

## 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 and Zone Requirements* –

- (i). Residence – School-age children who reside within the municipal limits of the City of Cullman, Alabama, may be admitted to Cullman City Schools. For purposes of this policy, the residence of the student will be the residence of the parent(s) or legal custodian/guardian.
- (ii). Zones – The Board may establish grade-based school zones as the needs of the School System may require. Currently, the primary school, middle school and high school serve students on a system-wide basis. The Board has approved two elementary school zones, with students residing east of the main line railroad track required to attend East Elementary School and those residing west of the main line railroad track required to attend West Elementary School. *If applicable, children of employees may attend the school where his or her parent works.*

b. *Residency Verification* –

- (i). Responsibility – The local principal shall be responsible for determining that each student in his or her school legally resides in the area served by the School System, i.e., the corporate city limits of the City of Cullman. Provided the principal is unable to make the determination, he or she will request assistance from the Superintendent or designee.
- (ii). Proof of Legal Residence: Initial Admission – When a student initially enrolls (first time) in a school in the School System,

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verification of residency is required. Residency may be verified by presenting any two (2) of the documents noted below.

(iii). Exceptions – In such cases that a student is not able to provide proof of permanent residence and is considered to be homeless as defined in the McKinney-Vento Homeless Assistance Act (42 U.S.C. § 11431 et seq.), Subtitle VII-B, the student will be enrolled and provided a free, appropriate education, on the same basis as children and youth with established residences.

(iv). Acceptable Residency Verification Documents – Any two (2) of the following documents may be presented as proof of legal residence:

(A). Home ownership title

(B). Lease or rent agreement; less than nine (9) months lease is only accepted upon approval of the principal

(C). Utility bill showing the student’s parent(s) or guardian(s) by name and address. If a student is age nineteen (19) or above and/or a married student living independent of his/her parent(s) or guardian(s) the utility bill must show the student’s name and address.

(D). Any other document that will substantiate an “intent to remain” at a residence may be offered for consideration.

NOTE: A student, who is age nineteen (19) and above and/or a married student, may legally establish residence independent of the parent(s) or guardian(s) and in such case, may attend the school of the School System based on such residence. Said student will be required to present two (2) proofs of legal residence as outlined above.

(v). Proof of Legal Residence: Ongoing Requirement – Updating the verification of residency for currently enrolled students within the city limits will take place when transitions are made between Cullman City Schools (***Cullman Primary School (PK-1) to East or West Elementary; East Elementary School (2-6) or West Elementary School (2-6) to Cullman Middle School; and Cullman Middle School to Cullman High School (9-12)***) by submission of a current utility bill (cable, power, water, telephone,

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or gas) showing student's parent(s) or guardian(s) by name and address. If a student is age nineteen (19) or above and/or a married student living independent of his/her parent(s) or guardian(s) the utility bill must show the student's name and address. Failure to provide this ongoing verification of legal residence will result in the student(s) being withdrawn until the verification is received by the school. Verification of residence will be accepted during the following time: April 1 up to one week prior to the beginning of school. Verification must be provided to the school prior to the student receiving his/her teacher assignment or schedule. If families have children attending multiple Cullman City Schools, verification of residence must be provided to each school.

(vi). Proof of Residence: Reasonable Cause – When there is reasonable cause to believe that the residence of a student is or may be outside the area served by the School System, the principal or designee may require proof of residency. In such cases, the principal may request evidence of residency by requiring the presentation of verification documents from the student's parent(s) or guardian(s) as noted above.

c. *Non-resident Students* –The Board may permit students whose parent(s) or guardian(s) are not legal residents within the corporate city limits of the City of Cullman, as defined in board policy, to attend schools within the school system. The Superintendent and the principal on a case-by-case basis may approve non-resident students to attend a school in the School System. A non-resident fee, established by the Board, is payable in advance before admission to any school in the School System.

(i). Non-Resident Admission/Approval Requirements – Non-resident students may be approved to attend in the School System provided:

(A). All school records have been submitted as part of the application process. These records include the following: immunization records, transcripts, attendance and discipline records, all student evaluation results and/or records related to special services including IEPs and 504 plans. However, if a student does not have proof of immunization the student will be enrolled and the parent/guardian will be instructed on how to obtain needed immunizations.

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- (B). The student is eligible to attend the school from which he or she is transferring. It is the policy of the system not to admit students who have been expelled or suspended or who have withdrawn from schools in other systems due to disciplinary problems.
- (C). The non-resident student's parent(s) or guardian(s) make complete application to the zoned school of attendance prior to the beginning of the school year when possible. After a determination of resident students has been made, the slots available for non-resident students will be determined by school and grade level. The Superintendent reserves the right to use his or her discretion to accept a student and placement of the student. If applicable, children of employees may attend the school where his or her parent works. When space becomes a limiting factor, children of full time employees, and siblings of currently enrolled students will be given priority on admission. The Board reserves the right to determine the maximum size of the student body in any grade level.
- (D). Families in the process of building a house or otherwise moving into the School System must present proof of the building process or the contract completion date to school officials. In addition, the full non-resident fee will be assessed and must be paid in full before the student is enrolled. When legal residence is established a pro rata amount of the non-resident fee will be refunded. The principal will notify the Superintendent of any application approved pending the establishment of a legal residence.
- (E). Parent(s) or Guardian(s) must complete a Non-resident Fee Contract on an annual basis. The contract consists of the following two (2) options:
  - 1. Option 1 – payment in full by June 30 for 10% discount; or
  - 2. Option 2 – payment in full by 4 p.m. one week prior to the official school start date for students. For families with more than (1) non-resident child enrolled in the School System non-resident fees are

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capped (See Non-Resident Fee Contract for actual amounts).

Payments must be made at the Central Office or online at the link provided on the Cullman City Schools website ([www.cullmancats.net](http://www.cullmancats.net)). Payments must be received one week prior to the beginning of school. If payments are not received one (1) week before the start of the school year, student(s) may be subject to withdrawal and will not be able to attend school. The Superintendent shall have authority to develop procedures governing the process for ensuring the proper payment of fees in accordance with this policy.

Should a student withdraw mid-semester, no refunds will be given for that semester. Students will be refunded for the remaining semester. The Board re-evaluates non-resident fees after each city appraisal of property.

- (F). Students must abide by School System policies, rules, and regulations.
- (G). The School System will abide by all rules and regulations of the Alabama High School Athletic Association regarding bona fide moves and eligibility for participation by students.
- (iv). Assignment Authority – The Superintendent or his designee has complete authority to assign non-resident students to the schools of the School System. If overcrowding becomes a problem, the Superintendent or his designee may assign non-resident or newly admitted students to another school within the School System.
- (v). Change of Residency Status – If a student’s status changes from that of a resident student to a non-resident student due to a change of residence of his or her parent(s) or guardian(s), school officials at the school where the student is currently enrolled must be notified within 15 days. Upon a student’s change of residence outside of the established school zones, the student’s enrollment status will be at the Superintendent’s discretion. If the student is allowed to remain enrolled in Cullman City Schools, the prorated amount of the non-resident fees are to be paid or the student is withdrawn.

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- (vi). Completion of Education – Non-resident student(s) attending a Cullman City School for at least 180 continuous days may complete their education program in the School System without reapplying each year, provided the annual non-resident fee is being paid promptly and the student’s conduct, etc. has not caused the privilege to be revoked.
- (vii). Disposition of Fee Receipts – School officials at the Central Office shall receipt all non-resident fees received. The bookkeeper shall forward the non-resident fees to the custodian of funds for use in the overall operation of the School System.

d. *Homeless Students* –

- (i) *Enrollment.* Homeless students as defined by the McKinney-Vento Act, Immigrant students, Migrant students, English Learner students, and Foster Care students will be permitted to enroll without regard to residency status and will not be denied services offered to other students in the school system. Homeless students may also be entitled to other accommodations under federal law.

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

- (ii) *Dispute Resolution.* When a dispute arises regarding school placement, the system will immediately enroll the homeless 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 Liaison of the dispute.
- (iii) The Homeless Liaison will expeditiously carry out the system’s dispute resolution procedures as detailed in the Board’s homeless student plan.

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

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

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

h. *Foster Care Students* – The school system will collaborate with the State agency responsible for administering State plans under Parts B and E of Title IV of the Social Security Act (the State or tribal child welfare agency) to ensure the education stability of children in foster care (ESEA §1111(f)(1)(E)). Thus, in coordination with State and tribal child welfare agencies, CCS will ensure that it will implement the Title I educational stability requirements for children in foster care, including ensuring that:

- A child in foster care should remain in his or her school of origin, unless it is determined that remaining in the school of origin is not in that child’s best interest;
- If it is not in the child’s best interest to stay in his or her school of origin, the child should be immediately enrolled in the new school

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even if the child is unable to produce records normally required for enrollment; and

- That the new (enrolling) school should immediately contact the school of origin to obtain relevant academic and other records. (ESEA §1111(g)(1)(E)(i)-(iii)).

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

### 6.1.3 Attendance Zone and Class Assignment

- Attendance Zone Assignment* – Students will be assigned to the school serving the attendance zone in which his parent(s) or legal guardian reside(s). The Board will not approve out-of-zone transfers for students in grades two (2) through six (6). However, emergency situations will be considered on a case-by-case basis. Any changes may be recommended by the Superintendent.
- 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 in a timely manner or the absence will be deemed to be unexcused. Excessive unexcused absences may result in a loss of academic credit or referral of the matter to juvenile or other appropriate legal authorities for investigation.

### 6.1.5 Truancy – Parents or guardians are required to ensure that students under their care, custody or control attend school regularly. Habitual or excessive absence

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from school may require Board officials to refer the matter to juvenile authorities or to initiate truancy proceedings.

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

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

6.2.1 Transfers – The school system 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 school system.

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 School system will:

- a. 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;
- b. 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

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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.

- c. 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.
- d. 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 school system 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 or requirements.

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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 school system sanctioned athletic programs will be on such terms and conditions as may be approved by the Board and any athletic association of which the Board is a member. Schools may establish terms and conditions for participation in such programs as long as school eligibility criteria are not inconsistent with system-wide eligibility or participation criteria, rules, regulations, or standards established by any athletic association or organization of which the Board is a member, or any rule, principle, or provision of applicable law.
- 6.5.3 No Pass/No Play – The Board recognizes the value of athletics and other extra-curricular activities as they relate to the total education of students. The Board also recognizes and supports high academic standards and the necessity of developing a framework to annually assess each athletic and extra-curricular student's progress toward graduating from high school on schedule with his or her class. It also recognizes the Class of 2000 Education resolution to earn a minimum of 24 credits in Grades 9- 12, with four (4) credits each in science, mathematics, social studies, and English.

The Board prescribes the following regulations for eligibility of students in the School System to participate in athletics and/or extra-curricular activities:

- a. Students entering the 10th, 11th, and 12th grades must have passed during the last two semesters in attendance and summer school, if applicable, at least six (6) new Carnegie units with a minimum composite numerical average of 70 in those six units.
  - (i) Four (4) core curriculum courses must be included in those units passed and averaged. (English, mathematics, science, and social studies are core curriculum courses.)
  - (ii) Any student who accumulates more than four (4) units of core courses per year may earn less than the required four (4) core courses during the next school year and be eligible as long as the student remains on track for graduation with her or her class.
- b. Students entering the 8th and 9th grades must have passed during the last two semesters in attendance and summer school, if applicable, at least five (5) new subjects with a minimum composite numerical average of 70 in those five (5) subjects.

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- c. Students entering the 7th grade for the first time are eligible.
- d. A new unit is one that has not been previously passed. A semester is one-half of a school year as defined by the School System Annual Calendar.
- e. Eligibility will be determined before the start of each new school year .A student who is academically eligible at the beginning of the school year remains eligible for the remainder of that school year so far as grades are concerned.
- f. Students declared ineligible at the beginning of a school year may regain their eligibility at the end of the first semester by meeting the academic requirements listed above during their last two semesters in attendance and summer school, if applicable. The regained eligibility of any student may be determined any time after the end of the first semester, but all course requirements used to determine the eligibility must be completed no later than the fifth day of the second semester. A student who regains eligibility at the end of the first semester may not participate in interscholastic athletics until 88 days of the school year have been completed.
- g. Only one (1) unit (or subject) of physical education per year may be counted.
- h. A maximum of two (2) units (or subjects) earned in an approved summer school may be counted. If a unit (or subject) is repeated in summer school, the higher numerical grade for that unit (or subject) will be used to compute the composite grade average.
- i. Bona fide transfers will be dealt with according to rules of the Alabama High School Athletic Association for sports and rules to be developed by the Board as it pertains to other extracurricular activities.
- j. Each eligible student must meet the definition of a regular student as defined by the Alabama High School Athletic Association.

For purposes of definition, athletic events are defined as those recognized and sanctioned by the Alabama High School Athletic Association. Extra-curricular activities are defined as those that are not related to a student's academic requirements or success in a course(s). Regular curricular activities are defined as those that are required for satisfactory course completion. School sponsors are required to submit a request for each extra-curricular activity that occurs outside the regular school day and/or school to the principal, Superintendent and Board for approval. Each request for full participation by

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all students regardless of academic standing in an extra-curricular activity shall be granted if the principal, Superintendent, and Board approve it as an extension of a course(s) requirement(s) and/or it is a sanctioned event by a state/national subject matter association.

Students deemed ineligible for participation under rules of this policy may continue in coursework but shall not be allowed to participate in extra-curricular activities. Events (examples only) such as student participation at athletic events, club conventions, Christmas parades, amusement park trips and competitions, trips by tour companies, performances at various meetings etc., are extra-curricular, and students academically ineligible under this policy shall not be allowed to participate

[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. Board approval of the trip is obtained 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.

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## 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 *Equal Educational Opportunities*

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

## 6.9 *Title IX*

6.9.1 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 sex based harassment and/or discrimination, as defined by law and Board policy. Sex based harassment and discrimination complaints should be filed and reviewed under the Board's Title IX Policy which can be found in Section 4.14

6.9.2 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.

## 6.10 *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;

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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 Cullman City Boards of Education, and determined by evaluation, achievement, assessment, and testing materials, instruments, methods, and measures that have been generally recognized as appropriate for such purposes within the educational community and applied successfully in public school settings.

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

[Reference: Act of Alabama No. 2015-129]

## **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:

- f. 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;
- g. 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;

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- h. 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

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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.

6.11.6 All complaints which fall under the Board’s prohibition of sex-based discrimination in Policy 4.14 shall be reviewed under the provisions of that policy. However, any allegations of student sexual harassment may also be subject to this policy or any other applicable student disciplinary rules.

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

6.12.1 Consent – The School system 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:

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- 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:

- ca Protected information surveys of students;
- cb Instruments used to collect personal information from students for any of the above marketing, sales, or other distribution purposes; and
- cc 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 School system 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

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regulation. The Superintendent is authorized to establish administrative standards and 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 school system 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 and the prevention of communicable disease 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 Cullman City Schools. The CSC will set forth the specific grounds for disciplinary action, the penalties, sanctions, or consequences that may be imposed for a violation of the CSC, the methods and procedures by which violations of the CSC will be determined, and any appeal or review procedures that are available to students. The CSC will incorporate applicable statutory and regulatory requirements, and the hearing and appeal procedures specified in the CSC will conform to applicable statutory and constitutional standards and requirements. The CSC may be incorporated in a student handbook and will be made available to all teachers, school personnel, students, parents and guardians at the beginning of each school year. The CSC will be deemed an extension of Board policy and will have the force and effect thereof.

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

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## 6.16 *Searches (Students)*

- a. *School system 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

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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 *Physical Restraint*

### 6.18.1 Policy Purpose –

- a. Cullman City School System acknowledges that maintaining a school environment conducive to school learning requires that the environment be orderly and safe. Accordingly, physical restraint of a student may sometimes be necessary in order to protect the student or other individuals.
- b. The purpose of this policy is to ensure that physical restraint is administered appropriately and only when needed to protect a student and/or member of the school community from imminent, serious physical harm, and to prevent or minimize any harm to a student as a result of the use of physical restraint.
- c. Cullman City School System places an emphasis under this policy on the prevention and de-escalation of inappropriate behavior, which reduces the risk of injury to students and program staff, as well as facilitates the care, safety, and welfare of our students.

### 6.18.2 Definitions –

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

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not a prescribed treatment for a medical or psychiatric condition of the student.

- c. **Mechanical restraint** is the use of any device or material attached to or adjacent to a student's body that is intended to restrict the normal freedom of movement and which cannot be easily removed by the student. The term does not include an adaptive or protective device recommended by a physician or therapist when used as recommended by the physician or therapist to promote normative body positioning and physical functioning, and/or to prevent self-injurious behavior. The term also does not include seatbelts and other safety equipment when used to secure students during transportation.
- d. **Seclusion** is a procedure that isolates and confines the student in a separate, locked area until he or she is no longer an immediate danger to himself/herself or others. Seclusion occurs in a specifically constructed or designated room or space that is physically isolated from common areas and from which the student is physically prevented from leaving. Seclusion does not include situations in which a staff member trained in the use of de-escalation techniques or restraint is physically present in the same unlocked room as the student; time-out as defined herein; in-school suspension; detention; or a student-requested break in a different location in the room or in a separate room.
- e. **Time-out** is a behavioral intervention in which the student is temporarily removed from the learning activity. Time-out is appropriately used and is not seclusion when:
  - (i) The non-locking setting used for time-out is appropriately lighted, ventilated, and heated or cooled;
  - (ii) 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;
  - (iii) 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;
  - (iv) The time-out space is free of objects that unreasonably expose the student or others to harm.

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6.18.3 Prohibitions –

- a. The use of physical restraint is prohibited in Cullman City School System and its educational programs except in those situations in which the student is an immediate danger to himself or others and the student is not responsive to less intensive behavioral interventions, including verbal directives or other de-escalation techniques. Physical restraint is prohibited when used as a form of discipline or punishment.
- b. All physical restraint must be immediately terminated when the student is no longer an immediate danger to himself or others or if the student is observed to be in severe distress during the restraint. Any method of physical restraint in which physical pressure is applied to the student's body that restricts the flow of air into the student's lungs is prohibited in Cullman City School System and its educational programs.
- c. The use of chemical restraint is prohibited in Cullman City School System and its educational programs.
- d. The use of mechanical restraint is prohibited in Cullman City School System and its educational programs.
- e. The use of seclusion is prohibited in Cullman City School System and its educational programs.

6.18.4 Requirements –

- a. Each local school's principal or his/her designee and each educational program that utilize physical restraint under this policy will provide staff with guidelines and procedural information regarding physical restraint and will arrange for the appropriate training of those designated staff members that may be called upon to physically restrain a student. This training of designated staff members shall be provided as a part of a program which addresses prevention and de-escalation techniques as well as positive behavioral intervention strategies. The training of designated staff members will be based on evidence-based techniques and strategies when possible. Each local school's principal or his/her designee or program coordinator shall be responsible for providing periodic reviews.
- b. Each local school's principal or his/her designee and each educational program that utilize physical restraint will maintain written or electronic documentation on training provided at the local school regarding physical restraint and the list of participants in each training session. Records of

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such training will be made available to the Alabama Department of Education or any member of the public upon request.

- c. Each local school's principal or his/her designee and each educational program that utilize physical restraint is responsible for generating and maintaining incident and debriefing reports of the use of restraint as well as reports of any prohibited use of seclusion and chemical, mechanical, or physical restraint at the local school and for gathering/reporting data to the school system's Board of Education and to the Alabama Department of Education annually. The use of physical restraint will be monitored by each local school's principal or his/her designee or program's coordinator on an on-going basis to ensure fidelity of implementation. Follow-up training will be provided following any situations in which procedures are not being followed.
- d. Each local school's principal or his/her designee and each educational program that utilize physical restraint shall ensure that following an incident of restraint or seclusion of a student, all school personnel involved in the incident and appropriate administrative staff participate in a debriefing session for the purpose of planning to prevent or reduce the reoccurrence of the use of restraint. A student's parent or legal guardian will be provided notification of this debriefing session and afforded the opportunity to attend or to request that the debriefing session be rescheduled. The debriefing session shall occur no later than five school days following the imposition of physical restraint or seclusion, unless the debriefing session is delayed, at the request of a student's parent or legal guardian, so that the parent or legal guardian may attend.
- e. Each local school's principal or his/her designee and each educational program that utilize physical restraint will provide written notification to a student's parent or legal guardian when physical restraint is used on a student within a reasonable time following the restraint not to exceed one school day from the use of restraint.
- f. Each local school's principal or his/her designee and each educational program will provide written notification to a student's parent or legal guardian when their child is removed from his/her school or program setting by emergency, medical, or law enforcement personnel within a reasonable time following the removal not to exceed one school day from the removal.
- g. Each student's parent or legal guardian will be provided information regarding the school or program's policies governing the use of physical

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restraint. This information will be provided to parents at the beginning of each school year or upon the student's enrollment if the student enrolls after school has started. To effectuate this requirement, the school system's website and student handbook/code of conduct will contain the following statement:

As a part of the policies and procedures of the school system, the use of physical restraint is prohibited in the system and its educational programs except in those situations in which the student is an immediate danger to himself or others and the student is not responsive to less intensive behavioral interventions including verbal directives or other de-escalation techniques. Physical restraint is expressly prohibited when used as a form of discipline or punishment. The use of other physical restraint, chemical restraint, mechanical restraint, or seclusion is prohibited in the school system and its educational programs. The use of restraint may occur along with other emergency actions such as the school seeking assistance from law enforcement and/or emergency medical personnel which could result in a removal of the student by such personnel. Significant violations of the law including assaults on students and staff will be reported to the police. As soon as possible after the restraint or removal of a student (and no longer than one school day following the occurrence), the parent or legal guardian will be provided written notification.

#### 6.18.5 Clarifications –

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

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weapon or other dangerous objects on a student or within the control of a student.

- e. Nothing in this policy shall be construed to eliminate or restrict the ability of school personnel to use his or her discretion in the use of physical restraint as provided in this policy to protect students or others from imminent harm or bodily injury.
- f. Nothing in this policy shall be construed to create a criminal offense or a private cause of action against any local board of education or program or its agents or employees.
- g. Nothing in this policy shall be construed to interfere with the duties of law enforcement or emergency medical personnel or to interfere with the rights of the school system or school personnel from seeking assistance from law enforcement and/or emergency medical personnel.

[Reference: ALA. ADMIN. CODE §§290-3-1-.01, 290-3-1-.02]

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

In order to maintain order, minimize the risk of potential personal injury, property damage or disruption, or to permit an orderly investigation and evaluation of a suspected violation of school or school system rules, standards, or policies, principals may temporarily suspend a student pending a conference with the parent or guardian of the student and a final disciplinary decision. Suspension may also be imposed as a disciplinary measure as provided in the Code of Student Conduct. Suspensions will be counted as excused absences. Make up work will be permitted for such absences unless permitting such work under the circumstances would be impractical or impossible, would serve no purpose, would place school personnel at risk of harm, or would be unreasonable in light of the grounds for the suspension. Suspension of students with disabilities will be subject to applicable limitations and requirements imposed by the Individuals with Disabilities Education Act (“IDEA”) and its implementing regulations.

#### **6.20 *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

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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.

## **6.21 *Personal Mobile Communication Devices***

The use of personal mobile devices, including but not limited to laptops, tablets, and cell phone, can be allowed for instructional purposes at the discretion of the principal of the local school. If allowed by the principal, these devices should be restricted to instructional purposes only. Principals and teachers may also choose to place further restrictions on the use of personal mobile devices. All uses of personal mobile devices must fall within and are subject to the Student Acceptable Use Policy for Technology (student) or the Employee Acceptable Use of School Technology Policy (teacher). Any student using a personal mobile device must have the Student Technology Use Agreement Compliance Form on file with the school/district.

School officials may read, examine, or inspect the contents of any such device upon reasonable suspicion that the device contains evidence of an actual or suspected violation of the law, Board policy, of the code of student conduct, or of other school rules, provided that the nature and extent of such examination shall be reasonably related and limited to the suspected violation.

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

## **6.22 *Drivers' License***

6.22.1 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;

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- 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 non-enrollment 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.

6.22.2 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)]

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

6.23.1 General – Cullman City School recognizes that students in extracurricular activities are assets to the athletic and academic processes of our educational institution. Students involved in extracurricular activities in Cullman City School should be afforded every opportunity to demonstrate character and leadership traits. It is the desire of Cullman City Schools that students involved in extracurricular activities remain drug free in order to help protect themselves, as well as other activity members with who they come in contact. In an effort to assist these students, Cullman City School is implementing a substance screening program. This policy is enacted as a preventive measure and as a deterrent to students who may be thinking of trying illegal drugs. It will provide students with another reason to say, “No.” This policy in no way circumvents, nor replaces, current board policies or school rules pertaining to use, possession and/or distribution of alcohol, tobacco, or drugs at school or school sponsored events.

6.23.2 Policy Objectives –

- a. To create and maintain a safe, drug-free environment for all students involved in extracurricular activities or who attend any Cullman City School.
- b. To discourage illegal drug use by students involved in extracurricular activities, both on and off the school campus.

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- c. To reduce the likelihood of incidents of accidental personal injury and/or damage to students or property.
- d. To protect the reputation of the school system and its students.

6.23.3 Actions for Failed Drug Screens –

a. *First Violation* –

- (i). Student’s parent will be notified immediately of a positive screening result. Any prescribed medications a student might be taking that could have contributed to a positive result will be verified at this time.
- (ii). Student’s parents may request a comparable independent test on the student’s same sample. The re-screening must be completed within 24 hours of the initial screening at the parent’s expense.
- (iii). If a student’s sample retests false, it will be as if student never had a positive test.
- (iv). Once a student has a proven positive screening, that student will be tested regularly when random screenings are conducted.
- (v). Student must complete 25 hours of school/community service.
- (vi). Student must complete a drug assessment through an approved designated program.
- (vii). Student must have a negative screening within 30 days.

b. *Second Violation* –

- (i). Student will be suspended from extracurricular activities for 14 school attendance days following a positive drug screening.
- (ii). Student’s parents may request a comparable independent test on the student’s same sample. The re-screening must be completed within 24 hours of the initial screening at the parent’s expense.
- (iii). Sanctions will begin immediately upon a second failed drug screening.

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- (iv). Student must complete mandatory drug counseling. The student must provide a certificate of completion before being readmitted to his/her extracurricular activities.
- (v). Student must complete 50 hours of school/community service.
- (vi). Student must have a negative screening before being readmitted to competition/participation.
- (vii). Students with driving/parking privileges will have driving/parking privileges suspended for 14 school attendance days.

c. *Third Violation –*

- (i). Student will be suspended from extracurricular participation for 100 school attendance days following the infraction.
- (ii). Students with driving/parking privileges will have all driving/parking privileges revoked for a period of 100 school attendance days.

**6.24 Jamari Terrell Williams Student Bullying Prevention Act, No. 2018-472**

6.24.1 Bullying, Intimidation, Violence, and Threats of Violence, Prohibited.

No student shall engage in nor should any be subjected to bullying, violence, threats of violence or intimidation by any other student that is based on any of the specific characteristics set forth in this policy. Students who violate this policy will be subject to appropriate disciplinary sanctions as specified in the Student Code of Conduct, subject to the investigating school administrator’s authority and decision.

6.24.2 Definitions

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

(a) “Bullying” means a continuous pattern of intentional behavior on or off of school property, on a school bus, or at a school-sponsored function including, but not limited to, cyberbullying or written, electronic, verbal, or physical actions that are reasonably perceived as being motivated by any characteristic of a student, or by the association of a student with an individual who has a particular characteristic, if the characteristic falls into one of the categories of personal

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characteristics contained in this policy. To constitute bullying, a pattern of behavior may do any of the following:

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

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

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

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

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

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

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(g) “Student” as used in this policy means a person who is enrolled in Cullman City Schools public 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 bullying, violence, or intimidation; (2) to refrain from inflicting or threatening to inflict violence, injury, or damage to the person or property of another student, and (3) to refrain from placing another student in fear of being subjected to violence, injury, or damage when such actions or threats are reasonably perceived as being motivated by any personal characteristic of the student that is identified in this policy.

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

- Race
- Sex
- Religion
- National origin
- Disability

#### 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

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

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

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

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

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

Promulgation of Policy and Related Procedures, Rules, and Forms - This policy and any procedures, rules and forms developed and approved to implement the policy will be published on the website of each local board of education and school, shall be available at each school office, and shall be included in the student handbook that is distributed to each student at the beginning of each school year.

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

- a. Foster individual, family, and group counseling services related to suicide prevention.
- b. Make referral, crisis intervention, and other related information available for students, parents, and school personnel.

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- c. Foster training for school personnel who are responsible for counseling and supervising students.
- d. Increase student awareness of the relationship between drug and alcohol use and suicide.
- e. Educate students in recognizing signs of suicidal tendencies and other facts and warning signs of suicide.
- f. Inform students of available community suicide prevention services.
- g. Promote cooperative efforts between school personnel and community suicide prevention program personnel.
- h. Foster school-based or community-based, or both, alternative programs outside of classroom.
- i. Develop a strategy to assist survivors of attempted suicide, students, and school personnel in coping with the issues relating to attempted suicide, suicide, the death of a student, and healing.
- j. Engage in any other program or activity which the Board determines is appropriate and prudent in the efforts of the school system to prevent student suicide.
- k. Provide training for school employees and volunteers who have significant contact with students on the Board policies to prevent harassment, intimidation, and threats of violence.
- l. Develop a process for discussing with students local board policies relating to the prevention of student suicide and to the prevention of harassment, intimidation, violence, and threats of violence.
- m. Provide annual training for all certificated school employees in suicide awareness and prevention. This training may be provided within the framework of existing in-service training programs or as a part of required professional development offered by the school system.

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- 6.24.7. Promulgation of Policy and Related Procedures, Rules, and Forms – This policy and any procedures, rules, and forms developed and approved to implement the policy will be published, disseminated, and made available to students, parents and legal guardians, and employees by such means and methods as are customarily used for such purposes.
- 6.24.8. Construction of Policy –This policy is supplemental to other Board policies and procedures and does not repeal, replace, or supersede any other prohibition on harassment, violence, threats of violence or intimidation found elsewhere in Board policy or procedure, including the Code of Student Conduct. This policy shall not be construed to allow harassment, violence, threats of violence or intimidation for any reason not specifically listed in this policy or to prohibit the Board from disciplining students for acts of harassment, violence, threats of violence or intimidation not specifically listed herein. Students who engage in harassment, violence, threats of violence or intimidation not specifically covered by this policy may be subject to appropriate disciplinary action in accordance with the Code of Student Conduct.  
[Reference: Ala. Code §16-28B-1, *et seq.* (1975)]

**6.25 *Annalyn’s Law* (1/28/21 Board Approved)**

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

6.25.1 Definitions

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

- a. “Plan” refers to the “individualized student safety plan” developed following the Student’s adjudication and/or enrollment in the school to serve as a behavior contract between the Student and the School.
- b. “School” refers to “all school property and school-sponsored functions including, but not limited to, classroom instructional time, assemblies, athletic events, extracurricular activities, and school bus transportation related to the Students current school of record.
- c. “Student” refers to “the low-risk juvenile sex offender” designated by a juvenile court as having a low risk of re-offense.
- d. “Teachers and staff with supervision over the student” or “Supervision team” refers to school officials or staff who have a specific responsibility for the Student, including the school principal, the Student’s assigned teachers and/or coaches, the Student’s counselor, and if applicable, the Student’s bus driver, during the subject school year and who will be privy to information regarding the

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Student's status. Teachers and staff with only passing and/or general contact with the Student shall not be privy to information regarding the Student's status.

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

#### 6.25.2 Notification

1. **Current Students** in the event a currently enrolled Student is adjudicated delinquent and designated "low risk" by the juvenile court, local law enforcement is expected to notify the local Superintendent and principal of the Student's school in writing.
2. **Newly Enrolled Students** In the event a Student seeks to enroll in the district as a new student, and that Student has been previously designated as a low-risk juvenile sex offender, local law enforcement is expected to notify the local Superintendent and principal of the Student's school in writing.
3. **Students That Change Schools Within the District** In the event a currently enrolled Student transfers to another school in the district or is promoted to another school in the district, the principal of the original school should notify designated law enforcement of the change as soon as practicable. Following that notification, the principal of the original school should orally or in writing brief the principal of the new school regarding the original Plan and the transferring Student's status and circumstances. Regardless, the principal of the prior school must provide the Student's records and Safety Plan to the principal of the new school as soon as practicable. The new principal should review the Plan and meet with the Student, the Student's parent or guardian, and the anticipated new Supervision Team to determine whether the current terms are sufficient or should be adjusted based on the Student's circumstances.
4. **School Staff Changes** In the event the principal or a member of the Supervision Team leaves his position or is no longer responsible for supervising the Student, a replacement team member should be named, if necessary and appropriate, and briefed by the principal or the most enior member of the Supervision Team regarding the Student's status and Plan. The Student, his parent or guardian, and other members of the Supervision Team should be notified of changes to the Supervision Team within a reasonable timeframe.

#### 6.25.3 Plan Development and Maintenance

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

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

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

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

- 6.25.4 The Student will be subject to the general Student Code of Conduct and any other conditions deemed necessary by the principal or designee as incorporated in the Student's Plan.

Members of the Supervision Team should report any suspected violations of the Plan to the principal or designee.

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

- 6.25.5 Students with Disabilities

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

- 6.25.6 Violations of the Plan

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

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#### 6.25.7 Challenges to the Plan

In the event the Student and/or his parent or guardian object to conditions of the Plan or the application of a sanction, a challenge must be submitted in writing to the Superintendent or his designee to consider whether adjustment of the Plan or response constitutes disciplinary action will adhere to the applicable School disciplinary policies and procedures and the Student will be afforded process due thereafter.

#### 6.25.8 Confidentiality

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

#### 6.25.9 Retaliation

Members of the Supervision Team should make every effort to treat the Student with the same respect and courtesy to which every student is entitled. The Team is reminded that the Student has been deemed by the juvenile court as not likely to re-offend and should be encouraged to fully integrate into the student body as a successful student.

#### 6.25.10 Procedures

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

Legal Reference: Ala. Act No. 2018-528, Ala. Code §16-1-51.1 (1975).

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