

## **IV. General Administration**

### **4.1 *Security / Access to Schools***

- 4.1.1 Security Measures Authorized – The Superintendent, principals, and facility administrators are authorized to take reasonable and lawful measures to protect against personal injury, trespass, vandalism, theft, and like threats to personal safety, property damage, and financial loss to or on Board property or at school functions and activities. The Superintendent should be made aware of any extraordinary or special measures that may be proposed in anticipation of or in response to any unusual security threat or risk (e.g., unusual surveillance, assignment of additional security personnel).
- 4.1.2 Access Restrictions Authorized – The Superintendent, principals, and facility administrators are authorized to regulate and restrict access to Board schools, buildings, and facilities in order to maintain appropriate security, minimize disruption and distraction within the learning environment, or to avoid a potential risk of harm to a student or employee. To that end, the Superintendent, principals, and facility administrators are authorized to implement building-level requirements and procedures governing access to Board owned or controlled buildings, grounds, property, events, and activities by school and non-school personnel, including family members and relatives, vendors, attorneys, and other visitors, and to adopt “check-in” and “check-out” requirements and procedures for students and employees.
- 4.1.3 Adult Sex Offenders – Adult sex offenders who have been convicted of a sex offense involving a minor must:
- a. notify the principal of the school or his designee before entering school property or attending the K-12 school activity;
  - b. immediately report to the principal of the school or his designee upon entering the property or arriving at the K-12 school activity; and
  - c. cooperate with any efforts undertaken by the principal of the school or his designee to discreetly monitor their presence on school property or at the K-12 school activity.

For the purposes of this subsection, a K-12 school activity is an activity sponsored by a school in which students in grades K-12 are the primary intended participants or for whom students in grades K-12 are the primary intended audience including, but not limited to, school instructional time, after school care, after school tutoring, athletic events, field trips, school plays, or assemblies.

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Adult sex offenders have a duty to comply with this policy, and it shall not be construed as imposing an affirmative duty of any kind on the school principal, his designee, or any other employee, agent, or representative of the school or school system.

[Reference: Ala. Code § 15-20A-17]

## **4.2 Safe Schools Policy (*Drugs, Alcohol, Tobacco, and Weapons*)**

**4.2.1 Prohibition on the Possession of Firearms** – The possession of a firearm in a school building, on school grounds, on Board property, on school buses, or at school-sponsored functions is prohibited except for authorized law enforcement personnel and as provided by law. For purposes of this policy, the term “firearm” has the same definition as is found in 18 U.S.C §921.

a. *Penalties for violations* – In addition to any criminal penalties that may be imposed, the following penalties will be imposed for unauthorized possession of firearms:

1. *Students* – Students will be expelled for a period of one year. The expulsion requirement may be modified in writing by the Board upon recommendation of the Superintendent on a case-by-case basis. Students who are expelled for firearm possession may not attend regular school classes, but may be permitted to attend alternative schools or education programs established by the Board. Discipline of students with disabilities who violate the firearm possession policy will be determined on a case-by-case basis in accordance with federal and state law. Parents of students who violate this policy will also be notified by the principal of violations.

2. *Employees* – Employees will be subject to adverse personnel action, which may include termination.

3. *Other Persons* – Other persons may be denied re-entry to school property.

b. *Notification of Law Enforcement* – The appropriate law enforcement authority, which may include the city police, county sheriff, and the local district attorney, will be notified by the principal of violations of this policy.

[Reference: ALA. CODE §16-1-24.1, 24.3 (1975); Ala. Admin. Code 290-3-1-.02; Federal Gun Free Schools Act, 20 U.S.C. 7151; Federal Gun Free School Zone Act of 1995 (18 U.S.C. §922(q))]

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4.2.2 Prohibition on the Possession of Weapons – The possession of a deadly weapon or dangerous instrument in a school building, on school grounds, on school property, on school buses, or at school-sponsored functions is prohibited except for authorized law enforcement personnel. For purposes of this policy, the terms “deadly weapon” and “dangerous instruments” include but are not limited to explosives, incendiary devices, projectiles, knives with a blade length of more than two (2) inches, archery equipment, devices designed to expel projectiles at a high rate of speed, any device so classified under state or federal law, and any device either used or intended to be used in such manner as to inflict bodily harm, provided that the terms “deadly weapon” and “dangerous instruments” will exclude, to the extent permitted by law, devices and equipment that are used for the purpose of and in connection with school or Board sanctioned educational, team, or competitive activities.

a. *Penalties for Violations* – In addition to any criminal penalties that may be imposed, the following penalties will be imposed for unauthorized possession of deadly weapons or dangerous instruments:

1. *Students* – Students will be disciplined in accordance with the Board’s Code of Student Conduct.
2. *Employees* – Employees will be subject to adverse personnel action, which may include termination.
3. *Other Persons* – Other persons may be denied re-entry to school property.

b. *Notification of Law Enforcement* – The appropriate law enforcement authority, which may include the city police, county sheriff, and the local district attorney, will be notified by the principal of violations of this policy.

[Reference: ALA. CODE §16-1-24.1 (1975); Ala. Admin. Code 290-3-1-.02(1)(b)]

4.2.3 Illegal Drugs and Alcohol – The use, possession, distribution, and sale of alcohol and the illegal use, possession, distribution, and sale of drugs in a school building, on school grounds, on Board property, on school buses, or at school-sponsored functions is prohibited.

a. *Penalties for Violations* – In addition to any criminal penalties that may be imposed, the following penalties will be imposed for unauthorized possession of illegal drugs or alcohol:

1. *Students* – Students will be disciplined in accordance with the Board’s Code of Student Conduct.

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2. *Employees* – Employees will be subject to adverse personnel action, which may include termination.
  3. *Other Persons* – Other persons may be denied re-entry to school property.
- b. *Notification of Law Enforcement* – The appropriate law enforcement authority, which may include the city police, county sheriff, and the local district attorney, will be notified by the principal of violations of this policy.
- 4.2.4 Tobacco – The use of tobacco products and the illegal possession, distribution, and sale of tobacco products on school property is prohibited. These prohibitions also apply to electronic cigarettes, vape pens, hookah pens, e-hookahs, vape pipes and any similar type of device designed to deliver nicotine, flavor, and other chemicals via inhalation.
- a. *Penalties for Violation*
1. *Students* – Students who violate the tobacco prohibition will be disciplined in accordance with the Board’s Code of Student Conduct.
  2. *Employees* – Employees who violate the tobacco prohibition will be subject to adverse personnel action, which may include termination.
  3. *Other Persons* – Other persons who violate the tobacco prohibition may be denied re-entry to school property.
- b. *Parental Notification* – Parents and guardians may be notified of actual or suspected violations of the tobacco prohibition whether or not the student is charged with a violation of Board policy, which includes the Code of Student Conduct.

[Reference: ALA. CODE §16-1-24.1 (1975); Ala. Admin. Code 290-3-1-.02(1)(b)]

- 4.2.5 Searches – Law enforcement agencies are permitted to make periodic visits to all schools to detect the presence of illegal drugs or weapons and may use any lawful means at their disposal to detect the presence of such substances. The visits will be unannounced to anyone except the Superintendent and principal.

[Reference: ALA. CODE §16-1-24.1 (1975); Ala. Admin. Code 290-3-1-.02(1)(b)]

- 4.2.6 Drug and Alcohol Free Environment – All students, employees, volunteers, parents, visitors, and other persons are prohibited from possessing, using,

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consuming, manufacturing, or distributing illegal controlled substances and alcohol while on Board property or while attending any Board sponsored or sanctioned event, program, activity, or function. Persons who are intoxicated or impaired by the use, consumption, or ingestion of any illegal controlled substance or alcohol are not permitted to be on school property, or to attend or participate in any Board sponsored or sanctioned event, program, activity, or function.

[Reference: ALA. CODE §16-1-24.1, 25-5-330 (1975)]

- 4.2.7 Adoption of Statutory Penalties and Consequences – Persons who violate the Board’s prohibition of firearms, weapons, illegal drugs, or alcohol will be subject to all notification, referral, suspension, placement, re-admission, and other provisions set forth in ALA. CODE §16-1-24.1 and 24.3 (1975).

### **4.3     *Accreditation***

The Board will implement and adhere to such accreditation policies, principles, standards, and procedures as may be established or required by the Southern Association of Colleges and Schools Council on Accreditation and School Improvement (“SACS CASI”) accreditation division of AdvancED as a condition to receiving or maintaining accreditation.

### **4.4     *Use of Board Property***

- 4.4.1 Equipment, Supplies, Materials, Vehicles – Equipment, supplies, materials, vehicles, and other movable or consumable property owned by or under lease to the Board may not be used by or made available to persons or entities for private or personal use, benefit, or consumption, or for any non-Board related use or purpose. Such property may not be removed from Board premises except as necessary to serve a school or Board-related function or purpose, and with the knowledge and approval of the appropriate supervisor, administrator, or the Superintendent.
- 4.4.2 Use of Board Facilities – Schools and other Board owned or controlled facilities may be made available for use by sanctioned or generally recognized school support organizations if the use of the facility will not disrupt school operations or be inconsistent with the purpose and mission of the school system, and if adequate advance provision is made for security, supervision, maintenance, damage prevention, post-event clean-up, liability insurance, and other risk management measures appropriate to the proposed use. Use of Board facilities for non-school organizations may be approved if the foregoing conditions are satisfied and a rental contract (or the equivalent thereof) that includes a reasonable fee or rental charge and other appropriate terms and conditions is approved by the Board.

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- 4.4.3 Advertising – Board property will not be used for commercial advertising except upon such terms and conditions as may be expressly approved by the Board.

#### **4.5 *Naming Board Facilities***

The Board shall approve the naming of the buildings and facilities within the school system. The Board has established the following guidelines for the naming of a building or facility:

- a. A building or facility may be named for a donor who exemplifies values which are consistent with those of the school system.
- b. The minimum monetary guideline needed to establish a named building, named facility, or permanent signage is to be determined by the Board on a case-by-case basis.
- c. The donation may be made in cash or in a legally binding pledge and should be paid within five years of the naming of the facility.
- d. The naming of the facility will be in place for perpetuity unless otherwise approved by the Board.

The Board reserves the right to remove names from facilities if the honoree or donor no longer meets the highest values and societal standards and/or when the gift remains unpaid beyond the five-year limit.

#### **4.6 *Complaints and Grievances***

- 4.6.1 General Complaints (Grievances) – Subject to the limitations set forth below and elsewhere in this policy manual, any employee may present to the Board a concern, complaint, grievance, or request for corrective action regarding any aspect of school system operations. Before requesting corrective action or relief from the Superintendent or the Board, persons with such complaints, grievances, or requests should present them for resolution to the employee, supervisor, or administrator at the lowest administrative level who has the authority and ability to address the problem or to implement the requested action. The Superintendent is authorized to develop specific procedures that will provide for fair consideration and orderly review of complaints and grievances. Such procedures may not unreasonably burden or delay the presentation or processing of such matters, and will be subject to Board review, modification, and approval.
- 4.6.2 Limitations Regarding Availability and Application of General Complaint/Grievance Policy – The general complaint/grievance policy and any procedures adopted thereunder do not apply to specific complaint or grievance policies and procedures that are established by Board policy or law for application

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to special factual or legal circumstances (e.g., sexual harassment grievance procedures; review of personnel matters under the Students First Act; “due process” hearings provided under the Individuals with Disabilities Education Act, etc.). In such instances, the specific statutory, regulatory, or policy-based process is the applicable procedure. The general complaint/grievance procedures that are authorized under the terms of this policy may not be invoked for the purpose of challenging or seeking review or reconsideration of adverse personnel decisions that have received final Board approval. A grievance may be based on an alleged misapplication of Board policies, regulations, or procedures, but may not be used to challenge the Board’s exercise of its discretion to adopt, approve, modify, or repeal a policy, regulation, or procedure or on its failure to exercise such discretion (e.g., adoption of a school calendar, compensation policies, etc.). Grievances may not be used to bypass or deviate from statutorily mandated prerequisites to approval of board action, including but not limited to, the recommendation of the Superintendent.

- 4.6.3 Student Complaints and Grievances – Complaints, grievances, and requests for corrective action may be brought to the attention of the Board by or on behalf of students with respect to academic, athletic, extracurricular, or other non-disciplinary matters, issues, and concerns only after reasonable efforts to resolve the matter at the school and administrative levels have been exhausted. The Superintendent is authorized to develop specific procedures that will provide for fair consideration and orderly review of such complaints and grievances. Such procedures will not unreasonably burden or delay the presentation or processing of the complaint or grievance and will be subject to review and approval by the Board. Administrative judgments concerning academic or curricular matters or participation in extracurricular activities may be set aside by the Board only upon a showing that the action or decision in question is arbitrary and capricious, fundamentally unfair, or that it violates Board policy or the student’s legal rights.
- 4.6.4 Student Disciplinary Matters – The Board may consider appeals of student disciplinary decisions or actions in accordance with standards and procedures specified in the Code of Student Conduct.
- 4.6.5 Public Complaints – Nothing in this policy shall be construed to deny any member of the public the right to petition the board for consideration or action regarding any matter of public concern falling within the statutory jurisdiction of the board, provided that the person can demonstrate that he or she is impacted by the alleged violation to a greater extent than the impact on the public at large.
- 4.6.6 Americans with Disabilities Act Complaint Procedure
  - a. *Complaint Criteria* – Persons who believe that they have been discriminated against on the basis of disability in the provision of services,

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activities, programs, or benefits covered by Title II of the Americans with Disabilities Act may file a written complaint with the ADA Coordinator.

- b. *Complaint Form* – The complaint should be in writing and contain information about the alleged discrimination including the name, address, phone number of complaining party and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint, will be made available for persons with disabilities upon request.
- c. *Complaint Process* – The complaint should be submitted to the ADA Coordinator as soon as possible, but no later than thirty (30) days after the alleged violation. The ADA Coordinator will meet with the complaining party to discuss the complaint and possible resolutions. Within fifteen (15) calendar days of the meeting, the ADA Coordinator will respond in writing, and where appropriate, in a format accessible to the complaining party, such as large print, Braille, or audio tape. The response will explain the position of the Board and offer options for substantive resolution of the complaint.
- d. *Appeal Procedure* – If the response by the ADA Coordinator does not satisfactorily resolve the issue, the complaining party may appeal the decision within fifteen (15) calendar days after receipt of the response to the Superintendent. Within fifteen (15) calendar days, the Superintendent will respond in writing, and where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.
- e. *Records Retention* – All written complaints received by the ADA Coordinator, appeals to the Superintendent, and records relating thereto will be retained by the Board for at least three (3) years.
- f. *Additional Procedures Authorized* – The Superintendent is authorized to develop such procedures as are necessary to implement this policy.

[Reference: 42 U.S.C.A. §12131, *et seq.*]

#### **4.7     *Risk Management***

The Board may obtain such liability and other forms of insurance or enter into such risk management agreements, pools, cooperatives, and like arrangements, agreements, or undertakings as it deems necessary and appropriate to meet legal requirements or to protect the Board, its employees, or its property from risk of loss.

#### **4.8     *Emergency Closing of Schools***

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- 4.8.1 Authority of Superintendent to Close Schools – The Superintendent is authorized to close schools if such action is warranted by weather conditions or other circumstances that pose a risk to the safety and welfare of students and employees, or that render meaningful instruction impossible (e.g., loss of power or other utility services).
- 4.8.2 Make-Up Dates – To the extent not provided for in the school calendar, any days lost by reasons of an emergency closing will be made up and a revised school calendar approved, if necessary, to reflect any extension or adjustment of the school year required by such action, unless approval to waive the days is obtained in accordance with state law.

#### **4.9 *Internet Safety and Use of Technology***

- 4.9.1 Access to Technology Resources – The Board permits restricted and conditional access to and use of its technology resources, including but not limited to computers, the “Internet,” network storage areas, and electronic mail. Such access and use is restricted to employees, students, and other persons who are engaged in *bona fide* educational and administrative activities that serve and are consistent with identified educational objectives or authorized support functions, and who, by signing an “Acceptable Use Agreement,” agree to abide by all Board policies, rules, and regulations regarding technology use. The Acceptable Use Agreement will be developed by the Superintendent for approval by the Board.
- 4.9.2 Restriction or Loss of Technology Privileges – Persons who violate any Board policy, rule, or regulation regarding technology use may be denied use of the Board’s technology resources and may be subject to additional disciplinary action.
- 4.9.3 Ownership of Technology Resources and Data – All technology resources, including network and Internet resources, e-mail systems, and computers or other access devices owned, leased, or maintained by the Board are the sole property of the Board. Board personnel may, at any time and without prior notice, access, search, examine, inspect, collect, or retrieve information of any kind from the Board’s technology resources, including computer or related equipment, files, and data, to determine if a user is in violation of any of the Board’s policies, rules, and regulations regarding access to and use of technology resources, for or in connection with any other matter or reason related to the safe and efficient operation or administration of the school system, or for any other reason not prohibited by law. Users of school system technology resources have no personal right of privacy or confidentiality with respect to the use or content of such resources.
- 4.9.4 Adoption of Rules and Regulations – The Superintendent is authorized to develop for Board approval additional or more specific rules and regulations regarding

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access to and use of its technology resources and to require adherence to such rules and regulations through such means as the “Acceptable Use Agreement” and application of appropriate disciplinary policies and procedures. Such rules and regulations will address or provide:

- a. Measures to block or filter Internet access to pictures that are obscene, that constitute child pornography, or that are harmful to minors;
- b. Restriction of access by minors to inappropriate material on the Internet;
- c. The safety and security of minors when they are using electronic mail, chat rooms, and other forms of direct electronic communications;
- d. Prevention of “hacking” and other forms of unauthorized use of or access to computer or Internet files, sites, databases or equipment; and
- e. Unauthorized disclosure, use, and dissemination of personal information regarding minors;
- f. Restriction of minors’ access to harmful material; and
- g. Educating minors about appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms and cyberbullying awareness and response.

4.9.5 Disclaimer – The Board makes no warranties of any kind, either express or implied, that the functions or the services provided by or through the Board’s technology resources will be error-free or without defect. The Board will not be responsible for any damage users may suffer, including but not limited to loss of data or interruption of service.

[Reference: 47 U.S.C. §254(h) and (l)]

#### **4.10 *Data Governance and Use***

The Superintendent is authorized to establish procedures governing the storage, use, and sharing of data maintained electronically by the school system. Such procedures shall comply with applicable state and federal law and shall include provisions for data security (including physical security measures), access controls, quality control, and data exchange and reporting (including external data requests, and third party data use). Nothing in this policy or in any procedures authorized hereunder creates or expands any entitlement to confidentiality of records beyond that which is established by law or specific Board policy.

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Any unauthorized access, use, transfer, or distribution of Board data by any employee, student, or any other individual may result in disciplinary action (up to and including termination for employees) and other legal action.

#### **4.11 *Political Activity***

Board employees may participate in political activities to the full extent permitted by the United States Constitution and federal and state laws securing the right to engage in such activities, subject to the following restrictions:

- a. Employees may not appropriate Board property or resources for use in political campaigns, and may not engage in partisan political activities (including but not limited to the distribution of campaign material or literature) during regular school or duty hours or at Board sponsored or sanctioned events, functions, or at activities at which the employee is on duty or assigned official responsibilities;
- b. Employees may not represent their political beliefs or positions on political matters to be those of the Board or other Board officials, or to falsely assert or imply that their political activities or positions are endorsed by or undertaken in the name of the Board or other Board officials;
- c. Candidates and representatives of candidates for political office may not be invited or allowed to address student groups except when such candidates are participating in a forum or like format that is designed to provide all candidates the opportunity to participate. Such forums may be conducted only for appropriate age groups, and with the advance approval of the school principal and the Superintendent; and
- d. Political signs may not be placed on schools or school board property. Campaign literature and other material may not be distributed on Board property during the regular school or work day, and may not be distributed at school or Board sponsored events or activities in a manner that impedes the normal and safe movement of pedestrian or vehicular traffic, that creates any other safety hazard or risk, or that disturbs or disrupts the function, activity, or event.

#### **4.12 *Automatic External Defibrillator (AED)***

The Superintendent is authorized to develop procedures regarding the use of AEDs.

#### **4.13 *Service Animals***

- 4.13.1 Purpose – The purpose of this policy is to establish procedures for the use of service animals in the Cullman City Schools, including in school buildings, in school vehicles and on other school property.

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- 4.13.2 General Statement of Policy – Cullman City Schools will comply with all state and federal laws, regulations and rules regarding the use of service animals by disabled staff or students under appropriate circumstances.
- 4.13.3 Definition of Service Animal – Service animal means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Except where specifically stated in this policy, other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition. The work or tasks performed by a service animal must be directly related to the individual's disability. Examples of work or tasks include, but are not limited to, assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing non-violent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors. The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition.
- 4.13.4 Procedures/Requirements – Use of service animals by employees or students with a disability is subject to the following procedures and requirements:
- a. Individuals must submit a request for the use of a service animal to the Superintendent's office. Such request must identify and describe service animal and what task(s) the service animal is trained to perform that is directly related to the individual's disability. The individual requesting the service animal attend school with a student or employee must provide documentation that the animal is properly vaccinated in accordance with state requirements and in good health.
  - b. Requests for the use of service animals on Cullman City Schools property must, whenever possible, be made no less than three (3) weeks prior to the proposed use of the service animal. Under no circumstances may a service animal be on Cullman City Schools' property accompanying a student or employee during regular school hours without prior approval by the Superintendent or his/her designee.
  - c. As part of Cullman City Schools' consideration of a request for the use of a service animal, the System may require certain documentation be provided by the staff person or student requesting the use of the animal, including, but not limited to, proof of proper vaccinations and good health

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verified by a licensed veterinarian and any other documentation necessary to appropriately review the request.

In addition to the requested documentation, Cullman City Schools may require a meeting with and/or additional information from the individual requesting the use of a service animal, including, but not limited to, documentation/consultation from the employee's or student's health care provider.

- d. The Cullman City Schools' review of a request for the use of a service animal by a student will include consideration by a student's special education (IEP) team or a Section 504 team. In such cases, the Team will conduct a case-specific inquiry as to whether the animal is a service animal as it is defined and whether its function addresses the student's disability-related needs. In addition, the Team will determine whether the animal's presence is necessary for the student to receive a Free Appropriate Public Education (FAPE) or to equally access the educational environment.
- e. The use of a service animal on Cullman City Schools' property may be subject to a plan which introduces the service animal to the school environment, any appropriate training for staff and students regarding interaction with the service animal, and other activities or conditions deemed necessary by Cullman City Schools. The approval of the use of a service animal on Cullman City Schools' property is subject to periodic review, revision or revocation by Cullman City Schools' administration or IEP/504 Team, as applicable.
- f. Service animals must wear proper identification and always be on a leash or other form of restraint mechanism. It is the responsibility of the employee or student (parent) who uses a service animal pursuant to this Policy to provide proper handling of the service animal. In the case that the handler will not be with the service animal at school, identified staff must be trained to give commands to the service animal. Any cost incurred to handle the service animal will be the responsibility of the employee or parent of the student who uses the service animal.
- g. Cullman City Schools retains the discretion to exclude or remove a service animal from its property, including school transportation vehicles, if:
  - i. the animal is out of control and/or the animal's handler does not effectively control the animal's behavior;
  - ii. the animal is not housebroken or the animal's presence or behavior fundamentally interferes in the functions of Cullman City Schools;or

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- iii. the animal poses a direct threat to the health or safety of others that cannot be eliminated by reasonable modifications.
- h. The employee or student who uses a service animal is solely liable for any damage to Cullman City Schools' personal property and any injuries to individuals caused by their service animal. The employee or parent(s) of the student using a service animal may wish to submit a certificate of liability insurance covering the service animal for any damages caused with their request for use of the service animal.
- i. Miniature Horses – Cullman City Schools may permit the use of a miniature horse by an individual with a disability if the miniature horse has been individually trained to do work or perform tasks for the benefit of the individual with a disability and if reasonable modifications in the Board's policies, practices, or procedures can be made to allow a miniature horse into a specific facility in accordance with federal law.

#### **4.14 TITLE IX: SEX-BASED DISCRIMINATION & PROHIBITED CONDUCT**

##### **4.14.1 – Policy Objective**

###### **(A) Statement of the Law**

Title IX of the Education Amendments Act of 1972 ("Title IX") provides that "[n]o person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance." This includes discrimination affecting both students and employees.

###### **(B) The Board's Expectations**

The Board is committed to meeting the standards of Title IX and does not discriminate on any basis, including on the basis of sex, in its educational programs and activities. The Board expects its students and employees to conduct themselves in a non-discriminatory manner, in accordance with Title IX, whether on campus or at a school-based activity off-campus. Title IX's prohibition against sex-based discrimination includes harassment, unwelcome conduct, sexual assault, dating violence, domestic violence, and stalking. When conduct in violation of Title IX is reported, the District will ensure action is taken to:

- provide supportive services and resources to impacted students and employees;

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- conduct a thorough and impartial investigation;
- communicate regularly with those involved in writing throughout the process; and
- promptly provide a written determination following completion of its investigation.

If the District finds a responding party to be responsible for the conduct alleged, in violation of this policy, sanctions up to and including expulsion or termination may be imposed.

#### **4.14.2 – Title IX Staff**

The Board has authorized the Superintendent to designate the following Title IX Staff members:

##### **(A) Title IX Coordinator**

The Title IX Coordinator shall oversee implementation and enforcement of this Policy, as well as compliance with applicable procures, rules, and regulations. Reports, questions, or concerns regarding Title IX and potential instances of prohibited conduct may be directed to the Title IX Coordinator. The Title IX Coordinator shall also receive complaints of prohibited conduct, coordinate investigations, and ensure adequate training. Contact information for the Title IX Coordinator can be found on the district webpage, at the front office of each school, and will otherwise be made available to students, employees, and community members.

##### **(B) Title IX Investigators**

Title IX Investigators will collect and review evidence, including witness statements, and prepare an investigative report. These persons will receive training from the Title IX Coordinator. Only one investigator will be assigned by the Title IX Coordinator for each individual complaint. Title IX Investigators will often be school-based personnel responsible for investigating other instances of student misconduct and will perform the Title IX investigative duties as needed.

##### **(C) Title IX Council**

The Title IX Council will be a panel of Board employees who will review investigative reports and make responsibility determinations. These persons will receive training from the Title IX Coordinator. While the council may consist of several employees, only **one** council member will be assigned to render a decision in each case.

#### **4.14.3 – Scope of Policy**

Title IX prohibits sex-based discrimination, including sexual harassment, whether against students or employees. Note that misconduct falling outside this policy may nonetheless

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violate other Board policies (such as the student code of conduct) and thus be otherwise subject to disciplinary action.

(A) Educational Program or Activity

This Policy applies to all prohibited conduct against any person that occurs in the “**educational program or activity**” of the Board, including all of its schools, regardless of whether that program or activity takes place on or off campus. An “educational program or activity” includes locations, events, or circumstances over which the Board, through its schools and/or employees, exercise substantial control over both the alleged wrongdoer and the context in which the conduct occurred. This may include, for example, an incident that occurs off-campus at a school sponsored event such as a field trip, but must occur in the United States.

(B) Covered Individuals

All students and employees are subject to this Policy, regardless of sex, gender identity, gender expression, or sexual orientation.

#### **4.14.4 – Prohibited Conduct**

A violation of this Policy occurs if a student or employee is found, more likely than not i.e., by a preponderance of the evidence), to have engaged in any of the types of prohibited conduct defined below. This conduct is prohibited regardless of whether it is directed toward a student, employee, visitor, or other person.

(A) Sexual Harassment

- (1) Any instance of quid pro quo harassment by a school employee. Quid pro quo means “this for that” and, in this context, refers to situations where a school employee offers favorable treatment in exchange for submission to unwanted sexual advances. This includes both explicit and implicit harassment;

***Example:** Offering an educational opportunity or benefit to a student, like a higher grade, in exchange for a sexual favor. This is sexual harassment regardless of whether the student agrees to the request.*

- (2) Any unwelcome conduct that a reasonable person would find severe, pervasive, and objectively offensive such that it effectively denies equal educational access; or
- (3) Any instance of sexual assault, dating violence, domestic violence, or stalking.

(B) Sexual Assault

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Any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity (or because of his/her youth). This offense includes the forcible rape of both males and females. Sexual assault may include, but is not limited to rape, fondling, incest, and statutory rape.

(C) Dating Violence

Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

(D) Domestic Violence

Violence committed by a current/former spouse of the victim; person with whom the victim share a child in common; person who is cohabitating with or has cohabitated with the victim as spouse; or person similarly situated to a spouse of the victim.

(E) Stalking

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his/her safety or the safety of others; or suffer substantial emotional distress. Stalking may be conducted directly or indirectly and may include, but is not limited to, the following behaviors:

- Making unwanted phone calls, including hang-ups;
- Sending unsolicited or unwanted letters, emails, texts, or instant messages;
- Leaving unwanted items or presents;
- Following or spying on a person;
- Showing up or waiting at places where the victim will be without a legitimate reason;
- Posting information or spreading rumors about the victim on the internet in a public place, or by word of mouth.

(F) Sex-Based Discrimination

Any conduct based on a person's sex, pregnancy, gender identity, or gender expression that adversely affects a term or condition of that person's employment, education, or participation in an educational program/activity.

#### **4.14.5 – Reporting Prohibited Conduct**

Any person (students, employees, parents/guardians, or other third parties) may report an instance of prohibited conduct, even if his or her knowledge of the incident is based on

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indirect information. Initial reports may be made in person, by mail, by telephone, by email, or by another means that results in actual receipt of the information by the Title IX Coordinator. Persons may also report potential prohibited conduct to any employee.

**Employees, however, are mandatory reporters and are thus required to promptly report potential instances of prohibited conduct to the Title IX Coordinator.** This requirement exists regardless of how the employee becomes aware of the potential violation or if the person providing the information to the employee requests confidentiality. Where a person requests confidentiality, the employee should inform Note that the mandatory reporting designation does not supersede an employee's legal obligation to maintain confidentiality – such as a health care provider's obligation to keep medical information private.

While prompt reporting is encouraged, there is no time limit on reporting or filing complaints of violations of this Policy.

#### **4.14.6 – Grievance Procedure**

The Superintendent is authorized to implement a grievance procedure that complies with the rules adopted by the United States Department of Education, and to amend those procedures when the Department of Education updates or amends its rules. Those procedures should cover the following: complaint; investigation; decision; and appeal.

#### **4.14.7 – “Rape Shield” Protections**

- (A) Complainants are not required to divulge any medical, psychological, or similar privileged records.
- (B) Prior sexual history of a party is generally irrelevant. An individual's character or reputation with respect to prior sexual activity is not relevant and cannot be considered as evidence except in limited circumstances. These circumstances include where such history is necessary to explain the presence of a physical injury, or where prior sexual history between the parties may help explain the context of the parties' relationship and has a bearing on whether consent was sought and given in the particular incident at issue.
- (C) Evidence of an pattern of conduct by the respondent may be relevant, whether before or after the incident at issue, to prove a material fact. It may also have a bearing on assigning appropriate discipline.

#### **4.14.8 – Criminal or Civil Investigations**

The policies and procedures outlined in this policy do not supersede applicable state or federal law. The grievance procedure outlined in the policy may be instituted for a violation of law that also violates this policy so long as both violations result from the same factual situation. Proceedings under this policy may be carried out prior to, simultaneously with, or following civil or criminal proceedings.

#### **4.14.9 – Retaliation**

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The Board prohibits retaliation by its employees, students, or agents against any person who exercises their rights pursuant to this Policy or Title IX.

Retaliation is any act that has the effect of punishing a person for engaging in a protected activity, such as reporting prohibited conduct, filing a complaint under the Policy, and assisting or participating in any investigation. Examples of retaliatory acts include, but are not limited to, adverse employment actions or preventing a student from participating in a school-based activity. Retaliation may also include coercion, intimidation, or other harassment that would discourage a reasonable student, employee, or other person from filing a complaint regarding prohibited conduct or otherwise participating in an investigation under this Policy.

#### **4.14.10 – Withdrawal of a Complaint**

A complainant may, at any time in the process, request to withdraw a complaint. The Title IX Coordinator will make the decision regarding whether to permit such withdrawal, but will strongly consider the complainant's wishes.