VI. Students

6.1 Admissions and Attendance

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

a. Kindergarten Age Requirement – A student must be five years old on or before September 1, the date set by State guidelines, to be admitted for kindergarten for the current school year.

b. First Grade Age Requirement – A student must be six years old on or before December 31, the date set by the State guidelines, to be admitted to the first grade for the current school year. A student who has successfully completed a qualified out-of-state kindergarten, according to that state's entrance code, during the past year and is not six years old by the date set by the State guidelines can attend Grade 1 in the I3 Academy. Appropriate documentation must be presented. A student who started Grade 1 in another state, according to that state's entrance code, and is not six years old by the date set by the State guidelines, is considered a transfer and admitted continuing in Grade 1. A student transferring to I3 Academy from private schools within Alabama may enter first grade only if the state age requirement for entry has been met.

[Reference: Ala. Code §16-28-3 (1975)]

6.1.2 Admission to Schools -

I3 Academy is a public charter school approved for 420 students in grades K-5. Applications for enrollment are open to all students within Birmingham. Should the number of applications exceed the number of available seats for a specific grade, a random lottery will be held to fill the available seats and offered to those students and
their families who will be asked to complete the enrollment process. A waiting list of completed applicants will be maintained so should a student chosen through the lottery choose to not attend students for that grade on the waiting list will be identified for enrollment.

a. Resident Students – I3 Academy students must live within the Birmingham City School district and must reside with parents or legal guardians, or with an adult resident of the Birmingham serving as the student’s guardian. Power of attorney, under §26-2A-7 of the Code of Alabama, may only be used for a period of one year and accepted only under extreme extenuating circumstances as determined by the Head of Schools or his/her designee. Residency on the basis of an appointment or delegation of authority for educational purposes will not be recognized if the guardianship is used for the purpose of evading otherwise applicable residency requirements, and will not be recognized for successive school years except on a showing of unusual hardship or other special circumstances warranting an extension.

The student must reside every day with the parent/guardian or the attorney-in-fact whose power of attorney can be used for only one school year. If the Head of School receives one of the following complaints, the attendance supervisor, accompanied by a uniform police officer, will make a home visit:

1. Student does not reside with the parent, guardian or attorney-in-fact;
2. Guardianship documents or power of attorney documents have not been properly executed;
3. Guardian or the attorney-in-fact does not live within the Birmingham City School District.

If the attendance supervisor cannot confirm residency and/or guardianship, the Head of School will notify the guardian or the attorney-in-fact that the student’s enrollment will be terminated. The guardian or the attorney-in-fact may appeal this decision by notifying, in writing, the Head of School. A hearing panel will be convened and consist of the Head of Schools or designee, attendance supervisor and school administrator. The guardian or the attorney-in-fact will be informed of the decision of the panel.

If joint custody has been awarded and one of the parents resides within the Birmingham City School District, the student will be eligible to attend the I3 Academy if the student is living with that custodian for at least three (3) consecutive days during each school week.

If the parent/guardian or the attorney-in-fact has been found to live outside of the city limits, but has recently established residence within the city
limits, complete documentation must be confirmed before the student may enter the I3 Academy. A home visit may be required prior to enrollment to confirm residency.

All homeless, migrant, and immigrant students, children in foster care, and English language learners will have equal access to the same free appropriate public education, including public preschool education, provided to other children and youth and will be provided the opportunity to meet the same challenging state content and state student performance standards to which all students are held without being stigmatized or isolated.

The enrollment of homeless, migrant, and immigrant students, children in foster care and limited English proficient children and youth shall not be denied or delayed due to any barriers that are specifically prohibited by applicable law.

Homeless Students

1. Enrollment - Homeless students will be permitted to enroll without regard to residency status and may be entitled to other accommodations under federal law.

2. Dispute Resolution - Homeless students will continue in the school of origin for the duration of homelessness. Students may enroll in any public school that non-homeless students, who live in the attendance area in which the students reside, are eligible to attend.

3. If the school enrollment decision is contrary to the wishes of the student's parent/guardian, the school will provide the parent, guardian, or unaccompanied youth with a written explanation of the decision, a statement of the right to appeal, and procedure for appealing the placement decision. The Head of School of this school will notify the Board's Homeless Liaison of the dispute and take steps to resolve the dispute.

4. When a dispute arises regarding school placement, the system will immediately enroll the homeless student in the school in which enrollment is sought by the parent, guardian, or unaccompanied youth, pending resolution of the dispute. The Board's Homeless Liaison will expeditiously take steps to resolve the dispute. If the dispute cannot be settled by the homeless liaison, the liaison will assist the complainant in seeking technical assistance form an appropriate service agency.


c. Students Expelled or Suspended from Other School Systems – Any student who is under suspension or expulsion from another school system or a private, parochial, or other school will not be permitted to enroll until the student has satisfied
the conditions for readmission set by the expelling or suspending board or authority in addition to generally applicable admission requirements established by the Board.

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

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

f. Students in Foster Care – A student in foster care will enroll or remain in the student's school of origin, unless it is determined that remaining in the school of origin is not in such student's best interest.

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

6.1.3 Attendance Zone and Class Assignment -

a. Attendance Zone Assignment – Students residing within the Birmingham City School District are eligible for admission to I3 Academy and should the total number of available seats not be filled by students within the Birmingham City School District student from any school district within the State of Alabama may become eligible for admission.

b. Children of I3 Board members shall be eligible for admission to I3 Academy.

c. Class Assignment – Head of Schools will assign students to classes in keeping with school accreditation standards and any procedures or criteria that may be established by the Board.

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

   Personal illness
Hospitalization
Emergency
Death in immediate family
Court subpoena
Religious holidays with prior Head of Schools approval
Absences approved by the Head of School
Documentation supporting an excused absence must be submitted within three (3) school days of the absence or the absence will be deemed to be unexcused. Special and extenuating circumstances will be considered and reviewed by the Head of School. Excessive unexcused absences may result in a loss of academic credit or referral of the matter to juvenile or other appropriate legal authorities for investigation.

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

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

6.2 Transfers and Withdrawals

6.2.1 Transfers – transfers to another public or private school will follow the receiving schools’ guidelines for documentation and records submission.

6.2.2 Withdrawals – No student of compulsory attendance age will be permitted to withdraw from school except in accordance with state law and any withdrawal procedures that may be developed by the Superintendent.

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

6.3 Student Fees, Fines, and Charges

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

6.4 Extracurricular Activities
6.4.1 General – Students may be offered an opportunity to participate in extracurricular activities and organizations. An extra-curricular activity is defined as an organized school function that requires after school practice and performance. Examples are athletics, band, drama and chorus. The school Head of School will identify school functions that meet these criteria and ensure that sponsors, students, and parents are so informed. Extracurricular activities must meet the following criteria:

a. The organization or activity must be approved by the Head of School and must have an assigned faculty supervisor/sponsor;

b. The organization or activity must promote or serve the intellectual, cultural, personal, or physical development of the student in a manner that is consistent with the purposes of public education, the Board’s legal mandate, mission statement, policies, and regulations, and with applicable requirements of state and federal law;

c. Extra-curricular activities subject to this policy may establish additional requirements;

d. The sponsor of an extra-curricular activity will be responsible for providing the Head of School or designee with a list of participants and the governing rules and by-laws;

e. The organization or activity must operate under and subject to general supervision of school officials.

6.5 Off-Campus Events

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

a. The destination is an activity, event, or function that services a bona fide educational or related extracurricular purpose, or is an athletic event or function sponsored or sanctioned by the school or the school system and the state athletic association;

b. Adequate information regarding the trip (e.g., destination, duration, purpose, educational purpose, mode of transportation, nature and extent of student participation) has been provided to the Head of School;
c. Adequate arrangements are made for supervision and other risk management considerations (e.g., parental permission, medical treatment authorization, special insurance requirements);

d. Properly certified and qualified drivers have been selected and arrangements for the costs of the trip (e.g., salary, fuels, maintenance, lodging) have been made;

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

6.6 Equal Educational Opportunities

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

6.7 Students with Disabilities

6.7.1 Prohibition - Adhering to the definitions, guidelines and requirements set forth in Section 504 of the Rehabilitation Act of 1973 ("Section 504") and the Americans with Disabilities Act ("ADA"), the Board prohibits discrimination against students with disabilities referred to in these statutes in any program or activity offered or sponsored by the Board.

6.7.2 Independent Educational Evaluations – The Head of Schools and his/her designee is authorized and directed to develop procedures for responding to parental requests for an Independent Educational Evaluation (IEE) in accordance with the provisions of the Individuals with Disabilities Act (IDEA) and the Alabama Administrative Code (AAC). Copies of the procedure for requesting an IEE will be available to parents upon their written request to the office of the ACS Special Education Coordinator.

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

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

6.9 Student Sexual Harassment

6.9.1 Sexual Harassment Prohibited – Sexual harassment in any form that is directed toward students is prohibited. Persons who violate the policy will be subject to the full range of disciplinary consequences up to and including termination (for employees) and expulsion (for students) as dictated by the nature and severity of the violation and other relevant considerations. If appropriate, the circumstances constituting the violation may be reported to law enforcement agencies or child welfare agencies for further investigation and action.

6.9.2 Definition – For purposes of this policy, sexual harassment means unwelcome sexual advances, requests for sexual favors, other physical or verbal conduct or communications of a sexual nature, and any other gender-based harassment, whether initiated by students, school employees, or third parties, when:

a. Submission to the conduct is made explicitly or implicitly a term or condition of the student's education, including any aspect of the student's participation in school-sponsored activities, or any other aspect of the student's education;

b. Submission to or rejection of the conduct is used as the basis for decisions affecting the student's academic performance, participation in school-sponsored activities, or any other aspect of the student's education;

c. The conduct has the purpose and effect of unreasonably interfering with a student's academic performance or participation in school-sponsored activities or creating an intimidating, hostile, or offensive education environment.
The following are examples of conduct that may constitute sexual harassment, depending on the circumstances:

a. Verbal harassment or abuse of a sexual nature, including graphic comments, the display of sexually suggestive objects or pictures, and sexual propositions;

b. Repeated unwelcome solicitations of sexual activity or sexual contact;

c. Unwelcome, inappropriate sexual touching;

d. Demands for sexual favors accompanied by implied or overt promises of preferential treatment or threats about the student’s educational status.

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

6.9.4 Initial Confrontation of Accused Harasser Not Required – A student who invokes the harassment complaint procedure will not be required to present the complaint to the accused or suspected harasser for resolution. Students will be permitted to report allegations of suspected harassment to any appropriate Board administrator, teacher, counselor, or employee, and such persons have a duty to promptly refer such allegations to the Head of Schools or his/her designee or to take such action as may be required by the procedures established under “Sexual Harassment Complaint Procedures Authorized” (6.11.3) above. In no case will any employee who is the subject of a complaint be permitted to conduct, review, or otherwise exercise decision making responsibility in connection with the processing of the complaint.

6.9.5 Notice of Policy to be Promulgated – The Head of Schools or his/her designee will promulgate and disseminate this policy and the complaint procedures to the schools and will take such other steps and measures as may be reasonably available and expedient for informing the school community of the conduct prohibited by this
policy and the recourse available to students who believe that they have been subjected to sexual harassment.

6.10 Protection of Pupil Rights Amendment

6.10.1 Consent – The Board will obtain parental consent before students are required to participate in a survey that concerns one or more of the following protected areas ("protected information survey") if the survey is funded in whole or in part by a program of the U.S. Department of Education (ED):

a. Political affiliations or beliefs of the student or student's parent(s);
b. Mental or psychological problems of the student or student's family;
c. Sexual behavior or attitudes;
d. Illegal, anti-social, self-incriminating, or demeaning behavior;
e. Critical appraisals of others with whom respondents have close family relationships;
f. Legally recognized privileged relationships, such as with lawyers, doctors, or ministers;
g. Religious practices, affiliations, or beliefs of the student or parent(s); or
h. Income, other than as required by law to determine program eligibility.

6.10.2 Notice and Option to opt Out – Parents will be provided notice and an opportunity to opt a student out of any of the following:

a. Any survey that is designated to obtain protected information from a student, regardless of the source of funding;
b. Any non-emergency, invasive physical exam or screening that is required as a condition of attendance, that is administered by the school or its agent, and that is not necessary to protect the immediate health and safety of a student, except for hearing, vision, or scoliosis screenings, or any physical exam or screening permitted or required under state law; and

c. Activities involving collection, disclosure, or use of personal information obtained from students for marketing or for the purpose of selling or otherwise distributing the information to others.

6.10.3 Inspection – Parents will be allowed to inspect, upon request and before administration or use, the following:
a. Protected information surveys of students;

b. Instruments used to collect personal information from students for any of the above marketing, sales, or other distribution purposes; and

c. Instructional material used as part of the educational curriculum.

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

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


6.11 Student Records

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

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

6.12 Student Health Services

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

6.13 Student Conduct

The Head of Schools will prepare and present to the Board for adoption and periodic revision a Code of Student Conduct (“CSC”), with input from teachers, school personnel, students, parents and guardians, and other members of the education community and, as appropriate, the community at large. The CSC will comprehensively describe the rules and standards of conduct and discipline that will be maintained and enforced within I3 Academy. The CSC will set forth the specific grounds for disciplinary action, the penalties, sanctions, or consequences that may be imposed for a violation of the CSC, the methods and procedures by which violations of the CSC will be determined, and any appeal or review procedures that are available to students. The CSC will incorporate applicable statutory and regulatory requirements, and the hearing and appeal procedures specified in the CSC will conform to applicable statutory and constitutional standards and requirements. The CSC may be incorporated in a student handbook and will be made available to all teachers, school personnel, students, parents and guardians at the beginning of each school year. The CSC will be deemed an extension of Board policy and will have the force and effect thereof.

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

6.14 Searches (Students)

a. Board Property – All school system property, facilities, and grounds may be entered, inspected, and searched for any lawful purpose by Board officials or their designees at any time, without prior notice and to the fullest extent permitted by law. The right to enter, inspect, and search includes and extends to (but is not limited to) Board owned or controlled offices, desks, file cabinets, lockers, computers, files, documents, data, and devices however and wherever kept, stored, or maintained.
b. Personal Property – Personal property, including but not limited to vehicles, purses, wallets, gym bags, book bags, cell phones, computers, and “personal digital assistant” (PDA) devices may be searched by authorized school officials, including school Head of Schools or their designees, when reasonable suspicion exists that the property contains prohibited materials, illegal substances, weapons, or other items that are reasonably deemed to present a risk or threat to the safety or welfare of the school community.

c. Personal Searches – Students may be searched whenever reasonable suspicion exists that the student possesses prohibited materials, illegal substances, weapons, or other items that are reasonably deemed to present a risk or threat to the safety and welfare of the school community. Student searches must be conducted by a school administrator in the presence of another certified school employee and may include a frisk or “pat down” of the student, a search of personal items and clothing. Personal searches will be conducted with due regard for the age and gender of the student. Searches that require physical contact between the school official and the student, removal of clothing, or examination of the student in a way that would implicate privacy concerns must be conducted and witnessed by officials of the same gender as the student and in a way that preserves the dignity of the student to the extent practicable under the circumstances. Refusal to submit to a search or to cooperate in a search as provided in this policy may be grounds for disciplinary action. A record of the search shall be made, and copy filed in the Head of School's office. Parent(s)/guardian shall be notified, in writing, of all such searches of a student's person. A copy of said notice shall be retained by the Head of School.

d. Use of Recovered Items – Property, material, substances, information, or records that are obtained, discovered, or recovered as a result of a search may be retained and used for any lawful purpose.

e. Interrogation of Students – A student enrolled in the school shall not be interrogated by any law enforcement authority on public school property during regular school hours without the knowledge of the school's Head of School or designee. All interrogations shall be conducted in private, with an official school representative (Head of School or designated representative) present. Every reasonable effort shall be made to have a parent or guardian present. In those instances where a parent/guardian cannot be present within a reasonable period, school officials may allow interviews by law enforcement officials to proceed in the absence of the parent or guardian. Other non-school persons shall not interview students at school except for Department of Human Resources (DHR) personnel or parents or guardians.
6.15 Punishment and Restraint

6.15.1 Corporal Punishment - The Board does not permit the use of corporal punishment therefore for inappropriate behavior if school personnel are not prohibited from using appropriate physical contact or intervention in response to emergencies or other circumstances reasonably requiring such action.

6.15.2 Seclusion and Restraint - All schools and programs will follow Alabama Rule 290-3-1-.02(1)(f) with respect to the use of physical restraint and seclusion. The Head of Schools or his/her designee will develop procedures that will specify the way the schools and all personnel within I3 Academy will execute the requirements of said rule.


6.16 Student Suspension (including Students with Disabilities)

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

6.17 Student Expulsion (including Students with Disabilities)

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

6.18 Electronic Communication Devices

The display of and/or use of wireless communication devices or any use of other electronic communications devices used by students for non-instructional purposes is prohibited on any I3 Academy campus during regular school day instructional hours. If a violation occurs, the device will be confiscated, and consequences will be imposed accordingly, as indicated by the school administrator. The Board assumes no responsibility for theft, loss, or damage to any personal/wireless communication device. The Head of School or his designee may approve the use of such devices during medical emergencies, natural disasters, after regular school hours, at events or when the use of the devices serves safety and convenience without disrupting academic or school operations. Use of electronic equipment, such as wireless laptops, distributed by the school system for instructional purposes is allowed.

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

6.19 Harassment, Violence, and Threats of Violence Prohibited

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

6.19.2 Definitions – 
a. The term “harassment” as used in this policy means a continuous pattern of intentional behavior that takes place on school property, on a school bus, or at a school-sponsored function including, but not limited to, written, electronic, verbal, or physical acts that are reasonably perceived as being motivated by any characteristic of a student, or by the association of a student with an individual who has a particular characteristic, if the characteristic falls into one of the categories of personal characteristics set forth in Section 6.23.2(b) below. To constitute harassment, a pattern of behavior may do any of the following:

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

b. The term “violence” as used in this policy means the infliction of physical force by a student with the intent to cause injury to another student or damage to the property of another student.

c. The term “threat of violence” as used in this policy means an expression of intention to inflict injury or damage that is made by a student and directed to another student.

d. The term “intimidation” as used in this policy means a threat or other action that is intended to cause fear or apprehension in a student, especially for the purpose of coercing or deterring the student from participating in or taking advantage of any school program, benefit, activity or opportunity for which the student is or would be eligible.

e. The term “student” as used in this policy means a student who is enrolled in the I3 Academy system.

6.19.3 Description of Behavior Expected of Students - 

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

b. Violence, threats of violence, harassment, and intimidation are prohibited and will be subject to disciplinary consequences and sanctions if the perpetrator of such action is found to have based the prohibited action on one or more of the following personal characteristics of the victim of such conduct:

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

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

6.19.5 Reporting, Investigation, and Complaint Resolution Procedures -

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

Upon receipt of the complaint, the Head of School or the Head of School's designee will, in their sole discretion, determine if the complaint alleges a serious violation of this policy. If the Head of School or the Head of School's designee determines that the complaint alleges a serious violation, the Head of School or the Head of School's designee will undertake an investigation of the complaint. The investigation will entail the gathering of relevant facts and evidence and will be conducted in a reasonably prompt time period considering the circumstances of the complaint. If the investigation establishes a violation, appropriate disciplinary sanctions
will be imposed on the offending student(s). Other measures that are reasonably calculated to prevent a recurrence of the violation(s) may also be imposed by the Head of School or the school system. The person, student and/or parents or legal guardian reporting the violation may, upon request, be given an explanation of the outcome of the investigation and of any steps taken to prevent a recurrence of the violation, subject to any limitations on the disclosure thereof that may be imposed by law. A person reporting a violation who is not satisfied with the outcome of the investigation may appeal the decision in writing to the local Superintendent.

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

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

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