The Mobile County Public School System does not discriminate in its education and employment programs on the basis of religion, age, race, color, national origin, gender, marital or parental status, and disability. This district complies with all Federal and state laws and regulations regarding discrimination. Inquiries regarding compliance and/or grievance procedures may be directed as follows. For student inquiries contact Rhonda Neal Waltman, Assistant Superintendent, P.O. Box 1327, Mobile, Alabama 36633 or call (251) 221-4245. For employee inquiries contact George Smith, Employee Relations Administrator, P. O. Box 1327, Mobile, Alabama 36633 or call (251) 221-4531.
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WHAT IS THE STUDENT HANDBOOK AND CODE OF CONDUCT AND WHY DO WE NEED IT?

Students need an environment that is safe and conducive to learning. To provide and maintain that environment, the Student Handbook and Code of Conduct:

- Describes that positive environment;
- Describes that conduct which is disruptive to such an environment;
- Strives to standardize those procedures which the school will use in responding to conduct problems;
- Assures the rights of students when disciplinary action is taken;
- Specifies the rights and responsibilities of students.
- Provides for annual distribution of required information to parents, as prescribed by federal and state regulations.

The principal shall work cooperatively with faculty, parents, or guardians, and students in reviewing the Student Handbook and Code of Conduct for the Mobile County Public School System and shall take proper steps to make sure that teachers, parents, or guardians, and students receive a copy of the annual revisions. During the first two weeks of school (or as soon as practical upon receipt of the books), the principal shall schedule extensive review opportunities through assigned staff members, at which time the contents are reviewed with students, appropriate to their age and development.

The Student Handbook and Code of Conduct shall be modified as required by changes in federal and/or state mandates and shall be revised and approved annually by the Board of School Commissioners as policy.

As students progress through our public schools, it is reasonable to assume that an increase in age and maturity implies a greater responsibility for their actions. Differences in age and maturity are recognized in determining the type of disciplinary action to be taken. However, the procedures outlined in the Student Handbook and Code of Conduct apply to all students under the jurisdiction of Mobile County Public Schools.

The Student Handbook and Code of Conduct is in force:

- During regular school hours;
- While students are being transported on a school bus;
- At such times and places where appropriate school administrators have jurisdiction over students including, but not necessarily limited to, school-sponsored events, field trips, athletic functions, and other activities.

Since it is unsafe to drive under chaotic circumstances, a bus driver has the authority to require a reasonable degree of quiet, to assign seats and to require students to remain seated, and to refrain from unsafe and disruptive behavior. Students are expected to obey the direction of the bus driver or face the possibility of losing the privilege of riding the bus and/or other appropriate action as determined by Board policy or the principal. All incidents of misconduct shall be reported by the bus driver to the principal.
In addition, the principal or designee is authorized to take administrative action whenever a student’s misconduct away from school has a detrimental effect upon other students or on the orderly educational process.

SECTION I

INTRODUCTION

Discipline in our schools helps to prepare youth to assume their positions of citizenship in our democratic society. Policies and procedures of discipline must be employed to establish respect for authority and to maintain favorable learning conditions free from distractions and misbehavior.

The maintenance of a desirable school environment conducive to meaningful and effective learning experiences requires the combined efforts of the parents, or guardians, students, and school personnel. It shall be the responsibility of school administrators and teachers to see that the rules and regulations of the school are carried out in a consistent manner which projects to the student a feeling of fairness, honesty, and genuine concern for the individual.

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

The Code of Alabama, Section 16-28-12, states the following:

δ 16-28-12 Person in loco parentis responsible for child’s school attendance and behavior; noncompliance; local boards to promulgate written behavior policy, contents, annual distribution, receipt to be documented; school officials required to report noncompliance; failure to report suspected violation; district attorneys vigorously to enforce provisions.

(a) Each parent, guardian, or other person having control or custody of any child required to attend school or receive regular instruction by a private tutor who fails to have the child enrolled in school or who fails to send the child to school, or have him or her instructed by a private tutor during the time the child is required to attend a public school, private school, church school, denominational school, or parochial school, or be instructed by a private tutor, or fails to require the child to regularly attend the school or tutor, or fails to compel the child to properly conduct himself or herself as a pupil in any public school in accordance with the written policy on school behavior adopted by the local board of education pursuant to this section and documented by the appropriate school official which conduct may result in the suspension of the pupil, shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than one hundred dollars ($100) and may also be sentenced to hard labor for the county for not more than 90 days. The absence of a child without the consent of the principal teacher of
the public school he or she attends or should attend, or of the tutor who instructs or should instruct the child, shall be prima facie evidence of the violation of this section.

(b) Each local public board of education shall adopt a written policy for its standards on school behavior. Each local public school superintendent shall provide at the commencement of each academic year a copy of the written policy on school behavior to each parent, guardian, or other person having care or control of a child who is enrolled. Included in the written policy shall be a copy of this section. The signature of the student and the parent, guardian, or other person having control or custody of the child shall document receipt of the policy.

(c) Any parent, guardian, or other person having control or custody of any child enrolled in public school who fails to require the child to regularly attend the school or tutor, or fails to compel the child to properly conduct himself or herself as a pupil in accordance with the written policy on school behavior adopted by the local board of education and documented by the appropriate school official which conduct may result in the suspension of the pupil, shall be reported by the principal to the superintendent of education of the school system in which the suspected violation occurred. The superintendent of education or his or her designee shall report suspected violations to the district attorney within 10 days. Any principal or superintendent of education or his or her designee intentionally failing to report a suspected violation shall be guilty of a Class C misdemeanor. The district attorney shall vigorously enforce this section to ensure proper conduct and required attendance by any child enrolled in public school.

(School Code 1927, § 305; Code 1940, T. 52, § 302; Acts 1993, No. 93-672, p. 1213, § 1; Acts 1994, 1st Ex. Sess., No. 94-782, p. 70, § 1.)

SECTION II

RIGHTS AND RESPONSIBILITIES

Administrators
Administrators should recognize their responsibility to provide an environment that will foster the teaching/learning process.

Responsibilities
Administrators should:

- Be guided by professional ethics in relationships with employees of the Mobile County Public School System, parents or guardians, students and citizens of the community.
- Follow the policies of the Board of School Commissioners regarding discipline for students and keep foremost in mind the necessity for handling each case of student misconduct fairly and consistently. Rules, regulations and procedures should be publicized annually.
- Serve as the liaison between the Board of School Commissioners and the community and strive to represent the Board in a positive manner regarding all matters of student discipline. Promote effective discipline based upon fair and impartial treatment of all students.
• Request a conference with parents or guardians to discuss a student’s behavior problem prior to the problem developing to the point where severe action is necessary.
• Requesting a conference without depriving a student the opportunity to attend school shall not be considered a suspension. Encourage parent or guardian to maintain regular communication with school personnel.
• Maintain a safe atmosphere conducive to good behavior while promoting a flexible curriculum to meet the needs of all students.
• Encourage the school staff, parents or guardians, and students to use the services of community agencies.
• Involve students and the community in the development of policy that will improve the quality of life within the school.

Teachers
Teachers should recognize the magnitude of responsibilities as individuals when choosing a career in education. Toward this endeavor, there is a commitment to one’s self, the student, the public, and to the profession.

Responsibilities
Teachers should:
• Be guided by professional ethics in their relationship with students, parents, or guardians, the community, and other personnel. Be respectful to all individuals, property, and refrain from profane or inflammatory statements.
• Protect the rights of students to participate in and receive the benefits from any program without regard to race, color, sex, creed, or national origin.
• Plan and conduct a program of instruction which captures the interest and meets the needs of each student. Be prepared with appropriate working materials.
• Refrain from using professional relationships with students for private advantage.
• Protect students from unnecessary embarrassment or disparagement.
• Inform parents or guardians about students’ academic progress and conduct through regular communication.
• Know and enforce the discipline policies courteously, consistently, fairly, firmly, and impartially. Strive to use a variety of informal disciplinary and guidance methods, before, during, and after formal disciplinary action.
• Keep in confidence information that has been obtained in the course of professional service, unless disclosure serves professional purposes or is required by law.
• Conduct themselves in a safe and responsible manner, are in regular attendance, on time, and well-groomed.
• Abide by the rules and regulations set forth by the school and district.

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

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

Responsibilities
Parents or guardians have the responsibility to:
• Help foster an environment in and out of school that nurtures quality in education. Provide the student with the resources needed to complete class work.
• Encourage students to respect the rights and individuality of others.
• Ensure students’ prompt and regular compliance with attendance rules and other procedures necessary for the best possible orderly education. Prepare to explain absences or tardiness to school.
• Work with the school in the best interest of the students.
• Comply with all provisions of the law.
• Support the school in following the appropriate procedures.
• Attend necessary conferences each year.
• Maintain regular communication with the school to see that students complete school assignments in order to achieve the highest possible performance rating. Attend conferences when requested.
• Talk with students about school activities, plan a time and place for school work assignments, and provide necessary supervision. Discuss report card and work assignments with the student.
• Assist the student in being healthy and well-groomed.
• Bring to the attention of school authorities any problems or conditions which affect the student or other students of the school community.
• Provide and up-to-date list of home, work, and emergency telephone numbers for the school, including doctor and hospital preferences.

Rights
Parents or guardians have the right to:
• Expect quality in the program of instruction.
• Expect students to be treated with dignity as individuals.
• Be granted an opportunity for a public education for students.
• Participate in appropriate school programs.
• Be granted access to all appropriate school records.
• Be granted procedural due process for students.
• Request and be granted a conference with the teacher and/or principal within a reasonable time period.
• Obtain regular official reports of students’ progress.
• Ask for an explanation of the basis for any mark given by a teacher.

Students
Students must recognize that rights bring on responsibilities. They must share an equal load in ensuring that our schools have an atmosphere for learning and achieving at the highest level.

Responsibilities
Students have the responsibility to:
• Respect teachers and those in authority.
• Respect the rights and privileges of others.
• To be informed of laws and local/school rules and policies in regard to free speech, press, and assembly.
• Exhibit a sense of fairness, honesty, loyalty, obedience, courtesy, pride, and trustworthiness.
• Neither take nor damage the property of other students, school personnel, or the Board of Education.
• Obey rules and regulations pertaining to personal safety as well as that of others.
• Strive for academic excellence. Be prepared with appropriate materials, come to class, and be responsible for their own work.
• Be punctual and regular in attendance for school and all classes.
• Be knowledgeable of and follow the Student Code of Conduct.
• Behave in a manner that permits uninterrupted learning to take place. Refrain from profane, inflammatory, harassing or threatening statements.
• Avoid committing any deviant acts that will cause a disruption to the orderly operation of the school. Conduct themselves in a safe and responsible manner.
• Dress and be well-groomed according to uniform dress code policy.

Rights
Students have the right to:
• An appropriate public education.
• Due process.
• Confidentiality of records.
• Equal treatment regardless of race, sex, creed, color, religion, or national origin.
• Have access to information contained in their cumulative and discipline files.
• Fundamental guarantees of free speech, press, and assembly as long as they do not infringe on the rights of others or interfere with the orderly operation of the school program.
• Fair and reasonable punishment with regard to the nature and seriousness of the offense.
• Receive all educational services provided by the system to enhance educational pursuits for which they qualify.
• Participate in student organizations authorized and sponsored by the school provided the students meet the established criteria.
• Privacy in their personal possessions, subject to the right of school officials to inspect and protect students and school property and to ensure the safe and orderly operation of the school.
• An explanation of any grades or progress reports given.
• A school environment conducive to effective and meaningful learning experiences.
SECTION III

STUDENT MISCONDUCT

This section describes a broad range of acts of misconduct which are prohibited in school. Because the following lists do not include all types of misconduct, the student who commits an act of misconduct not listed shall be subject to the discretionary authority of the classroom teacher or principal.

The seriousness of the offense, the academic placement, attitude, and age of student, as well as the pattern of misconduct, and the degree of cooperation should be considered in determining what action should be taken. The process is intended to be instructional and corrective, not punitive.

Punishment shall be adapted to the needs and the background of a student as much as possible and shall be reasonable and fair with regard to the seriousness of the offense. Punishment shall not be used as a substitute for a reasonable effort to achieve desirable internal controls by good teaching and effective counseling.

Students are provided the right of due process in handling individual problems. This right includes the opportunity for the student to inform himself/herself of the provisions of the school policies governing students.

It also includes the right to be informed of any violation, present evidence on his/her behalf, have legal counsel at the hearing, and be notified of his/her right to appeal.

GROUP A

GROUP A offenses are cumulative by group, for each academic year. The words “2nd Offense and Subsequent Offenses” refer to and include all second and subsequent violations of any Group A offense. If the offense is committed by a special education student, please refer to the Special Education section before disciplining the student. If the offense is committed by a Section 504 eligible student, please refer to the 504 section before disciplining the student.

These acts of misconduct include those student behaviors which disrupt the orderly educational process, in the classroom or anywhere else under school jurisdiction, such as the following:

1. Excessive talking in the classroom.
2. Cheating and/or copying the work of other students.
4. Being improperly dressed/out of approved uniform.
5. Minor misbehavior on school bus.
6. Public display of physical affection.
7. Non-participation in class: no books, materials, etc.
8. Misuse of lunch card/lunch identification number.
9. Possession of nuisance items as defined by the principal (such as fake items: snakes, spiders, etc.).
10. Tardiness to class and/or school.
11. Infractions that are minor in nature and disrupt the orderly educational process.
12. Any other offense which the principal may deem reasonable to fall within this category of acts of misconduct.

NOTE: Teachers must attempt to resolve Group A behaviors when it is appropriate before referral to the administrator for official disciplinary action.

The staff of the Division of Student Support Services shall be available for consultation on individual student problems as the need arises.

**ADMINISTRATIVE DISCIPLINARY ACTION**

**Grades K-5:**

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<td>1st Offense</td>
<td>Administrator/Student Conference</td>
<td>Suspension From School (3 days)</td>
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<td>2nd Offense and</td>
<td>Administrator/Student/Parent/Guardian Conf.</td>
<td>Suspension From School (5 days)</td>
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<td>Subsequent Offenses</td>
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**Grades 6-8:**

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<td>2nd Offense and</td>
<td>Administrator/Student/Parent/Guardian Conf.</td>
<td>Suspension From School (10 days)</td>
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<td>Subsequent Offenses</td>
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**Grades 9-12:**  
(Reflects Block Scheduling Days)

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<tr>
<td>1st Offense</td>
<td>Administrator/Student Conference</td>
<td>Suspension From School (2 days)</td>
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<td>2nd Offense and</td>
<td>Administrator/Student/Parent/Guardian Conf.</td>
<td>Suspension From School (5 days)</td>
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<td>Subsequent Offenses</td>
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**GROUP B**

**GROUP B offenses are cumulative by group for each academic year.** The words “2nd Offense and Subsequent Offenses” refer to and include all second or subsequent violations of any Group B offense. If the offense is committed by a special education student, please refer to the Special Education section before disciplining the student. If the offense is committed by a Section 504 eligible student, please refer to the 504 section before disciplining the student.

These acts of misconduct include those student behaviors which seriously disrupt the orderly educational process, in the classroom or other areas of school jurisdiction, such as the following:

1. Leaving the classroom or campus without permission.
2. Acts of minor physical aggression*
3. Truancy**
4. Class cutting, skipping
5. Act of willful disobedience
6. Possession and/or use of Electronic Communication Devices (pagers, cellular phones, etc.)
7. Possessing, selling, furnishing, giving away, distributing, transferring, or obtaining commercial fireworks
8. Possessing, selling, furnishing, giving away, distributing, transferring, or obtaining a realistic toy, replica, or look-a-like gun
9. Use of obscene/profane language - whether spoken, written or by gestures***
10. Possession and/or use of tobacco products****
11. Use of the Internet for other than approved academic reasons
12. Any other offense which the principal may deem reasonable to fall within this category of acts of misconduct.

The staff of the Division of Student Support Services shall be available for consultation on individual student problems as the need arises.

ADMINISTRATIVE DISCIPLINARY ACTION

* The Conflict Management Program, sponsored by the Drug Free Schools Office, can be used as an alternative or in addition to other disciplinary action for offenses marked.

As defined by the Alabama Department of Education, Discipline Plan for Safe Schools (July 1995), “A fight is defined as any conduct falling within the Alabama Statutes defining assault, menacing and reckless endangerment, or criminal coercion.” Refer to Group C Offenses for acts other than minor physical aggression.

** Principals shall suspend for truancy only after referral to the Attendance Officer and receipt of the written investigative report.

*** Severe violations of obscene/profane language, directed toward a person may be coded as a C10 offense (disorderly conduct) resulting in more severe penalties.

**** Smoking and/or the use of tobacco products shall not be permitted on the grounds of any Mobile County School System property. This shall apply to system employees, students and the general public.

“Smoking” shall include carrying or holding a lighted pipe, cigar or cigarette of any kind, or any other smoking equipment, or lighting or emitting or exhaling the smoke of a pipe, cigar or cigarette of any kind.

“Tobacco product” shall include the use of any type of tobacco product. This includes chewing tobacco, snuff or any other tobacco product that is otherwise lit, chewed or placed in the mouth or nose.

The Tobacco Educational Component (CAPP) is a one session program that may be offered to students and their parents or guardians as an alternative or in addition to other administrative disciplinary action listed for a tobacco offense.

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<th>Grades K-5:</th>
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<th>Administrator/Student Conference and Inform Parent or Guardian</th>
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<td>1st Offense</td>
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<td>and Subsequent Offenses</td>
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<td>2nd Offense and Subsequent Offenses</td>
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<td>Administrator/Student/Parent/Guardian Conf.</td>
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<td>MAXIMUM:</td>
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Grades 9-12:  (Reflects Block Scheduling Days)

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<td>2nd Offense and</td>
<td>Administrator/Student/Parent/Guardian Conf.</td>
<td>Suspension From School</td>
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<tr>
<td>Subsequent Offenses</td>
<td>Suspension From School</td>
<td>(Long Term: 11 days to end of semester)</td>
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Principals are encouraged to contact the Division of Student Support Services, the Security Office, and/or the Drug Free Schools Office for other suggestions in conflict management.

Possession may be actual or constructive (not limited to the actual manual control upon or about the person), if student exercised some measure of dominion, knowledge of, or control over the contraband, either exclusively or in association with others.

**GROUP C**

**GROUP C offenses are cumulative by group, for grades K-5, 6-8, 9-12.** The words “2nd Offense and Subsequent Offenses” refer to and include all second or subsequent violations of any Group C offense, grades K-5, 6-8, 9-12. If the offense is committed by a special education student, please refer to the Special Education section before disciplining the student. If the offense is committed by a Section 504 eligible student, please refer to the 504 section before disciplining the student.

These acts of misconduct include those illegal student behaviors which most seriously disrupt the orderly educational process, in the classroom or other areas of school jurisdiction, and which may result in criminal prosecution. Principals shall immediately inform a Resource Officer about any violation listed below. A report shall be filed with the office of the Superintendent and Board of School Commissioners.

1. Arson
2. Theft of property
3. Receiving and concealing stolen property
4. Criminal mischief
5. Burglary
6. Unlawful breaking and entering a motor vehicle
7. Homicide
8. Assault, First Degree*
9. Assault, Second Degree*
10. Assault, Third Degree*
11. Menacing*
12. Reckless endangerment*
13. Harassment, including threats*
14. Disorderly conduct*
15. Robbery
16. Extortion
17. Trespassing
18. Bomb threat
19. Terrorist threat
20. Sexual battery**
21. Public lewdness
22. Indecent exposure
23. Discharging commercial fireworks in an area that creates a threat to the security, safety or well-being of students, faculty, or other school personnel or that disrupts the orderly educational process
24. Possessing BB, pellet, or paint ball gun (BB, pellet or paint ball gun propel a projectile by spring pneumatic, or CO2 pressure)
25. Using a realistic toy, replica, look-a-like, BB, pellet, or paint ball gun to scare, frighten, intimidate, threaten, rob, or to otherwise disrupt the orderly educational process
26. Any other offense which the principal may deem reasonable to fall within this category of acts of misconduct

The staff of the Division of Student Support Services shall be available for consultation on individual student problems as the need arises.

** ADMINISTRATIVE DISCIPLINARY ACTION 

** Grades K-5: **

** 1st Offense **

** MINIMUM:** Suspension From School (3 days)
** MAXIMUM:** Suspension From School (Long Term: 11 days to end of semester)
May Recommend Expulsion
May Notify Appropriate Law Enforcement Agency For Arrest

** 2nd Offense and Subsequent Offenses **

** MINIMUM:** Suspension From School (5 days)
** MAXIMUM:** Suspension From School (Long Term: 11 days to end of semester)
May Recommend Expulsion
May Notify Appropriate Law Enforcement Agency For Arrest

** Grades 6-8: ** (SAME AS GRADES K-5 ABOVE)
** Grades 9-12:** (SAME AS GRADES K-5 ABOVE)

* The Conflict Management Program, sponsored by the Drug Free Schools Office, can be used as an alternative or in addition to other disciplinary action for offenses marked.

** Sexual battery is a generic category comprised of only those specific criminal violations listed as sexual offenses in the Code of Alabama Title 13.

As defined by the Alabama Department of Education, Discipline Plan for Safe Schools (July 1995), “A fight is defined as any conduct falling within the Alabama Statutes defining assault, menacing and reckless endangerment, or criminal coercion.”

Principals are encouraged to contact the Division of Student Support Services, the Security Office and/or the Drug Free Schools Office for other suggestions in conflict management.
Possession may be actual or constructive (not limited to the actual manual control upon or about the person), if student exercised some measure of dominion, knowledge of, or control over the contraband, either exclusively or in association with others.

GROUP D

SUBSTANCE ABUSE POLICY

GROUP D offenses are cumulative by group, grades K-12. The words “Subsequent Offenses” refer to and include all second or subsequent violations of any Group D offense, grades K-12. If the offense is committed by a special education student, please refer to the Special Education section before disciplining the student. If the offense is committed by a Section 504 eligible student, please refer to the 504 section before disciplining the student.

The parent/guardian shall deliver all medication to school personnel designated by the principal and complete permission forms for the child to receive medication at school. To protect all children from taking medication belonging to another child, no child may keep medication on their person at school. The only exception would be emergency medications that are ordered by the physician/health caregiver and approved by the school nurse. Examples: epi-pen, glucose tablets and asthma rescue inhalers.

Possessing, selling, furnishing, giving away, distributing, transferring, obtaining, using, consuming, or admitting to any of same, by a student any form of alcoholic beverages, drugs with abuse potential (those listed in the State and/or Federal Controlled Substances Laws, Schedules I through V), prescription drugs (except as prescribed by a licensed practitioner and restricted to dosage prescribed to be taken during the time the respective student is physically present at school) and drug paraphernalia is prohibited on school property, including buses and at school-sponsored functions.

This policy also applies to any legal substance: counterfeit, imitation, and/or look-a-like substances used for other than normally accepted circumstances, over-the-counter medications, vitamins, and food supplements.

Violation of this policy shall be considered an act of serious misconduct. The principal or his/her designee shall immediately notify a Resource Officer and an investigation shall be conducted. A report on same shall be filed with the office of the Superintendent and the Board of School Commissioners.

The parents or guardians of the student should be notified immediately or as soon as possible. The jurisdictional law enforcement agency should be notified when appropriate.

Alcohol, drugs, paraphernalia, or other related substances confiscated shall be released to the Resource Officer or an appropriate law enforcement officer.

A student enrolled in a special education program who commits an act of misconduct as described in this policy shall have this policy applied within the guidelines defined for the discipline of special education students. The Superintendent shall develop or cause to be developed specific procedures to implement this policy.

CHEMICAL ABUSE PREVENTION PROGRAM
For students in Grades K-12, completion of the Mobile County Public School System’s Chemical Abuse Prevention Program (CAPP) is required for all Group D first offenses with the exception of Item III-D, whether the student is suspended short-term (0-10 days) or long-term (from 11 days to the end of semester).

If the student is suspended short-term, the student must enroll in the Mobile County Public School System’s CAP Program within ten (10) school days of the suspension date. If the student is suspended long-term (from 11 days to end of semester), the student must complete the program prior to readmission to the regular school program the following semester.

Failure to attend all four (4) sessions of the CAP Program will result in a minimum three (3) day suspension, which will be coded as Group B-12 – “failure to attend all four (4) sessions of the CAP Program requirement for a Group D violation.”

NOTE: CAP Program attendance is in addition to the minimum suspension days; CAP Program attendance may not serve in lieu of suspension days. Upon being suspended for a Group B-12 violation, “failure to attend all four (4) sessions of the CAP Program requirement for a Group D violation,” a student is no longer required to complete the CAP Program.

GROUP D
SUBSTANCE ABUSE
PROCEDURE

I. Alcohol

A. Possessing, selling, furnishing, giving away, distributing, transferring, obtaining, using, consuming, or admitting to any of the same, alcoholic beverages in any quantity.

<table>
<thead>
<tr>
<th>Grades K-5:</th>
<th>Suspension From School (9 days)</th>
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<tbody>
<tr>
<td>1st Offense</td>
<td>Completion of CAP Program</td>
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<td>May Notify Appropriate Law Enforcement</td>
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<td>Agency for Arrest</td>
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| 2nd Offense and | Recommend Expulsion |
| Subsequent Offenses | Notify Appropriate Law Enforcement |
|                    | Agency for Arrest |

<table>
<thead>
<tr>
<th>Grades 6-12:</th>
<th>MINIMUM:</th>
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<tbody>
<tr>
<td>1st Offense</td>
<td>Suspension from School (Long Term: 11 days to end of semester)</td>
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<td>Completion of CAP Program</td>
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<table>
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<td>Agency for Arrest</td>
</tr>
</tbody>
</table>

| 2nd Offense and | Recommend Expulsion |
| Subsequent Offenses | Notify Appropriate Law Enforcement |
|                    | Agency for Arrest |

II. Drugs

A. Possessing, selling, furnishing, giving away, distributing, transferring, obtaining, using, consuming, or admitting to any of the same, cannabis in any quantity.*
Grades K-5:
1st Offense
Suspension From School (9 days)
Completion of CAP Program
May Notify Appropriate Law Enforcement Agency for Arrest

2nd Offense and
Subsequent Offenses
Recommend Expulsion
Notify Appropriate Law Enforcement Agency for Arrest

Grades 6-12:
MINIMUM: Suspension From School
(Long Term: 11 days to end of semester)
Completion of CAP Program
MAXIMUM: May Recommend Expulsion
Notify Appropriate Law Enforcement Agency for Arrest

2nd Offense and
Subsequent Offenses
Recommend Expulsion
Notify Appropriate Law Enforcement Agency for Arrest

B. Possessing, selling, furnishing, giving away, distributing, transferring, obtaining, using, consuming, or admitting to any of the same, all other controlled substances enumerated in Schedules I through V in any quantity listed in the Federal Controlled Substances Laws and/or the Alabama Controlled Substances Laws (Narcotics, Depressants, Stimulants, Hallucinogens, etc.).

Grades K-12:
MINIMUM: Suspension From School
(Long Term: 11 days to end of semester)
Completion of CAP Program
MAXIMUM: May Recommend Expulsion
Notify Appropriate Law Enforcement Agency for Arrest

2nd Offense:
Subsequent Offenses
Recommend Expulsion
Notify Appropriate Law Enforcement Agency For Arrest

C. Possessing, selling, furnishing, giving away, distributing, transferring, obtaining, using, consuming, or admitting to any of the same, in any quantity all prescription drugs not covered under controlled substances as listed in Section II-B of this policy.

Grades K-12:
MINIMUM: Suspension From School (9 days)
Completion of CAP Program
MAXIMUM: Suspension From School
(Long Term: 11 days to end of semester)
May Notify Appropriate Law Enforcement Agency for Arrest

2nd Offense and
Subsequent Offenses
Recommend Expulsion
May Notify Appropriate Law Enforcement Agency for Arrest
III. Other Substances

A. Possessing, obtaining, using, consuming, or admitting to any of same, in any quantity, counterfeit, imitation, look-a-like substances, over-the-counter medications, vitamins, and food supplements, represented to be a controlled substance and/or a prescription medication.

**Grades K-12:**  
**1st Offense**  
**MINIMUM:** Suspension From School (5 days)  
Completion of CAP Program  
**MAXIMUM:** Suspension From School  
(Long Term: 11 days to end of semester)  
May Notify Appropriate Law Enforcement Agency for Arrest  

**2nd Offense and Subsequent Offenses**  
Recommend Expulsion  
May Notify Appropriate Law Enforcement Agency For Arrest

B. Selling, furnishing, giving away, distributing, transferring, or admitting to any of same, in any quantity, counterfeit, imitation, look-a-like substances, over-the-counter medications, vitamins, and food supplements, represented to be a controlled substance and/or a prescription medication.

**Grades K-12:**  
**1st Offense**  
**MINIMUM:** Suspension From School (9 days)  
Completion of CAP Program  
**MAXIMUM:** Suspension From School  
(Long Term: 11 days to end of semester)  
May Notify Appropriate Law Enforcement Agency for Arrest  

**2nd Offense and Subsequent Offenses**  
Recommend Expulsion  
May Notify Appropriate Law Enforcement Agency For Arrest

C. Possessing, selling, furnishing, giving away, distributing, transferring, obtaining, using, consuming, or admitting to any of same, deliriants in any quantity.**
D. Possessing, using, consuming, or admitting to any of same, a legitimate prescription issued to same student in any quantity. This violation does not require completion of the Chemical Abuse Prevention Program (CAPP).

**Grades K-12:**

| 1st Offense | Suspension From School (5 days) |
|             |                               |
| 2nd Offense and Subsequent Offenses | MINIMUM: Suspension From School (5 days) |
|               | MAXIMUM: Suspension From School |
|               | (Long Term: 11 days to end of semester) |

IV. Intoxication/Under the Influence

A. Any time the offender is under the influence, intoxicated or has overdosed from drug, deliriant or alcohol.***

**Grades K-5:**

| 1st Offense | Suspension From School (9 days) |
|             | Completion of CAP Program |
|             | May Notify Appropriate Law Enforcement Agency For Arrest |

| 2nd Offense and Subsequent Offenses | Recommend Expulsion |
|                                     | Notify Appropriate Law Enforcement Agency For Arrest |

**Grades 6-12**

| 1st Offense | MINIMUM: Suspension From School (Long Term: 11 days to end of semester) |
|             | Completion of CAP Program |
|             | MAXIMUM: May Recommend Expulsion |
|             | May Notify Appropriate Law Enforcement Agency For Arrest |

| 2nd Offense and Subsequent Offenses | Recommend Expulsion |
|                                     | Notify Appropriate Law Enforcement Agency For Arrest |

V. Paraphernalia

A. Possessing, selling, furnishing, giving away, distributing, transferring, obtaining, using, or admitting to any of same, drug paraphernalia.****

**Grades K-12:**

| 1st Offense | MINIMUM: Suspension From School (9 days) |
|             | Completion of CAP Program |
|             | MAXIMUM: Suspension From School (Long Term: 11 days to end of semester) |
|             | May Notify Appropriate Law Enforcement Agency For Arrest |

| 2nd Offense and Subsequent Offenses | Recommend Expulsion |
|                                     | Notify Appropriate Law Enforcement |

16
Agency for Arrest

* Cannabis: All parts of the plant Cannabis Sativa L., whether growing or not, the seeds thereof, the resin extracted from any part of the plant and every compound, manufacture, self-derivative, mixture, or preparation of the plant, its seeds or resin. One gram is approximately two small cigarettes.

** Deliriants: Any chemicals or substances which give off fumes or vapors which when inhaled produce symptoms similar to intoxication.

*** Must be able to verify, by detectable symptoms, that this is a drug, alcohol, or other substance induced state.

**** Must have traces of drug residue on the object identified as paraphernalia.

Possession may be actual or constructive (not limited to the actual manual control upon or about the person), if student exercised some measure of dominion, knowledge of or control over the contraband, either exclusively or in association with others.

The principal shall immediately inform a Resource Officer in cases dealing with substance abuse violations so an investigation can be conducted and a report can be filed with the office of the Superintendent and the Board of School Commissioners.

Alcohol, drugs, paraphernalia, or other related substances confiscated shall be released to the Resource Officer or an appropriate law enforcement officer.

The staff of the Division of Student Support Services shall be available for consultation on individual student problems as the need arises.

A student enrolled in a special education program who commits an act of misconduct as described in this policy shall have this policy applied within the guidelines defined for the disciplining of special education students, addressed in Section VI of this document.

GROUP E
WEAPONS POLICY

GROUP E offenses are cumulative by group, grades K-12. The words “Subsequent Offenses” refer to and include all second or subsequent violations of any Group E offense. If the offense is committed by a special education student, please refer to the Special Education section before disciplining the student. If the offense is committed by a Section 504 eligible student, please refer to the 504 section before disciplining the student.

GROUP E policies and procedures, reference Gun-Free Schools Act, Alabama Code Section 16-24-3, Alabama Administrative Code r. 290-030-010-06(2) (h) 3.

Following is the policy of the Mobile County Public School System relative to firearms:

The possession of a firearm by an individual, employee, visitor, or student inside or on any property owned, leased, or operated by the Mobile County Public School System is strictly prohibited except for those individuals who lease undeveloped system property for hunting or sporting activities. Otherwise, possession of a firearm is strictly prohibited whether or not those individuals, employees, visitors or students possess a legal permit to carry said firearm or if the individual possessing the firearm is licensed to do so by the State of Alabama or any other state. Duly sworn and trained peace officers in the performance of their duties, and those who serve the system as resource officers and uniformed security guards, are also excepted from this prohibition. (Adopted February 7, 2001)
Weapons and use of weapons shall be prohibited on school property, including buses and at school-sponsored activities. Weapons and use of weapons shall also be prohibited in any vehicle brought onto school property or to a school-sponsored activity. Violation of this prohibition shall be considered a serious act of misconduct. The principal or his/her designee shall immediately notify a Resource Officer and an investigation shall be conducted. A report on same shall be filed with the office of the Superintendent and the Board of School Commissioners. The parents or guardians of the student should be notified immediately or as soon as possible. The jurisdictional law enforcement agency should be notified when appropriate.

For those violations of the Student Code of Conduct involving firearms, an expulsion for a minimum of one calendar year from the date of expulsion shall be recommended.

**Firearms/Explosives**

Students shall be prohibited from possessing, using, selling, furnishing, giving away, transferring, distributing, obtaining, or admitting to any of same, any firearm or explosive whether operable or inoperable, loaded or unloaded. A firearm is a weapon capable of propelling a projectile (bullet) using an explosive (gun powder) as a propellant. An explosive is any chemical compound, mixture or device that contains any oxidizing and combustible units, or other ingredients, in such proportions, quantities, or packing that ignition by fire, by friction, by concussion, by percussion, or by detonation of the compound, mixture, or device or any part thereof may cause an explosion.

**Other Weapons**

Students shall be prohibited from possessing, using, selling, furnishing, giving away, transferring, distributing, obtaining, or admitting to any of same, a weapon of any type or description other than a firearm or explosive. Other weapons shall include, but not be limited to, mace, other organic or chemical irritants of like kind, knives, razor blades, or other edged instruments of like kind or description, pointed instruments (e.g. ice picks), brass knuckles, bludgeoning instruments, martial arts style weapons, stun guns, taser guns or other devices designed to deliver an electrical shock, etc.

**Non-Weapons Used as Weapons**

Students shall be prohibited from using, threatening to use, or admitting to possessing, selling, furnishing, giving away, transferring, distributing or obtaining as a weapon any article, object or substance not normally considered to be a weapon.

**GROUP E - WEAPONS PROCEDURE**

The Superintendent shall develop or cause to be developed specific procedures to implement this policy.

1. **Firearms**
   
   A. Using or admitting to using a firearm.
   
   B. Possessing, selling, furnishing, giving away, transferring, distributing, obtaining, or admitting to any of same, a firearm.

   **Grades K-12:**
   
   **1st Offense and** Recommend Expulsion
   
   **Subsequent Offenses** Notify Appropriate Law Enforcement
II. **Explosives**

A. Using or admitting to using an explosive.

B. Possessing, selling, furnishing, giving away, transferring, distributing, obtaining, or admitting to any of same, an explosive.

**Grades K-12:**
- 1st Offense and
- Subsequent Offenses

**Agency For Arrest**

III. **Other Weapons**

A. Using or admitting to using a knife.

B. Using or admitting to using a weapon of any type other than a firearm, explosive, or knife.

**Grades K-12:**
- 1st Offense and
- Subsequent Offenses

**Agency For Arrest**

C. Possessing, selling, furnishing, giving away, transferring, distributing, obtaining, threatening use, or admitting to any of same, a weapon of any type other than a firearm or explosive.

**Grades K-12:**
- 1st Offense and MINIMUM:
- Subsequent Offenses MAXIMUM:

**Agency For Arrest**

IV. **Non-Weapons as Weapons**

A. Using, threatening to use, or admitting to possessing, selling, furnishing, giving away, transferring, distributing, or obtaining any article, object or substance as a weapon.

**Grades K-5:**
- 1st Offense
- 2nd Offense and Subsequent Offenses

**Agency For Arrest**

**Grades 6-12:**
- 1st Offense and MINIMUM:
- Subsequent Offenses MAXIMUM:

**Agency For Arrest**
The staff of the Division of Student Support Services shall be available for consultation on individual student problems as the need arises.

SECTION IV
GENERAL POLICY STATEMENTS

A. Searches

1. A general search of school property is periodically recommended and is required at any time when there is reasonable suspicion to believe there exists on the campus any item(s), possession of which constitutes a crime and/or a violation of the Student Handbook and Code of Conduct.

2. A search of a specific area assigned to a student shall be conducted when there is reasonable suspicion to believe there exists in that area any item(s), possession of which constitutes a crime and/or a violation of the Student Handbook and Code of Conduct. A search of a specific area assigned to a student should take place in the student’s presence when administratively feasible.

3. A search of the person shall be conducted when there is reasonable suspicion to believe that the person is in possession of any item(s), the possession of which constitutes a crime and/or a violation of the Student Handbook and Code of Conduct. A search of the person shall be with the student’s consent, except under emergency conditions when the safety and the welfare of others is involved. Parental consent is not required.

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

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

6. Strip searches are prohibited.

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

8. When searches are being conducted by school authorities, it is recommended that a professional person be present as a witness.

9. When consent for a search is not granted, the assistance of parents or guardians, the Resource Officer, and/or law enforcement officials shall be secured.
10. Metal detectors may be utilized to conduct a minimally intrusive search of the person.

   Metal detectors may be utilized to conduct suspicionless searches using one of the following two procedures:
   a. Scanning Posts - An area or entrance will be selected and metal detectors utilized to search all students as they file through.
   b. Random Selection - Metal detectors may be used to search students at random. Care shall be exercised to be sure that the selection of students to be searched as part of a random sweep shall be demonstrably according to chance.

B. Law Enforcement

1. Investigations

   Students are required to cooperate with school authorities in their investigation of Student Handbook and Code of Conduct violations, criminal violations, and other matters related to the orderly operation of the school. Students shall be allowed to participate in investigations conducted by law enforcement authorities while under the jurisdiction of the Mobile County Public School System.

2. Policy Statements

   All municipal, county, state, and federal law enforcement agencies with jurisdiction in Mobile County are encouraged to make periodic, unannounced, visits to any local public school within Mobile County for the purpose of detecting the presence of illegal drugs, unannounced to anyone except the local superintendent and building principal. Reference: Alabama Administrative Code r. 290-030-010-06 (2) (h) 1.

3. Protocol

   The purpose of the following procedures is to establish protocol concerning the interviewing, arrest, and/or removal of a student from a local school campus or school-sponsored activity for the below listed scenarios. The establishment of said procedures shall not negate approved and established Board policy as stated in the Student Handbook and Code of Conduct.

   The law enforcement agent will interview at or remove a student from schools or a school-sponsored activity only after the law enforcement agent has exhausted all other means of contact with the involved student; or in the law enforcement agent’s professional opinion, the presence of the involved student on the school campus or at a school-sponsored activity presents a substantial risk to others; or in the law enforcement agent’s professional opinion, immediate contact with the involved student is mandated by the circumstances related to the investigation.

   a. Interview Conducted On Campus Or Which Requires Removal From Campus Of A Student As A Victim, Witness, Or Suspect Related To An Abuse And/Or Neglect Investigation:

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

The principal or other administrative staff member will provide a location for the interview to be conducted which affords privacy or will release the student into the custody of the law enforcement agent if removal of the student from the campus is requested by the law enforcement agent. The principal or other administrative staff member will not be permitted to be present during the interview unless specifically requested by the investigating law enforcement agent.

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

The principal or other administrative staff member will have the investigating law enforcement agent sign the release form if a student is removed from the campus.

b. Court Order:

The law enforcement agent who is authorized by a court order to remove a student from a school campus or school-sponsored activity will contact the principal or other administrative staff member of the respective school. The law enforcement agent will present the court order to the principal or other administrative staff member for inspection. The principal or other administrative staff member will release the student into the custody of the law enforcement agent. The principal or other administrative staff member will contact the involved student’s parent(s) or guardian(s) immediately or as soon as practical and advise same of the circumstances.

c. Arrest Warrant or Juvenile Complaint Form (State of Alabama Unified Judicial System Form JU-2):

The law enforcement agent who is affecting the arrest of a student at a school or school-sponsored activity by the execution of a valid arrest warrant or complaint form will contact the principal or other administrative staff member of the respective school. The law enforcement agent will present the valid arrest warrant or complaint form to the principal or other administrative staff member for inspection. The principal or other administrative staff member will release the student into the custody of the law enforcement agent. The principal or other administrative staff member will contact the involved student’s parent(s) or guardian(s) immediately or as soon as practical and advise same of the circumstances.

d. Arrest For Felonies Without Warrant Or Complaint Form:

The law enforcement agent, who is affecting the arrest of a student at a school or school-sponsored activity without an arrest warrant or a complaint form, will contact the principal or other administrative staff member of the respective school and advise him/her of same. The principal or other administrative staff member will release the student into the custody of the law enforcement agent. The principal or other administrative staff member will contact the involved student’s
parent(s) or guardian(s) immediately or as soon as practical and advise same of the circumstances.

e. Interview Of A Student As A Witness Conducted On Campus:

The law enforcement agent, who is on a school campus for the purpose of interviewing a student as a witness will contact the principal or other administrative staff member of the respective school and advise him/her of the need for the interview. The principal or other administrative staff member will provide a location for the interview to be conducted which affords privacy. The principal or other administrative staff member will be permitted to be present during the interview unless, at the discretion of the investigating law enforcement agent, the nature of the investigation prohibits same. The principal or other administrative staff member will contact the involved student’s parent(s) or guardian(s) immediately or as soon as practical and advise same of the circumstances.

f. Removal of A Student From Campus For Interview As A Witness:

The law enforcement agent who is on a school campus for the purpose of removing a student from that campus to be interviewed as a witness at another location will contact the principal or other administrative staff member of the respective school and advise him/her of the need for the removal of the student from the campus for the purpose of interview at another location. The principal or other administrative staff member will release the student into the custody of the law enforcement agent. The principal or other administrative staff member will have the investigating law enforcement agent sign the release form. The principal or other administrative staff member will contact the involved student’s parent(s) or guardian(s) immediately or as soon as practical and advise same of the circumstances.

g. Interview Of A Student As A Suspect Conducted On Campus:

The law enforcement agent who is on a school campus for the purpose of interviewing a student as a suspect will contact the principal or other administrative staff member of the respective school and advise him/her of the need for the interview.

The principal or other administrative staff member will provide a location for the interview to be conducted which affords privacy. The principal or other administrative staff member will be permitted to be present during the interview unless, at the discretion of the investigating law enforcement agent, the nature of the investigation prohibits same. The principal or other administrative staff member will contact the involved student’s parent(s) or guardian(s) immediately or as soon as practical and advise same of the circumstances.

h. Removal of A Student From Campus For Interview As A Suspect:

The law enforcement agent who is on a school campus for the purpose of removing a student from that campus to be interviewed as a suspect at another location will contact the principal or other administrative staff member of the respective school and advise him/her of the need for the removal of the student from the campus for
the purpose of interview at another location. The principal or other administrative staff member will release the student into the custody of the law enforcement agent. The principal or other administrative staff member will have the investigating law enforcement agent sign the release form. The principal or other administrative staff member will contact the involved student’s parent(s) or guardian(s) immediately or as soon as practical and advise same of the circumstances.

C. Sexual Harassment

Sexual harassment is an unlawful form of discrimination on the basis of sex under Title VII of the Civil Rights Act of 1964, as amended in 1972 and 1991, Title IX of the Education Amendment of 1972, and Code of Alabama. Some forms of sexual harassment may constitute criminal conduct resulting in criminal penalties as has occurred in some cases already decided.

By issuing a single comprehensive policy statement, the Board of Education seeks to clarify and reaffirm its commitment to ensuring that all Mobile County Public School System employees and students are provided with a work and learning environment that is free of sexual harassment.

The Board of School Commissioners of Mobile County does not condone or tolerate any form of sexual harassment of, or by, staff (including non-employee volunteers who work subject to control of school authorities) or students and is committed to the creation and maintenance of a learning and work environment in which all persons who participate in school programs and activities can do so in an atmosphere free from all forms of sexual harassment. It is the intention of Mobile County Public School System to take whatever action may be needed to prevent, correct, and, if necessary, discipline behavior which violates this policy.

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

Consequently, all Mobile County Public School System administrative and supervisory staff in schools, offices, and other facilities shall be cognizant of and responsible for effectively implementing the sexual harassment complaint. If the complaint involves employees, resolution procedures established in Grievance Policy GAE should be implemented with the understanding that if the immediate supervisor is the one involved, the employee would go to Step II. If the complaint involves only students, the investigation will be carried out in accordance with the provisions in the Student Handbook and Code of Conduct for allegations of misconduct.

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

Reprisals of any kind are strictly prohibited against any person who has filed a report of sexual harassment, testified as a witness, assisted, or participated in any manner in any investigation or proceeding conducted under this policy.
Reporting of sexual harassment, or participation in a sexual harassment inquiry, must not reflect in any way upon the individual’s status, nor will it affect future grades, assignments, employment, etc.

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

1. When submission to such conduct is made, explicitly or implicitly, a term of condition of employment, instruction, or participation in other school activities.
2. When submission to or rejection of such conduct by an individual is used by the offender as the basis for making personnel or academic decisions affecting the individual subjected to sexual advances.
3. When such conduct has the effect of unreasonable interfering with the individual’s work and/or academic performance or creating an intimidating, hostile, or offensive work or learning environment.

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

D. Pregnancy

The school system shall not discriminate against any student, or exclude any student from its education program or activity, including any class or extracurricular activity, on the basis of such student’s pregnancy, childbirth, false pregnancy, termination of pregnancy or recovery therefrom, unless the student requests voluntarily to participate in a separate program or activity that is offered for students who are pregnant or have given birth to a child or have had a false pregnancy, or terminated pregnancy or are recovering therefrom.

The school may require any student who is pregnant or has given birth to a child or has had a false pregnancy, or a terminated pregnancy or is recovering therefrom to obtain the certification of a physician that she is physically and emotionally able to continue participation in the normal education program or activity so long as such a certification is required of all students for other physical or emotional conditions requiring the attention of a physician.

Any student who is pregnant or has given birth to a child or has had a false pregnancy, or a terminated pregnancy or is recovering therefrom shall be treated in the same manner as any other student who is absent for medical reasons.

E. Parental, Family or Marital Status

The School System shall not apply any rule concerning a student’s actual or potential parental, family, or marital status which treats students differently on the basis of sex.

F. Immunization Records Audit

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

SECTION V
SPECIFIC PROCEDURES FOR FORMAL ACTION

Principals and teachers shall utilize fully all practical ways and means of helping students with problems before any extreme measures are taken. Sound professional judgment shall be used in determining whether formal disciplinary proceedings are necessary in each individual case.

Discipline records shall be transferred, along with the student’s cumulative records, when a student transfers from one Mobile County Public School to another. It shall be indicated on the student’s record when it is forwarded to a school outside the Mobile County Public School System, if the student is under suspension at the time the record is requested.

A. Involuntary Detention After School Hours

1. Students detained after school hours on an involuntary basis shall be informed of the reason for detention.
2. Students shall be given at least one day’s notice in advance unless prior approval of the parent or guardian has been obtained.
3. An attempt shall be made to notify the parents or guardians of the student to be detained after school hours.

B. Corporal Punishment

1. The Board of School Commissioners prohibits the use of corporal punishment as a means of student discipline (Policy JD adopted 8/26/03).

C. Suspension (In-School RETRACT CENTER Program)

1. Referrals to the center will be made on the Admission to RETRACT CENTER Form by school administrative staff. Parents or guardians of assigned students will be notified in writing.
2. Students will receive credit for school attendance. Assignment to the center will be regarded and treated the same as any other school-sponsored and supervised activity. Classroom teachers should code attendance in the roll book as RETRACT Center (RC) for each student in the center.
3. The center manager, under the supervision of resource personnel, will constantly monitor students. There will be no association or communication with the other students in the center, the lunchroom, or in passing to and from the restroom.
4. Neither visitors nor passes will be allowed.
5. All assigned materials must be completed.
6. Failure to comply with the terms as stated in the “Student Behavior and Performance Agreement” will result in a recommendation for suspension by the school administrator.
7. All teachers must monitor and provide assignments for their students while they are in the RETRACT Center.

D. Suspension (Out-of-School)

1. Definition
   a. A suspension shall be defined as action taken to deprive a student the privilege of attending school, pending further action by the principal because of behavior which was thought to be in violation of the Student Handbook and Code of Conduct.
   b. A suspended student will not be eligible to enroll in any other public school in Mobile County, participate in any school-sponsored activities or attend on-campus activities until the problem associated with suspension has been satisfactorily resolved.
2. Types of Suspensions - suspensions shall be of two (2) types:
   a. Short term suspension shall range from one (1) to ten (10) days.
   b. Long term suspension shall range from eleven (11) days to the end of the semester.
      However, if the offense occurs within fifteen (15) school days of the end of a semester,
      the suspension may be extended through the next semester. All due process
      procedures shall be strictly observed. A student suspended long term may be offered
      admission to an alternative program. The principal shall refer students to the Division
      of Student Support Services for placement in the alternative program.

3. Initial Notice and Hearing to Student
   a. Prior to suspending a student, pending a conference with the parent/guardian, the
      principal shall give the student oral or written notice of the charges against the student.
      If the student denies the charges, an explanation shall be given to the student of the
      evidence the principal has to support the charges and an opportunity provided for the
      student to present his/her account of the incident.
   b. A student whose presence poses a continuing danger to persons or property or an
      ongoing threat of disrupting the academic process may be immediately removed from
      school and the notice and hearing referred to in the preceding sentence shall be given
      to the student as soon as practical.

4. Conference Requirements
   a. The time between informing a student of his/her proposed suspension and a formal
      suspension conference may vary in duration, depending upon the time needed by local
      school officials to conduct a thorough investigation. The time shall not exceed three
      (3) school days unless extenuating circumstances prevent such conference, with the
      goal of an expedient conference.
   b. In all cases, any time after the student is advised that he/she is suspended pending a
      parent conference, that time shall be counted as suspension time. Offenses under
      will utilize this counting pattern.

5. Notice to Parent/Guardian
   a. Notice of proposed suspension shall be prepared on each suspension and shall set forth
      in detail the reasons for the suspension, including appropriate Student Handbook and
      Code of Conduct group code and details of the offense (including names of
      participants, if applicable).
   b. The student shall be informed personally of the proposed suspension, except under
      extreme circumstances which prevent such action. When possible, the principal shall
      notify the parents or guardians by telephone of the suspension on the day of the
      infraction.
   c. Notice of proposed suspension shall be sent by U.S. Mail to the parents or guardians
      as soon as possible and prior to the scheduled conference and shall set forth the time
      and place for the conference to discuss results of the investigation. Note: A copy may
      also be given to the child to take to the parent.
   d. The Notice of Suspension shall be signed by the principal. If the principal is away
      from regular duties for more than one day the report may be signed by the assistant
      principal. One (1) copy shall be furnished to the parents or guardians of the suspended
      student, and one (1) copy shall be filed by the local school.

6. Due Process Hearing
a. The parent conference shall be scheduled within three (3) school days following the suspension unless extenuating circumstances prevent such conference.

b. The participants in the conference will be the student, parents or guardians and principal and/or assistant principal.

c. Legal Counsel:
   1) The student and parents or guardians may exercise the right to have legal counsel at the conference in an advisory capacity.
   2) The principal must be notified that legal counsel will be present at least twenty-four (24) hours in advance to provide the Board of School Commissioners an opportunity to have legal counsel in an advisory capacity to the principal.

d. Evidence:
   1) At the scheduled parent conference, the student must be given another opportunity to explain his/her involvement and to defend his/her action. Parents/guardians must be given an opportunity to comment on the problem.
   2) The student must be given an opportunity to present written evidence and/or exhibits to support his/her case.
   3) The student has the right to submit to the principal a list of names (other students or employees) of individuals to corroborate his/her testimony. The principal should make every effort to obtain written statements from said witnesses. This information should be considered in rendering a final decision.

7. Decision
   a. After the scheduled conference with the suspended student and parents or guardians, the principal shall determine if the student is guilty of the misconduct charged.
   b. If the principal determines that the allegations are unfounded or untrue (student is not guilty), all interested parties will be informed in an appropriate manner and the student shall be immediately readmitted with no detriment imposed for absences related to the investigation. The student shall be allowed to make up class work/tests with no penalties imposed. Student records shall be properly annotated to indicate the grounds for the suspension were insufficient.
   c. If the principal determines that the allegations are justified (student is guilty), the principal may impose suspension commensurate with the Student Handbook and Code of Conduct. Any decision, not required by policy, shall be based on a professional evaluation of the information available, and the decision shall take into consideration what is fair, reasonable, and in the best interest of the student involved, as well as the total school population.
   d. If the student and parents or guardians do not come for the scheduled conference, the principal shall send a reminder letter to reset a time and date for the suspension conference. The principal may withdraw the student under suspension if the student and parents or guardians fail to come for the rescheduled conference. (No child under the age of sixteen (16) may be withdrawn under suspension.)

8. Notice of Decision
   a. If the principal decides to allow the student to resume school attendance immediately following the conference, the parents or guardians shall be informed and a follow up letter shall be sent to the parents or guardians to confirm the principal’s decision.
   b. If the principal decides to suspend the student for a specific length of time the principal shall inform the parents or guardians and a Notice of Suspension shall be
provided to confirm the principal’s decision and to inform of the date for the student to return to school.

9. Right of Appeal to the Superintendent’s Discipline Committee
   a. After receipt of the principal’s decision, an appeal may be made by the parents or guardians by notifying the Division of Student Support Services of their desire to have the student’s case reviewed by the Superintendent’s Discipline Committee. All appeals must be filed within thirty (30) calendar days of the decision.
   b. The principal, upon being requested, shall file immediately with the Division of Student Services a complete background report on the suspended student’s deviant behavior and shall explain the efforts made by the school personnel to obtain the student’s cooperation in resolving the problem.
   c. A conference shall be scheduled as soon as possible with the Superintendent’s Discipline Committee. The suspended student, parents, or guardians, the principal of the school suspending the student, or the principal’s designee, shall be present for the conference.
   d. Rights allowed under Section V, Item D.6b and 6c must be provided.
   e. The Superintendent’s Discipline Committee shall be composed of the Assistant Superintendent of Student Support Services or his/her designee and two other professional personnel approved by the Superintendent.
   f. The student and parent may exercise the right to have legal counsel, in an advisory capacity, at the conference. If legal counsel will be present at the conference, the Division of Student Support Services must be notified at least 24 hours in advance to provide the Board of School Commissioners an opportunity to have legal counsel present as well.

10. Decision of Superintendent’s Discipline Committee
    The committee shall:
    a. Review action of principal to assure that due process was provided.
    b. Review action of principal with reference to the MINIMUM AND MAXIMUM action required by policy.
    c. Review the student’s total discipline record and the previous action of the school officials.
    d. Make a fair and reasonable decision concerning the best interest of the student and the total school population.

    The committee is authorized to:
    a. Uphold the action of the principal.
    b. Uphold the action of the principal and authorize an alternative assignment.
    c. Modify the action of the principal, but action must be in keeping with the policy of the Board of School Commissioners.
    d. Re-admit student to school on a probationary basis unless prohibited by the minimum action required by the policy of the Board of School Commissioners.

11. Notice of Decision by Superintendent’s Discipline Committee
    a. The recommendation of the decision of the committee shall be forwarded to the Superintendent for approval or disapproval.
    b. The parents or guardians are provided, in writing, the decision of the Superintendent’s Discipline Committee as approved by the Superintendent.

12. Right of Appeal to the Board of School Commissioners
a. Parents or guardians of students who have been suspended from school, denied readmission and the decision upheld by the Superintendent’s Discipline Committee shall have the right to appeal to the Board of School Commissioners.
b. In such instances, the parents or guardians of said students shall notify the Superintendent after receipt of the decision from the Discipline Committee that they desire a conference with the Board of School Commissioners. The Superintendent, in turn, shall schedule such conference at the convenience of the parties directly concerned or as directed by the Board.

13. Conference with the Board of School Commissioners
   a. These conferences shall be attended by the members of the Board of School Commissioners, the Superintendent, the Superintendent’s Discipline Committee, the suspended student and his/her parents or guardians and by the principal of the school in which the suspended student is enrolled or by the principal’s designee.
   a. Rights allowed under Section V, Item D.6c and 6d must be provided.
   c. The Superintendent shall keep a comprehensive set of minutes covering such conferences and the said minutes shall be made a part of the Board of School Commissioners files.

14. Notice of Decision by the Board of School Commissioners
   a. After the conference, the Superintendent will inform the parents or guardians in writing of the Board of School Commissioners’ decision. The Board’s decision is final.

E. Expulsion Procedures

1. Definition
   a. Expulsion is the permanent removal of the right and obligation of a student to attend a public school under conditions set by the Board of School Commissioners. The Board of School Commissioners has sole authority to invoke expulsion.
   b. An expelled student will not be eligible to enroll in any other public school in Mobile County, participate in any school-sponsored activities or attend on-campus activities.
   c. A principal may recommend expulsion of a student following the steps outlined below. The expulsion procedure includes (but is not limited to) steps outlined for a regular suspension, since suspension shall occur prior to a recommendation for expulsion.

2. Initial Notice and Hearing to Student
   a. Prior to suspending a student, pending a conference with the parent/guardian, the principal shall give the student oral or written notice of the charges against the student. If the student denies the charges, an explanation shall be given to the student of the evidence the principal has to support the charges and an opportunity provided for the student to present his/her account of the incident.
   b. A student whose presence poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process may be immediately removed from school and the notice and hearing referred to in the preceding sentence shall be given to the student as soon as practical.

3. Conference Requirements
   a. The time between informing a student of his/her proposed suspension and a formal suspension conference may vary in duration, depending upon the time needed by local
school officials to conduct a thorough investigation. The time shall not exceed three (3) school days unless extenuating circumstances prevent such conference, with the goal of an expedient conference.

b. In all cases, any time after the student is advised that he/she is suspended pending a parent conference, that time shall be counted as suspension time. Offenses under Groups “A,” “B,” “C,” “D,” and “E” of the Student Handbook and Code of Conduct will utilize this counting pattern.

4. Notice to Parent/Guardian
   a. Notice of proposed suspension shall be prepared on each suspension and shall set forth in detail the reasons for the suspension, including the appropriate Student Handbook and Code of Conduct group code and details of the offense (including names of participants, if applicable).
   b. The student shall be informed personally of the proposed suspension, except under extreme circumstances which prevent such action. When possible, the principal shall notify the parents or guardians by telephone of the suspension on the day of the infraction.
   c. Notice of proposed suspension shall be sent by U.S. Mail to the parents or guardians as soon as possible and prior to the scheduled conference and shall set forth the time and place for the conference to discuss results of the investigation.
   d. The Notice of Suspension shall be signed by the principal. If the principal is away from regular duties for more than one day the report may be signed by the assistant principal. One (1) copy shall be furnished to the parents or guardians of the suspended student, and one (1) copy shall be filed by the local school.

5. Due Process Hearing
   a. The parent conference shall be scheduled within three (3) school days following the suspension unless extenuating circumstances prevent such conference.
   b. The participants in the conference will be the student, parents or guardians and principal and/or assistant principal.
   c. Legal Counsel:
      1) The student and parents or guardians may exercise the right to have legal counsel at the conference in an advisory capacity.
      2) The principal must be notified that legal counsel will be present at least twenty-four (24) hours in advance to provide the Board of School Commissioners an opportunity to have legal counsel in an advisory capacity to the principal.
   d. Evidence:
      1) At the scheduled parent conference, the student must be given another opportunity to explain his/her involvement and to defend his/her action. Parents/guardians must be given an opportunity to comment on the problem.
      2) The student must be given an opportunity to present written evidence and/or exhibits to support his/her case.
      3) The student has the right to submit to the principal a list of names (other students or employees) of individuals to corroborate his/her testimony. The principal should make every effort to obtain written statements from said witnesses. This information should be considered in rendering a final decision.
6. Decision
   a. After the scheduled conference with the suspended student and parents or guardians, the principal shall determine if the student is guilty of the misconduct charged.
   b. If the principal determines that the allegations are unfounded or untrue (student is not guilty), all interested parties will be informed in an appropriate manner and the student shall be immediately readmitted with no detriment imposed for absences related to the investigation. The student shall be allowed to make up class work/tests with no penalties imposed. Student records shall be properly annotated to indicate the grounds for the suspension were insufficient.
   c. If the principal determines that the allegations are justified (student is guilty), the principal may impose suspension commensurate with the Student Handbook and Code of Conduct. Any decision, not required by policy, shall be based on a professional evaluation of the information available, and the decision shall take into consideration what is fair, reasonable, and in the best interest of the student involved, as well as the total school population.
   d. If the student and parents or guardians do not come for the scheduled conference, the principal shall send a reminder letter to reset a time and date for the suspension conference. The principal may withdraw the student under suspension if the student and parents or guardians fail to come for the rescheduled conference. (No child under the age of sixteen (16) may be withdrawn under suspension.)

7. Notice of Decision
   a. If the principal decides to allow the student to resume school attendance immediately following the conference, the parents or guardians shall be informed and a follow up letter shall be sent to the parents or guardians to confirm the principal’s decision.
   b. If the principal determines that there are sufficient grounds for an expulsion recommendation, the principal shall inform the parent/guardian in writing that the student has been suspended for ten (10) school days and a recommendation for expulsion has been made to the Superintendent.
   c. The Notice of Suspension and Recommendation for Expulsion shall be hand-delivered or sent by certified U.S. Mail within seventy-two (72) hours of the start of the initial ten (10) day suspension, excluding weekends and holidays.

8. Notification to Superintendent
   a. The principal shall notify the Superintendent in writing of the suspension and of the recommendation for expulsion. This notice shall be made within twenty-four (24) hours of the start of the suspension or on the next school day. Parents or guardians shall receive a copy of the recommendation to the Superintendent. A copy should also be faxed to the Division of Student Support Services.
   b. The principal shall specify the charges and include a summary of the interviews and a detailed report on the alternative measures taken prior to the recommendation for expulsion.
   c. The principal shall prepare a report to the Superintendent or his designee providing detailed information about the student regarding the following:
      1) Attendance, conduct, and prior suspensions.
      2) Efforts made by professional staff of the school district to assist in correcting the student’s misconduct.
      3) Curriculum adjustments that have been made.
4) The extent and results of parental or guardian involvement in the student’s adjustment problems.

5) Other measures taken by the school to bring about a change in the behavior of the student, to include psychological evaluation. No psychological evaluation shall be required for students who have violated policies for substance abuse or weapons.

9. Preliminary Investigation
   a. Upon receipt of a principal’s recommendation for expulsion, the Superintendent or his designee shall make such investigation as deemed necessary, and shall determine whether additional data should be gathered. The investigation should be completed no later than seven (7) school days from receipt of the principal’s recommendation.
   b. Should the Superintendent determine that no reasonable basis for an expulsion recommendation to the Board of School Commissioners exists, all interested parties will be informed in writing and the student shall be immediately readmitted with no detriment imposed for absences related to the investigation. This does not refer to the initial school suspension if reasonable in nature. Student records shall be properly annotated to indicate that grounds for expulsion were insufficient. If the Superintendent determines that the student was falsely accused and that the charges are clearly unfounded, the student’s records relating to the expulsion charge will be promptly expunged.
   c. Inquiry shall be made into alternatives to expulsion. If feasible alternatives are available, the parents or guardians of the student shall be informed and appropriate changes made in student assignment or program for the sole purpose of avoiding expulsion proceedings. Any change shall be based upon sound educational reasons and upon a reasonable belief that such a change will alleviate the problems leading to the school expulsion recommendation.

10. Notice of Extension of Suspension
   a. The Superintendent may extend an existing school suspension pending the results of the investigation if he has reason to believe that a return to school or continued attendance at school would be detrimental to the student, the school staff, other students, or would disrupt the orderly conduct of the educational process.
   b. If the Superintendent extends a school suspension, the parent/guardian shall be notified by certified U.S. Mail, and/or by hand delivery.

11. Informal Hearing
   a. If requested by the parent/guardian, the student may be given an informal hearing with the Hearing Officer to challenge the extension of suspension. The informal hearing is provided to allow the student another opportunity to present a detailed account of the incident.
   b. The informal hearing must be requested, in writing, within ten (10) days of receipt of extension of suspension.
   c. Failure to request an informal hearing in a timely manner shall be deemed a waiver of any hearing on the matter, unless good cause is shown.

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12. Superintendent’s Notice of Charges, Recommendation and Hearing
   a. Following the informal hearing before the Hearing Officer, should it be determined that grounds for expulsion exist, charges shall be drawn setting forth a summary of the factual, legal, and policy grounds for the proposed expulsion.
   b. The Superintendent’s charges and recommendation shall be served upon the parents or guardians in a reasonable manner. Certified mail addressed to the last known address of the parents or guardians shall be considered sufficient notice.
   c. The Superintendent’s charges and recommendation shall include notice of:
      1) The date and time at which the Board of School Commissioners is scheduled to take final action of the Superintendent’s recommendation, if no appeal hearing is requested.
      2) The opportunity to request an appeal hearing on the charges. A request for an appeal hearing must be received in writing at the office of the Superintendent within ten (10) days from receipt of the charges.
      3) Failure to request an appeal hearing in a timely manner shall be deemed a waiver of any hearing on the matter, unless good cause is shown.
   d. If an appeal hearing is requested, the Superintendent, acting for the Board of School Commissioners, may set an appeal hearing date. Adequate time for preparation shall be allowed. Without objection which is timely raised, fourteen (14) days shall be deemed sufficient preparation time when calculated from the next day following actual personal notice or written notice of hearing by certified mail.
   e. Failure to appear at an appeal hearing after notice of the date of hearing shall be deemed a waiver of the right of hearing. However, upon presentation of good and sufficient reasons for non-appearance, the Board President may direct that an appeal hearing be rescheduled at a reasonable time convenient to the parties.
   f. If no appeal hearing is requested, the Board shall proceed with final action on the recommendation in a regular or special session.

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

14. Action of the Board of School Commissioners
a. The Superintendent’s recommendation shall be submitted to the Board in regular or special session. The Board may accept the recommended penalty, but may not reduce or increase it without a review of the record.
b. The parents or guardians shall receive written notification of the Board’s decision by certified mail. The notification shall outline the procedure to request readmission at a later date.

15. Request for Readmission
a. An expelled student may request re-admission to the regular or adult program after one calendar year from the date of expulsion, provided however, that if the Board of School Commissioners agrees to re-admit the student, he/she may return to school no earlier than the start of the next semester.
b. The request shall be made in writing and must be received in the office of the Superintendent no later than thirty (30) days prior to the start of a semester. The request should state the specific reasons why re-admission is sought, and should describe the student’s activities and conduct since the date of expulsion.
c. The Superintendent or designee will schedule a hearing before the Board of School Commissioners, notify the student, and contact the original hearing agent and staff to schedule a preliminary meeting.
d. The Board of School Commissioners will consider the student’s request at the scheduled hearing. The student and parents or guardians may attend and address the Board.
e. The Board of School Commissioner’s action to grant or deny the request will be in its sole discretion. If granted, the Board may establish terms and conditions for the re-admission. In all events, the Board’s decision shall be final conclusive, and binding on the student.
f. The Superintendent shall notify the parents or guardians and student of the official Board of School Commissioner’s action by certified mail with reasonable speed.

SECTION VI
SPECIAL EDUCATION

This section is based upon the Individuals with Disabilities Education Act, 1997, Section 615.

A. Involuntary Detention After School Hours of Special Education Students

See Section V. Specific Procedures For Formal Action, A. Involuntary Detention After School Hours.

B. Corporal Punishment of Special Education Students

See Section V, Specific Procedures For Formal Action, B. Corporal Punishment.

C. Assignment to In-school Suspension Program

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

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

D. Suspension of Special Education Students From Transportation Services

A disabled student cannot be suspended from transportation services unless:
1. The student poses an immediate threat to the safety of himself/herself or others; or
2. Some alternative means of continuing educational service can be established for the student.

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

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

All students enrolled in the Mobile County Public Schools are subject to the rules and restrictions outlined in the Student Handbook and Code of Conduct, provided, however, that the following shall apply in the disciplining of those students who are disabled as defined in the Individuals with Disabilities Education Act 1997.

Short-Term Suspension

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

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

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

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

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

Long -Term Suspension
Any of the following constitutes a long-term suspension:

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

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

1. The school administration shall notify the student’s parents or guardians of the student’s misconduct and suspension and shall schedule an IEP Team meeting as soon as is reasonably possible, but in no case later than ten (10) school days. Please involve the case manager before the suspension takes place.
2. The IEP Team shall determine whether further information is needed and shall determine whether the student’s misconduct had a direct and significant relationship to his/her disability (Manifestation Determination). Once the student has been suspended for ten (10) days, a Manifestation Meeting must be held before the decision for another suspension is made.
3. If it is determined by the IEP Team that the student’s misconduct did not have a direct and significant relationship to the student’s disability, the principal may then suspend the student in accordance with the Student Handbook and Code of Conduct, in the same manner and to the same extent as a similarly situated non-disabled student; however, education services must not completely cease during the time of suspension. If the decision is made that the student will receive a long term suspension of more than ten (10) days, the school administrator must reconvene an IEP Team meeting to determine appropriate educational placement. A special education resource teacher must be notified. The IEP Team must develop a functional behavioral assessment plan and a behavioral intervention plan to address the inappropriate behavior. If the student already has a behavioral intervention plan, the IEP Team shall review the plan and modify it as necessary.
4. If it is the determination of the IEP Team that the student’s misconduct did have a direct and significant relationship to the student’s disability, the IEP Team must determine whether the student’s current educational placement is appropriate. A student with a disability may not be placed on long-term suspension for any misconduct that had a direct and significant relationship to the student’s disability. The IEP Team must develop a functional behavioral assessment plan and a behavioral intervention plan to address the inappropriate behavior. If the student already has a behavioral intervention plan, the IEP Team shall review the plan and modify it as necessary.
5. If the IEP Team recommends a change in placement, the student and his/her parents or guardians are entitled to notice of the proposed change, an opportunity to examine relevant records, an impartial hearing with an opportunity to participate or be represented by counsel, and a review of the IEP Team’s decision about the proposed change in placement.

If the parents or guardians request a due process hearing relative to the IEP Team’s determination of the change in placement, the student must remain in his/her then current educational placement, until the change of placement is confirmed.

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

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

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

F. Expulsion Procedure for Special Education Students

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

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

The procedure below shall be followed if a student is to be considered for expulsion. After the Principal’s Recommendation (Step 9), the expulsion guidelines for non-disabled students (Steps 9 through 15) shall be followed.

1. Notice
   The student and/or parents or guardians must be told by the principal of the reason(s) for consideration of suspension or expulsion.

2. Hearing
   The student must be given the opportunity to present his/her account of the incident, verbally and/or in writing, and must have the opportunity to present witnesses to the incident.

3. Principal’s Recommendation
   If the principal determines that there are sufficient grounds for expulsion, then the principal shall inform the student that he/she is being suspended from school beginning the next school day.

4. Formal Notice to Attend Conference
   The principal or designee shall report in writing to the student’s parents or guardians that the student has been suspended and will be considered for expulsion. This report shall
include (1) notice of an IEP Team meeting, and (2) procedures for expulsion of a student with a disability and be mailed or delivery initiated within seventy-two (72) hours of the start of the suspension or on the next regular work day. Reasonable effort shall be made to contact the parents or guardians prior to the start of the suspension.

5. IEP Team Meeting
The IEP Team must be comprised of the principal or his/her designee, a special education teacher, a regular education teacher of the student, the parent(s) or guardian(s), and, if appropriate, the student. A special education resource teacher must also attend. The IEP Team will determine whether the conduct is a manifestation of the disability (Manifestation Determination).

6. Opportunity for Informal Hearing
After the Manifestation Determination is completed, the parents or guardians shall be given an opportunity for an informal hearing with the principal on the grounds for expulsion. This opportunity shall be provided within seventy-two (72) hours of the request (excluding Saturday, Sunday, and school holidays).

7. Principal’s Decision
At the conclusion of the hearing, the principal, after reviewing the case with the parents or guardians, will either advise the parents or guardians of his/her decision to recommend expulsion, or based upon consideration of the facts and circumstances explained at the hearing and the findings of the IEP Team, will advise the parents or guardians of the school’s intention to re-admit the student and take some alternative action.

8. IEP Team Must Reconvene
After the principal’s decision has been made, the IEP Team must reconvene immediately. The student may be referred to Psychological Services for re-evaluation if the student has not been evaluated within the past year or if additional testing is necessary to determine the most appropriate educational placement.

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

1) The IEP Team must develop a functional behavioral assessment plan and a behavioral intervention plan to address the inappropriate behavior. If the student already has a behavioral intervention plan, the IEP Team must review the plan and modify it as necessary.

2) The IEP Team will examine and recommend alternatives for continuing educational programs and services. These alternatives may include, but are not limited to:
   • Continuation in present program with some modifications;
   • A reduced day program;
   • Placement in a more restrictive environment;
   • A homebound program or other alternative educational setting;
   • Other options, or some combination of the above.

3) The IEP Team shall inform the parents or guardians of due process rights for students with disabilities.

b. If the IEP Team has determined that the misconduct is not a manifestation of the student’s disability, then the student may be expelled from the regular school environment; however, expulsion shall not result in cessation of special education, related services, and/or access to general curriculum.
The IEP Team must develop a functional behavioral assessment plan and a behavioral intervention plan to address the inappropriate behavior. If the student already has a behavioral intervention plan, the IEP Team must review the plan and modify it as necessary. Options for providing appropriate educational services may include, but are not limited to the following:

- Placement in a more restrictive environment;
- A homebound program or other alternative educational setting;
- Other options, or some combination of the above.

9. Principal’s Recommendation

The principal shall notify the Superintendent in writing of the suspension, the IEP Team’s determination, and the recommendation for expulsion. This notice shall be made within twenty-four (24) hours of the IEP Team’s determination.

The principal shall include a detailed report on the alternative measures, if applicable, taken prior to the recommendation for expulsion. This report shall include, but not be limited to, information on the following:

- a. Attendance, conduct, and suspension.
- b. A listing of efforts by the school’s support services personnel such as counselors, school psychologists, resource teachers and others.
- c. Interventions developed by the IEP Team.
- d. Curriculum adjustments.
- e. The extent and results of parental or guardian involvement in the student’s adjustment problems.
- f. Other measures taken by the school to bring about a change in the behavior of the student.
- g. Current Individualized Educational Plan, most recent psychological evaluation, and IEP Team report.

The remainder of the expulsion procedure for students with Disabilities shall be in accordance with steps 9 through 15 of the expulsion guidelines for non-disabled students under this cover.

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

Placement of the student with a disability in an appropriate alternative setting determined by the IEP Team is not limited to forty-five (45) days. If the IEP Team decides to place a student at the Continuous Learning Center, the system procedures for placing a student at the Continuous Learning Center must be followed.

SECTION VII

SECTION 504 ELIGIBLE STUDENTS

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

A. Involuntary Detention After School Hours of Section 504 Eligible Students
See Section V Specific Procedures for Formal Action, A. Involuntary Detention After School Hours.

B. Corporal Punishment of Section 504 Eligible

See Section V, Specific Procedures For Formal Action, B. Corporal Punishment.

C. Assignment to In-School Suspension Program

See Section V Specific Procedures for Formal Action, C. In School Suspension.

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

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

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

Short-Term Suspension

A Section 504 eligible student who commits an act of misconduct that warrants suspension may be placed on a short-term suspension following the same procedures that apply to all students, as outlined in Section VIII of the Mobile County Public School System’s Student Handbook and Code of Conduct. Please involve the Section 504 liaison before the suspension takes place.

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

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

Long-Term Suspension

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

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

1. The school administration shall notify the student’s parents or guardians of the student’s misconduct and suspension and shall schedule a Section 504 Team meeting as soon as is reasonably possible, but in no case later than ten (10) school days. Please involve the 504 liaison before the suspension takes place.
2. The Section 504 Team shall determine whether further information is needed and shall determine whether the student’s misconduct had a direct and significant relationship to his/her disability (Manifestation Determination). Once the student has been suspended for ten (10) days, a Manifestation Determination meeting must be held before the decision for another suspension is made.

3. If it is determined by the Section 504 Team that the student’s misconduct did not have a direct and significant relationship to the student’s disability, the principal may then suspend the student in accordance with the Student Handbook and Code of Conduct, in the same manner and to the same extent as a similarly situated non-disabled student.

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

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

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

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

E. Expulsion Procedure for Section 504 Eligible Students

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

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

The procedure below shall be followed if a student is to be considered for expulsion. After the Principal’s Recommendation (Step 7), the expulsion guidelines for non-disabled students (Steps 9 through 15) shall be followed.

1. Notice
   The student and/or parents or guardians must be told by the principal of the reason(s) for consideration of suspension or expulsion.

2. Hearing
   The student must be given the opportunity to present his/her account of the incident, verbally and/or in writing, and must have the opportunity to present witnesses to the incident.

3. Principal’s Determination
If the principal determines that there are sufficient grounds for expulsion, then the principal shall inform the student that he/she is being suspended from school beginning the next school day.

4. **Formal Notice to Attend Conference**
The principal or designee shall report in writing to the student’s parents or guardians that the student has been suspended and will be considered for expulsion. This report shall include (1) notice of a Section 504 Team meeting, and (2) procedures for expulsion of a student with a disability and be mailed or delivery initiated within seventy-two (72) hours of the start of the suspension or on the next regular workday. Reasonable effort shall be made to contact the parents or guardians prior to the start of the suspension.

5. **Opportunity for Informal Hearing**
After the Manifestation Determination is completed, the parents or guardians shall be given an opportunity for an informal hearing with the principal on the grounds for expulsion. This opportunity shall be provided within seventy-two (72) hours of the request (excluding Saturday, Sunday and school holidays).

6. **Principal’s Decision**
At the conclusion of the hearing, the principal, after reviewing the case with the parents or guardians, will either advise the parents or guardians of his/her decision to recommend expulsion, or based upon consideration of the facts and circumstances explained at the hearing and the findings of the Section 504 Team, will advise the parents or guardians of the school’s intention to re-admit the student and take some alternative action.

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

The principal shall include a detailed report on the alternative measures, if applicable, taken prior to the recommendation for expulsion. This report shall include, but not be limited to, information on the following:

- a. Attendance, conduct, and suspension
- b. A listing of efforts by the school’s support services, personnel such as counselors and others
- c. Interventions developed by the BBSST/Section 504 Team
- d. Curriculum adjustments
- e. The extent and results of parental or guardian involvement in the student’s adjustment problems
- f. Other measures taken by the school to bring about a change in the behavior of the student
- g. Current Section 504 Plan and most recent psychological evaluation, if available

The remainder of the expulsion procedure for Section 504 eligible students shall be in accordance with steps 9 through 15 of the expulsion guidelines for non-disabled students under this cover.

**NOTE:** If a Section 504 student carries a weapon to school or to a school function or if the student with a disability knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function, he/she may be disciplined under guidelines used for non-disabled students.
SECTION VIII
MAGNET SCHOOL PROGRAM STUDENTS

A. Procedure for Removal of a Student from the Magnet Program

The Student Handbook and Code of Conduct is applicable to all students in the Magnet Schools Program. Parents may exercise due process rights for student suspensions. In addition, however, the following stipulations apply only to magnet students:

1. Parent Contract
   Each magnet school has a contract that is signed by the magnet student and their parent(s) or guardian(s). In this contract, parents and students commit to upholding the rules and standards of the Magnet School Program and the Student Handbook and Code of Conduct.

2. Distribution of Magnet Behavior Standards
   Behavior standards as outlined by the Student Handbook and Code of Conduct and the individual magnet school’s student handbook are distributed to students and parents and are taught to students at the opening of each school year.

B. Notice to Parent or Guardian

If a student breaks the behavior standards as outlined by the Student Handbook and Code of Conduct and the individual magnet school’s student handbook, the school must document the infractions and communicate with the parents or guardian.

C. Removal From Magnet Schools Program

If the student fails to correct behavior in violation of the Student Handbook and Code of Conduct or the individual magnet school’s student handbook, the student may be removed from the Magnet Schools Program. The magnet school principal sends a letter with appropriate documentation to the Magnet Schools Program Office requesting removal of the student from the Magnet Schools Program. A copy of the aforementioned letter and supporting documentation is to be sent by the Magnet Supervisor to the Division of Student Support Services.

1. Principal’s Determination
   If the principal of a magnet school determines that there are sufficient grounds for removal of a magnet student from the selected magnet school, the student and/or parents or guardians must be told by the principal of the reason(s) for consideration for removal.

2. Hearing
   The student must be given the opportunity to present his/her account of the incident verbally and/or in writing and must have the opportunity to present supporting documentation. All steps in the due process procedures as outlined in the Student Handbook and Code of Conduct shall be followed.

D. Grounds for Removal from the Magnet Program

1. Violation of the Parent Contract
   Parents and students are required to sign a Parent Contract as a part of the enrollment procedures in all magnet schools. In this contract, the parents agree to support the discipline policy as stated in the Student/Parent Handbook and the Student Handbook and
Code of Conduct. This commitment to support the rules of the magnet school is mandatory for the enrollment or continuation in all magnet schools. Violation of the Parent Contract constitutes grounds for immediate dismissal from any magnet school.

2. Class C, D, or E Offenses
   a. A student with one Class C, D, or E offense as defined in the Student Handbook and Code of Conduct will be removed from the Magnet Schools Program following the completion of due process procedures as outlined by the Student Handbook and Code of Conduct.
   b. A student with one Class C, D, or E offense as defined in the Student Handbook and Code of Conduct during the preceding school year is not eligible for selection to attend a magnet school or allowed to continue in the Magnet Schools Program.

Excessive Suspensions
The admission and continuation standards in the Magnet Schools Program are the same for all magnet schools.

Admission
A student cannot be suspended more than twice within the preceding school year for a total of six (6) days and be eligible for selection to attend a magnet school.

Continuation
A student must leave the Magnet Schools Program if he/she receives more than two (2) suspensions, for a total of more than six (6) days, within the current school year.

Magnet Supervisor’s Determination: Magnet students’ discipline records are cross-referenced with the Division of Student Support Services’ Suspension File at the end of the first semester and again at the end of the school year after all suspension appeal hearings have been completed. The number of suspensions and the number of days suspended are calculated by the supervisor of the Magnet Schools Program.

Principal’s Determination
If the supervisor of the Magnet Schools Program determines that there are sufficient out-of-school suspensions for the removal of a magnet student from the selected magnet school, the principal of the student’s selected magnet school is notified of the reason(s) for removal.

Notification
The parent or guardian of a magnet school student with more than two (2) out-of-school suspensions is notified via U.S. Mail, by the supervisor of the Magnet Schools Program, of the student’s removal from the Magnet Program. Copies of the removal letters are sent to the Division of Student Support Services.

SECTION IX
ATTENDANCE POLICY

Responsibility of Parents - Grades K – 8
A. Students are required to be on time for school. It is the responsibility of parents or guardians to make sure that their children arrive on time each day.

B. Any time that a student is absent, the parent or guardian must send a written note to school satisfactorily explaining the absence. A satisfactory note from parent or guardian meets the following State guidelines: Illness; death in the immediate family; inclement weather (as determined by the principal) which would be dangerous to the life and health of the child; legal quarantine; emergency conditions as determined by the principal; and prior permission of the principal and consent of the parent or guardian. The note or doctor’s excuse must be sent to school within three (3) days of the student’s return to school to be counted as an excused absence.

C. On the fifth unexcused absence, a student is referred to the Early Warning Truancy Program. Attendance at the Early Warning Truancy Program shall be mandatory except where prior arrangements have been made or an emergency exists.

D. A written note from parents or guardians, as described above, will excuse absences for up to but not exceeding ten (10) absences.

E. Parents or guardians of a student who is absent eleven (11) or more times must present a clinical or doctor’s excuse to the school in order for the absence to be excused.

F. Parents or guardians of any student having a chronic ailment that may cause the child to miss school during the year are required to provide the school with a clinical or doctor’s statement verifying the child’s condition at the beginning of the school year. The statement shall reflect the nature of the child’s illness, and state that the child may have to miss school from time to time due to this illness. Failure of parent/guardian to provide the school with a chronic ailment statement can result in unexcused absence accumulation, and referral to Juvenile Court.

G. Excused absences for family vacations are strongly discouraged and will be permitted only if there are unusual circumstances that, within the principal’s discretion, merit an excused absence. Further, an excused absence will not be granted unless the parent obtains prior permission from the principal.

H. Students must be in attendance one-half of the instructional day to be counted present. Tardies and early dismissals are strongly discouraged.

**Headlice:** Students are allowed three (3) excused absences for each occurrence of headlice.

**Students Under Age Seven (7):** Students under age seven (7) who accumulate more than ten (10) consecutive or fifteen (15) days total unexcused absences during a single semester may be withdrawn from school. Parents will be notified of pending withdrawal and given one (1) week to appear before the principal or the Attendance Officer to show cause as to why the student should not be withdrawn.

**Early Warning Truancy Program**

Parents and students will be referred to the Early Warning Truancy Program on the fifth (5th) unexcused absence and on the fifteenth (15th) tardy to school. Referral to the program includes the following steps:

1. The parent will receive official notification by U.S. Mail. The notice will require the parent and student to report to the Municipal Court located at the City/County Government Plaza.
2. The parent and student will meet with the Attendance Officer and the District Attorney. The Attendance Officer will review the system’s Attendance Policy; the District Attorney will review the State of Alabama’s Attendance Laws and consequences of breaking the laws.

3. If the parent and student fail to appear at the scheduled Early Warning Truancy Program, the parent shall receive legal notice and a court referral.

Responsibility of Parents/Students - Grades 9 – 12

A. Students are required to be on time for school. It is the responsibility of the parents or guardians to make sure that their children arrive on time each day.

B. Any time that a student is absent, the parent or guardian must send a written note to school satisfactorily explaining the absence. A satisfactory note from a parent or guardian meets the following State guidelines: illness, death in the immediate family; inclement weather (as determined by the principal) which would be dangerous to the life and health of the child; legal quarantine; emergency conditions as determined by the principal; and prior permission of the principal and consent of the parent or guardian. The note or doctor’s excuse must be sent to school within three (3) days of the student’s return to school to be counted as an excused absence.

C. On the (5th) fifth unexcused absence, a referral will be made to the Early Warning Truancy Program. Attendance at the Early Warning Truancy Program shall be mandatory except where prior arrangements have been made or an emergency exists.

D. A written note from a parent or guardian, as described above, will excuse absences for up to but not exceeding four (4) absences for any full credit course per term and not exceeding two (2) absences for any half credit course per term. Further absences will require a doctor’s note in order to be coded excused.

E. Parents or guardians of any student having a chronic ailment that may cause the child to miss school during the year are required to provide the school with a doctor’s statement verifying the child’s condition. This must be done as soon as the problem occurs and repeated at the beginning of each school year.

F. Prior permission must be obtained from the principal in order for absences for out-of-town trips to be excused.

G. Students must be in attendance one-half of the instructional day to be counted present. An early dismissal before 1/2 day (3 1/2 hours) or a tardy after 1/2 day is counted as an absence. Tardies and early dismissals are strongly discouraged.

H. Students over age sixteen (16) who accumulate more than ten (10) consecutive or fifteen (15) days total unexcused absences during a single term may be withdrawn from school. Parents will be notified of pending withdrawal and given one (1) week to appear before the principal or Attendance Officer to show cause as to why the student should not be withdrawn from school.

Headllice: Students are allowed three (3) excused absences for each occurrence of headllice.

Early Warning Truancy Program
Parents and students will be referred to the Early Warning Truancy Program on the fifth (5th) unexcused absence and on the fifteenth (15th) tardy to school. Referral to the program includes the following steps:

1. The parent will receive official notification by U.S. Mail. The notice will require the parent and student to report to the Municipal Court located at the City/County Government Plaza.
2. The parent and student will meet with the Attendance Officer and the District Attorney. The Attendance Officer will review the system’s Attendance Policy; the District Attorney will review the State of Alabama’s Attendance Laws and consequences of breaking the laws.

3. If the parent and student fail to appear at the scheduled Early Warning Truancy Program, the parent shall receive legal notice and a court referral.

High School Credit Restricted On The Basis of Excessive Unexcused Absences From Class

A. Students are responsible for reporting to school and to each class in accordance with their approved schedules.

B. Teachers shall be responsible for checking the rolls daily in their assigned classes and properly recording the students’ attendance.

C. A student approved by the principal or his designee to participate in or attend a school-sponsored or other approved activity during the school day shall be counted present. Students are responsible for all assignments missed while participating in or attending said activities.

D. The principal shall notify teachers in advance about students who will be attending approved activities and who will be counted present.

E. A student absent from class more than four (4) unexcused days for any full credit course per term or two (2) unexcused days for any half credit course per term shall not receive credit for the course, otherwise approved by the principal.

F. In cases of prolonged absence due to illness, the parent or guardian should seek assistance from the Homebound Program or make other reasonable arrangements with the principal of the school.

G. The principal or his designee should make every reasonable effort to contact (by telephone or in writing) the parents of any absent students on the day of the absence.

H. The principal shall notify the parent or guardian of the student’s attendance record after the first (1st) day of unexcused absence per term for any full credit course and after the first (1st) day of unexcused absence per term for any half credit course.

I. On the fifth (5th) day of unexcused absence per term for any full credit course or on the third day of unexcused absence for any half credit course per term, the principal shall notify the parent or guardian of the student’s loss of credit because of excessive absences and his/her right to bring evidence as to why credit should not be denied. This notification shall be in writing, by U.S. Mail, and shall provide an opportunity for a conference as well as information regarding the parents’ right to an appeal to the Superintendent, provided this cannot be settled in the conference.

J. In cases where extreme emergencies exist and can be verified, the principal may extend the maximum number of unexcused absences per term that a student may accumulate before credit is withheld.

K. The principal is encouraged to establish an alternative plan by which students may redeem their credits.

L. The parent or guardian may appeal a decision to withhold credit for an individual student based upon excessive unexcused absences to the Superintendent by writing the Division of Student Support Services, setting forth the reasons for the absences and attaching any supporting documentation. The appeal is to be considered by a three member panel consisting of an Attendance Supervisor or Attendance Officer, a representative of the Division of Teaching and Learning, and the Assistant Superintendent of the Division of Student Support Services or his designee.
The Committee can exercise one of the following:
1. Uphold the principal’s decision and withhold credit.
2. Reject the principal’s decision and award credit.
3. Approve or revise the principal’s offer of a Contingency Plan.

M. The principal shall develop and implement local school procedures necessary for the proper implementation of these procedures. Each teacher shall be provided a copy of the local school procedure. Included in these procedures will be written notification to parents outlining their right of appeal.

Responsibility of School Officials - Grades K – 12

The principal must make sure that the following measures are taken to correct attendance problems prior to action by the Division of Student Support Services:
A. Parent/guardian shall be notified by the school principal or his/her designee that the student was truant and the date of the truancy.
B. Parent/guardian shall also be provided with a copy of Alabama’s compulsory school attendance laws and advised of the penalties that can be applied and the procedures that shall be followed in the event that other unexcused absences occur.
C. On the first (1st) unexcused absence, the principal or his designee will send a letter to the parent/guardian. If the return portion of the letter has not been received at the school within seven (7) working days of the date of the letter, the principal shall request the attendance officer to make contact.
D. On the fifth (5th) unexcused absence, principals must refer the student to the Attendance Officer for the Early Warning Truancy Program.
E. Suspension days are excused absences. Schools will not be required to provide make-up work for suspensions.

Responsibility of Attendance Officers - Grades K – 12

A. On the second (2nd) unexcused absence, the Attendance Officer, at the request of the principal or his designee, shall make contact with parent/guardian by way of U.S. Mail, telephone or home visit. The purpose of this contact is to inform the parent/guardian of the student’s attendance status and possible consequences.
B. Attendance Officers will make referrals to the Early Warning Truancy Program on the fifth (5th) unexcused absence of students.
C. Failure to appear at the Early Warning Truancy Program shall result in the filing of a complaint/petition against the parent under Code of Alabama (1975), section 16-28-12© (failure to cooperate), or a truancy against the child, whichever is appropriate.
D. Attendance Officers may make referrals to Juvenile Court for prosecution in the following situations:
1. Failure to appear at the Early Warning Truancy Program.
2. If the student was previously referred to the Early Warning Truancy Program, he/she may be referred to Juvenile Court for prosecution when there have been additional absences since his/her referral to the Early Warning Truancy Program, depending on the circumstances.
3. If the student has six (6) or more unexcused absences.

Department of Public Safety
The Department of Public Safety shall deny a Driver’s License or a Learner’s Permit for the operation of a motor vehicle to any person under the age of 19 who does not, at the time of application, present a diploma or other certificate of graduation issued to the person from a secondary high school of this state or any other state, or documentation that the person: (1) is enrolled and making satisfactory progress in a course leading to a general educational development certificate (GED) from a state-approved institution or organization, or has obtained the certificate; (2) is enrolled in a secondary school by the State Superintendent of Education; (4) is gainfully and substantially employed; (5) is a parent with the care and custody of a minor or unborn child; (6) has a physician certify that the parents of the person depend on him/her as their sole source of transportation; or (7) is exempted from this requirement due to circumstances beyond his/her control as provided in this act or pursuant to Chapter 28 (commencing with Section 16-28-1) of Title 16 of the Code of Alabama 1975, as amended.

The Attendance Officer or the chief attendance administrator, upon request, shall provide documentation of enrollment status on a form approved by the Department of Education to any student 15 years of age or older who is properly enrolled in a school under the jurisdiction of the official, for presentation to the Department of Public Safety on application for, or renewal or reinstatement of, a Driver’s License to operate a motor vehicle.

Whenever a student 16 years or older withdraws from school, the Attendance Officer or chief attendance administrator shall notify the Department of Public Safety of the withdrawal. Withdrawal shall be defined as more than ten (10) consecutive or fifteen (15) days total unexcused absences during a single semester. The local Superintendent of Education with the assistance of the county or city school attendance director as the case may be, and any other staff or school personnel, or the appropriate school official of any private secondary school, shall be the sole judge of whether the withdrawal is due to circumstances beyond the control of the person. Suspension or expulsion from school or imprisonment in a jail or penitentiary is not a circumstance beyond the control of a person.

Legal Reference:  Code of Alabama Section 16-28-12, Amendment 16-28-16
Hearing Held (original policy):  August 13, 1997
Adopted (original policy):  August 27, 1997

Compulsory School Attendance Laws
Code of Alabama, Section 16-28-12

Each parent, guardian, or other person having control or custody of any child required to attend school or receive regular instruction by a private tutor who fails to have the child enrolled in school or who fails to send the child to school, or have him or her instructed by a private tutor during the time the child is required to attend a public school, private school, church school, denominational school, or parochial school, or be instructed by a private tutor, or fails to require the child to regularly attend the school or tutor, or fails to compel the child to properly conduct himself or herself as a pupil in any public school in accordance with the written policy on school behavior adopted by the local board of education pursuant to this section and documented by the appropriate school official which conduct may result in suspension of the pupil, shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than one hundred dollars ($100) and may also be sentenced to hard labor for the county for not more than 90 days. The absence of a child without the consent of the principal teacher of the public school he or she attends or should attend, or of the tutor who instructs or should instruct the child, shall be prima facie evidence of the violation of this section.
Code of Alabama, Amendment 16-28-16

An amendment of 16-28-16 of the Code of Alabama, specifies that each child who enrolls in a public school, regardless of age, is subject to the School Attendance and Truancy Laws of the state.

Definition of Truancy
Alabama Department of Education
Prevention and Support Services – (May 2004)

A parent, guardian, or other person having charge of any child officially enrolled in Alabama public schools (K-12) shall explain in writing the cause of any and every absence of the child no later than three (3) days following return to school. A failure to furnish such explanation shall be evidence of the child being truant each day he is absent. The child shall also be deemed truant for any absence determined by the principal to be unexcused based upon the State Department of Education’s current School Attendance Manual. Three (3) unexcused absences within a school year constitute a student being truant for the purpose of filing a petition with the Court.

SECTION X
INTERNET ACCEPTABLE USE AND SAFETY POLICY
IFAD (also JCDC)

The Board recognizes that as telecommunications and other new technologies shift the ways that information may be accessed, communicated, and transferred by members of society, those changes may also alter instruction and student learning. The Board generally supports access by students to rich information resources along with the development by staff of appropriate skills to analyze and evaluate such resources. In a free and democratic society, access to information is a fundamental right of citizenship.

Telecommunications, electronic information sources, and networked services significantly alter the information landscape for schools by opening classrooms to a broader array of resources. In the past, instructional and library media materials could usually be screened prior to use by committees of educators and community members intent on subjecting all such materials to reasonable selection criteria. Board Policy IFAC requires that all such materials be consistent with district-adopted guidelines, supporting and enriching the curriculum while taking into account the varied instructional needs, learning styles, abilities, and developmental levels of the students. Telecommunications, because they may lead to any publicly available fileserver in the world, will open classrooms to electronic information resources that have not been screened by educators for use by students of various ages.

Electronic information research skills are now fundamental to preparation of citizens and future employees during an Age of Information. The Board expects that staff will blend thoughtful use of such information throughout the curriculum and that the staff will provide guidance and instruction to students in the appropriate use of such resources. Staff will consult the guidelines for instructional materials contained in Board Policy IF and IFAC and will honor the goals for selection of instructional materials contained therein.
Students are responsible for good behavior on school computer networks just as they are in a classroom or a school hallway. Communications on the network are often public in nature. General school rules for behavior and communications apply (see Student Handbook and Code of Conduct). The network is provided for students to conduct research and communicate with others. Access to network services will be provided to students who agree to act in a considerate and responsible manner.

Independent but supervised student use of telecommunications and electronic information resources will be permitted upon submission of permission forms and agreement forms by parents of students and by students themselves.

Access to telecommunications will enable students to explore thousands of libraries, databases, and bulletin boards while exchanging messages with people throughout the world. The Board believes that the benefits to students from access in the form of information resources and opportunities for collaboration exceed the disadvantages. But ultimately, parents and guardians of minors are responsible for setting and conveying the standards that their children should follow when using media and information sources.

The Mobile County Public School System will not be liable for the actions of anyone, student or staff, connected to the Internet through the school Internet access facility. All users shall assume full liability--legal, financial, or otherwise--for their actions.

The Board authorizes the Superintendent to prepare appropriate procedures for implementing this policy.

Statutory Reference:
Hearing Held: February 14, 1996
Adopted: March 20, 1996

IFAD (also JCDC)
PROCEDURES

CORE RULES FOR SAFE AND ACCEPTABLE USE OF THE INTERNET

The use of Internet resources assessed from any computer that is the property of the school system or any computer connected to a local area network within any school system facility is a privilege, not a right, and inappropriate use will result in a cancellation of those privileges and/or punishment for such violations as prescribed in the Student Handbook and Code of Conduct. The school system will provide software that blocks or filters Internet access by adults and minors to written or visual depictions that are obscene, including child pornography, or -- with respect to use of computers with Internet access by minors -- harmful to minors.

The Director of District Technology Support Services may disable the software or his/his designee for adults engaged in bona fide research or other lawful purposes. School staff members will monitor the on-line activities of all students. Unacceptable uses of the Internet and/or the World Wide Web include the following:

- Copying and/or distributing commercial software in violation of copyright laws.
- Using the network for financial gain, for commercial activity, or for any illegal activity.
- Altering and forwarding personal communication without the author’s prior consent.
- Spoofing or otherwise attempting to send anonymous messages of any kind.
- Lending passwords to other students and/or adults.
• Using the network to access or send pornography (both written and graphic), inflammatory material, profane or obscene material or any material not specifically related to the instructional lesson, objective, or assignment.
• Using copyrighted materials in reports without permission.
• Disclosing, using, or disseminating personal information about oneself, other students, and/or teachers.
• Creating a computer virus and placing it on the network.
• Using the network for sending and receiving a large number of personal messages.
• Threatening the health and/or welfare of any person.
• Accessing without authorization (also known as hacking) the school system network and/or file servers.

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

Parental Contract Regarding the Safe and Acceptable Use of the Internet

By signing the Parent or Guardian and Student Acknowledgment for the Student Handbook and Code of Conduct, which is found on the last page of this handbook, the parent agrees to the rules and regulations stated in the Internet Acceptable Use and Safety Policy.

The parent or guardian of this student, has read the terms and conditions for system Internet access privileges. The parent understands this access is for educational purposes and that the Mobile County Public School System has taken available precautions in forewarning and educating all interested parties of the controversial material that is accessible on the Internet. The parent also recognizes that it is impossible for the Mobile County Public School System to restrict access to all controversial materials. The parent will not hold the Mobile County Public School System or its employees responsible for materials acquired by my son/daughter over the school system network.

The parent hereby gives permission to the Mobile County Public School System to issue Internet access privileges to their son/daughter.

Student Contract Regarding the Safe and Acceptable Use of the Internet

The parent agrees to abide by all rules that are listed in the Mobile County Public School System’s Core Rules for Safe and Acceptable Use of the Internet.

The parent realizes that the primary purpose of the Mobile County Public School System’s Internet connection is educational, and that as such, educational purposes shall take precedence over all others.

The parent realizes that the use of Internet is a privilege, not a right. The parent accepts that inappropriate behavior may lead to penalties, including revoking of Internet access, disciplinary action, and/or legal action.

SECTION XI

DRESS AND PERSONAL GROOMING
All students are expected to observe the basic standards of cleanliness, modesty, pride, good judgment, and good grooming. Final determination is left to the discretion of the principal.

Statement of Policy

All elementary, middle, and high schools in the Mobile County Public School System, with the exception of the magnet schools, shall implement, within the parameters set forth below, the mandatory uniform policy beginning with the 1997-98 school year. This policy shall not apply to the magnet schools as they have already adopted uniform dress provisions.

The term “school” as used throughout this policy shall mean all elementary, middle, high schools, and other district offices of the Mobile County Public School System. Students shall present themselves in proper uniform attire when addressing a school-related issue before the Board or in hearings with administrative personnel. (Examples: School Board Meetings/Discipline Appeal Hearings)

Uniform Policy

The uniform policy (Policy JCDB) was adopted by the Board on August 27, 1997 and was implemented on September 15, 1997.

Information Dissemination

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

B. Each school shall communicate to parents information specific to the individual school sites, including:

1. types and colors of uniform;
2. requirements for jackets/outer garments;
3. optional articles of attire, if any;
4. compliance measures to be employed;
5. the availability of any financial support;
6. methods to facilitate recycling of uniforms within the school community;
7. notice of uniform sales and lists of competitive prices from vendors of uniform articles.

C. The means by which this information is communicated shall include one or more of the following:

1. system-wide newsletters;
2. school newsletters;
3. parent forums;
4. telephonic notification or through use of a telephone hotline;
5. PTA meetings and newsletters;
6. parent advisory meetings;
7. television, radio, and/or newspaper announcements;
8. posters displayed at school and in the community;
9. registration materials.

Compliance Measures

Disciplinary action will be taken to enforce compliance with policy. Students who do not comply with policy will be denied admission until such time as they are in compliance, in accordance with the intent of the State Legislature. Reasonable accommodation should be made for religious beliefs if such accommodation would not unduly interfere with the effective functioning of the schoolroom.

Additionally, students may be suspended for violation of the local school uniform dress code.

SECTION XII

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

Education Records
The Mobile County Public School System provides for the creation and maintenance of education records necessary for the education of students. Education records are those records, files, documents, and other materials which contain information directly related to a student and as further defined by the Family Educational Privacy Act, 20 U.S.C.A. §1232g. Education records are confidential and access to them is protected by federal law. The following guidelines apply to the release of student education records:

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

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

These rights are:
1. The right to inspect and review the student's education records within 45 days of the day the school receives a request for access. Parents or eligible students should submit to the school principal a written request that identifies the record(s) they wish to inspect. The principal or his/her designee will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.
2. The right to request the amendment of the student's education records that the parent or eligible student believes are inaccurate. Parents or eligible students may ask the school to amend a record that they believe is inaccurate. They should write the school principal, clearly identify the part of the record they want changed, and specify why it is inaccurate. If the school decides not to amend the records as requested by the parent or eligible student, the
school will notify the parent or eligible student of the decision and advise them of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.

3. The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent. One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. A school official is a person employed by the school as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the school Board; a person or company with whom the school has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist); or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility. Upon request, the school discloses education records without consent to officials of another school district in which a student seeks or intends to enroll.

4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the Board of School Commissioners of Mobile County to comply with the requirements of FERPA. The name and address of the office that administers FERPA are:

   Family Policy Compliance Office
   U.S. Department of Education
   400 Maryland Avenue, SW
   Washington, DC 20202-4605

Survey Information
The Protection of Pupil Rights Amendment (PPRA) affords parents and students who are 18 or emancipated minors ("eligible students") certain rights regarding our conduct of surveys, collection and use of information for marketing purposes, and certain physical exams. These include the right to:

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

B. Receive notice and an opportunity to opt a student out of -
   1. Any other protected information survey, regardless of funding;
   2. Any non-emergency, invasive physical exam or screening required as a condition of attendance, administered by the school or its agent, and not necessary to protect the
immediate health and safety of a student, except for hearing, vision, or scoliosis screening, or any physical exam or screening permitted or required under State law; and

3. Activities involving collection, disclosure, or use of personal information

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

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

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

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

   Family Policy Compliance Office
   U.S. Department of Education
   400 Maryland Avenue, SW
   Washington, DC 20202-4605

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

Parents or guardians electing to "opt-out" of the release of information to military recruiters on their children must make that request in writing to the Director of District Technology Support Services, Mobile County Public Schools, Post Office Box 1327, Mobile, Alabama 36633-1327, within thirty days of the beginning of school or within thirty days of the student's admission if the student is admitted after the beginning of the school year.¹

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

¹These laws are: Section 9528 of the ESEA (20 U.S.C. § 7908), as amended by the No Child Left Behind Act of 2001 (P.L. 107-110), the education bill, and 10 U.S.C. § 503, as amended by section § 544, the National Defense Authorization Act for Fiscal Year 2002 (P.L. 107-107), the legislation that provides funding for the Nation's armed forces.
Directory information, which is information that is generally not considered harmful or an invasion of privacy if released, can also be disclosed to outside organizations without a parent's prior written consent. Outside organizations include, but are not limited to, companies that manufacture class rings or publish yearbooks. In addition, two federal laws require local education agencies (LEAs) receiving assistance under the Elementary and Secondary Education Act of 1965 (ESEA) to provide military recruiters, upon request, with three directory information categories - names, addresses and telephone listings - unless parents have advised the LEA that they do not want their student's information disclosed without their prior written consent.

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

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

If a parent does not want the Board of School Commissioners of Mobile County to disclose directory information from the child's education records without prior written consent, the parent must notify the Board in writing to the Director of District Technology Support Services, Mobile County Public Schools, Post Office Box 1327, Mobile, Alabama 36633-1327, within thirty days of the beginning of school or within thirty days of the student's admission if the student is admitted after the beginning of the school year.

If a parent does not want the Board of School Commissioners of Mobile County to disclose information from your child's education records to military recruiters without your prior written consent, you must notify the Board in writing to the Director of District Technology Support Services, Mobile County Public Schools, Post Office Box 1327, Mobile, Alabama 36633-1327, within thirty days of the beginning of school or within thirty days of the student's admission if the student is admitted after the beginning of the school year.

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

The school system is not required to release student directory information to the public. The decision to authorize release of student directory information shall be discretionary with the Superintendent or his/her designee. Any release of student directory information shall exclude information that has been requested by parents or guardians not to be released, provided the request has been made as provided above.

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

For more information regarding the above, contact the Division of Student Services, Supervisor of Attendance and Records.
SECTION XIII

UNSAFE SCHOOL CHOICE OPTION

Code of Alabama, §290-3-10-.02-.01 (e1. and e2.)

§ (e) 1.
In May 2003, the Alabama State Board of Education adopted the Unsafe School Choice Option (USCO) required under the No Child Left Behind Act of 2001. A transfer option school (TOS) in the state of Alabama is one in which for three (3) consecutive school years the school has expelled one percent (1%) of the student population or five (5) students (whichever is greater) for violent criminal offenses committed on school property during school hours or committed at school-sponsored activities. The words (transfer option school,” “TOS,” or “TOS School” shall mean a persistently dangerous school as those words are used in the No Child Left Behind Act of 2001, Public Law 107-110, Title IX, Section 9532(a) and (b).

For the purpose of this definition, a “violent criminal offense” shall mean homicide; robbery; assault in the first and/or second degree; sexual battery (including rape) as these offenses are defined in the Criminal Code of Alabama (see § (e) 1. 13A-6-1, et.seq., Ala. Code 1975); and use of a handgun, firearm component, explosive, knife, and other “unknown weapons” as defined by the Student Incident Report (SIR).

§ (e) 2.
A student who becomes a victim of a violent criminal offense committed on school property during school hours or at school-sponsored activities shall be given an opportunity to transfer to a safe public school within the LEA. The LEA shall notify the student’s parent/guardian of the right to transfer as soon as practicable, not to exceed ten (10) calendar days from the date of a final determination by the school board or its designee that a violent criminal offense has occurred. All LEA transfer procedures will be observed. It shall be the policy of the Alabama State Department of Education (SDE) to notify the LEA annually when one or more of its schools have been identified and a transfer option school (TOS). Each superintendent or his or her designee shall orally notify the prevention and support services section of the State Department of Education within twenty-four (24) hours of the decision that a violent criminal offense has occurred; followed by written confirmation. The State Department of Education will assist the LEA in resolving all safety issues. At a minimum, an LEA that has one or more schools identified as persistently dangerous must:

(a) Step 1 Notify parents/guardians of each student attending the school within ten (10) working days that it has been identified as a transfer option school and offer students the opportunity to transfer to a safe public school within the LEA if another school is available.

(b) Step 2 Complete the transfer for those students who opt to do so within 20 working days.

(c) Step 3 Develop a corrective action plan to be submitted to the SDE for approval within twenty (20) working days of the LEA’s receipt of status.

(d) Step 4 Implement the corrective action plan.
Once a school has been identified as a transfer option school, it can return to safe status by (1) completing steps one (1) through four (4) above; and (2) completing two (2) consecutive years with less than 1% of the student population, or 5 students, (whichever is greater) expelled for violent criminal offenses as defined in its policy.


SECTION XIV
BOARD OF SCHOOL COMMISSIONERS’ LEGAL RESPONSIBILITY

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

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

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