or faculty participating in or supervising the restraint for each student, in each instance, in which the student is restrained.
6. Annual report to the Elmore County Board of Education for:
  - a. Use and documentation of restraint;
  - b. Any prohibited use of seclusion, chemical, mechanical or physical restraint.

6.25.5 Construction of Policy – Nothing in this policy shall be construed to prohibit an employee of Elmore County Schools, any of its schools, or any of its program employees, from any of the following:

1. Use of any other classroom management techniques or approaches, including a student's removal from the classroom, that is not specifically addressed in this policy;
2. The right of school personnel to use reasonable force as permitted under the *Code of Alabama*, §16-1-14 (1975), or modifies the rules and procedures governing discipline under the *Code of Alabama*, §16-28-12 (1975);
3. Reasonable actions to diffuse or break up a student fight or altercation;
4. Reasonable action to obtain possession of a weapon or other dangerous objects on a student or within control of a student;
5. Discretion in the use of physical restraint to protect students or others

from imminent harm or bodily injury. Nothing in this policy shall be construed to create a criminal offense or private cause of action against Elmore County Schools, or program, or its agents, or employees;

6. In instances in which a student is an immediate danger to himself or herself or others, the school or program must determine when it becomes necessary to seek assistance from law enforcement and/or emergency medical personnel. Nothing in this policy shall be construed to interfere with the duties of law enforcement or emergency medical personnel. Parents must be promptly informed when students are removed from the school or program setting by emergency medical or law enforcement personnel.

[Reference: ALA. ADMIN. CODE R. 290-3-1-.02(1)(f)]

## **6.26 Suicide Prevention**

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

Elmore County Schools shall:

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

8. Foster school-based or community-based, or both, alternative programs outside of the classroom.
  9. Develop a strategy to assist survivors of attempted suicide, students, and school personnel in coping with the issues relating to attempted suicide, suicide, the death of a student, and healing.
  10. Engage in any other program or activity which the local board determines is appropriate and prudent in the efforts of the school system to prevent student suicide.
  11. Provide training for school employees and volunteers who have significant contact with students on the local board policies to prevent harassment, intimidation, and threats of violence.
  12. Develop a process for discussing with students local board policies relating to the prevention of student suicide and to the prevention of harassment, intimidation, violence, and threats of violence.
  13. Provide annual training for all certificated school employees in suicide awareness and prevention. This training may be provided within the framework of existing inservice training programs or as a part of required professional development offered by the local school system.
- 6.26.2 Description of Behavior Expected of Students – Students are expected to treat other students with courtesy, respect, and dignity and comply with the Student Code of Conduct. Students are expected and required 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.
- 6.26.3 Responsibility for Reporting – Any person involved in a cause of action or omission resulting from the implementation of this suicide prevention policy or resulting from any training, or lack thereof, required by this section, shall be subject to state immunity law.
- 6.26.4 Promulgation of Policy and Related Procedures, Rules and Forms – This policy and any procedures and rules developed and approved to implement the policy will be published, disseminated, and made available to students, parents and legal guardians, and employees by such means and methods as are customarily used for such purposes, including publication on the Elmore County Schools’ Web site.

[Reference: Ala. Code §16-28B-8; Policy adopted 12/12/2016]

## **6.27 *Voluntary Religious Expression***

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

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

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

[Reference: Act of Alabama No. 2015-129; Policy adopted 3/27/2017]