MARION COUNTY BOARD OF EDUCATION



POLICY MANUAL

Updated: April 21, 2022

Marion County Board of Education
188 Winchester Drive
Hamilton, AL 35570

Non-Discrimination Statement

The Marion County Board of Education does not discriminate on the basis of race, color, national origin, sex, disability, religion, or age in its programs and activities, and provides equal access to the Boy Scouts and other designated youth groups.

Adopted: April 21, 2022

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Preface

The Marion County Board of Education is established under authority of state law for the purpose of exercising general supervision and administration of the public schools serving school age children who reside within the county limits of Marion County and of promoting the interests of the Marion County Schools and the children they serve. Those responsibilities are met, in part, by the adoption and implementation of formal policies by which the principles that guide decision-making are established.

Policies are generally broad statements of principle and purpose, and are intended to serve as a framework for decision-making and administrative action rather than as a manual for day-to-day decision-making and action. Policies can nevertheless establish specific substantive standards and requirements, including standards of personal and professional conduct, the violation of which may result in disciplinary sanctions or other adverse consequences. However, policies do not restrict the ability of the Board or its employees to respond reasonably and flexibly to unexpected contingencies, emergencies, and other conditions that call for a response that is tailored to unique or special circumstances.

Policies should be construed as a whole and with reference to related policies and applicable law. Although policies are adopted partly for the purpose of meeting the requirements of pertinent law, they do not establish or create a legal right, claim, entitlement, or interest to or in any title, position, assignment, duty, work location, level or rate of compensation, benefit, or term of employment.

Any provision, feature, or aspect of Board policy that does not conform to governing law should be deemed void and superseded by such law. Editorial changes that do not affect the meaning, substance, or application of a policy may be made by the Board without advance public notice and comment. In general, the Board reserves the right to adopt, revise, interpret, amend, repeal, suspend, or apply policies according to its assessment of the needs and interests of the school system, subject only to such limitations on the exercise of such prerogatives as may be imposed by law.

Definitions

Except as otherwise expressly provided in individual policies or required by the context, the following terms have the meanings given below:

a. "Board" or "Board of Education" means and refers to the Marion County Board of Education.

b. "State" means and refers to the State of Alabama.

c. "System" or "school system" means and refers to all schools, facilities, and operations of the Marion County Board of Education.

d. "State Board of Education" means and refers to the Board that exercises general control and supervision over the public schools of the State of Alabama as constituted and authorized by ALA. CODE § 16-3-1, *et seq.* (1975).

e. "Alabama (State) Department of Education" means and refers to the state agency that is charged with implementing the policies, procedures, and regulations of the State Board of Education as provided in ALA. CODE § 16-2-1, *et seq.* (1975).

f. "He," "his," or "him" means and includes all genders.

g. "Law" includes local, state, and federal statutes, regulations, ordinances, court decisions, and binding administrative orders or directives.

h. "Certified" or "certificated," when used to modify the words "teacher," "personnel," "employee," "staff," or similar terms, means and refers to Board employees who hold certificates or comparable forms of licensure issued by the State Superintendent of Education under authority of ALA. CODE §16-23-1 (1975).

i. "Classified" or "support," when used to modify the words "personnel," "employee," "staff," or similar terms, means and refers to Board employees who do not hold certificates issued by the State Superintendent of Education under authority of ALA. CODE §16-23-1 (1975) and who, in general, hold employment positions of the type identified in ALA. CODE §16-24C-3(2) (1975), of the Code of Alabama (1975).

Citations to the United States Code, the Code of Alabama, and the Alabama Administrative Code are all intended to refer the reader to sources that either serve as legal authority for the policy provisions or provide additional or more detailed information regarding the subject matter of the policy. The citations are not exhaustive and are subject to repeal, amendment, or invalidation by court rulings. Such changes may not be reflected in the policy.

I. Governing Principles

1.01 *Mission*

The mission of the Marion County School System is to ensure that all students have ample opportunities to achieve academic and social success. We strive to provide a safe and positive learning environment so that our students become respectful, responsible, and resourceful citizens of this community and the larger world.

1.02 *Vision*

Changing Children's Lives

II. School Board Operations

2.01 *Board Composition and Organization*

2.01.1 Composition – The Marion County Board of Education is composed of five (5) members who are elected to six (6) year terms by qualified electors of Marion County, Alabama. Members may not be employees of the Board and must meet any other applicable legal requirements.

[Reference: ALA. CODE §§ 16-8-1, 2 (1975)]

2.01.2 Officers – The Board will elect from its members a president and vice-president at the annual meeting of the Board held in November of each year. The Superintendent will serve as both the Board's chief executive officer and secretary. If the Superintendent's position is vacant, the Board may appoint one of its members to act as secretary until such time as the Superintendent's position is filled.

[Reference: ALA. CODE § 16-8-4 (1975)]

2.01.3 Committees – The Board may divide itself into standing or special committees for the purpose of more efficiently conducting Board business, but no recommendation or action of any committee will bind the Board without the affirmative vote of a majority of the whole Board.

2.02 *Duties and Authority of Board Members*

The Board has the authority and responsibility to administer and supervise the public schools that are located within Marion County, Alabama. Board authority will only be exercised collectively through action taken in accordance with applicable statutory and parliamentary procedures. Individual Board members have no authority to bind the Board or to act on behalf of the Board except when authorized to do so by official action of the Board.

2.03 *Board Member Compensation*

Board members may be compensated for their services and reimbursed for expenses incurred in the performance of their official duties as authorized by law.

[Reference: ALA. CODE §16-8-5 (1975)]

2.04 *Board Member Training*

Board members will participate in orientation and ongoing training provided by the Alabama Association of School Boards or approved in advance through an application process administered by AASB to develop and enhance their knowledge and effectiveness as Board members and to improve Board governance and operations in accordance with the requirements of state law.

[Reference: Ala. Code §16-1-41 (1975)]

2.05 *Board Meetings*

2.05.1 General Provisions – The Board will hold regular and specially called meetings in accordance with applicable statutory requirements and as dictated by the needs of the school system. All meetings of the Board will be open to the public except as may otherwise be required or permitted by law.

[Reference : ALA. CODE §36-25A-1, *et seq.* (1975)]

2.05.2 Time and Place – The times and places for regularly scheduled meetings will be established by the Board provided that the Board may modify its meeting schedule in the exercise of its sound discretion. Public notice of the dates, times, and places of meetings of the Board will be given in the manner prescribed by law. Board members will be given such advance notice of specially called meetings as is practicable under the circumstances.

[Reference: ALA. CODE §§ 16-8-4, 36-25A-1 (1975)]

2.05.3 Special (Called) Meetings – Special meetings shall be called by the President of the Board, upon the written request (which may be conveyed by electronic mail) of a majority of the members of the Board to the President, or by the Superintendent. Notice of the call or request shall be simultaneously conveyed to all board members and to the Superintendent, together with a statement of the reason for the call or request and the matters to be addressed at the meeting. The meeting shall be set as soon as is practicable, taking into account the reasonable availability of board members and the Superintendent, the urgency of the matters to be addressed, and the necessity to provide public notice of the meeting as provided by law.

2.05.4 Rules of Order – Board meetings will be conducted in accordance with the most recently revised edition of *Robert's Rules of Order*, provided that strict adherence to the formalities of the Rules of Order may be reasonably relaxed in order to facilitate conduct of Board businesses. A majority of the whole Board will constitute a quorum for purposes of transacting Board business except as may otherwise be provided by law. Deviations from or errors in

executing parliamentary procedure do not invalidate Board actions or decisions that are otherwise consistent with the intent of the Board.

2.05.5 Public Participation – In order to permit orderly scheduling of public remarks and the inclusion of such in the agenda, anyone wishing to speak before the Board, either as an individual, or as a member of a group, should inform the Superintendent in writing of the desire to do so and of the topic to be discussed as early as possible, but in no event less than five (5) workdays prior to the meeting.

Any individual desiring to speak shall stand and give his or her name and the group name, if any, that he or she represents. The presentation should be as brief as possible, and in no event shall such address exceed three (3) minutes. Speakers may make statements about their particular concern with school operations and programs and shall observe appropriate decorum in doing so. The Board will not hear comments regarding individual students, personal complaints against particular school personnel or any person connected with the school system in public session.

The Board President may terminate any comments that do not conform to the criteria specified above, or for other good cause.

2.06 *Superintendent's Responsibilities, Qualifications, and Appointment*

2.06.1 Role, Responsibilities, Qualifications, and Term – The Superintendent serves as the chief executive officer of and secretary to the Board. The Superintendent may exercise such prerogatives and duties as are prescribed by statute, as are delegated or specified in an employment contract, or as are otherwise lawfully assigned by the Board. The Superintendent must possess the minimum qualifications for the position that are established by law and such other qualifications as may be specified by the Board. The term of the Superintendent's appointment will be established by law.

[Reference: ALA. CODE § 16-9-1(1975)]

2.06.2 Scope of Executive and Administrative Authority – In addition to specific grants of authority set forth in particular Board policies, the Superintendent is authorized to develop and implement such lawful and reasonable rules, regulations, operating procedures, administrative directives, or like measures as are directed to compliance with legal requirements or attainment of the objects of Board policy.

2.07 *Recordkeeping and Retention of Board Records*

Board records will be maintained by the Superintendent in the manner and for the length of time required by law. Otherwise, records will be retained and disposed of in accordance with procedures that will include a records retention and destruction schedule to be prepared and promulgated by the Superintendent and approved by the Board.

2.08 *Association Membership*

The Board will maintain membership in the Alabama Association of School Boards.

III. Fiscal Management

3.01 *Chief School Financial Officer*

The Board will appoint a Chief School Financial Officer to oversee the financial operations of the Board and to perform the duties of the position that are set forth in state law and regulations. The Chief School Financial Officer may also be referred to as the Chief School Finance Officer.

[Reference: ALA. CODE §16-13A-4 (1975); Ala. Admin. Code 290-2-5-.01, *et seq.*]

3.02 *Budget*

A budget will be developed and approved for each fiscal year, which extends from October 1st to September 30th of the following year. Preparation, presentation, submission, and approval of the budget will be undertaken and completed as provided for in state law and regulations, including providing an opportunity for public input regarding the budget. Budgets will be "balanced" such that the expenditures set forth in the budget for the fiscal year will not exceed revenues and any fund balances on hand.

The Superintendent or Chief School Financial Officer will inform the Board, before the Board votes on a budget or budget amendment that will prevent the establishment or maintenance of a one-month's operating balance. A one-month's operating balance shall be determined by dividing the General Fund expenditures and fund transfers out by 12. In determining the General Fund expenditures and fund transfers out, the proposed budget or budget amendment shall be used.

[Reference : ALA. CODE §16-13-140, *et seq.* (1975)]

3.03 *Accounting*

Generally accepted accounting standards and procedures will be employed in the administration of all Board and school finances. All Board and school accounts will be reconciled to financial records. All reports required by the State Department of Education will be completed in a timely manner with copies provided to Board members.

3.04 *Finance Manual Authorized*

Financial transactions will be administered in accordance with a general finance manual and any local school finance manual that may be developed by the Superintendent or the Chief School Financial Officer and approved by the Board. The finance manual(s) will establish and describe specific practices and procedures that

are to be followed in connection with all phases of financial administration, including, but not limited to such matters as accounting, bookkeeping, inventory maintenance, payroll, reconciliation, fund security, receipting, disbursement, purchasing, disposal of property, banking, and investments. The practices, procedures, and requirements set forth in the manual(s) will be disseminated or made available to all employees with administrative responsibilities involving the receipt, handling, or expenditure of school or school system funds, and training will be provided by the Superintendent and the Chief School Financial Officer regarding the contents of the manual(s).

[Reference: ALA. CODE §16-13A-1 (1975)]

3.05 *Fund Balance Policy in Accordance with GASB Statement No. 54*

3.05.1 Governmental Funds Definitions – The following definitions will be used in reporting activity in governmental funds. The Board may or may not report all fund types in any given reporting period, based on actual circumstances and activity.

a. The General Fund is used to account for and report all financial resources not accounted for and reported in another fund.

b. Special Revenue Funds are used to account for and report the proceeds of specific revenue sources that are restricted or committed to expenditure for specified purposes other than debt service or capital projects.

c. Debt Service Funds are used to account for and report financial resources that are restricted, committed, or assigned to expenditure for principal and interest, even if it is being accumulated for future years' payments. Debt Service Funds should be used to report resources if legally mandated.

d. Capital Projects Funds are used to account for and report financial resources that are restricted, committed, or assigned to expenditure for capital outlays, including the acquisition or construction of capital facilities and other capital assets.

3.05.2 Fund Balances – Fund balances will be reported in governmental funds under the following five categories using the definitions provided by GASB Statement No. 54:

a. Nonspendable fund balances include amounts that cannot be spent because they are either (a) not in spendable form or (b) legally or contractually required to be maintained in-tact. Examples of nonspendable fund balance reserves for which fund balance shall not be available for financing general operating expenditures include: inventories, prepaid items, and long-term receivables.

b. Restricted fund balances consist of amounts that are subject to externally enforceable legal restrictions imposed by creditors, grantors, contributors, or laws and regulations of other governments; or through constitutional provisions or enabling legislation. Examples of restricted fund balances include: restricted grants.

c. Committed fund balances consist of amounts that are subject to a purpose constraint imposed by formal action of the Board before the end of the fiscal year and that require the same level of formal action to remove the constraint.

d. Assigned fund balances consist of amounts that are intended to be used by the school system for specific purposes. The Board authorizes the Superintendent or Chief School Finance Officer to make a determination of the assigned amounts of fund balance. Such assignments may not exceed the available (spendable, unrestricted, uncommitted) fund balance in any particular fund. Assigned fund balances require the same level of authority to remove the constraint.

e. Unassigned fund balances include all spendable amounts not contained in the other classifications. This portion of the total fund balance in the general fund is available to finance operating expenditures.

3.05.3 Priority – When expenditure is incurred for purposes for which both restricted and unrestricted (committed, assigned, or unassigned) amounts are available, it shall be the policy of the Board to consider restricted amounts to have been reduced first. When an expenditure is incurred for the purposes for which amounts in any of the unrestricted fund balance classifications could be used, it shall be the policy of the Board that committed amounts would be reduced first, followed by assigned amounts and then unassigned amounts.

3.05.4 Review and Reporting – The Board of Education along with the Superintendent and Chief School Finance Officer will periodically review all restricted, committed, and assigned fund balances. The Chief School Finance Officer will prepare and submit an annual report of all restricted, committed and assigned funds for the Board of Education.

3.06 *Audits*

Business and financial transactions of the Board and the records of Board financial accounts will be audited in accordance with state law and appropriate auditing and accounting standards.

[Reference: ALA. CODE §16-13A-7 (1975)]

3.07 *Inventories*

The Superintendent is required to establish effective procedures to account for all materials, equipment, and other Board property. These procedures will include an annual inventory and evaluation of tangible Board property (including fixed assets and supplemental property), to be completed no later than the end of each fiscal year, with appropriate reports submitted to the Superintendent and Chief School Financial Officer. Inventories will be kept on forms prescribed or approved by the Chief School Financial Officer. Inventory forms will show items on hand at the beginning of the fiscal year, items lost, items disposed of, items purchased or otherwise added during the year, and items on hand at the end of the fiscal year.

[Reference: ALA. CODE §§16-13A-1, 6 (1975)]

3.08 *Purchasing*

Purchases will be made in accordance with an approved purchase order system that will include such requirements and procedures as may be established in the Board Finance Manual.

3.09 *Deposit and Expenditure of Funds*

3.09.1 Deposits – All funds of the Board will be deposited with qualified depositories, as defined by law, in the manner prescribed by the Chief School Financial Officer or the Finance Manual.

3.09.2 Investments – The Board authorizes the investment of surplus funds in the manner prescribed by law and approved administrative guidelines.

3.09.3 Expenditures – The Superintendent or his designee may spend funds in an amount not to exceed $15,000 per transaction without prior Board approval unless the expenditure involves a capital outlay or is subject to the bid law. The term "transaction" and the limit specified above applies to the transaction as a whole and not to portions, segments, or phases of a project of undertaking. All such expenditures shall be reported monthly to the Board of Education in the manner prescribed by §16-13A-8 of the Code of Alabama (1975).

[Reference: ALA. CODE §16-13A-8 (1975)]

3.09.4 Competitive Bid Law – All purchases will be made in compliance with the competitive bid law, when applicable, and with such corresponding rules, regulations, and procedures as may be set forth in the Board's Finance Manual. The Superintendent is authorized to enter into cooperative purchasing agreements with other school systems or local governments as may be permitted by law.

[Reference : ALA. CODE §16-13B-1, *et seq.* (1975)]

3.09.5 Authorized Signatures – Checks drawn on the general fund or any special fund, with the exception of school accounts, require the signature of the Superintendent and the Chief School Financial Officer or their alternates as designated by the Board. Checks drawn on school accounts require the original signature of two of the following: the principal, school bookkeeper, or CSFO. All checks used will be prenumbered. Checks drawn on Board funds may be signed and processed by electronic means, under the direction of the Chief School Financial Officer or Superintendent.

3.09.6 Monthly Financial Reconciliation and Review –

a. *Central Office* – All Central Office financial records shall be reconciled with corresponding bank statements each month by the Superintendent or designee. A review of budgeted and actual revenues and expenditures shall be conducted and a financial report showing the budgetary appropriations, expenditures, and balances shall be presented to the Board monthly, along with corresponding bank statements.

All reconciliations and financial reports shall be signed by the person(s) preparing said reports and by the Chief School Finance Officer.

b. *Local Schools* – All local school financial records shall be reconciled with corresponding bank statements each month by the local school bookkeeper. The local school principal will review and sign all checking account reconciliation reports. A copy of the bank statement and reconciliation report will be sent to the Superintendent from each school by the 15th day of the month following the ending date of the bank statement and the detailed electronic file of all transactions uploaded to the Central Office accounting system. A monthly review of budgeted and actual revenues and expenditures shall be conducted by the local school Principal.

3.10 *OMB Part 200*

Federal funds subject to the requirements of the Office of Management and Budget's Uniform Administrative Requirements, Cost Principles and Audit Requirements—Part 200 ("Part 200") will be subject to the following policies:

3.10.1 Cash Management for Federal Funds – The Board will minimize the time between the receipt of federal funds from the United States Treasury, the

Alabama Department of Education, or other pass-through entity, and the disbursement of those federal funds. Federal funds will only be requested to meet immediate cash needs for reimbursement not covered by prior receipts and anticipated disbursements that are generally fixed, such as monthly program salaries and benefits. Disbursements will be made within twenty business days after receipt of funds.

The Chief School Financial Officer will maintain financial records that account for the receipt, obligation, and expenditure of each federal program fund. Cash balances for each federal program fund and for the aggregate of all federal program funds will be monitored by the Chief School Financial Officer or designee.

Board procedures to minimize the cash balances in federal program funds are expected to prevent the aggregate cash balances of federal program funds from earning $500 or more for the fiscal year if maintained in interest-bearing accounts. The federal program funds, with the exception of Child Nutrition Program funds, will not be maintained in an interest-bearing bank account if the Chief Financial Officer determines that banking requirements for minimum or average balances are so high that an interest-bearing account would not be feasible. Federal program funds will be maintained in insured checking accounts that are subject to the state requirements for public deposits under the SAFE program.

3.10.2 Determination of Allowable Costs –

a. Before instituting a financial transaction that will require the expenditure, of federal funds the federal program director and the Chief School Financial Officer or designee will determine that the proposed transaction meets the requirements for allowable costs for the federal program. Actions to determine allowable costs will assure that:

1. The proposed expenditure is included in the federal program budget;
2. The proposed expenditure is reasonable and necessary for the federal program;
3. The proposed expenditure is consistent with procedures for financial transactions of the Board including:
   - Purchase order approval procedures;
   - Contract review and approval procedures;
   - Applicable competitive purchasing procedures; and
   - Documentation supports allowability of transaction.

b. Before payments are made from federal funds, the federal program director and the Chief School Financial Officer or designee will determine that the federal program expenditure complies with generally accepted accounting principles and complies with state, local, and federal laws, rules and regulations

3.10.3 Travel Policy – Travel costs are the expenses for transportation, lodging, subsistence, and related items incurred by Board employees who are in travel status on official business of the Board. The Board's travel policy provides for reimbursement and payments for travel costs of employees paid from federal funds that is consistent with the travel costs for Board employees paid from state or local funds.

3.10.4 Conflict of Interest Policy – Generally, a conflict of interest exists when a Board member, Board employee, or agent of the Board participates in a matter that is likely to have a direct effect on his or her personal and financial interests. A financial interest may include, but not limited to, stock ownership, partnership, trustee relationship, employment, potential employment, or a business relationship with an applicant, vendor, or entity. A Board member, Board employee, or agent of the Board may not participate in his or her official capacity in a matter that is likely to have a direct and predictable effect on his or her financial interests.

A Board member, Board employee, or agent of the Board will abide by the Federal and state laws and regulations that address conflict of interest standards. In general, the Federal rules provide that:

> *No employee, officer, or agent of the Board shall participate in selection, or in the award or administration of a contract supported by Federal funds if he or she has a real or apparent conflict of interest. Such a conflict would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs, or is about to employ any of the parties indicated herein, has a financial or other interest in a tangible personal benefit from the firm considered for a contract. The Board's officers, employees, or agents will neither solicit nor accept gratuities, favors or anything of monetary value from contractors, potential contractors, or parties to subcontractors.*

The Board's conflict of interest policies include adherence to the Alabama Ethics Law, as it may be amended from time to time, which defines conflict of interest as:

> *A conflict on the part of a public official or public employee between his or her private interests and the official responsibilities inherent in an*

office of public trust. A conflict of interest involves any action, inaction, or decision by a public official or public employee in the discharge of his or her official duties which would materially affect his or her financial interest or those of his or her family members or any business with which the person is associated in a manner different from the manner it affects the other members of the class to which he or she belongs.

A Board member, Board employee, or agent of the Board may not review applications, proposals, or participate in the evaluation or selection process where his or her participation in the review process would create the appearance that he or she is: (a) giving preferential treatment; (b) losing independence and impartiality; (c) making decisions outside official and appropriate channels; or (d) harming the public's confidence in the integrity of the Board.

Situations and circumstances presenting an actual conflict of interest or the appearance of a conflict of interest should be brought to the immediate attention of the Superintendent. A Board employee, Board members, or agent of the Board who has knowledge of a possible conflict of interest should identify the conflict and notify the Superintendent. The Superintendent will document his or her actions related to the reported conflict of interest. Resolution can consist of disqualification, recusal, waiver, or other appropriate measures. Appropriate measures may include reporting a conflict of interest to the State Ethics Commission, the Alabama State Board of Education, or the appropriate federal agency.

3.10.5 Procurement Policy – The Board will follow state laws for the procurement of property and services. The primary state procurement laws for Alabama school boards are: Alabama Competitive Bid Laws (Chapter 13B of Title 16, *Code of Alabama* 1975); Joint Information Technology Purchasing Agreement (Chapter 13B of Title 16, *Code of Alabama* 1975); and Public Works Law (Title 39, *Code of Alabama* 1975).

To the extent allowed by state laws, the Board will utilize state, local, regional, and national purchasing agreements where appropriate for the procurement or use of goods and services. All procurement transactions are subject to the Board's Conflict of Interest Policy and the procurement decisions of the Board will:

a. Avoid acquisition of unnecessary or duplicative goods and services;

b. Use the most economical and efficient approach for acquisitions;

c. Award acquisitions contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of the proposed procurement;

d. Consider contractor integrity, compliance with public policy, record of past performance, and financial and technical resources prior to awarding procurement contracts;

e. Maintain records sufficient to document the history of the procurement; and,

f. Conduct procurement transactions in a manner that provides full and open competition.

Procurement transactions for federal programs and child nutrition programs that are not subject to the state procurement laws, but exceed the aggregate amount of the federal micro-purchase threshold, will be obtained by utilizing price or rate quotes from two or more qualified sources. State procurement laws include requirements that comply with the other Uniform Administrative Requirements for procurement of property and services.

The Board will request proposals for those professional service contracts (excluding architectural and engineering services) that are exempt under state procurement laws if the contracts exceed $250,000 and will be paid from federal or child nutrition program funds. The Board will utilize a team of three or more qualified individuals to conduct a technical evaluation of proposals received and for selecting recipients. As a part of the evaluation, the individuals on the evaluation team will sign an assurance that each of the individuals is in compliance with the Board's conflict of interest policy.

3.11 *Employee Compensation*

3.11.1 Salaries and Pay Rates – Board employees will be compensated at rates of pay that are approved by the Board. When required, such salary or compensation rates will be included in a schedule to be developed and adopted by the Board in accordance with state law. Employees may receive supplements or other additional compensation when specifically approved by the Board. All compensation must be approved by the Board, regardless of the source of funding.

[Reference: ALA. CODE §16-13-231.1 (1975)]

a. *Contract Principal's Salary* – Contract principals may be placed on the school system's principal salary schedule or may be employed under a negotiated contract.

b. *Initial Placement on Salary Schedule – Certified Personnel* – The number of years of acceptable experience for initial placement on the salary

schedules shall be determined and agreed upon prior to employment. Job applicants must provide verification of all past job-related experience from their former employers. The determination of such credit shall be based on the following criteria:

1. All full-time teaching/administrative experience gained in all public elementary and secondary schools and/or state or regionally accredited public institutions of higher learning at the post-secondary or tech prep level shall be approved as credit for placement on the salary schedule.
2. No teaching/administrative experience gained in private elementary and secondary schools shall be considered for credit for placement on the salary schedule.
3. Up to three years of verifiable full-time, honorable service in any branch of the U.S. military (not Reserve or National Guard regular duty training or six (6) month duty training) will be granted for placement on the salary schedule.
4. In determining experience for placement on the salary schedule, credit shall be given for whole and parts of a year greater than one-half of the total annual contract days for the school system.

c. *Initial Placement on the Salary Schedule- Non-certified Personnel* – Under normal circumstance, the number of years of acceptable experience for initial placement on the salary schedule shall be determined and agreed upon prior to employment. Years of experience granted for placement on the salary schedule shall be based on an analysis of past job-related experiences by the Superintendent or designee.

In instances where job applicants have gained prior work experience in Alabama public elementary and secondary schools, credit for initial placement will be granted for past job-related experience based on written verification from their former employers. The determination of such credit shall be based on the following criteria:

1. The job-related experience must have been gained in an Alabama public elementary and/or secondary school.
2. The job-related experience must have been gained in the exact employment position for which the job-applicant seeks employment in the School System, i.e., secretarial experience applicable only to a secretarial position; custodial experience applicable only to a custodial position, etc.
3. In determining experience for placement on the salary schedule, credit shall be given for whole and parts of a year greater than one-half of the total annual contract days for the School System at the time the experience was gained.

3.11.2 Local Supplements – School-related booster or support organizations may fund local supplements for individual Board employees if the Board approves such supplemental payments. Such payments may be approved only if the following conditions are satisfied:

a. The payment is voted on and approved by the membership of the booster or support organization that proposes to fund the supplement at a regular meeting of the organization;

b. Funding for the payment must be sufficient to cover benefits, expenses, and other payroll costs, contributions, and liabilities, if any;

c. Sufficient unobligated funds are on hand to provide the supplemental payment;

d. A check and letter of authorization for the payment is sent to the Board no later than the payroll cutoff date for the month in which the payment is to be made;

e. The payments are accepted by the employee with the understanding that they do not constitute a part of any employment contract, salary schedule, or legal obligation that is enforceable against the Board, and that the Board has no continuing obligation to maintain supplemental payments to any employee that are provided, funded, or underwritten by a booster club, support organization, or similar third party; and

f. The payments are subject to any payroll deductions that are required by law.

3.11.3 Salary Administration – Employees are expected to fulfill the work requirements of the position held for the full term of their appointment. Compensation will be prorated to reflect the number of days actually worked, subject to appropriate adjustments, credits, and allowances for available leave. Salaries for full time employees will be paid over twelve months, regardless of the contract term. Personnel will be paid in accordance with customary payroll procedures, which may be modified from time to time as the needs of the system require. No employee is entitled to compensation except for work performed by the employee in accordance with an approved contract or the applicable terms of appointment. Compensation may be withheld pending the employee's timely, accurate, and complete submission of all required records, data, and reports.

3.11.4 Salary Deductions –

a. Mandatory salary deductions will be made in accordance with applicable law.

b. Deductions for membership dues will be made for organizations with at least fifty (50) Board employees as active members, as established by membership lists provided to the Board by the organization, if such deductions are allowed under state law and the organization has timely provided to the Board all certifications and expenditure reports required by law. Such membership lists will be corrected, updated, and returned to the organization no later than November 10 of each school year. Deductions will be based on the membership lists unless an employee revokes authorization for such deductions by providing written notice to the Board on or before September 15th of each school year. Deductions will remain constant during the school year, except by the authorization of the Superintendent.

c. The Board may offer additional insurance or benefits to employees to be paid through voluntary salary deduction in accordance with state law and the Board's financial practices and procedures.

d. The Board will make voluntary salary deductions upon written request of employees or groups of employees as required by law and in accordance with the Board's financial practices and procedures. The Board will not create a new voluntary salary deduction unless at least fifty (50) Board employees request the deduction.

e. Employees are required to complete and submit all forms and provide such information as may be required to administer a salary deduction.

f. The Board will not be liable for any good faith error made in implementing a salary deduction that has been authorized by the employee. Upon termination of employment, any amounts owed under the terms of an employee authorization will be deducted from the employee's final pay.

g. The Superintendent or designee is authorized to develop additional procedures or guidelines governing the approval and administration of any voluntary salary deductions.

[Reference: ALA. CODE §16-22-6; 16-22-5; 16-22-17; 17-17-5]

3.11.5 Minimum Wage and Overtime – In compliance with the Fair Labor Standards Act ("FLSA"), the Board will pay required minimum hourly wages and overtime to all employees who are not exempt employees under the FLSA. For purposes of determining overtime, the workweek begins at 12:01 a.m. on Sunday and ends at midnight on the succeeding Saturday. All non-exempt

employees who work more than forty (40) hours in a workweek will be paid overtime. Employees must accurately report all time worked for the Board. Non-exempt employees are not authorized to work more than forty (40) hours in a workweek without specific direction or authorization to do so by the Superintendent, the employee's supervisor, or the supervising school principal.

3.11.6 Compensatory Time – Non-exempt employees who work more than forty (40) hours in a workweek may, upon agreement between the employee and the Board, be paid overtime in the form of compensatory time. Compensatory time will be based on time worked beyond forty (40) hours in a workweek, and will be recorded in minimum time units of one-quarter hour rounded to the nearest quarter of an hour. No more than two hundred forty (240) hours of compensatory time may be accumulated. The Board reserves the right to require an employee to use compensatory time as its needs require and may "pay down" any compensatory time balance in its discretion. The Superintendent is hereby authorized to develop procedures and forms for use in implementing this policy.

3.12 *Expense Reimbursement*

3.12.1 Approvals – All persons eligible for travel and/or expense reimbursement must have the prior approval of their immediate supervisor. To encumber Central Office funds requires the written approval of the immediate supervisor and the Superintendent or designee. To encumber local school funds requires the approval of the immediate supervisor and the principal. All out-of-County travel requires the approval of the Superintendent.

3.12.2 Information Required – Claims for travel reimbursement must be made on forms approved by the Board. Such forms must include the following information: name of traveler, date, reason for trip, and other pertinent data as requested (receipts, etc.). The signatures of the employee and his/her immediate supervisor must be affixed to the travel request form prior to submission for approval by the principal and/or the Superintendent. All out-of-County travel requires the approval of the Superintendent.

3.12.3 Mileage Rates – Mileage for all private vehicle travel (in-county, out-of-County, or out-of-state) shall be reimbursed at the state rate approved for school system employees for all approved travel.

3.12.4 Itinerant Travel – Employees required to travel on a continuing basis from school to school or work site to work site to conduct the activities associated

with their jobs shall be paid mileage at the above rate (no expenses or subsistence) as specified below:

An employee assigned to teach classes at two or more different campuses (example – mornings at one campus, afternoons at a second campus which requires automobile use) may claim one-way-only mileage for travel between campuses, except that any employees that are being paid two-way mileage at the time of adoption of this policy will continue to be paid accordingly. Employees may not claim mileage when they are assigned to work all day at different schools or work sites on alternate days (example – Mondays at one school, Tuesdays at a second school, or any like combinations). Reimbursement for itinerant travel shall be paid monthly on travel claim forms signed by the employee and the employee's principal/work site supervisor.

Principals, Central Office administrators, and supervisors may be reimbursed for job-related travel.

3.12.5 Out-Of-State and Out-of-County Travel – Reimbursement for travel expenses outside the state shall not exceed the actual, documented expenses. Prior approval for all travel must be obtained from the Superintendent before any travel expenses can be incurred. All travel expense claims must be made on forms prescribed by the Superintendent for reclamation of travel outside the state or county.

All expense claim for out-of-state or out-of-county travel must be supported by documented receipts. The traveler may submit meal expenses of up to an average cost of $20 per reimbursable meal. Breakfast will only be allowed for travel that begins at 6:00 AM or before and a dinner meal will be allowed if the traveler cannot be back at their base until after 6:00 PM. The above meal expense limits can be waived with prior approval based upon consideration of the location of the travel destination. Reimbursable gratuities are limited to 15% of meal receipt.

The mode of transportation may be designated by the Superintendent. The cost of out-of-state or out-of-county travel and lodging should be shared with other employees when possible. Provided a person not employed by the School System shares a room with an employee, the School System employee shall be eligible for reimbursement at single room rate only. Reimbursement for personal items and entertainment will not be made.

3.12.6 Travel Expense Advances – No cash advances or checks shall be issued to individual employees to cover travel expenses, except (1) for extended class

trips approved by the Superintendent or (2) if the Superintendent determines that the expected travel expenses will create a substantial financial hardship.

3.13 *Fees, Payments, and Rentals*

3.13.1 Facility Use Fees – The Superintendent is authorized to develop a schedule of reasonable fees for use of Board facilities and property by individuals, groups, or organizations that shall be effective upon approval by the Board.

3.13.2 Copying and Other Charges – The Superintendent is authorized to establish a schedule of reasonable charges which, upon approval by the Board, will be applied uniformly in response to requests for copies of documents and records. Nothing in this policy or in any schedule of charges authorized hereunder creates or expands any entitlement to copies of records or access thereto beyond that which is established by law or specific Board policy.

3.14 *School Accounts*

Funds held in school accounts, regardless of the funding source, will be maintained and accounted for in accordance with the Board's Finance Manual, Local School Finance Manual, and such procedures, rules, and regulations as may be developed by the Chief School Financial Officer or the Superintendent. The principal is ultimately responsible for all school funds and for ensuring that such funds are properly accounted for and secured.

3.15 *Authority to Execute Contracts*

3.15.1 General Authority – The president of the Board, or, in the absence of the president, the vice-president, will have authority to execute contracts on behalf of the Board upon approval of the contract by the Board. The Board may also authorize the Superintendent to execute contracts on behalf of the Board as its chief executive officer.

3.15.2 Limitation on Authority to Bind the Board – Principals and other administrators will have authority to enter into agreements with third parties only when such agreements have been approved by the Board.

3.16 *Affiliated Organizations*

3.16.1 School Sponsored Organizations – School-sponsored student organizations will be subject to Board policies and procedures concerning fiscal management and will maintain organization funds in school accounts. All

books, records, and official documents pertaining to the management of such organizations will be maintained at the local school and will be subject to examination and audit by the Board, the principal, or the State Examiners of Public Accounts. The use of funds collected, generated, or held by such organizations will be determined in accordance with the constitution, charter, or by-laws of the organization, with oversight by the sponsor of the organization, and subject to approval of the principal.

3.16.2 Booster Clubs, Parent-Teacher Associations, and Other Affiliated Organizations – Other organizations that are affiliated with local schools are permitted to operate or raise funds on Board property or at Board sanctioned events only in conformity with Board and State Department of Education policies, procedures, and standards concerning the fiscal management of such organizations. An affiliated organization must conduct an annual audit of its financial operations and make its books and financial records available to the Board for review or audit.

3.17 *Fundraising*

Fundraising activities will be permitted on school or Board property only if the following criteria are satisfied:

a. The activity will be held at a time and in a manner that will not be disruptive to the instructional program or to any other school or school system activity or function;

b. The activity is designed and intended to support a *bona fide* school or school system program or activity, or an activity that is consistent with the mission and purposes of the school system;

c. Adequate provision has been made for the security and proper accounting of funds collected;

d. Other information regarding the nature, scope, and purpose of the activity is provided to school officials upon request; and

e. Appropriate arrangements have been made for any special activities to be held in conjunction with the fundraising event.

f. The activity has been approved by the principal.

3.18 *Employee Fundraising and Crowdfunding*

Any property, money, or other resources that are obtained by a Board employee through grants, fundraising, online giving, or like means in the name of or for the benefit of the school system or its students becomes the property of the school system and are subject to Board policies and procedures governing Board property and

resources. The Superintendent is authorized to develop procedures governing the approval and administration of any outside fundraising or crowdfunding activities.

3.19 *Child Nutrition*

The Superintendent may enter into a written agreement with the Child Nutrition Program at the State Department of Education in order to procure food and other food related products and services. The Board will comply with applicable state and federal laws and regulations governing participation in such child nutrition program.

Charged meals are not considered an allowable expense. Therefore, all uncollected charges will be the responsibility of the school where the charge was made. All charges must be paid to the Child Nutrition Program at the end of the school year using non-public funds.

[Reference : ALA. CODE 290-080-030-.01, *et seq.*]

3.20 *Worthless Checks*

The Board will take action to collect the amount of a worthless check in accordance with such corresponding rules, regulations, and procedures as may be set forth in the Board's Finance Manual.

3.21 *Classroom Instructional Support*

The Superintendent shall develop procedures by which state allotments for classroom instructional support are made available for use by classroom instructors in the manual and for the purposes authorized by statute and corresponding state regulations.

[Reference: ALA. CODE §16-1-8.1(b)(7).]

IV. General Administration

4.01 *Security / Access to Schools*

4.01.1 Security Measures Authorized – The Superintendent, principals, and facility administrators are authorized to take reasonable and lawful measures to protect against personal injury, trespass, vandalism, theft, and like threats to personal safety, property damage, and financial loss to or on Board property or at school functions and activities. The Superintendent should be made aware of any extraordinary or special measures that may be proposed in anticipation of or in response to any unusual security threat or risk (e.g., unusual surveillance, assignment of additional security personnel).

4.01.2 Access Restrictions Authorized – The Superintendent, principals, and facility administrators are authorized to regulate and restrict access to Board schools, buildings, and facilities in order to maintain appropriate security, minimize disruption and distraction within the learning environment, or to avoid a potential risk of harm to a student or employee. To that end, the Superintendent, principals, and facility administrators are authorized to implement building-level requirements and procedures governing access to Board owned or controlled buildings, grounds, property, events, and activities by school and non-school personnel, including family members and relatives, vendors, attorneys, and other visitors, and to adopt "check-in" and "check-out" requirements and procedures for students and employees.

Visitors with a legitimate reason for being on school property may enter and remain on school campuses and Board facilities in accordance with limitations and requirements that are designed to preserve security and maintain an orderly educational environment. Visitors must observe appropriate decorum and respect administrative requirements and restrictions regarding their activities and interaction with faculty, staff, and students while on Board property. School officials are authorized to revoke permission to be on school property to noncompliant visitors; to limit, condition, or prohibit their future access to school property to ensure safety and order; and to enlist the assistance of law enforcement agencies if necessary to accomplish these objectives.

4.01.3 Adult Sex Offenders – Adult sex offenders who have been convicted of a sex offense involving a minor must:

a. notify the principal of the school or his designee before entering school property or attending the K-12 school activity;

b. immediately report to the principal of the school or his designee upon entering the property or arriving at the K-12 school activity; and

c. cooperate with any efforts undertaken by the principal of the school or his designee to discreetly monitor their presence on school property or at the K-12 school activity.

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

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

[Reference: Ala. Code § 15-20A-17]

4.01.4 Administrative Discretion Retained – Nothing in any Board or Board authorized policy, procedure, or directive that is designed to maintain or enhance school or school system safety and security shall be administered, enforced, or construed to limit or impair the exercise of any employee's lawful discretion or judgment in developing or implementing safety and security-related plans, practices, procedures, or measures.

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

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

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

1. *Students* – Students will be expelled for a period of one year. The expulsion requirement may be modified in writing by the Board upon recommendation of the Superintendent on a case-by-case basis. Students who are expelled for firearm possession may not attend regular school classes, but may be permitted to attend alternative schools or education programs established by the

Board. Discipline of students with disabilities who violate the firearm possession policy will be determined on a case-by-case basis in accordance with federal and state law. Parents of students who violate this policy will also be notified by the principal of violations.

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

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

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

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

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

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

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

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

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

b. *Notification of Law Enforcement* – The appropriate law enforcement authority, which may include the city police, county sheriff, and the

local district attorney, will be notified by the principal of violations of this policy.

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

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

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

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

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

4.02.4 Tobacco – The use of tobacco products and the illegal possession, distribution, and sale of tobacco products on school property is prohibited. For the purposes of this policy, "tobacco product" is defined to include cigarettes, electronic cigarettes, vape pens, hookah pens, e-hookahs, vape pipes and any similar type of device designed to deliver nicotine, flavor, and other chemicals via inhalation, cigars, blunts, bidis, pipes, chewing tobacco, snuff and other items containing or reasonably resembling tobacco or tobacco products. "Tobacco use" includes smoking, vaping, chewing, dipping, or any other use of tobacco products.

a. *Penalties for Violation*

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

b. *Parental Notification* – Parents and guardians may be notified of actual or suspected violations of the tobacco prohibition whether or not the student is charged with a violation of Board policy, which includes the Code of Student Conduct.

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

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

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

4.02.6 Drug and Alcohol- Free Environment – All students, employees, volunteers, parents, visitors, and other persons are prohibited from possessing, using, consuming, manufacturing, or distributing illegal controlled substances and alcohol while on Board property or while attending any Board sponsored or sanctioned event, program, activity, or function. Persons who are intoxicated or impaired by the use, consumption, or ingestion of any illegal controlled substance or alcohol are not permitted to be on school property, or to attend or participate in any Board sponsored or sanctioned event, program, activity, or function.

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

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

4.03 *Accreditation*

The Board will implement and adhere to such accreditation policies, principles, standards, and procedures as may be established or required by Cognia as a condition to receiving or maintaining accreditation.

4.04 *Use of Board Property*

4.04.1 Equipment, Supplies, Materials, Vehicles – Equipment, supplies, materials, vehicles, and other movable or consumable property owned by or under lease to the Board may not be used by or made available to persons or entities for private or personal use, benefit, or consumption, or for any non-Board related use or purpose. Such property may not be removed from Board premises except as necessary to serve a school or Board-related function or purpose,

and with the knowledge and approval of the appropriate supervisor, administrator, or the Superintendent.

4.04.2 Use of Board Facilities – Schools and other Board owned or controlled facilities may be made available for use by sanctioned or generally recognized school support organizations if the use of the facility will not disrupt school operations or be inconsistent with the purpose and mission of the school system, and if adequate advance provision is made for security, supervision, maintenance, damage prevention, post-event clean-up, liability insurance, and other risk management measures appropriate to the proposed use. Use of Board facilities for non-school organizations may be approved if the foregoing conditions are satisfied and a rental contract (or the equivalent thereof) that includes a reasonable fee or rental charge and other appropriate terms and conditions is approved by the Board. The Board delegates authority to the Superintendent and/or designee(s) to permit use of school facilities in emergency situations or when Board approval would be impractical or impossible.

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

4.05 *Naming Board Facilities*

No facility, property, building, or part thereof under the control of the Board will be named after any person or entity without Board approval.

4.06 *Title IX*

4.06.1 Prohibition – In accordance with Title IX (20 U.S.C. §1681, *et seq.*), and its regulations (34 C.F.R. Part 106), the Board strictly prohibits discrimination on the basis of sex or gender in its programs or activities, including sexual harassment, as defined by law and Board policy. Inquiries regarding the application of Title IX regulations may be referred to the Board's Title IX Coordinator, to the Assistant Secretary for Civil Rights of the Department of Education, or both. Sexual harassment complaints will be filed and reviewed under the Board's student sexual harassment policy or its employee sexual harassment policy as applicable. All other complaints under Title IX will be filed and reviewed according to the Board's general complaint and grievance procedures.

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

4.07 *Complaints and Grievances*

4.07.1 General Complaints (Grievances) – Subject to the limitations set forth below and elsewhere in this policy manual, any employee or member of the public may present to the Board a concern, complaint, grievance, or request for corrective action regarding any aspect of school system operations. Before requesting corrective action or relief from the Superintendent or the Board, persons with such complaints, grievances, or requests should present them for resolution to the employee, supervisor, or administrator at the lowest administrative level who has the authority and ability to address the problem or to implement the requested action. The Superintendent is authorized to develop specific procedures that will provide for fair consideration and orderly review of complaints and grievances. Such procedures may not unreasonably burden or delay the presentation or processing of such matters, and will be subject to Board review, modification, and approval.

4.07.2 Limitations Regarding Availability and Application of General Complaint/Grievance Policy – The general complaint/grievance policy and any procedures adopted thereunder do not apply to specific complaint or grievance policies and procedures that are established by Board policy or law for application to special factual or legal circumstances (e.g., sexual harassment grievance procedures; review of personnel matters under the Students First Act; "due process" hearings provided under the Individuals with Disabilities Education Act). In such instances, the specific statutory, regulatory, or policy-based process is the applicable procedure. The general complaint/grievance procedures that are authorized under the terms of this policy may not be invoked for the purpose of challenging or seeking review or reconsideration of adverse personnel decisions that have received final Board approval. A grievance may be based on an alleged misapplication of Board policies, regulations, or procedures, but may not be used to challenge the Board's exercise of its discretion to adopt, approve, modify, or repeal a policy, regulation, or procedure or on its failure to exercise such discretion (e.g., adoption of a school calendar, compensation policies, etc.).

4.07.3 Student Complaints and Grievances – Complaints, grievances, and requests for corrective action may be brought to the attention of the Board by or on behalf

of students with respect to academic, athletic, extracurricular, or other non-disciplinary matters, issues, and concerns only after reasonable efforts to resolve the matter at the school and administrative levels have been exhausted. The Superintendent is authorized to develop specific procedures that will provide for fair consideration and orderly review of such complaints and grievances. Such procedures will not unreasonably burden or delay the presentation or processing of the complaint or grievance and will be subject to review and approval by the Board. Administrative judgments concerning academic or curricular matters or participation in extracurricular activities may be set aside by the Board only upon a showing that the action or decision in question is arbitrary and capricious, fundamentally unfair, or that it violates Board policy or the student's legal rights.

4.07.4 Student Disciplinary Matters – The Board may consider appeals of student disciplinary decisions or actions in accordance with standards and procedures specified in the Code of Student Conduct.

4.07.5 Public Complaints – Nothing in this policy shall be construed to deny any member of the public the right to petition the Board for consideration or action regarding any matter of public concern falling within the statutory jurisdiction of the Board, provided that the person can demonstrate that he or she is impacted by the alleged violation to a greater extent than the impact on the public at large.

4.07.6 Americans with Disabilities Act Complaint Procedure –

a. *Complaint Criteria* – Persons who believe that they have been discriminated against on the basis of disability in the provision of services, activities, programs, or benefits covered by Title II of the Americans with Disabilities Act may file a written complaint with the ADA Coordinator.

b. *Complaint Form* – The complaint should be in writing and contain information about the alleged discrimination including the name, address, phone number of complaining party and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint, will be made available for persons with disabilities upon request.

c. *Complaint Process* – The complaint should be submitted to the ADA Coordinator as soon as possible, but no later than thirty (30) days after the alleged violation. The ADA Coordinator will meet with the complaining party to discuss the complaint and possible resolutions. Within fifteen (15) calendar days of the meeting, the ADA Coordinator will respond in writing, and where appropriate, in a format accessible

to the complaining party, such as large print, Braille, or audio tape. The response will explain the position of the Board and offer options for substantive resolution of the complaint.

d. *Appeal Procedure* – If the response by the ADA Coordinator does not satisfactorily resolve the issue, the complaining party may appeal the decision within fifteen (15) calendar days after receipt of the response to the Superintendent. Within fifteen (15) calendar days, the Superintendent will respond in writing, and where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

e. *Records Retention* – All written complaints received by the ADA Coordinator, appeals to the Superintendent, and records relating thereto will be retained by the Board for at least three (3) years.

f. *Additional Procedures Authorized* – The Superintendent is authorized to develop such procedures as are necessary to implement this policy.

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

4.08 *Risk Management*

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

4.09 *Emergency Closing of Schools*

4.09.1 Authority of Superintendent to Close Schools – The Superintendent is authorized to close schools if such action is warranted by weather conditions or other circumstances that pose a risk to the safety and welfare of students and employees, or that render meaningful instruction impossible (e.g., loss of power or other utility services).

4.09.2 Make-Up Dates – To the extent not provided for in the school calendar, any days lost by reasons of an emergency closing will be made up and a revised school calendar approved, if necessary, to reflect any extension or adjustment of the school year required by such action, unless approval to waive the days is obtained in accordance with state law.

4.10 *Internet Safety and Use of Technology*

4.10.1 Access to Technology Resources – The Board permits restricted and conditional access to and use of its technology resources, including but not limited to computers, the "Internet," network storage areas, and electronic mail. Such access and use is restricted to employees, students, and other persons who are engaged in *bona fide* educational and administrative activities that serve and are consistent with identified educational objectives or authorized support functions, and who, by signing an "Acceptable Use Policy," agree to abide by all Board policies, rules, and regulations regarding technology use. The Acceptable Use Policy will be developed by the Superintendent or designee for approval by the Board.

4.10.2 Restriction or Loss of Technology Privileges – Persons who violate any Board policy, rule, or regulation regarding technology use may be denied use of the Board's technology resources and may be subject to additional disciplinary action.

4.10.3 Ownership of Technology Resources and Data – All technology resources, including network and Internet resources, e-mail systems, and computers or other access devices owned, leased, or maintained by the Board are the sole property of the Board. Board personnel may, at any time and without prior notice, access, search, examine, inspect, collect, or retrieve information of any kind from the Board's technology resources, including computer or related equipment, files, and data, to determine if a user is in violation of any of the Board's policies, rules, and regulations regarding access to and use of technology resources, for or in connection with any other matter or reason related to the safe and efficient operation or administration of the school system, or for any other reason not prohibited by law. Users of school system technology resources have no personal right of privacy or confidentiality with respect to the use or content of such resources.

4.10.4 Adoption of Rules and Regulations – The Superintendent is authorized to develop for Board approval additional or more specific rules and regulations regarding access to and use of its technology resources and to require adherence to such rules and regulations through such means as the "Acceptable Use Policy" and application of appropriate disciplinary policies and procedures. Such rules and regulations will address or provide:

a. Measures to block or filter Internet access to pictures that are obscene, that constitute child pornography, or that are harmful to minors;

b. Restriction of access by minors to inappropriate material on the Internet;

c. The safety and security of minors when they are using electronic mail, chat rooms, and other forms of direct electronic communications;

d. Prevention of "hacking" and other forms of unauthorized use of or access to computer or Internet files, sites, databases or equipment; and

e. Unauthorized disclosure, use, and dissemination of personal information regarding minors;

f. Restriction of minors' access to harmful material; and

g. Educating minors about appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms and cyberbullying awareness and response.

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

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

4.11 *Data Governance and Use*

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

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

4.12 *Political Activity*

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

a. Employees may not appropriate Board property or resources for use in political campaigns, and may not engage in partisan political activities (including, but not limited to, the distribution of campaign material or literature) during regular school or duty hours or at Board sponsored or sanctioned events, functions, or activities at which the employee is on duty or assigned official responsibilities;

b. Employees may not represent their political beliefs or positions on political matters to be those of the Board or other Board officials, or to falsely assert or imply that their political activities or positions are endorsed by or undertaken in the name of the Board or other Board officials;

c. In order to avoid disruption to the classroom and the school, employees may not wear or display political buttons, clothing, or banners during regular school or duty hours or at Board sponsored or sanctioned events, functions, or activities at which the employee is on duty or assigned official responsibilities;

d. In order to avoid obstructing the parking lot or otherwise disrupting school activities, employees may not place large signs or billboards in or on personal vehicles in the school parking lot;

e. Candidates and representatives of candidates for political office may not be invited or allowed to address student groups except when 1) such candidates are participating in a forum or like format that is designed to provide all candidates the opportunity to participate; or 2) the candidate is a current public official invited to address student groups for non-campaign related purposes. Such forums may be conducted only for appropriate age groups, and with the advance approval of the school principal and the Superintendent; and

f. Political signs may not be placed on schools or school Board property; and

g. Campaign literature and other material may not be distributed on Board property during the regular school or workday and may not be distributed at school or Board sponsored events or activities in a manner that impedes the normal and safe movement of pedestrian or vehicular traffic, that creates any other safety hazard or risk, or that disturbs or disrupts the function, activity, or event.

Notwithstanding these restrictions, any common area that is available for use by the general public may be used for political purposes as long as such area is available to all candidates on an equal basis and such activity does not disrupt the normal business of the property.

Additionally, if the Board determines that promotion of a ballot initiative (e.g., tax referendum) furthers the purpose and mission of the school system or serves a public purpose, the Board may use public funds, not otherwise restricted, and other public property to seek support for the ballot initiative.

4.13 *Automatic External Defibrillator (AED)*

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

V. Personnel

5.01 *Employee Qualifications and Duties*

5.01.1 General Requirements – Employees have a duty to perform their jobs responsibly and in a conscientious manner. In addition to any specific job requirements set forth in job descriptions or elsewhere, employees are expected to meet the following general performance and service standards:

a. Employees are required to be punctual and to attend work regularly.

b. Employees are required to perform the duties and responsibilities that are assigned to them by the Board, the Superintendent, or their supervisor(s). Such duties and assignments may extend beyond or outside the instructional day and may include off-campus functions, events, and activities.

c. Employees are expected to treat all students, co-employees, visitors, and guests of the Board with respect. Employees are expected to demonstrate moderation, restraint, and civility in their dealings with others and, in general, to serve as appropriate role models for students in their behavior and demeanor.

d. Employees are required to obey all laws, ordinances, Board policies, and supervisory directives, and are expected to follow the Alabama Educator Code of Ethics and other pertinent authority while carrying out duties for the Board.

e. Employees whose duties include the instruction or supervision of students must provide effective supervision, discipline, organization, and instruction of the students.

f. Employees must complete and submit required reports accurately and in a timely fashion.

g. Employees must respect, protect, and exercise due care in the handling, use, and operation of Board property and equipment.

h. Employees shall at all times maintain an appropriate and professional relationship with students and shall not engage in conduct (including communication of any kind) that constitutes, solicits, or suggests sexual, romantic, or inappropriately familiar interaction with a student. As used herein, the term "Student" means any student with whom the employee has, has had, or could prospectively have a professional, teaching, counseling, coaching, mentoring, advisory, supervisory, or working relationship. The term "Student" also includes any student who, by reason of his or her age, mental or physical condition, or other

circumstances is practically or legally incapable of consenting to the relationship in question.

i. *Employee Attire* – Employees are required to report to work or to school functions in attire that is appropriate to their position and the nature of the function and that is in keeping with generally accepted standards of decorum and professionalism.

j. Employees shall promptly disclose to the Board any fact that would disqualify them from employment or that renders them unable to perform their essential job functions.

5.01.2 Special Requirements –

a. *Work Schedules (Teachers)* – Time schedules for teachers may be designated by the Superintendent and/or principal of the respective school. Assignments and duties may extend beyond the instructional day and may include off-campus functions, events, and activities; conferences and meetings with parents; supervision of student arrival and departure; and preparation for the following instructional day. Teachers will be provided a minimum of thirty (30) minutes free of instructional and supervisory responsibilities each teaching day.

b. *Work Schedules (Support Personnel)* – The Superintendent is authorized to establish work schedules, including minimum work times, for support personnel.

c. *Professional Certification* – In addition to requirements established by the State Board of Education and the pertinent job description, professional employees must hold a degree from an accredited college or university and hold a current, valid, and properly endorsed Alabama Educator's Certificate, which will be maintained in the Superintendent's office. A teacher who has completed the certification process but has not received the certificate may be employed on tentative or temporary compensation pending verification of certification from the State Department of Education. Upon receipt of such verification, appropriate adjustments will be made to the teacher's salary. If an employee earns a higher certificate that merits increased compensation under the approved salary schedule, the employee will be paid for the advanced degree as soon as the State Department of Education recognizes the degree.

d. *Long Term Substitutes* – If a substitute teacher is assigned to substitute for a teacher on paid status, the substitute teacher's pay will be the regular rate for substitute teachers in the school system. However, if the teacher is not on paid status, a substitute teacher who holds the appropriate certification will be paid in accordance with the school system's regular teacher salary schedule.

e. *Substitute Teachers* – Substitute teachers must, at a minimum, possess a high school diploma and valid and current Alabama Substitute Teacher's Certificate or Alabama Teacher's Certificate.

f. *Teacher Assistants* – Teacher assistants must, at a minimum, possess (i) a high school diploma or its equivalent; (ii) a two-year diploma from a college or university (or the equivalent hours) or pass the Work Keys Assessment; and (iii) a certificate from the State Department of Education verifying a "clear" status resulting from a background check.

g. *Bus Drivers* – In addition to the requirements established by the State Board of Education, a bus driver must: (i) hold a valid commercial driver's license, (ii) complete a minimum of twelve (12) hours of approved instruction in school bus driving, and (iii) satisfactorily complete a written examination driver's performance test approved or administered by the State Department of Education or State Superintendent. A bus driver must also meet any requirements of the entity providing the Board's automobile liability coverage.

[Reference: ALA. CODE §16-27-4 (1975)]

h. *Dual Employment* – When an employee is hired to perform the functions of two or more distinct positions within the school's daily operations (e.g., teacher and athletic coach), and when maintenance of that dual employment is deemed essential by school authorities to meeting the budgetary and staffing needs of the school, the employee's unwillingness, inability, or failure to faithfully discharge the duties of one of the positions may constitute grounds or cause for removing the employee from both positions in accordance with provisions of applicable law.

5.02 *Hiring*

5.02.1 Application Procedures – Job applicants for all positions must file an application in the manner directed by the school system. Applications must be completed in full. All information provided in the application must be truthful. Any misrepresentation of a material fact on an employment application may disqualify the applicant from consideration for the position and may subject an employee to adverse employment action, including termination.

5.02.2 Qualifications – Applicants must meet the minimum qualifications of the position as provided in Board policy, the job description for the position, the posted advertisement for the position, or as may otherwise be established by the Board, applicable law, or regulation. Applicants must hold such degrees, licenses, certificates, and like credentials as may be necessary, appropriate, or customary for the position in question.

5.02.3 Hiring Authority – The Board is responsible for making all final hiring decisions, and no hiring decision is official, final, or effective unless and until it is approved by a vote of the Board. No principal, administrator, supervisor, or other employee has authority to hire an applicant without Board approval or to commit the Board to specific action regarding employment.

5.02.4 At-Will Employment – Except as may otherwise be provided or required by law, by contract, or by the specific terms of their appointment, all personnel are deemed "at-will" employees and may be terminated, demoted, reassigned, suspended, or disciplined with or without pay, or with reduced pay, and with or without cause.

5.02.5 Nepotism –

a. *Supervisory Relationships* – Employment decisions and relationships that violate any provision of Alabama law, including state ethics and nepotism laws, are prohibited. The Superintendent is authorized to take action to identify and correct violations of the policy in a manner consistent with applicable law.

b. *Employment of Family Members* – Board members, administrators, or supervisors may not use their positions to directly or indirectly seek or secure the employment of any family member as defined in the Alabama Ethics Law.

c. *Selection of Impartial Person* – When law or policy mandates the recusal of a board member, official, or employee ("disqualified official") from involvement in a decision involving the employment or possible employment of a relative or other person and permits or requires an objective, neutral, or impartial person ("the surrogate official") to exercise some or all of the functions of the disqualified official with respect to the decision or action in question, the surrogate official shall be deemed objective, neutral or impartial if he or she:

1. Is not related by blood or marriage to the disqualified official or the person whose employment status is at issue, or of any applicant in a multi-member field of persons under consideration for employment or advancement;
2. Does not work under the direct or indirect supervision of the disqualified official, of any person who selects the surrogate official, of any person whose employment status could be affect by the action or decision at issue;
3. Has no personal or financial connection to the disqualified official, to any person whose employment status could be affected by the action or decision at issue, to any other person involved or affected by the action or decision at issue in a way

that would call into question the surrogate official's objectivity, neutrality, or impartiality; and

4. By education, training, and experience has a sufficient understanding of the employment qualifications and other factors and considerations that bear upon the action or decision at issue to make an informed report and recommendation to the Board.

After considering any report or recommendation that may be made by the surrogate official, the Board may approve such recommendation or remand the matter in question for a different recommendation.

[Reference: ALA. CODE §16-22-15.1]

5.03 *Probationary Employment*

Employees are required to serve the maximum period of any probationary service provided or permitted by law before tenure, non-probationary status, or any other statutorily sanctioned form of employment security will be recognized by the Board.

5.04 *Non-Teaching Supplemental Duties*

Compensation in the form of supplements may be paid for non-teaching supplemental duties in accordance with rates specified or established for such duties in the Board's official salary schedule. Such duties may include coaching and sponsorship of athletic support organizations as well as scholastic support activities. Such supplemental duties are considered additional non-teaching assignments to be made and approved on an annual basis or otherwise as the needs of the school system require. Such supplemental duties are not considered to be a part of a teaching contract or appointment, and no tenure, continuing service status, nonprobationary status, or contractual right to continued employment or compensation for such supplemental assignment will be recognized or implied in the absence of a separate written contract of employment providing for such rights.

[Reference: ALA. CODE §16-24C-4(3)b (1975)]

5.05 *Professional Development*

The Superintendent will develop and implement an ongoing program of professional training and development that is designed to enhance the competencies of professional and support staff. Employee attendance and participation in such training institutes, workshops, seminars, and programs may be made mandatory by the Superintendent. The unexcused failure of an employee to attend or participate in such professional development activities may constitute grounds for termination of employment or other disciplinary action.

5.06 *Employee Conflicts of Interest*

Employees may not use their offices or positions for personal gain and must adhere to applicable provisions of the Alabama Ethics Law. Employees may only engage in outside employment under the following terms and conditions:

a. Employees will not engage in outside business activities or render any service for another employer during such time as duties and responsibilities have been assigned by the Board;

b. Employees will not accept outside employment that would interfere with or impair the ability of the employee to perform duties as a Board employee effectively;

c. Employees may not accept work that could compromise the employee's independent judgment in the exercise of duties for the Board;

d. Employees may not use or disclose confidential information acquired through Board employment for their personal gain or for the benefit of a third party.

5.07 *Employee Gifts*

Employees may accept gifts from students or other members of the public if the gifts are in accordance with the Alabama Ethics law and any other applicable law, provided that that a single gift from a person should not exceed twenty-five dollars ($25.00) and that the total monetary value of the gifts from a person for that year should not exceed fifty dollars ($50.00).

The Board allows employees to accept gifts or gift cards purchased from pooled donations within a class, team, or other school group or organization for the employee's personal use provided that the amount that each person gives should not exceed the above amounts.

Nothing in this policy should be construed to create restrictions on gifts beyond those that are specifically provided for by law or to allow conduct specifically prohibited by law. Any person with a question about the application of the Ethics law to a particular gift should contact the Ethics Commission for clarification.

[Reference: ALA. CODE §36-25-1, *et seq*.; Alabama Ethics Opinion 2011-12 & 2016-34]

5.08 *Employee Evaluations*

5.08.1 Certified Personnel – Certified employees (other than contract principals) will be evaluated in accordance with an evaluation program approved for use by the Alabama State Board of Education. Contract principals will be evaluated in accordance with rules, regulations, and requirements promulgated by the State Department of Education or as may otherwise be permitted by law.

5.08.2 Non-Certified Personnel – Non-certified personnel may be evaluated in accordance with criteria and procedures to be developed by the Superintendent.

5.08.3 Use of Evaluations in Connection With Employment Decisions – Unless prohibited by law (including applicable regulations) or the terms of the evaluation instrument, employment evaluations may be considered in making employment decisions, together with such other information and considerations as may reasonably bear upon the wisdom, necessity, or advisability of the employment decision. However, employment evaluations are intended to enhance the overall quality of the school system's instructional program and are not intended to confer, constitute, or give rise to any individual right, entitlement, or enforceable expectation of continued employment or advancement. Accordingly, except as may be specifically provided otherwise in state law applicable to "contract principals," employees do not acquire any employment right or right of legal action based on any actual or alleged failure on the part of the Board or the evaluator to follow specific evaluation policies, regulations, or procedures.

5.08.4 Special Evaluation Situations – The Superintendent, the Chief School Financial Officer, and other employees who serve in positions of special trust or sensitivity may be evaluated by such means as may be permitted by law or applicable regulation or as agreed to in an employment contract.

5.08.5 Exempt Personnel – Except when required by law or contract, temporary, substitute, and occasional employees, or employees appointed to supplemental positions (e.g., coaches, extracurricular activity sponsors) will not be formally evaluated in those roles.

5.09 *Personnel Records*

5.09.1 Content of Personnel Files – A central personnel file will be maintained for all regular employees. The personnel file may contain information regarding the employee's current assignment, payroll status, and work history, including but not limited to job qualifications, certification, licenses, employment contract(s), evaluation data, disciplinary information, and such other documents, written materials, and data as may be reasonably deemed necessary and appropriate by the Board for sound and efficient personnel administration. Anonymous material and other matters that are prohibited by law, regulation, or Board policy from being maintained in personnel files may not be included therein. Employees may reasonably supplement or respond in

writing to any material contained in the personnel file with which they disagree, and such responses will also be included in the personnel file.

5.09.2 Alternate Data Storage – Personnel file data may be stored or maintained electronically or digitally.

5.09.3 Confidentiality – In general, the contents of an employee's personnel file will be deemed confidential except for documents, information, and materials that are matters of public information or public record under applicable state or federal law.

5.09.4 Access to Personnel Files – Board members, the Superintendent, Board administrators (including principals), employees of the Central Office with human resource responsibilities, and other persons whose duties reasonably require access to personnel files are authorized to view, copy, and use the contents of personnel files for purposes that are required by or in keeping with their official duties on behalf of the Board.

5.10 *Employee Leave*

5.10.1 Work Attendance an Essential Job Function – Punctual, regular attendance is an essential job function of every job and position, and employees are expected to report to work when scheduled to work and to remain at work each working day.

5.10.2 Absences – Except as otherwise authorized under Board policy, employees may be absent from work only in the following circumstances:

a. Illness, injury or other qualifying reason for sick leave or on-the-job injury leave under state law or the Family Medical Leave Act;
b. Personal leave;
c. Vacation leave;
d. Professional leave;
e. Military leave;
f. Court leave;
g. Other unpaid leave that is specifically approved by the Board upon a showing of substantial hardship or extraordinary circumstances.

Employees who know in advance that they will be absent from work must notify the Board of the expected absence in accordance with procedures specified by the Superintendent or the Board. In the event of an emergency or incapacity that makes advance notice impractical, employees must notify the Board of their absence as early as possible. Except as otherwise provided or permitted, an employee who is absent from work without approved leave will

be considered absent without leave in violation of Board policy and subject to appropriate disciplinary measures. Employees who are approved for paid leave or absences will be paid at the regular daily rate of pay; however, a day of paid leave of absence will not be counted as a day worked for the purposes of computing overtime under the Fair Labor Standards Act. Pay will be reduced on a *pro rata* basis for leaves or absences not covered by sick, vacation, personal, or other appropriate form of paid leave. The continuation of benefits during an approved absence is subject to the provisions of the particular benefit policy or plan.

5.10.3 Paid Sick Leave –

a. *Persons Eligible for Paid Sick Leave* – All regular full-time employees are eligible for paid sick leave.

b. *Earning and Accumulation of Paid Sick Leave* – All eligible employees earn sick leave days at the rate provided for in state law. Eligible employees may accumulate sick leave as provided by state law.

c. *Use of Sick Leave* – Eligible employees may only use paid sick leave for absences caused by the following:

1. Personal illness;
2. Incapacitating personal injury;
3. Attendance upon an ill member of the employee's immediate family, defined as a spouse, parent, child, sibling or any person with a close personal tie;
4. Death of a family member, including a spouse, parent, child, sibling, mother or father-in-law, son or daughter-in-law, brother or sister-in-law, nephew or niece, grandparent, grandchild, aunt or uncle;
5. Death or care of an individual with whom unusually strong personal ties exist because of a relationship other than those listed above.

d. *Certification* – By taking sick leave, the employee is certifying that the sick leave is being used for one of the reasons provided in state law. If the employee's immediate supervisor has probable cause to believe that an employee has abused or misused sick leave, a physician's statement verifying the existence and nature of the illness or medical condition or documentation verifying a death may be required by the school system as appropriate. Abuse of sick leave may subject the employee to disciplinary action.

[Reference: ALA. CODE §16-1-18.1 (1975)]

5.10.4 On-The-Job Injury Leave – On-the-job injury includes an accident or injury to an employee that occurs in the course of performing job duties for the Board or when the employee is directed or requested by the employer to be on the property of employer and which prevents the employee from working or returning to the job. Employees who are accidentally injured on the job may be approved for paid "on-the-job injury" leave without using sick days, provided that:

a. The employee submits a signed written account of the accident attested by a principal or department head within twenty-four (24) hours after the injury occurred. If the injured employee is not able to notify the Board, another person reasonably knowledgeable about the employee's condition and circumstances leading to the injury may provide the required notification.

b. The injured employee submits written medical certification from the attending licensed physician stating that the employee was injured and cannot return to work due to a specified injury, if there is a reasonable expectation that the employee will return to work and, if so, the expected date of that return. The Board may require a second opinion from a Board specified physician, at its expense.

Upon a determination that the employee has been injured on the job and cannot return to work, the Board may maintain the employee's salary and benefits for the period of incapacity caused by the injury, not to exceed 180 days. An employee who is injured on the job may file a request for unreimbursed medical expenses and costs with the State Board of Adjustment. The Board will provide such reasonable assistance to the employee in filing the Board of Adjustment claim as is required by law, but assumes and will have no responsibility or liability for processing the claim or directly reimbursing the employee any unreimbursed medical expenses and costs. On-the-job injury leave will be administered in accordance with and subject to the requirements and limitations imposed by state law regarding such leave.

[Reference: ALA. CODE §16-1-18.1 (1975)]

5.10.5 Personal Leave – All full-time employee shall be entitled to five (5) days of non-cumulative personal leave annually, granted upon the request of the employee. The first two (2) days used are state-funded days and may be taken at no cost to the employee. The last three days are considered local days and the employee shall have the daily cost of a substitute withheld from his/her next monthly payroll check for each day taken.

The following provisions shall apply:

a. In order to protect the educational interest of the School System, it is suggested that personal leave not be taken during the first or last two weeks of school, or immediately before or after a holiday.

b. Employees are encouraged to notify their principal and/or supervisor as far in advance as possible prior to taking personal leave, although it is recognized that advanced notification may not always be possible.

c. Certified employees may not use personal leave days in increments of less than one-half (1/2) days.

d. When an employee chooses to use any of the three (3) local days, the current substitute rate of pay will be deducted from their next payroll check. This provision applies even when a substitute cannot not be employed or is not employed.

e. The total number of personal leave days are earned over the term of the full scholastic year. Therefore, employees who use all five (5) personal leave days and fail to complete the scholastic year will be required to repay such days on a daily rate of pay basis prior to leaving the school system.

f. Such leave shall be reported as personal business, no explanation is required.

g. Personal leave days are non-cumulative and may not be carried forward to the next school year. Certified employees may be reimbursed at the current rate paid substitute personnel for each unused personal leave day. Such reimbursement will be paid in total as a part of a summer payroll check and must be requested in writing by the employee each year prior to July 1st. All other unused personal leave days convert sick leave days at the end of the scholastic year.

[Reference: ALA. CODE §16-8-26 (1975)]

5.10.6 Vacation –

a. *Eligible Employees* – Twelve-month full-time employees are eligible for 10 days of paid vacation each scholastic year (July 1-June 30). Employees must work 12 months before being fully eligible for vacation leave. In unusual/emergency situations, the Superintendent may approve the use of individually earned vacation days on a day-by-day basis prior to the completion of a full 12 months of employment.

b. *Accrual and Accumulation of Vacation Time* – Vacation days fully accrue at the beginning of the scholastic year (July 1). No vacation days will be granted before they are earned. Vacation days must be used by June 30th or each year or be forfeited. Vacation days may not be bought, sold, or donated. All vacation days must be used prior to an effective

resignation or retirement date. The School System shall not make cash payments for unused vacation days.

c. *Holidays* –Holidays for the school system are defined in the annual school calendar. Twelve (12) month personnel shall be considered "on-call" and/or assigned duties during school holidays which occur during the regular school year in order to accomplish job-related tasks that cannot be done while schools are in session.

d. *Scheduling* – Vacation days must be scheduled in cooperation with the employee's immediate supervisor. It is expected that all eligible employees will take their vacations during the time schools are not in session; however, the Superintendent or designee(s), in the case of extraordinary and unusual circumstances, may approve alternative vacation times for such personnel. All twelve-month employees with direct supervisory responsibilities for students shall take their vacations during the time schools are not in session, however, the Superintendent or designee(s), in the case of extraordinary and unusual circumstances, may approve alternative vacation times.

5.10.7 Professional Leave – The Superintendent is authorized to grant professional leave with pay to Board employees to engage in educational activities which, in the judgment of the Superintendent, serve the needs and interests of the school system. The number of days approved for such leave will be at the discretion of the Superintendent or designee.

5.10.8 Military Leave – Military leave is available to all eligible employees in accordance with state and federal law.

5.10.9 Court Leave – Permanent and full-time employees are entitled to regular compensation while performing jury duty (ALA. CODE §12-16-8) or when the employee is summoned for school-related purposes under subpoena or other legal requirement to testify at trial in a court of law or in an administrative proceeding constituted under the statutory authority of the agency conducting the proceedings. Paid leave is not authorized for employees to meet with attorneys, to attend depositions, or to otherwise prepare for legal proceedings unless the presence of the employee is requested or required by the Board.

5.10.10 Unpaid Leave – Upon written application by the employee, the Board may provide an unpaid leave of absence for one year for good cause. Except as provided to the contrary by applicable law, the employee shall not be entitled to return to the same position held before the commencement of leave and may be assigned to a different work location or position upon return from leave at the discretion of the Board.

Annual leaves of absence are normally granted for a period of time not to exceed one (1) year; however, if in the opinion of the Board there is valid reason(s), such leave may be extended for one (1) additional year.

5.11 *Family and Medical Leave Act (FMLA)*

5.11.1 Eligible Employees – The FMLA is applicable to all persons who have been employed for at least twelve (12) months and have worked a minimum of 1,250 hours during that twelve (12) month period.

5.11.2 Medical Leave Provided by the Act – Under the FMLA, eligible employees are entitled to twelve (12) weeks of unpaid leave during any twelve (12) month period for one or more of the following reasons:

a. The birth and first year care of a newborn child;

b. The placement of a foster child or adoption;

c. The care of an immediate family member, defined as a spouse, child or parent, with a serious health condition;

d. The taking of medical leave because of the employee's own serious health condition.

For the birth, adoption, or foster placement of a child, the entitlement to leave for childcare expires at the end of the twelve (12) month period beginning on the date of birth, adoption, or placement. Leave associated with the illness of a child will only be provided if the child is under eighteen (18) years of age or is incapable of self-care due to physical or mental disability.

5.11.3 Serious Health Conditions – The term "serious health condition" means an illness, injury, impairment, or physical or mental condition that involves the following:

a. Any period of incapacity in connection with or following inpatient care in a hospital, hospice, or residential medical care facility.

b. Continuing treatment by a health-care provider, to include any period of incapacity due to:

1. A health condition, including treatment and recovery, lasting more than three (3) consecutive days, and any subsequent treatment or period of incapacity relating to the same condition;
2. Pregnancy or prenatal care;
3. A chronic, serious health condition which continues over an extended period of time, requires periodic visits to a health care provider, and may involve episodes of incapacity (e.g., asthma and diabetes);

4. A permanent or long-term condition for which treatment may not be effective (e.g., Alzheimer's, severe stroke) and for which supervision of a health-care provider is required;
5. Multiple treatments for restorative surgery or for a condition which would likely result in a period of incapacity of more than three (3) days if not treated.

5.11.4 Military Family Leave Provided by the Act –

a. *Qualifying Exigency Leave* – Under the FMLA, an eligible employee with a spouse, child, or parent on active duty or call to active-duty status in the National Guard or Reserves in support of a contingency operation may utilize the twelve (12) week medical leave entitlement to address qualifying exigencies resulting from that service.

b. *Military Caregiver Leave* – An eligible employee, who is the spouse, child, parent, or next of kin of a covered service member, is entitled to take up to twenty-six (26) weeks (including any medical leave provided by the Act) of unpaid leave during any twelve (12) month period (beginning the first day of the leave) to care for an individual covered service member with a serious injury or illness incurred in the line of duty while on active duty that may render the service member medically unfit to perform the duties of the member's office, grade, rank, or rating. A covered service member is a member of the Armed Forces, including the National Guard and Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness incurred in the line of duty on active duty.

5.11.5 Spouse Employed by the Board – Spouses who are both employed by the Board are limited to a combined total of twelve (12) weeks of family leave for the birth and care of a newborn child, for the placement of a child for adoption or foster care, for the care of a parent who has a serious health condition, and for qualifying exigency leave. Spouses who are both employed by the Board are limited to a combined total of twenty-six (26) weeks for military caregiver leave.

5.11.6 Intermittent Leave – An employee may take leave intermittently or on a reduced leave schedule only when medically necessary to care for a spouse, parent, or child or to receive planned medical treatment. Intermittent leave should be scheduled to the extent practicable so as not to unduly disrupt the operations of the Board. Intermittent leave may be further limited for teachers in accordance with federal law.

5.11.7 Notice – Employees seeking leave under the FMLA must provide thirty (30) days advance notice of the need to take leave when the need is foreseeable.

When the need for leave is unforeseeable, employees should notify their supervisors as soon as possible. Employees must also provide notice of the need for qualifying exigency leave as soon as practicable.

5.11.8 Certification for Medical or Military Caregiver Leave – Every request for FMLA leave based upon the serious health condition of the employee or employee's spouse, children, or parents, or leave as a military caregiver must be supported by medical certification issued by the appropriate health care provider on forms provided by the Board.

For leave based on a serious health condition of the employee or employee's spouse, child, or parent, the Board reserves the right to obtain a second opinion from an independent health-care provider designated by the Board. If the opinion received by the employee and the second opinion conflict, the Board and the employee must agree on a third provider to issue a binding opinion. Both the second and third opinions (if necessary) will be at the expense of the Board.

5.11.9 Certification for Qualifying Exigency Leave – Certification will be required by the Board for requests for qualifying exigency leave. Certification must be timely submitted on forms available from the Board. For the first such request, certification may include a copy of the military service member's duty orders or other military documentation.

5.11.10 Return to Work – The Board may require an employee who has taken leave due to the employee's own serious medical condition to provide the Board with a healthcare provider's certification in order to return to work. Any employee who takes leave under these provisions will be entitled to be restored to the original position held when the leave commenced or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment.

5.11.11 Maintenance of Benefits – Benefits accrued by the employee before leave is taken are not lost when approved FMLA leave is taken. Employees who are on approved FMLA leave will remain eligible to participate in benefit programs in which the employee was enrolled at the time of the leave, provided that the employee will continue to be responsible for payment of employee's portion of any cost, premium, or like payment that is required to maintain eligibility for the coverage or benefit. An employee that does not return to work after FMLA leave, will be required to reimburse the Board for the cost of benefits coverage extended to the employee during the leave, unless the reason for the employee's failure to return to work is (i) a continuing serious health

condition suffered by either the employee or a family member, or (ii) other circumstances beyond the employee's control.

5.11.12 Instructional Employees – Medical leave taken by eligible instructional employees is subject to further limitations and provisions established by the FMLA. The Superintendent or his designee is authorized to develop additional information and guidelines concerning Instructional Employees.

5.12 *Sick Leave Bank*

A "Sick Leave Bank" plan for full-time certified and classified employees is hereby established in accordance with applicable provisions of state law. A Sick Leave Bank Committee will be established to oversee the operations of the Sick Leave Bank in accordance with state law and the following provisions:

a. *Sick Leave Bank Committee* – The Sick Leave Bank Committee will be composed of one member representing the Board and four members representing participating members of the sick leave bank.

1. *Board Representative* – The Member representing the Board will be appointed by the Superintendent, subject to Board approval.
2. *Participant Representatives* – The participant representatives will be selected by the sick leave bank members.

b. *Procedures for Selecting Employee Representatives on Committee*

1. *Nomination* – Before each election of participant representatives, the Board will hold an open nomination period. Any employee who is eligible to participate in the sick leave bank may be nominated for one of the participant representative positions. Nominations must be written and must be received in the Central Office by the deadline specified in a notice to be provided by the Superintendent or his designee through Board publications and other means of communication that are generally used for such purposes.
2. *Voting* – Each eligible nominee will be placed on the Sick Leave Bank Committee ballot. Voting will take place by ballot at Board facilities at the time specified or as may otherwise be provided by the Board. Supervision of voting will be by local facility personnel. Voting members will be required to verify their ballot by signing the Board's voter record. Votes will be forwarded to the Central Office for final tabulation. The four candidates receiving the highest number of votes will serve as participant representatives on the Sick Leave Bank Committee.

c. *Term of Committee Members* – Sick Leave Bank Committee members will serve for a term of one year and may not serve for more than five years.

d. *Chairman of the Sick Leave Bank Committee* – The Sick Leave Bank Committee will elect a chairman from among its representatives at its first annual meeting. The chairman will be responsible for recording organizational minutes, for conducting meetings, and for organizing meetings as necessary.

e. *Meetings* – The Sick Leave Bank Committee will meet at least annually following each enrollment period. The Committee will also meet as necessary in its discretion.

f. *Sick Leave Bank Committee Duties* – The Sick Leave Bank Committee will develop proposed rules and regulations for the Sick Leave Bank, to be submitted to participating members for approval. At a minimum, said rules and regulations must include those terms and provisions that are required by statute. The Committee has the authority to review both participation in the Bank and requests for leave to ensure compliance with state law, Board policy, and such rules and regulations as may be adopted by the Sick Leave Bank Committee.

g. *Employee Participation* – Participation in the Sick Leave Bank is voluntary and open to all full-time employees of the Board. However, employee participation is subject to such rules and regulations regarding enrollment procedures, deposits, withdrawals, and participation as may be developed by the Committee.

h. *Catastrophic Sick Leave Guidelines*

1. *Sick Bank Membership Required* – To donate or receive catastrophic sick leave days, the employee must be a member of the Sick Leave Bank (SLB).

2. *Prerequisite of Receipt of Days* – When an SLB member or other family member or friend is suffering a catastrophic illness or injury, the member, upon depleting all sick leave, personal leave, and other earned leave, shall be eligible to receive sick leave days from other members of any sick leave bank to cover the period during which the employee cannot be at work. Before receiving any catastrophic sick leave days from any other member, the beneficiary employee must have borrowed the maximum number of days allowed from the SLB without the required vote of the general membership of the SLB (not to exceed 15 days). However, if the member later qualifies for catastrophic leave, donated catastrophic sick leave days may be used to repay days owed to the sick leave bank to the credit of the affected member. The beneficiary employee must use any

sick leave days, personal leave days, and vacation days that are earned each month before utilizing donated days.

3. *Terms and Definitions* – The employee receiving donated catastrophic sick leave days shall be known as the "beneficiary employee" and the employee donating catastrophic sick leave days shall be known as the "donor employee." The term "catastrophic illness or injury" shall be defined as required in Section 16-22-9, Code of Alabama 1975. A pregnancy or condition relating to childbirth is specifically included in the definition of a catastrophic illness, therefore, upon a doctor's signature and completion of the required form, a pregnancy or condition related to childbirth may fall within the parameters of a catastrophic illness. The beneficiary employee shall not be required to repay the donated days to the sick leave bank for days used.
4. *Eligibility of Donor* – Any member of the school system SLB or any other public education SLB in the state may donate sick leave days to the beneficiary employee or to an employee of another Alabama public school system that has been approved for catastrophic leave.
5. *Donation Limitations* – No employee may donate more than 30 sick leave days to the beneficiary employee. The 30-day limitation is a permanent ongoing limitation and not just per illness or per pregnancy.
6. *Beneficiary Limitations* – There is no limit on the number of sick leave days a beneficiary employee may receive under the catastrophic sick leave plan. However, a Marion County School System employee who uses catastrophic sick leave days is required to reapply at the end of ninety (90) school days. In the event reasonable cause exists to believe that illegal use is being made of catastrophic sick leave days, the school system may require the employee to submit to an examination by a physician chosen and paid for by the board.
7. *Application* – Before an employee is eligible to receive a sick bank donation, they must complete and submit a Catastrophic Sick Leave Approval Form. In cases where the employee is physically unable or incapacitated, the approval form with certification of the illness by the employee's physician can be completed by a designated agent. Before donations to any beneficiary employee will be deposited into the sick leave account of the employee, certification of the illness by a licensed physician (as required in section 16-22-9 of the Code of Alabama of 1975) must be on file. Board approval is required on all catastrophic loans.

8. *Earning Sick Leave Days* – A beneficiary employee on catastrophic sick leave will earn regular sick leave days while on such leave at the rate of one per month; however, the earned sick leave day must be used each month as it is earned.
9. *Catastrophic Sick Leave Coordinator* – The SLB Committee may appoint a "Catastrophic Sick Leave Coordinator," in which case it shall be the responsibility of the Coordinator to make recommendations as to the number of days that a beneficiary employee may need to have donated and to monitor the situation with the beneficiary employee to assist the employee in receiving an adequate number of sick leave days for the illness. The Coordinator shall take care to monitor and ensure that no abuses will occur in the transfer of sick leave days due to catastrophic circumstances. The SLB Committee may appoint a member of the SLB to fill this role.
10. *Voluntary Donations* – The sick leave days donated by an employee to the SLB or an employee in another Alabama public school system for catastrophic illness purposes are regular sick leave days and are deducted from the donating employee's state-accumulated sick leave days. Donation of days to a beneficiary employee shall be solely at the discretion of the participating member of the SLB. All days donated will be transferred through the Marion County School System SLB and not employee to employee. An employee donating catastrophic sick leave days shall be informed that the days so donated shall not be repaid if used by the beneficiary employee. However, for any days donated for catastrophic purposes that are not used, the beneficiary employee shall revert to the donating employee. If donated days are partially but not completely used, the days shall proportionately revert to the donating employees; however, the SLB Committee shall be the final authority in determining the reversion of days to the donors of unused days.

[Reference: ALA. CODE §16-22-9 (1975)]
[Reference: ALA. CODE §16-1-18.1 (1975)]

5.13 *Equal Employment Opportunity*

5.13.1 Unlawful Discrimination Prohibited – The Board is an equal opportunity employer. Personnel actions and decisions will be made without regard to factors or considerations prohibited by federal or state law (as such laws may from time to time be amended), including but not limited to race, color, religion, sex, national origin, age, disability, and genetics.

5.13.2 Implementing Regulations Authorized – The Superintendent is authorized and directed to implement such rules, regulations, procedures, and directives as

necessary and appropriate to implement and enforce this policy and any law prohibiting discrimination in the workplace, including the designation of one or more complaint/grievance investigators, officials, or coordinators, the development of complaint or grievance procedures for responding to allegations of unlawful discrimination, the provision of training or dissemination of instructional materials and advisories to appropriate staff members, and the administration of corrective or remedial action in response to violations of the law and of this policy.

5.14 *Employee Sexual Harassment*

5.14.1 Sexual Harassment Prohibited – Sexual harassment in any form that is directed toward employees is prohibited. Persons who violate the policy will be subject to the full range of disciplinary consequences up to and including termination 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 for further investigation and action.

5.14.2 Definition of Sexual Harassment – Title IX regulations define sexual harassment to include one or more of the following:

a. An employee conditioning the provision of an aid, benefit, or service of the school/school district on an individual's participation in unwelcome sexual conduct (i.e., *quid pro quo* sexual harassment);

b. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the school/ school district's education program or activity; or

c. Sexual assault, dating violence, domestic violence, or stalking, as each of those terms is defined by federal statutes enumerated in the Title IX regulations, 34 C.F.R. § 106.30(a).

5.14.3 Examples of Prohibited Conduct – The following are examples of conduct that may constitute sexual harassment, depending on individual 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 solicitation 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 with regard to an individual's employment status.

5.14.4 Sexual Harassment Complaint Procedures Authorized – The Superintendent is authorized and directed to establish, implement and revise more detailed sexual harassment complaint procedures in compliance with Title IX that are designed to provide employees 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 process and procedures will be drafted so as to provide supportive measures, facilitate the gathering of relevant facts and evidence, permit timely assessment of the merits of the complaint, provide an opportunity for informal resolution of complaint where appropriate, eliminate any harassment that is established by the investigation, and prevent any retaliation based upon the filing of the complaint. The procedures will reflect due regard for the legal rights and interests of all persons involved in the complaint, and will be drafted, explained, and implemented so as to comply with federal regulations, and to be understandable and accessible to all employee population groups.

5.14.5 Initial Confrontation of Accused Harasser Not Required – An employee who invokes the harassment complaint procedure will not be required to present the complaint to the accused or suspected harasser for resolution. 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.

5.14.6 Notice of Policy to be Promulgated – The Superintendent will promulgate and disseminate this policy and the complaint procedures to applicants for admission and employment, the schools, parents and legal guardians, unions and professional organizations, 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 employees who believe that they have been subjected to sexual harassment.

5.14.7 Confidentiality – To the extent possible, reports of sexual harassment will be kept confidential; however, complete confidentiality cannot be guaranteed.

5.14.8 Retaliation Prohibited – No retaliation or adverse action may be imposed as a result of a good faith complaint or report of sexual harassment. False accusations that are made in bad faith or for improper reasons may result in disciplinary action.

5.14.9 Penalties for Violation – Any employee who violates the terms of this policy or who impedes or unreasonably refuses to cooperate with a Board investigation regarding allegations of sexual harassment will be subject to appropriate disciplinary action, up to and including termination.

5.15 *Reduction-In-Force*

5.15.1 Definition and Scope –

a. This policy applies to reductions-in-force that are implemented by "layoffs" as contemplated by Ala. Code §16-1-33 (1975).

b. A reduction-in-force may be declared by the Board of Education and layoffs approved thereunder if the Board determines that decreased student enrollment or a shortage of revenues requires a reduction in the work force (beyond normal attrition) in order to maintain effective provision of educational services or to meet the Board's financial, legal, or operational obligations.

c. A "layoff" within the meaning of this policy is a separation from employment with the Board of Education. However, employees who are laid off under authority of this policy are eligible for recall to employment as conditionally provided in this policy. The term "layoff" does not include or apply to the expiration of temporary, occasional, or "at-will" appointments or to decisions not to renew or extend employment beyond the expiration of annual or other specified terms of appointment.

5.15.2 Criteria for Implementing Layoffs –

a. The order, priority, rank, or selection of individual employees who are to be laid off under authority of this policy shall be determined on the basis of objective criteria. However, nothing herein shall be deemed or construed to limit or abridge the Board's legislative discretion to identify areas, departments, groupings, or classifications for reductions (layoffs). (For example, the Board is not required to justify by objective criteria or otherwise a decision to implement layoffs in noninstructional categories or employees before doing so with instructional staff).

b. The criterion or criteria on which the layoffs are to be based shall be announced or otherwise made known by the Board to employees affected by the layoff no later than the date notice of the layoff is provided to the employees.

c. "Objective criteria" within the meaning of this policy may include any lawful selection standard (or combination of standards) that is verifiable, calculable, measurable, or otherwise determinable by means or methods other than the personal or subjective judgments or

opinions of the person(s) applying the criteria, and that would be expected to produce the same result if applied to the same employees or group of employees by different persons. For purposes of this policy, objective criteria may include, but are not limited to:

- Seniority, longevity, or time in service that will be more specifically described in the notice of layoff that is provided to affected employees
- Years of experience
- Degrees, certification, or licensure
- Job classification
- Written or otherwise documented performance evaluations that can be fairly, accurately, and objectively compared to other similarly situated employees for the purpose of ordering or ranking, provided that such evaluations predate the RIF announcement or declaration by not less than thirty days

5.15.3 Recall – Employees who have been laid off under the terms of this policy will be given priority in filling positions as enrollment or financial circumstances warrant, provided that:

a. The nature of the position and qualifications therefore have not materially changed;

b. The laid-off employee remains properly qualified, licensed, or certified; and

c. The laid-off employee confirms in writing his or her availability for and interest in re-employment to the Board in accordance with any directives that may be contained in or transmitted in conjunction with the notice of layoff.

Circumstances permitting, and to the extent practicable, the selection of employees for recall will be based on the criteria that were applied to the layoffs themselves if there are more employees eligible for recall than positions available to fill. When layoffs occur over a period of time, the Board will take relative length of separation from service into consideration in assigning recall priority, other factors being equal. In no case will any right to be recalled to employment extend beyond one year from the effective date of the employee's layoff. Recalled employees will retain credit for the tenure, years of service, and the pay and benefit status they held on the effective date of their layoff. No pay, benefits, status, or additional rights will accrue or be credited to the recalled employee for the time he or she has been laid off.

5.15.4 Notice – Notification of layoff and recall shall be by United States certified or registered mail, hand delivery, or such other means as are reasonable under

the circumstances. Upon receipt of notification of recall, a laid-off employee shall respond affirmatively to the notice of recall in accordance with such specific directions or instructions as may be contained therein. Any laid-off employee who does not so respond or who otherwise declines an offer of reemployment by the Board will be deemed to have waived any right to be recalled under the terms of this policy.

[Reference: ALA. Code §16-1-33 (1975)]

5.16 *Unauthorized Payments*

5.16.1 Notification to the Employee – Upon discovery of any unauthorized or erroneous payment or disbursement of funds to an employee, the Board will attempt in good faith to notify the employee of such unauthorized payment and to reach agreement with the employee, if possible, regarding the amount and terms of repayment. Notification to the employee will consist of a letter mailed or delivered to the employee's last known address. The notice will specify the amount owed, the method by which the amount was calculated, a proposed schedule of repayment, an opportunity for the employee to review or examine any documents or other evidence supporting the claimed overpayment, and an opportunity for the employee to object in person or in writing to the amount or manner of the proposed withholding to provide an alternative plan of repayment. Unless the Board's ability to recover funds in question could be jeopardized by doing so, the Board will arrange a reasonable schedule of repayment so as to avoid undue hardship to the employee.

5.16.2 Retention and Recovery Authorized – If no objection to the proposed withholding is received within a reasonable time (to be specified in the notification letter), monies may be retained in the manner and to the extent described in the notification. If the employee objects to the proposed withholding, the Superintendent or his designee may, upon consideration of the objection and information and argument (if any) submitted in connection therewith, take such action as may be warranted under the circumstances and inform the employee in writing of the decision. If the employee is dissatisfied, he may contest the decision through the Board's complaint procedure. Monies may be withheld by the Board pending completion of the grievance process, provided that, should the Board later pay over to the employee monies that have been retained under authority of this policy, such payment(s) will reflect all appropriate deductions and will include accrued interest from the date of withholding at the rate specified by the then-effective rate applicable to interest on unpaid judgments under Alabama law. If, after exhausting reasonable efforts to do so, the Board is unable to contact the employee in the

first instance, the Board may retain or withhold from compensation or other payments due the employee an amount sufficient to satisfy the indebtedness; provided that any such retention or withholding will be subject to review and reconsideration at the request of the employee.

5.16.3 Repayment Required as a Condition of Reemployment – The Board reserves the right to require repayment of any outstanding indebtedness as a condition to reemployment of any former employee.

5.16.4 Procedures Not Exclusive – The provisions, procedures, and method of review specified herein are in addition to those that are otherwise available to the parties under law for the retention or recovery of funds, and for administrative or judicial review thereof.

5.17 *Drug and Alcohol Testing of Safety Sensitive Employees*

5.17.1 Scope – The Board will conduct employee drug and alcohol testing for employees in safety sensitive positions, and will conduct queries and report violations as required by and in accordance with federal law. Testing will be required for all employees holding a commercial drivers' license (CDL) or who occupy a safety sensitive position as designated by the Board ("covered employees").

5.17.2 Prohibited Alcohol and Controlled Substance-Related Conduct – In addition to activities identified in other policies, rules, and procedures, covered employees are prohibited from the following:

a. Reporting for duty or remaining on duty to perform safety-sensitive functions while having an alcohol concentration in excess of the standard set by the Federal Highway Administration (FHWA);

b. Being on duty or operating a vehicle while using or possessing alcohol;

c. Consuming alcohol while performing safety-sensitive functions;

d. Consuming alcohol within eight (8) hours following an accident for which a post-accident alcohol test is required, or prior to undergoing a post-accident alcohol test, whichever comes first;

e. Refusing to submit to an alcohol or controlled substance test required by post-accident, random, reasonable suspicion, or follow-up testing requirements;

f. Consuming alcohol or being under the influence of alcohol within eight (8) hours of going on duty, operating, or having physical control of a vehicle;

g. Reporting for duty or remaining on duty when using any controlled substance, except when instructed by a physician who has advised the driver and the Board that the substance does not adversely impact the performance of any safety-sensitive duty;

h. Reporting for duty, remaining on duty, or performing safety sensitive functions with controlled substances in the employee's system.

In the event of a violation of this policy, the employee shall be removed immediately from safety-sensitive duties and shall be subject to such further actions, including disciplinary action up to and including termination.

5.17.3 Testing Program Authorized – All covered employees will be tested for the presence of alcohol and controlled substances in accordance with applicable law:

a. *Pre-employment Testing* – Prior to the first time a covered employee performs a safety-sensitive function for the Board, the employee must undergo testing for controlled substances.

b. *Post-accident Testing* – Each surviving driver who is involved in an accident involving a school bus shall submit to alcohol and controlled substance testing as soon as practicable following such accident if such driver:

1. Was performing a safety-sensitive function with respect to such vehicle and the accident involved the loss of human life, or

2. Such driver receives a citation within eight (8) hours of the occurrence under state or local law for a moving traffic violation arising from the accident and the accident involved either:

A. Bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident, or

B. One or more motor vehicles incurs disabling damage requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.

Each such driver shall remain readily available for such testing and if he does not remain so readily available, may be deemed to have refused to submit to testing. Transportation supervisors shall provide drivers with necessary post-accident information, procedures and instructions, prior to the driver operating the school bus, so that drivers will be able to comply with the requirements of this policy.

The tests required by this subsection shall be administered as soon as practicable following the accident. If the alcohol test is not administered within two hours following the accident, the supervisor will prepare and maintain a record stating the reasons. If the alcohol

test is not administered within eight hours, and the controlled substances test within 32 hours, the same record shall be made and further efforts to administer such tests shall cease.

c. *Random Testing* – The Board will conduct unannounced random alcohol and controlled substance testing of its covered employees.

d. *Reasonable Suspicion Testing* – A covered employee must submit to alcohol or controlled substance testing whenever there is reasonable suspicion of alcohol misuse or the use of controlled substances based on specific, contemporaneous, and articulable observations concerning the appearance, behavior, speech, or bodily odors of the employee.

e. *Return-to-Duty Testing* – A covered employee must submit to return-to-work alcohol and/or controlled substance test before being permitted to return to work following a positive alcohol or controlled substance test or other violation of this policy or federal regulations.

f. *Follow-up Testing* – Any employee who continues performing safety-sensitive functions for the Board, following a determination that the employee requires assistance in resolving problems associated with alcohol misuse or the use of controlled substances, shall be subject to unannounced follow-up alcohol or controlled substance testing as directed by the Board's substance abuse professional (SAP).

5.17.4 Administration of Program – The Superintendent is authorized to oversee the Board's testing program, to contract with appropriate providers to implement the program, to develop guidelines, rules and regulations, to implement training programs, to develop and distribute educational materials and appropriate notices to covered employees, and to take such further action as may be required by federal law

5.17.5 Compliance with Drug & Alcohol Clearinghouse Requirements – In accordance with federal law, covered employees must consent to an appropriate federal Drug & Alcohol Clearinghouse query in order to operate a commercial motor vehicle for the Board. Each covered employee must sign a limited consent for the Board's designee to conduct a limited Clearinghouse query. Any covered employee who declines to give consent for a limited query will not be permitted to operate a commercial motor vehicle for the Board until such consent is given. Limited queries do not reveal specific information about employees. If a limited query shows that there is information in the Clearinghouse on the covered employee, the covered employee must consent to a full query, which must be conducted immediately. The covered employee will not be permitted to drive or perform safety-sensitive functions until the query results confirm that the employee's Clearinghouse record contains no

prohibitions as defined under the regulations. Any covered employee whose record reveals such prohibitions will not be permitted to drive or otherwise perform safety-sensitive functions until the covered employee successfully completes the return-to-duty process. Any covered employee's refusal to consent or successfully to complete the return-to-duty process in accordance with federal law will be subject to disciplinary action up to and including termination.

5.17.6 Reports to Clearinghouse – The following information will be reported to the Clearinghouse in accordance with FHWA regulations:

a. A verified positive, adulterated, or substituted drug test;

b. An alcohol confirmation test with a concentration of 0.04 or higher;

c. A refusal to submit to any test required by law, as enumerated above;

d. The Board's report of actual knowledge as defined by law (i.e., direct observation, information from previous employer(s), or a traffic citation for driving a commercial motor vehicle while under the influence of alcohol or controlled substances), of:

1. On duty use;
2. Pre-duty use;
3. Alcohol use following an accident;
4. Controlled substance use;

e. A substance abuse professional's (SAP) (as defined by law) report of successful completion of the return-to-duty process;

f. A negative return-to-duty test; and

g. The Board's report of completion of follow-up testing.

[Reference: Omnibus Transportation Employee Testing Act of 1991]

5.18 *Drug and Alcohol Testing for Employees Driving Board-Owned Vehicles*

The Board reserves the right to conduct drug or alcohol testing of employees who are involved in an accident in a board-owned vehicle and are not otherwise automatically subjected to testing pursuant to the Board's other drug testing polic(ies).

5.19 *Searches (Personnel)*

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

b. *Employee Property* – The Board reserves the right to inspect employees' vehicles, purses, files, and other personal property if a supervisor forms a reasonable individualized suspicion that the property contains evidence of a violation of Board policy or contains any material, object, or substance that otherwise creates or presents a risk of harm or injury to the school, the workplace, or persons therein.

c. *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.

5.20 *Prohibition on Aiding and Abetting Sexual Abuse*

Neither the Board nor any employee, contractor or agent of the Board shall assist another school employee, contractor or agent in obtaining a new job if the individual or the Board knows, or has probable cause to believe, that the other employee, contractor, or agent engaged in sexual misconduct regarding a minor or student in violation of the law. This prohibition does not apply to the routine transmission of administrative and personnel files.

In addition, this prohibition does not apply if the information giving rise to probable cause has been properly reported to a law enforcement agency with jurisdiction over the alleged misconduct, and has been reported to any other authorities as required by local, state or federal law, and at least one of the following conditions applies:

a. The matter has been officially closed or the prosecutor or police with jurisdiction over the alleged misconduct has investigated the allegations and notified school officials that there is insufficient information to establish probable cause that the school employee, contractor, or agent engaged in sexual misconduct regarding a minor or student in violation of the law; or

b. The school employee, contractor, or agent has been charged with, and acquitted or otherwise exonerated of the alleged misconduct; or

c. The case or investigation remains open and there have been no charges filed against or indictment of the school employee, contractor or agent within four years of the date on which the information was reported to a law enforcement agency.

[Reference: 20 U.S.C. §7926]

VI. Students

6.01 *Admissions and Attendance*

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

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* –To be admitted to the first grade for the current school year, a student must be six years old on or before December 31st of that school year, which is the date set by the State guidelines. However, 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 Marion County Schools. In addition, 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 to school to continue in Grade 1. Appropriate documentation must be presented. A student transferring to Marion County Schools from a private school within Alabama may enter first grade only if the state age requirement for entry has been met.

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

6.01.2 Admission to Schools –

a. *Resident Students* –School-age children who reside within Marion County, Alabama, and not within the limits of a city operating an independent municipal school system, may be admitted to Marion County Schools. For purposes of this policy, the residence of the student will be the residence of the custodial parent or legal guardian. No such presumption attaches to temporary transfers of parental powers under Ala Code §26-2A-7. If custody of the child is shared, alternating, or unclear, or if the child does not reside with a custodial parent or legal guardian, the domicile or actual physical residence of the child will control, except when there is evidence that the claimed residence of the child is not his actual residence, or that the claimed residence is fraudulently given as a means of avoiding or violating admission, enrollment, attendance, and residency standards and requirements.

[Reference: ALA. CODE Ala. Code §16-28-3]

b. *Non-resident Students* – The Board may permit students who do not reside within the Marion County School District to attend schools within the school system. The Board may establish criteria for admission of non-resident students, and may require the payment of tuition as a prerequisite to enrollment. The Board will not provide transportation to and from school or homebound instruction outside of the county limits of Marion County unless specifically required by law.

c. *Admission Policy for Homeless, Migrants, Immigrants, and English Learner Students and Children in Foster Care* – All homeless, migrant, immigrant, and English Learner students and children in foster care 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, immigrant, and English learner students and children in foster care shall not be denied or delayed due to any barriers that are specifically prohibited by applicable law, which may include the following:

- Lack of birth certificate
- Lack of school records or transcripts
- Lack of immunization or health records
- Lack of proof of residency
- Lack of transportation
- Guardianship or custody requirements
- Lack of social security card

d. *Homeless Students* –

1. *Enrollment*. Homeless students will be permitted to enroll without regard to residency status and will not be denied services offered to other students in the school system. Homeless students may also be entitled to other accommodations under federal law.

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

2. *Dispute Resolution.* If a dispute arises over any issue covered in this policy, the child or youth in transition will be admitted immediately to the school in which enrollment is sought, pending final resolution of the dispute. The student will also have the rights of a student in transition to all appropriate educational services, transportation, free meals, and Title I, Part A, services while the dispute is pending. The school where the dispute arises will provide the parent or unaccompanied youth with a written explanation of its decision and the right to appeal and will refer the parent or youth to the local liaison immediately. The local liaison will ensure that the student is enrolled in the requested school and receiving other services to which he or she is entitled and will resolve the dispute as expeditiously as possible. The parent or unaccompanied youth will be given every opportunity to participate meaningfully in the resolution of the dispute. The local liaison will keep records of all disputes in order to determine whether particular issues or schools are delaying or denying the enrollment of children and youth in transition repeatedly. The parent, unaccompanied youth, or school district may appeal the school district's decision as provided in the state's dispute resolution process.

   A. *Oral Complaint* – In the event that an unaccompanied student or the parent or guardian of a student (hereinafter referred to as the Complainant) disagrees with a school's decision regarding the student's eligibility to attend the school, the Complainant shall orally present his position to the division's homeless liaison.

   B. *Written Complaint* – If the disagreement is not resolved within five (5) school days, the Complainant may present a written complaint to the homeless liaison. The written complaint must include the following information: the date the complaint is given to the homeless liaison; a summary of the events surrounding the dispute; the name(s) of the school division personnel involved in the enrollment decision; and the result of the presentation of the oral complaint to the homeless liaison. Within five (5) school days after receiving the written complaint, the homeless liaison will reach a decision regarding the contested enrollment and shall provide a written statement of that decision, including the reasons therefore, to the Complainant. The liaison will inform the Superintendent of the formal complaint and its resolution.

C. *Appeal to Superintendent* – If the Complainant is not satisfied with the written decision of the homeless liaison, the Complainant may appeal that decision to the Superintendent by filing a written appeal. The homeless liaison shall ensure that the Superintendent receives copies of the written complaint and the response thereto. The Superintendent or designee shall schedule a conference with the Complainant to discuss the complaint. Within five (5) school days of receiving the written appeal, the Superintendent, or designee, shall provide a written decision to the Complainant including a statement of the reasons therefore. The superintendent's written finding shall include a statement regarding the right to file an appeal with the Alabama State Department of Education.

D. *Appeal to the ALSDE State Superintendent* – Complaints to the Alabama State Department of Education shall be in writing and signed by the parent/guardian or unaccompanied student and mailed or delivered to:

State Homeless Coordinator
Alabama State Department of Education 5348 Gordon Persons Building
50 North Ripley Street
Montgomery, Alabama 36104-2101

The State Homeless Coordinator will inform the involved school district(s) of the compliant. The Coordinator will gather needed information and statements of the parties involved and may conduct an independent investigation through an on-site visit if necessary.

The State Homeless Coordinator, in consultation with other state officials, will tender a written decision and inform the interested parties within ten (10) business days of receipt of the appeal.

3. The Homeless Liaison will expeditiously carry out the system's dispute resolution procedures as detailed in the Board's homeless student plan.

e. *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.

If it is not in a student's best interest to stay in the school of origin, a student in foster care may be enrolled in any school in the system that serves the attendance area in which the student is living, even if the student is unable to produce records normally required for enrollment.

The school system will immediately contact the school last attended by the student to obtain relevant academic and other records.

[Reference: 20 U.S.C. §§6311(g)(1)(E)]

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

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

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

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

6.01.3 Attendance Zone and Class Assignment –

a. *Attendance Zone Assignment* – Students will be assigned to the school serving the attendance zone in which his parent(s) or legal guardian reside(s). A student whose parent or legal guardian moves from one attendance zone to another during the school year will be transferred to the school attendance zone in which the new residence is located. The student may be permitted to remain in the school attendance zone that serves the former residence until the end of the semester with the approval of the Superintendent. A parent or legal guardian who has documented plans to move to a new attendance area during the first or second grading period of the school year may have his child enrolled in the school serving the new residence upon approval by the Superintendent.

b. *Class Assignment* – Principals will assign students to classes in keeping with school accreditation standards and any procedures or criteria that may be established at the system or school level.

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

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

Documentation supporting an excused absence must be submitted in accordance with the Student Handbook or the absence will be deemed to be unexcused. Excessive unexcused absences may result in a loss of academic credit or referral of the matter to juvenile or other appropriate legal authorities for investigation.

6.01.5 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]

6.02 *Transfers and Withdrawals*

6.02.1 Transfers – The school system may permit transfers between schools within the school system for good cause. Transfer requests must be submitted in writing to the school's principal at the beginning of the semester and must include detailed reasons for the request. The principal may approve or deny a transfer request in light of the stated reasons for the request, the capacity and resources of the schools, the student's record (including behavior, grades, attendance, and other factors), and the best interests of the student and of the school system. The existence or availability of a transfer process does not create or give rise to any right to attend a particular school, and school assignment remains wholly with the discretion of the Board. Transfers at any other time are not permitted, unless the transfer is approved by the Superintendent.

6.02.2 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

6.03 *Student Fees, Fines, and Charges*

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

6.04 *Concussions*

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

a. Develop materials and information that are designed to educate students and their parents or guardians about the nature of concussion and brain injury and the risks of continuing to participate in athletics after receiving a concussion or brain injury;

b. Suitably summarize such materials on a concussion and head injury information sheet which is to be provided annually to current and prospective student athletes and their parents or guardians. Prior to the student's participation in practice or competition, the head coach of the team must obtain and keep on file a copy of the information worksheet signed by the team member and his or her parent or guardian.

c. Develop a program designed to educate coaches on how to learn to recognize the symptoms of a concussion and how to seek proper medical treatment for a person suspected of having a concussion. The training shall be provided by qualified medical personnel or persons with special expertise in recognizing and responding to concussions and brain injuries, and shall be offered to every coach prior to the beginning of practice for the athletic team that he or she coaches.

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

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

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

6.05 *Extracurricular Activities*

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

a. The organization or activity must be approved by the school principal and must have an assigned faculty supervisor or sponsor;

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

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

d. The nature of the organization and its activities are not inconsistent with and do not interfere with instructional activities or requirements.

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

6.05.2 Athletics – Participation in Board sanctioned athletic programs will be on such terms and conditions as may be approved by the Board and any athletic association of which the Board or the applicable local school is a member. Schools may establish terms and conditions for participation in such programs as long as school eligibility criteria are not inconsistent with system-wide eligibility or participation criteria, rules, regulations, or standards established by any athletic association or organization of which the Board or the applicable local school is a member, or any rule, principle, or provision of applicable law.

6.05.3 Eligibility Requirements – The Board prescribes the following regulations for eligibility in this school system to participate in all extracurricular activities.

a. *Grades 10 – 12*. Students entering Grades 10 through 12 must, for the immediate preceding school year, have passing grades of at least a 70 composite numerical average and earn the appropriate number of credits in each of six (6) subjects that total six (6) Carnegie units of credit, including four (4) credits from the four (4) core subjects composed of English, science, social studies, and mathematics.

i. Physical education may count as only one (1) unit per year.

ii. No more than two (2) Carnegie units may be made up during summer school. If a unit(s) or subject(s) is repeated in summer school, the higher numerical grade for the unit(s) or subject(s) may be used to compute the composite grade average.

iii. Eligibility will be determined on the first day of the local school year and will remain in effect for one (1) complete school year. Students ineligible at the beginning of an academic year may become eligible at the end of the first semester if they meet all academic requirements at that time. *Bona fide* transfers may be dealt with according to the rules of the Alabama High School Athletic Association for sports and rules to be developed by this Board of Education as they pertain to other extracurricular activities.

iv. Each eligible student involved in athletics must meet the definition of a regular student as defined by the Alabama High School Athletic Association.

v. Any student who earns more than four (4) credits in the core curriculum in any given year or who accumulates a total in excess of the required four (4) per year may be exempt from earning the four (4) core courses in the succeeding year as long as that student remains on schedule for graduation with his/her class.

b. *Grades 8 – 9*. Students entering Grades 8 and 9 must, for the immediately preceding school year, have a passing grade in five (5) subjects with a composite numerical average of 70 with all other rules applying the same as to students in Grades 10 – 12.

c. *Grade 7.* Students promoted to the seventh grade for the first time are eligible.

d. *Extracurricular Activities*. For the purposes of this subsection, extracurricular activities associated with athletics are defined as those recognized and sanctioned by the Alabama High School Athletic Association, and other extracurricular activities are defined as those that are sanctioned by a public school that are not related to a student's academic requirements or success in a course(s). Notwithstanding anything to the contrary in this policy, student participation in extracurricular activities offered by the school through math, science, band, choral, music, and other courses at events such as athletic events (pre-game, game, halftime, or other breaks), club conventions, parades, amusement park trips and competitions, trips by tour companies, performance at various meetings, etc. are extracurricular, and students academically ineligible under this policy will not be allowed to participate.

e. *Regular Curricular Activities*. Regular curricular activities are defined as those that are required for satisfactory course completion.

f. *Approval of Curricular Activities*. School sponsors are required to submit a request for each curricular activity that occurs outside the regular school day and/or school to the principal, Superintendent, and the local Board of Education for approval. Each request for full participation by all students, regardless of academic standing, in a curricular activity will be granted if the principal, Superintendent, and the local Board of Education approve participation in the activity as an extension of a course(s) requirement(s) and it is an event sanctioned by a state/national subject matter association.

[Reference: Ala. Admin. Code 290-3-1-.02(18)]

6.06 *Off-Campus Events*

Student participation in and travel to off-campus events, concerts, functions, and activities, and the use of school buses or other Board provided 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.

c. Adequate arrangements are made for supervision and other risk management considerations (e.g., parental permission, medical treatment authorization, special insurance requirements);

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

e. Approval of the trip is obtained from the Board or authorized Board personnel. Board approval is required for out-of-state or overnight travel.

The Board does not assume responsibility for ensuring the safe operation of vehicles that are not owned or operated by the Board.

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

6.07 *Student Publications*

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

6.08 *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.

6.09 *Voluntary Religious Expression*

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

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

Students may organize and participate in religious activities before, during, and after school and have access to school facilities to the same extent students are permitted to organize and participate in other noncurricular activities to the extent that such access to or use of Board facilities does not constitute a constitutionally

impermissible endorsement or sponsorship of the organization or violate any right established by or imposed by either the Alabama or United States Constitutions.

6.10 *Student Sexual Harassment*

6.10.1 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.

6.10.2 Definition – Title IX regulations define sexual harassment to include one or more of the following:

a. An employee conditioning the provision of an aid, benefit, or service of the school/school district on an individual's participation in unwelcome sexual conduct (i.e., *quid pro quo* sexual harassment);

b. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the school/ school district's education program or activity; or

c. Sexual assault, dating violence, domestic violence, or stalking, as each of those terms is defined by federal statutes enumerated in the Title IX regulations, 34 C.F.R. § 106.30(a).

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 sexual advances, 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 with regard to the student's educational status.

6.10.3 Sexual Harassment Complaint Procedures Authorized – The Superintendent is authorized and directed to establish, implement and revise more detailed

sexual harassment complaint procedures in compliance with Title IX 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 process and procedures will be drafted so as to provide supportive measures, facilitate the gathering of relevant facts and evidence, permit timely assessment of the merits of the complaint, provide an opportunity for informal resolution of complaint where appropriate, eliminate any harassment that is established by the investigation, and prevent any retaliation based upon the filing of the complaint. The procedures will reflect due regard for the legal rights and interests of all persons involved in the complaint, and will be drafted, explained, and implemented so as to comply with federal regulations, and to be understandable and accessible to all student population groups and ages.

6.10.4 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 Title IX Coordinator or to take such action as may be required by the procedures established under "Sexual Harassment Complaint Procedures Authorized" 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.

6.10.5 Notice of Policy to be Promulgated – The Superintendent will promulgate and disseminate this policy and the complaint procedures to applicants for admission and employment, the schools, parents and legal guardians, unions and professional organizations, and will take such other steps and measures as may be reasonably available and expedient for informing the school community of the conduct prohibited by this policy and the recourse available to students who believe that they have been subjected to sexual harassment.

6.11 *Protection of Pupil Rights Amendment*

6.11.1 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 Income, other than as required by law to determine program eligibility.

h. Income, other than as required by law to determine program eligibility.

6.11.2 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.

6.11.3 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.

6.11.4 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.

6.11.5 Additional Policies and Procedures Authorized – In consultation with parents, the Superintendent is authorized to develop additional policies, and arrangements to protect student privacy in the administration of protected

information surveys and in the collection, disclosure, or use of personal information for marketing, sales, or other distribution purposes. The Board will directly notify parents of these policies and procedures at the beginning of each school year and after any substantive changes are approved.

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

6.12 *Student Records*

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

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

6.13 *Student Health Services*

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

6.13.1 Student Mental Health Services - No student of Marion County Schools under the age of 14 may be allowed to participate in ongoing mental health services, treatment, surveys, or assessments relating to mental health requiring a mental health therapist or mental health therapeutic license unless specific

written instruction has been granted by the student's parent, unless there is an imminent threat to the health of the student or others.

Procedures will be established for written notification, at least annually, to parents about school provided or sponsored mental health services. The notification shall include the purpose and general description of each of the mental health services, information regarding ways parents may review materials to be used in guidance and counseling programs that are available to students, and information regarding ways parents may allow, limit, or prevent their student's participation in the programs. A provision requiring written permission by a parent for his or her student to participate in mental health services. This permission shall also be required annually and may be rescinded at any time by providing written notice to school administration. If a parent elects to opt-in to mental health services for his or her student, the counselor providing the services shall keep the parent fully informed regarding diagnosis, recommended counseling, or treatments, and the parent shall have the authority to make final decisions regarding counseling, and treatments. A provision requiring all records pertaining to mental health services to be treated as health care records and kept separately from academic records. The opt-in process is not applicable to any school counseling services or "mental health services" contained in a student's IEP or §504 plan. Consent for those services will be obtained and information regarding your child's mental health services will be provided through the usual special education process.

6.14 *Student Conduct*

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

teachers, school personnel, students, parents and guardians at the beginning of each school year. The CSC will be deemed an extension of Board policy and will have the force and effect thereof.

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

6.15 *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, portable electronic storage media, and personal electronic devices may be searched by authorized school officials, including school principals or their designees, when reasonable suspicion exists that the property contains prohibited materials, illegal substances, weapons, or other items that are reasonably deemed to present a risk or threat to the safety or welfare of the school community, provided that the nature and extent of the search shall be reasonably related and limited to the suspected violation.

c. *Personal Searches* – Students may be searched whenever reasonable suspicion exists that the student possesses prohibited materials, illegal substances, weapons, or other items that are reasonably deemed to present a risk or threat to the safety and welfare of the school community. Student searches must be conducted by a school administrator in the presence of another certified school employee and may include a private pat down of the student, a search of personal items and clothing, or a more thorough search upon specific approval of the Superintendent. Personal searches will be conducted with due regard for the age and gender of the student. Searches that require physical contact between the school official and the student, removal of clothing, or examination of the student in a way that would implicate privacy concerns must be conducted and witnessed by officials of the same gender as the student and in a way that preserves the dignity of the student to the extent practicable under the circumstances. Refusal to submit to a search or to cooperate in a search as provided in this policy may be grounds for disciplinary action.

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

6.16 *Corporal Punishment*

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

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

6.17 *Physical Restraint*

The Superintendent is authorized to develop written procedures governing the use of physical restraint as required by state law. The procedures will be published in accordance with the requirements of state law.

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

6.18 *Student Suspension (including Students with Disabilities)*

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

6.19 *Student Expulsion (including Students with Disabilities)*

Students may be expelled from school for offenses serious enough to warrant such action as provided in Code of Student Conduct or other Board disciplinary policies. Students who are recommended for expulsion may be suspended until such time as the Board meets to consider the recommendation for expulsion. Reasonable notice of

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

6.20 *Electronic Communication Devices*

Personal, wireless communication devices include, but are not limited to cellular telephones, smart phones, e-mail devices, tablets, or any other electronic communication device. Students may possess a cell phone or other personal, wireless communication device on school property, but use of such devices during the school day is limited to uses expressly permitted by the supervising teacher or administrator. The Board assumes no responsibility for theft, loss, or damage to any personal, wireless communication device. Principals or their designees have the authority to restrict and deny the use of personal, wireless communication devices by any student to prevent the misuse, abuse, or violation of school rules regarding the use of such devices. School officials may read, examine, or inspect the contents of any such device upon reasonable suspicion that the device contains evidence of a violation of Board policy, the Code of Student Conduct, or other rules, provided that the nature and extent of such examination shall be reasonably related and limited to the suspected violation.

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

6.21 *Drivers' License*

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

circumstances beyond the control of the student. Circumstances beyond the control of the student may be found with respect to:

a. Students who are mentally or physically unable to attend school;

b. Students who are regularly and legally employed in compliance with the provisions of the Child Labor Law; and

c. Students who, because of the lack of public transportation, are compelled to walk more than two miles to attend a public school.

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

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

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

6.22 *Student Parking Privileges – Substance Abuse Policy*

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

drugs, or other substances in violation of the Board's substance abuse policies. All such testing or screening will be performed in accordance with local, state and federal laws and procedures that are developed by the Superintendent for approval by the Board.

6.23 *Student Competitive Extracurricular Activity Substance Abuse Policy*

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

6.24 *Jamari Terrell Williams Student Bullying Prevention Act Policy*

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

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

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

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

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

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

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

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

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

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

g. "Student" as used in this policy means a person who is enrolled in Marion County Schools.

6.24.3 Description of Behavior Expected of Students –

a. Students are expected to treat other students with courtesy, respect, and dignity and comply with the Code of Student Conduct. Students are expected and required (1) to comply with the requirements of law,

policy, regulation, and rules prohibiting bullying, violence, or intimidation; (2) to refrain from inflicting or threatening to inflict violence, injury, or damage to the person or property of another student, and (3) to refrain from placing another student in fear of being subjected to violence, injury, or damage when such actions or threats are reasonably perceived as being motivated by any personal characteristic of the student that is identified in this policy.

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

- Race
- Sex
- Religion
- National origin
- Disability

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

6.24.5 Reporting, Investigation, and Complaint Resolution Procedures –

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

The complaint form developed to report violations of this policy will include a provision for reporting a threat of suicide by a student. If a threat of suicide is reported, the principal or the principal's designee is authorized to inform the student's parent or guardian of the report unless at the discretion of the school principal or the principal's designee the apparent cause of the threat of suicide is child abuse or other significant harm from a parent or guardian.

b. Upon receipt of the complaint, the principal or the principal's designee will determine if the complaint alleges a serious violation of this policy. If the principal or the principal's designee determines that the complaint alleges a serious violation, the principal or the principal's designee will undertake a reasonably prompt investigation of the complaint. The investigation will entail the gathering of relevant facts

and evidence taking into account the circumstances of the complaint. If the investigation establishes a violation, appropriate disciplinary sanctions may be imposed on the offending student(s). Other measures that are reasonably calculated to prevent a recurrence of the violations(s) may also be imposed by the principal or the school system.

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

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

6.24.7 Construction of Policy –This policy is supplemental to other Board policies and procedures and does not repeal, replace, or supersede any other prohibition on bullying, violence, threats of violence or intimidation found elsewhere in Board policy or procedure, including the Code of Student Conduct. This policy shall not be construed to allow bullying, violence, threats of violence or intimidation for any reason not specifically listed in this policy or to prohibit the Board from disciplining students for acts of harassment, violence, threats of violence or intimidation not specifically listed herein. Students who engage in bullying, violence, threats of violence or intimidation not specifically covered by this policy may be subject to appropriate disciplinary action in accordance with the Code of Student Conduct.

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

6.25 *Suicide Awareness and Prevention*

6.25.1 Program Authorized – To the extent that the Legislature appropriates funds or the Board provides funds from other sources, the Superintendent is authorized to develop a program to implement the following statutory requirements of the Jason Flatt Act in an effort to prevent student suicide:

a. Foster individual, family, and group counseling services related to suicide prevention.

b. Make referral, crisis intervention, and other related information available for students, parents, and school personnel.

c. Foster training for school personnel who are responsible for counseling and supervising students.

d. Increase student awareness of the relationship between drug and alcohol use and suicide.

e. Educate students in recognizing signs of suicidal tendencies and other facts and warning signs of suicide.

f. Inform students of available community suicide prevention services.

g. Promote cooperative efforts between school personnel and community suicide prevention program personnel.

h. Foster school-based or community-based, or both, alternative programs outside of the classroom.

i. Develop a strategy to assist survivors of attempted suicide, students, and school personnel in coping with the issues relating to attempted suicide, suicide, the death of a student, and healing

j. Engage in any other program or activity which the Board determines is appropriate and prudent in the efforts of the school system to prevent student suicide.

k. Provide training for school employees and volunteers who have significant contact with students on the Board policies to prevent harassment, intimidation, and threats of violence.

l. Develop a process for discussing local board policies relating to the prevention of student suicide and to the prevention of harassment, intimidation, violence, and threats of violence with students.

m. Provide annual training for all certificated school employees in suicide awareness and prevention. This training may be provided within the framework of existing in-service training programs or as a part of required professional development offered by the school system.

Students may be required to participate in curricular activities developed to implement the statutory requirements of the Jason Flatt Act and are encouraged to participate in any other activities or strategies developed by the Board for that purpose.

6.25.2 Promulgation of Policy and Related Procedures, Rules, and Forms – This policy and any procedures, rules, and forms developed and approved to implement

the policy will be published, disseminated, and made available to students, parents and legal guardians, and employees by such means and methods as are customarily used for such purposes.

[Reference: Ala. Code §16-28B-8 (1975)]

6.26 *Supervision of Low-Risk Juvenile Sex Offenders*

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

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

a. "Plan" refers to the "individualized student safety plan" developed following the Student's adjudication and/or enrollment in the school to serve as a behavior contract between contract between the Student and the School.

b. "School" refers to "all school property and school-sponsored functions including, but not limited to, classroom instructional time, assemblies, athletic events, extracurricular activities, and school bus transportation" related to the Student's current school of record.

c. "Student" refers to "the low-risk juvenile sex offender" designated by a juvenile court judge as having a low risk of re-offense.

d. "Teachers and staff with supervision over the student" or "Supervision team" refers to school officials or staff who have a specific responsibility for the Student, including the school principal, the Student's assigned teachers and/or coaches, the Student's counselor, and if applicable, the Student's bus driver, during the subject school year and who will be privy to information regarding the Student's status. Teachers and staff with only passing and/or general contact with the Student shall not be privy to information regarding the Student's status.

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

6.26.2 Notification –

a. *Current Students* – In the event a currently enrolled Student is adjudicated delinquent and designated "low risk" by the juvenile court, local law enforcement is expected to notify the local Superintendent and principal of the Student's school in writing.

b. *Newly Enrolled Students* – In the event a Student seeks to enroll in the

district as a new student, and that Student has been previously designated as a low-risk juvenile sex offender, local law enforcement is expected to notify the local Superintendent and principal of the Student's school in writing.

c. *Students That Change Schools Within the District* – In the event a currently enrolled Student transfers to another school in the district or is promoted to another school in the district, the principal of the original school should notify designated law enforcement of the change as soon as practicable.

Following that notification, the principal of the original school should orally or in writing brief the principal of the new school regarding the original Plan and the transferring Student's status and circumstances. Regardless, the principal of the prior school must provide the Student's records and Plan to the principal of the new school as soon as practicable.

The new principal should review the Plan and meet with the Student, the Student's parent or guardian, and the anticipated new Supervision Team to determine whether the current terms are sufficient or should be adjusted based on the Student's circumstances.

d. *School Staff Changes* – In the event the principal or a member of the Supervision Team leaves his position or is no longer responsible for supervising the Student, a replacement team member should be named, if necessary and appropriate, and briefed by the principal or the most senior member of the Supervision Team regarding the Student's status and Plan. The Student, his parent or guardian, and other members of the Supervision Team should be notified of changes to the Supervision Team within a reasonable timeframe.

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

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

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

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

6.26.4 Supervision – The Student will be subject to the general Student Code of Conduct and any other conditions deemed necessary by the principal or designee as incorporated in the Student's Plan. Members of the Supervision Team should report any suspected violations of the Plan to the principal or designee.

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

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

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

6.26.7 Challenges to the Plan – In the event the Student and/or his parent or guardian object to conditions of the Plan or the application of a sanction, a challenge must be submitted in writing to the Superintendent or his designee to consider whether adjustment of the Plan or response modification is warranted. The Superintendent's decision shall be final. A response that constitutes disciplinary action will adhere to the applicable School disciplinary policies and procedures and the Student will be afforded process due thereunder.

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

6.26.9 Retaliation – Members of the Supervision Team should make every effort to treat the Student with the same respect and courtesy to which every student is entitled. The Team is reminded that the Student has been deemed by the juvenile court as not likely to reoffend and should be encouraged to fully

integrate into the student body as a successful student. Mistreatment of any student may be cause for discipline.

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

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

VII. Instructional Program

7.01 *Curriculum*

The Superintendent will coordinate the design and development of a comprehensive curriculum plan in accordance with state law and any requirements of the State Department of Education for approval by the Board.

7.02 *Textbooks*

Textbooks will be purchased and distributed in accordance with State Department of Education regulations. Only textbooks recommended by the local textbook committee will be approved by the Board, upon the recommendation of the Superintendent. The local textbook committee will be appointed by the Board and will consist of members, including parents, who will serve a term of one year. Students are loaned textbooks for the duration of the course that requires the textbook and are responsible for the care of the textbook. Students must reimburse the Board for the cost of any textbooks that are lost or damaged beyond reasonable wear and tear.

[Reference: ALA. CODE §16-36-62 (1975)]

7.03 *Academic Standards*

Teachers will assign grades and confer academic credit for work and activities performed by students in accordance with objective and generally accepted instructional and grading standards, applicable laws and regulations, and criteria hereinafter specified.

7.03.1 General Grade Scale – Grades for academic course work will be awarded according to the following scale:

Letter Grade	Numerical Grade (100 point scale)	Grade Point Average Points (4 point scale)
A	90 – 100	4.00
B	80-89	3.00
C	70-79	2.00
D	65-69	1.00
F	Below 64	0.00

7.03.2 Advanced Placement, Dual Enrollment and Honors Grade Scale – Numerical grades in approved Advanced Placement, Dual Enrollment and Honors courses will be weighted in accordance with the guidelines contained in the applicable Student Handbook or like document.

7.03.3 Special Education Grading Standards – Students who are receiving special educational services may be graded according to an individualized educational plan, and nothing in Board policy or procedure prohibits the extension of appropriate academic modifications or accommodations to students who may be eligible for such modifications or accommodations under provisions of state and federal law.

7.03.4 Report Cards – Report cards reflecting student progress will be provided to the parents or legal guardians of students on a regularly scheduled basis.

7.03.5 Promotion – Students are promoted from grade to grade on the basis of credit earned during the school year, in summer school programs, or in such other academic programs as may be approved or recognized by the Board and in accordance with applicable law. Students who are eligible for promotion from grade to grade may nevertheless be retained by agreement of the parents and appropriate school officials.

7.03.6 Class Rankings – Beginning with the ninth grade of high school, all students will be ranked in accordance with the guidelines contained in the applicable Student Handbook or like document.

7.03.7 Credit Recovery – The Superintendent is authorized to develop procedures for a program through which a student may recover credits in one or more failed courses, in compliance with regulations promulgated by the State Department of Education. The curriculum will align with the State Board of Education course of study and study content standards in which the student seeking credit recovery is deficient.

[Reference: Ala. Admin. Code 290-3-1-.02(10)]

7.04 *Testing*

The Superintendent is authorized to develop and implement a standardized testing program that will include, at a minimum, all testing required under state and federal law. All standardized tests are to be conducted in accordance with the appropriate test administration manual guidelines and any rules or regulations that are intended to ensure their security and validity. Teachers are authorized to conduct tests for their courses in order to determine their students' abilities, knowledge and skills, and to use in calculating a student's grade.

7.05 *Summer School Operations*

A "summer school" program may be implemented in compliance with regulations promulgated by the State Department of Education. Summer school is provided as a

service by the Board and is separate and distinct from the regular academic year. The Superintendent is authorized to develop and maintain rules and regulations for the operation of summer school, including requirements for enrollment, attendance, transportation, and tuition, which will be subject to approval by the Board.

[Reference: Ala. Admin. Code 290-3-1-.02(6)]

7.06 *Dual Enrollment*

Upon recommendation of the Superintendent, the Board may establish guidelines in accordance with the regulations of the State Department of Education by which qualified high school students are allowed to take post-secondary college courses for high school credit.

[Reference: Ala. Admin. Code 290-3-1-.02(11)]

7.07 *Correspondence or Online Courses*

Credit for correspondence and online courses will be recognized if the conditions and criteria established by the Alabama Department of Education for such programs are met.

[Reference: Ala. Admin. Code 290-3-1-.02(12, 13)]

7.08 *Virtual School Option*

7.08.1 Scope and Delivery of Services – The school system provides a virtual school option to full-time students in grades 9-12 who meet its enrollment requirements which will include, at a minimum, all courses that are required to obtain a high school diploma. Such courses may be delivered through the Alabama State Department of Education's ACCESS program or another program approved by the Board. This policy also applies to any other virtual school option approved by the Board.

7.08.2 Student Eligibility Criteria – Students must meet any eligibility requirements of the Alabama State Department of Education's ACCESS program, if applicable. In addition, students must meet school system enrollment requirements for the virtual program in question including, but not limited to, those contained in the school system's student handbook or a similar document.

Students may be transitioned back to a traditional day program if

a. the student's participation in the virtual program is impeding the student's academic progress;
b. the student fails to meet virtual course attendance requirements; or

c. the student repeatedly violates school system policies, procedures, rules or regulations, including, but not limited to, the school system's rules governing the use of its technology resources.

A dependent of a member of the United States Armed Forces who has received orders to relocate in Alabama shall be considered a resident of Alabama and the school system for purposes of enrolling in and attending the school system's virtual program.

7.08.3 Monitoring Performance and Testing Requirements – Individual student performance will be monitored pursuant to the school system's traditional academic credit requirements and grade scale. Students utilizing the virtual school option will be subject to all state testing and accountability requirements and will be subject to the same rules and regulations regarding the administration of such tests that are applicable to students enrolled in the traditional day program.

The Superintendent is hereby authorized to take whatever action may be necessary to facilitate the state testing and accountability requirements applicable to virtual school students. The school system reserves the right to require students utilizing the virtual school option to participate in state testing and accountability requirements on campus at a date and time selected by the school system.

7.08.4 Attendance – Students participating in the virtual school option are required to be active and submitting assignments in order to remain enrolled in the program.

The school system reserves the right to set specific attendance requirements for each virtual course. The Superintendent or his designee is authorized to develop alternate attendance policies for virtual courses, provided that students in such programs are given notice of the attendance requirements. A student's failure to comply with such requirements may result in administrative action including, but not limited to, probation or removal from the class or a charge of truancy, if appropriate.

7.08.5 Extracurricular Activities – Students must meet the same extracurricular activity eligibility requirements as students enrolled in the traditional day program, including, but not limited to, any applicable Alabama High School Athletic Association ("AHSAA") requirements. Student residency for purposes of participating in extracurricular activities will be determined in accordance with applicable state law and AHSAA guidelines.

7.08.6 Additional Procedures Authorized –The Superintendent or his designee is authorized to develop such procedures as he deems necessary to implement this policy including, but not limited to, eligibility criteria for courses, methods for informing students and parents of the virtual program's requirements and rules, and a process for making determinations regarding a student's continued eligibility.

[Reference: Ala. Code § 16-46A-1, *et. seq.*]

7.09 *Career and Technical Education Programs*

The Career and Technical Education Program (CTE) consists of areas of study that blend academic, occupational, and life skills. The CTE program will be administered in accordance with the requirements of the Alabama State Department of Education and the board.

7.09.1 Work-Based Learning Experience – A work-based learning experience provides students with educational opportunities in a work setting that typically cannot be obtained in a classroom and may include, but is not limited to, cooperative education, internships, clinical experiences, and other related opportunities. The Superintendent is authorized to develop guidelines and procedures in accordance with the regulations of the Alabama State Department of Education for work-based learning experiences to be conducted in the school system, including, but not limited to, guidelines for decision making and protocol for solving problems at the workplace and school.

[Reference: Ala. Admin. Code 290-6-1-.04]

7.09.2 Live Work – Live work consists of work conducted by students that relates to the knowledge and skills taught as part of a CTE program of study, but is presented from outside the classroom. The Superintendent is authorized to develop for Board approval guidelines and procedures in accordance with the regulations of the Alabama State Department of Education and any applicable TAPE requirements for live work to be conducted in the school system, including, but not limited to, a systematic method for managing live work, work requests and orders, and procedures for approval of where and for whom work may be conducted, school liability, and restrictions on live work. Any money collected for live work will be accounted for in accordance with the Board's financial procedures.

7.09.3 Safety –To the extent practicable, reasonable safety procedures will be implemented in the Career and Technical Education program in accordance

with Alabama State Department of Education regulations and any applicable TAPE requirements.

[Reference: Ala. Admin. Code 290-6-1-.04]

7.10 *Foreign Exchange Program*

The Superintendent is authorized to develop guidelines and procedures under which foreign exchange students may attend Marion County Schools and Marion County students may participate in foreign exchange programs.

7.11 *Extended Programs: Community Education*

Upon their approval by the Board, the Superintendent is authorized to implement programs and projects designed to meet the needs of the community served by the school system in accordance with any laws or regulations governing such programs.

[Reference: Ala. Admin. Code 290-080-050]

7.12 *Graduation and Commencement*

In order to obtain an Alabama high school diploma, a student must earn the credits mandated by the applicable Alabama Administrative Code requirements and meet any other requirements mandated by state law or the Alabama State Department of Education.

A student with a disability (as defined by the IDEA) who has met the applicable Alabama Administrative Code requirements and/or any other requirements provided by state or federal law will receive either a diploma or a graduation certificate as appropriate.

A student who has satisfactorily completed one of the above requirements is eligible to participate in graduation ceremonies as a member of the graduating class. Student participation in graduation-related ceremonies will be subject to the principal's approval and may be prohibited by the principal if the student violates disciplinary standards, or if, in the judgment of the principal, the student's participation could lead or contribute to disorder or disruption of the ceremony or activity.

[Reference: Ala. Admin. Code R. §§290-3-1-.02(8); 290-8-9-.10(9)]

7.12.1 Honor Graduates – Students who meet the requirements contained in the applicable Student Handbook or like document will be designated as honor graduates.

7.12.2 Valedictorian/Salutatorian –

a. *Criteria* – The Valedictorian and Salutatorian will be selected in accordance with the criteria contained in the applicable Student Handbook or like document.

b. *Grade Conversion* – Where letter grades are present on a candidate's transcript from a previously attended school, the candidate must have the respective school(s) submit the grades in numerical form. If school officials of the school the student previously attended cannot or will not convert the letter grades to numerical grades, the letter grades will be converted to numerical grades as follows:

A+ = 99	B+ = 89	C+ = 79	D+ = 69	F = 55
A = 95	B = 85	C = 75	D = 65	
A- = 90	B- = 80	C- = 70	F = 60	

Issues or uncertainties regarding eligibility or grade calculation will be resolved by the school principal in consultation with the Superintendent.

7.12.3 Fifth Year Seniors – Upon the recommendation of the counselor and approval of the principal, a student who has completed four full academic years of high school but who has not completed the required course work for graduation will be allowed to attend the number of class periods necessary to complete the courses required for graduation.

7.13 *School Wellness*

The Marion County School District is committed to providing school environments that promote and protect children's health, well-being, and ability to learn by supporting healthy eating and physical activity. Therefore, it is the policy of the Marion County School District that:

a. The school district shall engage students, parents, teachers, teachers of physical education, food service professionals, health professionals, and other interested community members in developing, implementing, monitoring, and reviewing district wide nutrition and physical activity policies.

b. All students in grades K-12 shall have opportunities, support, and encouragement to be physically active on a regular basis.

c. Foods and beverages sold or served at school shall meet the nutritional recommendations of the *Healthy Hunger-Free Kids Act of 2010.*

d. Qualified child nutrition professionals shall provide students with access to a variety of affordable, nutritious, and appealing foods that meet the health and

nutrition needs of students and shall provide clean, safe, and pleasant settings and adequate time for students to eat.

e. To the maximum extent practicable, all schools in our district shall participate in available federal school meal programs, including the School Breakfast Program, National School Lunch Program, After-School Snack Program, and Summer Feeding Program.

f. Schools shall provide nutrition education and physical education to foster lifelong habits of healthy eating and physical activity, and shall establish linkages between health education and school meal programs, and with related community services.

g. Signage in the school environment will promote good nutrition.

7.13.1 Nutrition Education and Promotion – Nutrition education that teaches the knowledge, skills, and values needed to develop healthy eating behaviors and nutrition promotion that promotes and reinforces student health will be integrated into the curriculum and offered throughout school campuses, including school dining areas and classrooms, by appropriately trained personnel.

Schools shall provide nutrition education and engage in nutrition promotion that:

a. Is offered at each grade level as part of a sequential, comprehensive, standards-based program designed to provide students with the knowledge and skills necessary to promote and protect their health;

b. Is part of not only health education classes, but also classroom instruction in subjects such as math, science, language arts, social sciences, and elective subjects;

c. Includes enjoyable, developmentally-appropriate, culturally-relevant, participatory activities, such as contests, promotions, taste testing, farm visits, and school gardens;

d. Promotes fruits, vegetables, whole grain products, low-fat and fat-free dairy products, healthy food preparation methods, and health-enhancing nutrition practices;

e. Emphasizes caloric balance between food intake and energy expenditure (physical activity/exercise);

f. Links with school meal programs, other school foods, and nutrition-related community services;

g. Teaches media literacy with an emphasis on food marketing; and

h. Includes training for teachers and other staff.

i. Donated food, school parties and food rewards will promote a healthy environment.

7.13.2 Nutrition Standards and Guidelines – The Board will ensure that reimbursable school meals meet the program requirements and nutritional standards established by applicable state and federal regulations. The Board will encourage students to make nutritious food choices and will monitor all food and beverages sold or served to students, including those available outside federally regulated child nutrition programs. The Board will consider nutrient density and portion size before permitting food and beverages to be sold or served to students.

The school campus shall reflect a healthy nutrition environment. Adequate time to eat shall be allowed to have a pleasant dining experience. Schools shall ensure that all students have daily access to meals served. Schools may not establish policies, class schedules, bus schedules, or other barriers that directly or indirectly restrict access to or the completion of meals.

a. Meals served through the National School Lunch, Breakfast, Snack, and Summer Programs shall:

   a. Be appealing and attractive to children and be served in clean and pleasant settings using HACCP food safety principles to ensure the best quality of food;
   b. Schools shall focus on improving meal quality and increasing the variety of fruits and vegetables, especially raw fruits and vegetables;
   c. Serve only low-fat (1%) unflavored milk and fat-free flavored and unflavored milk, and nutritionally-equivalent non-dairy alternatives (to be defined by USDA);
   d. Serving sizes shall comply with the meal pattern requirements as described by the United States Department of Agriculture (USDA) regulations. Foods served and/or sold through the cafeteria shall adhere to the guidelines established by the USDA and The Healthy, Hunger-Free Kids Act of 2010.
   e. School meals must average, for a weekly period, meeting the standards of the "Healthy Hunger-Free Kids Act of 2010. School lunches shall meet the standard of providing 550 – 650 calories for grades K-5, 600-700 calories for grades 6-8, and 750-850 calories for grades 9-12.
   f. Emphasis is to be placed on increasing the quantity of whole grains served with the ultimate goal of all the grains served to be whole grain. Products are considered Whole Grain if a *whole*

grain product is listed as the primary grain ingredient in the ingredient statement. Examples include whole wheat flour, cracked wheat, brown rice, yellow corn meal and oatmeal;

g. Free water will be provided to students at breakfast and lunch.

h. Schools must review the items offered as ala carte sales and evaluate the nutritional contributions of each item. Foods not meeting the criteria listed below shall be eliminated or portion sizes reduced in order to be in compliance with the requirements.

b. All Marion County Schools shall operate a School Breakfast Program as detailed below:

1. School administrators shall arrange bus schedules and utilize methods to serve school breakfasts that encourage participation.
2. Schools shall notify parents and students of the availability of the School Breakfast Program.
3. School Administrators shall encourage parents to provide a healthy breakfast for their children that do not eat breakfast at school. This can be accomplished through newsletter articles, take-home materials, or other means.

c. Schools shall discourage students from sharing their foods or beverages with one another during meal or snack times, given concerns about allergies and other restrictions on some children's diets. Students with food allergies needing a special diet must have a diet prescription on file completed by a physician.

d. **No food of any type may be sold at any place on the school campus during meal service or one hour before or one hour after meal service, to include breakfast and lunch times.**

e. All foods offered on the school campus will meet or exceed the USDA Smart Snacks in School nutrition standards, including through:

1. Celebrations and parties.
2. Classroom snacks brought by parents.
3. Rewards and incentives. Foods and beverages will not be used as a reward, or withheld as punishment for any reason, such as for performance or behavior.
4. Fundraising. Foods and beverages that meet or exceed the USDA Smart Snacks in Schools nutrition standards may be sold through fundraisers on the school campus during the school day. For foods and beverages that do not meet USDA Smart Snacks in School nutrition standards, an Exempt Fundraiser

Form must be completed prior to the commencement of the fundraiser.

7.13.3 Physical Education and Physical Activity Opportunities – The Board will offer physical education opportunities that include the components of a sound physical education program. All students in grades K-12 shall have opportunities, support, and encouragement to be physically active on a regular basis. Physical activity during the school day including, but not limited to recess, classroom physical activity breaks, or physical education) will not be withheld as a punishment.

Physical education will equip students with the knowledge, skills, and values necessary to maintain healthful lifelong physical activity. Physical education instruction will be aligned with the curriculum. All students will be provided the opportunity to participate regularly in supervised physical activities that are intended to maintain physical fitness and to impart the benefits of maintaining a physically active and healthy lifestyle.

At a minimum, students will receive the Physical Education State Course of Study recommendation for per day activity and students will be encouraged to fully embrace regular physical activity as a personal behavior. All Physical Education waivers have been withdrawn as of June 30, 2005. Waivers for exemption to physical education requirements must be approved by the State Department of Education as specified in the "no exception/no substitution policy," which require full justification to the State Superintendent of Education in any year in which a waiver is requested. Waivers for high school students must follow the guidelines as outlined in Instructional Code Changes (290-3-1.02(8)(f).

7.13.4 Other School-Based Activities Designed to Promote Student Wellness – The District will integrate wellness activities across the entire school setting, not just in the cafeteria, other food and beverage venues and physical activity facilities. The District will coordinate and integrate other initiatives related to physical activity, physical education, nutrition and other wellness components so all efforts are complementary, not duplicative, and work towards the same set of goals and objectives promoting student well-being, optimal development and strong educational outcomes. The Marion County School District aims to teach, encourage, and support healthy eating by students.

a. *Community Partnerships* – The District will develop relationships with community partners (e.g., hospitals, universities/colleges, local businesses, SNAP-Ed providers and coordinators, etc.) in support of this wellness policy's implementation. Existing and new community

partnerships and sponsorships will be evaluated to ensure that they are consistent with the wellness policy and its goals.

b. *Communications with Parents* – The district/school shall support parents' efforts to provide a healthy diet and daily physical activity for their children. The district/school shall send home nutrition information and post nutrition tips on school websites. Schools shall encourage parents to pack healthy lunches and snacks and to refrain from including beverages and foods that do not meet the above nutrition standards for individual foods and beverages. The district/school shall provide parents a list of foods that meet the district's snack standards and ideas for healthy celebrations/parties, rewards, and fundraising activities

c. *Smart Snacks in Schools* – The District is committed to ensuring that all foods and beverages available to students on the school campus during the school day support healthy eating. The foods and beverages sold and served outside of the school meal programs (e.g., "competitive" foods and beverages) will meet the USDA Smart Snacks in School nutrition standards and Alabama Implementation of Smart Snacks in Schools, at a minimum. Smart Snacks aim to improve student health and well-being, increase consumption of healthful foods during the school day and create an environment that reinforces the development of healthy eating habits. The District will utilize the following resources:

- Guide to Smart Snacks in Schools
- The Alliance for a Healthier Generation

To support healthy food choices and improve student health and well-being, all foods and beverages outside the reimbursable school meal programs that are sold to students on the school campus during the school day will meet or exceed the USDA Smart Snacks nutrition standards and Alabama Implementation of Smart Snacks in Schools. These standards will apply in all locations and through all services where foods and beverages are sold, which may include, but are not limited to, à la carte options in cafeterias, vending machines, school stores and snack or food carts.

d. *Food and Beverage Marketing in Schools* – The District is committed to providing a school environment that ensures opportunities for all students to practice healthy eating and physical activity behaviors throughout the school day while minimizing commercial distractions. The District strives to teach students how to make informed choices about nutrition, health and physical activity. These efforts will be weakened if students are subjected to advertising on District property that contains messages inconsistent with the health information the District is imparting through nutrition education and health promotion

efforts. It is the intent of the District to protect and promote student's health by permitting advertising and marketing for only those foods and beverages that are permitted to be sold on the school campus, consistent with the District's wellness policy.

7.13.5 Administrative Implementation –

a. *The School Action Plan* – The Marion County Board of Education will provide a district wellness policy that will serve as building blocks for individual schools to write an action plan for improving student health that is unique to the individual needs of their school. Schools should organize a school health council to develop, implement, monitor, review, and, as necessary, revise school nutrition and physical activity policies. Each school shall conduct annual evaluations to identify strengths and weaknesses and prioritize changes as an action plan for improving student health. The assessment and planning steps shall involve teachers, child nutrition staff or other school staff as appropriate, parents, students, and the community.

b. *The Superintendent* – The Superintendent is authorized to develop and implement administrative rules and directives that are consistent with this policy and to oversee the implementation and periodic review and update of the wellness policy based on input from teachers (including specialists in health and physical education), school nurses, parents and guardians, students, representatives of the school food service program, school board members, school administrators, and the public.

The Superintendent will report to the Board, as requested, on programs and efforts that are designed to meet the purpose and intent of this policy and will inform and update the public regarding the content and implementation of the wellness program. The Superintendent will ensure each local schools' compliance with the wellness policy and will measure periodically and make available to the public an assessment of the implementation of the wellness policy, including the extent to which schools are in compliance with the policy, the extent to which the policy compares to model policy and to describe the progress made in attaining the goals of the policy.

c. *The Child Nutrition Director* – Any person employed as a CNP Director must meet the standards of the Code of Alabama (1975) 290-080-030-05 and 06 as amended June 6, 1994. A CNP Director who does not meet the educational requirements must complete those requirements within a three-year period from the date of employment. If educational requirements are not met within the three-year period, the person cannot continue being employed as a CNP Director.

d. *The Cafeteria Manager* – Cafeteria Managers shall be responsible for adherence to all state guidelines on foods and beverages served in the

cafeteria. In addition, Managers shall adhere to compliance with foods of minimal nutritional value as identified under USDA regulations 7CRF210, Appendix B, Categories of Foods of Minimal Nutritional Value.

e. *The School Food Service Staff* – It shall be the responsibility of the administration of the Child Nutrition Program to administer the food service program. All meals served should be in compliance with Nutrition Standards in the National School Lunch and Breakfast Program (77 FR 4088). School Food Service Staff shall ensure compliance with nutrition policies within school food service areas and shall report on this matter to the superintendent (or if done at the school level, to the school principal).

Qualified nutrition professionals shall administer the school meal programs. As part of the school district's responsibility to operate a food service program, we shall provide continuing professional development for all nutrition professionals in schools. Staff development programs shall include appropriate certification and/or training programs for child nutrition directors, school nutrition managers, and cafeteria workers, according to their levels of responsibility. School nutrition staff development programs are available through the USDA, School Nutrition Association and the National Food Service Management Institute.

f. *The School Administrator* – The principal of each school, or a designee, shall be solely responsible for compliance with USDA regulations 7CRF210, Appendix B, Categories of Foods of Minimal Nutritional Value, sold in vending machines, school stores or concession stands during school hours. A snack or an a la carte item must be in compliance with the USDA Smart Snacks in School standards. The Principal of each school will complete the Wellness Policy Review Form and, if applicable, the Exempt Food Fundraiser Procedure. The school administrator will:

1. Provide adequate time for students to eat and enjoy school meals (a minimum of 15-20 minutes to consume their meal), after being seated.
2. Ensure school staff is assigned to monitoring duties in the lunchroom to provide supervision in the serving and dining areas.
3. Schedule meal periods at appropriate times.
4. Shall not schedule tutoring, club, or organizational meetings or activities during mealtimes, unless students may eat during such activities.

5. Provide students access to hand washing or sanitizing before they eat meals or snacks.

7.13.6 Equal Opportunity Provider – This institution is an equal opportunity provider. In furtherance of its commitment to fostering healthy nutritional and physical activities that support student achievement and that promote the development of lifelong wellness practices, the Board endorses the following programs, practices, and activities:

a. *Free and Reduced Price Meals* – Free and/or reduced priced meals shall be available to qualified students. It shall be the responsibility and duty of local school principals to disseminate information concerning free and reduced price meals to all students in his/her school. Each schools approval process for free/reduced applications will be included in the annual State Department of Education application agreement.

b. *Charged Meal Policy* – Meals must be paid for in advance or at the time of service. Each student will have a meal account for monies to be deposited throughout the year. No charging of a la carte items or extras. Employees/Guests may not charge meals. Employees may have an active meal account from which to purchase their meals. Parents will be notified of any meal charges on their child's account. A nonpublic fund source must be established at each school to cover any uncollected charges. Students in kindergarten through third grade, as well as special needs students, cannot be denied a meal according to federal law.

c. *Sale Price for Adult Meals* – USDA regulations set forth a minimum price that must be charged to non-CNP system employees for meals. This price must, at a minimum, be established at:

The price of a paying student's meal +
The USDA reimbursement for a paid meal +
The value of commodity assistance value per lunch.

e. *Refunds for Advance Payments* – Written requests for refunds for advance payment of meals must be made by the parent or guardian. The request must be made at the time a student withdraws or before graduation date.

f. *Food from Outside Sources* – Students are permitted to bring and consume home prepared meals. Competing foods (restaurants, vending machines, and concessions) are not allowed in the lunchroom. Students are prohibited from bringing carbonated beverages and/or fast food items in their original containers into the school lunchrooms. Students are not permitted to leave campus during lunch.

g. *Disposal of Solid Waste from School Cafeteria* – The Board shall prohibit the disbursement of food refuse. In the event of a freezer or cooler

outage, spoiled food will be contaminated with bleach and disposed of in proper trash receptacles to prevent improper disbursement of food refuse.

h. *Food Safety Program* – For purpose of this policy, each school within the Marion County School System will implement and maintain a food safety program based on the Hazard Analysis Critical Control Point (HACCP) guidelines as required by the United States Department of Agriculture. The Marion County Board of Education recognizes that the food safety programs in the schools participating in the National School Lunch Program or the School Breakfast Program will conform to the Healthy Hunger Free Kids Act of 2010 of the Richard B. Russell National School Lunch Act. The Board of Education will maintain a food safety program in each school following HACCP guidelines for the preparation and service of school meals served to children. The Marion County HACCP Plan will be reviewed annually and updated as necessary by the Child Nutrition Director without requiring approval by the Board of Education.

i. *USDA Nondiscrimination Statement* – In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, sex, religious creed, disability, age, political beliefs, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA.

Persons with disabilities who require alternative means of communication for program information (e.g. Braille, large print, audiotape, American Sign Language, etc.), should contact the Agency (State or local) where they applied for benefits. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, (AD-3027) found online or at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by:

U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410
program.intake@usda.gov

7.13.7 Monitoring – The Superintendent shall ensure compliance with established district-wide nutrition and physical activity wellness policies as follows:

a. A checklist will be used to evaluate each area of the wellness policy for compliance.
b. In each school, the principal or designee shall ensure compliance with those policies in his/her school and shall report on the school's compliance to the school district superintendent.

The district wellness committee shall review this policy each school year and will:

a. Actively inform families and the public each year of basic information about this policy, including its content, any updates to the policy and implementation status;
b. Make this information available via the district website and/or district-wide communications;
c. Publicize (annually) the name and contact information of the District/school officials leading and coordinating the committee, as well as information on how the public can get involved with the school wellness committee.

At least once every three years, the District will evaluate compliance with the wellness policy to assess the implementation of the policy and include:

a. The extent to which schools under the jurisdiction of the District are in compliance with the wellness policy;
b. The extent to which the District's wellness policy compares to the Alliance for a Healthier Generation's model wellness policy; and
c. A description of the progress made in attaining the goals of the District's wellness policy

Alabama's Implementation of USDA Smart Snacks in School and Exempt Fundraisers Form

School Food Authority (SFA)_____

School Name_____

Please check one: _____July 1 _____January 1

Form should be completed and signed by the principal before the fundraisers commence.

	Sponsoring Organization	Item Sold	Date of Sale
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			
16			
17			
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19			
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22			
23			
24			
25			
26			
27			
28			
29			
30			

_____

Principal Signature ***Date***

Original: Principal File At School Copy: SFA CNP Wellness File

Developed: May 2015

Annual Attestation Statement

DATE:

FROM: [School Food Authority Superintendent]

TO: [State Agency Official and Title]

SUBJECT: Attestation of Compliance with Alabama Implementation of USDA Smart Snacks in School and Fundraising Activities

Instruction: The following statement must be signed by the school food authority (SFA) superintendent operating exempt food fundraisers in schools with National School Lunch and/or School Breakfast Programs, and filed as outlined in the Alabama Implementation of USDA Smart Snacks in School and Fundraising Activities.

I_____, as the superintendent of _____ [SFA Name], do hereby attest that the aforementioned SFA and all schools under its jurisdiction operating the National School Lunch Program authorized under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq), and/or the School Breakfast Program authorized under the Child Nutrition Act of 1966 (42 U.S.C. 1773), are in compliance with Alabama Implementation of USDA Smart Snacks in School and Fundraising Activities for School Year _____.

I certify that this attestation is true and correct, and therefore, I believe _____[SFA Name] is in compliance with Alabama Implementation of USDA Smart Snacks in School and Fundraising Activities.

In addition, I understand that Alabama Implementation of USDA Smart Snacks in School and Fundraising Activities Form must be completed semi-annually and filed by the following dates: July 1 and January1 of each School Year.

_____ _____

Superintendent Signature *Date*

Original: CNP Director

Developed: May 2015

School Level Progress Report

Print or copy this section to be completed by each school.

Blue area includes specific guidance. Gray area includes examples.

Place an "X" in the appropriate column by each bullet and add additional goals in the space provided.

School: _____ **Date:** _____

School Wellness Leader: _____

Nutrition guidelines for all foods and beverages for sale on the school campus (i.e., school meals and Smart Snacks)	**Meeting Goal**	**Partially Meeting Goal**	**Not Meeting Goal**	**Notes:**
To be compliant with the USDA final rule and ALSDE: • All foods and beverages available on the school campus during the school day as part of the school meal program meets or exceeds the USDA regulations for the National School Lunch and School Breakfast programs • All foods and beverages outside of the school meal program are not sold within the timeframe of 1 hour before or after school meals per Alabama Implementation of USDA Smart Snacks in School and Fundraising Activity Smart Snack and Fundraiser Guidance and Implementation.pdf (alsde.edu) • Provides an assurance that guidelines for reimbursable school meals shall not be less restrictive than regulations and guidance issued by USDA.				
If applicable, list additional school goals below:				

Access to free potable water on campus	**Meeting Goal**	**Partially Meeting Goal**	**Not Meeting Goal**	**Notes:**
To be compliant with the USDA final rule: • Free, safe, unflavored drinking water is available to all students during mealtimes in the cafeteria.				
If applicable, list additional school goals below:				

Guidelines for other foods and beverages available on the school campus, but not sold (i.e., classroom parties and rewards)	Meeting Goal	Partially Meeting Goal	Not Meeting Goal	Notes:
To be compliant with ALSDE: • All foods and beverages outside of the school meal program are not provided within the timeframe of 1 hour before or after school meals per Alabama Implementation of USDA Smart Snacks in School and Fundraising Activity Smart Snack and Fundraiser Guidance and Implementation.pdf (alsde.edu)				
If applicable, list additional school goals below:				

Marketing and advertising of only foods and beverages that meet Smart Snacks	Meeting Goal	Partially Meeting Goal	Not Meeting Goal	Notes:
To be compliant with the USDA final rule: • Our school only markets or advertises foods and beverages that meet the USDA Smart Snacks in School nutrition standards on the school campus, during the school day.				
If applicable, list additional school goals below:				

Physical Activity Goal(s)	Meeting Goal	Partially Meeting Goal	Not Meeting Goal	Notes:
To be compliant with the USDA final rule: The district requires that a combination of physical activity opportunities be offered daily to all students, including students with disabilities, before during and after school.				
Examples: • *Physical education: (structured and unstructured play)* • *Our school prohibits withholding activities/recess as a punishment.*	X	X		
List school goals in this section:				

Nutrition Promotion and Education Goal(s)	Meeting Goal	Partially Meeting Goal	Not Meeting Goal	Notes:
To be compliant with the USDA final rule: The district will ensure that students and staff receive consistent nutrition messages throughout the school campus including in classrooms, gymnasiums, and cafeterias. The district and all schools will promote healthy food and beverage choices for all students across the school campus during the school day and will encourage participation in school meal programs.				
Examples: • *Age-appropriate nutrition education lessons are provided to students in all grade levels throughout the school year* • *National School Lunch/School Breakfast Week promotion*				
List school goals in addition to the required outreach included in this section: • School Breakfast Outreach • Summer Food Service Outreach				

Other school-based activities to promote student wellness goal(s)	**Meeting Goal**	**Partially Meeting Goal**	**Not Meeting Goal**	**Notes:**
To be compliant with the USDA final rule: The district integrates wellness activities across the entire school setting, including the cafeteria, other food and beverage venues, classrooms, and physical activity facilities.				
Examples: • *Social Emotional Development* • *Counseling* • *Health Services* • *Physical Environment* • *Caregiver (Family) Engagement* • *Community Involvement*				
List school wellness activity goals in this section:				

Request for Resources and Support

Check the resources and support below if you would like to request assistance for your school in meeting the wellness goals?

☐ content specific training (*i.e., Nutrition Education, Physical Education/Activity)*

☐ assistance with a school-based health assessment

☐ strategies for implementing the local Wellness Policy

☐ healthy and profitable non-food fundraisers

☐ healthy school non-food celebrations

☐ increasing engagement

☐ grant writing support

☐ local and state resources

☐ other (please specify):

Local Wellness Policy Recommendations

This space is for your school to make recommendations for suggested wellness policy revisions for the district wellness committee to consider.

Signatures:

District Wellness Assessment Leader: _____ DATE: _____

School Wellness Leader: _____ DATE: _____

Principal: _____ DATE: _____

7.14 *Selection of Instructional Materials and Materials for the School Libraries*

The Superintendent is authorized to develop criteria for approval by the Board for selection of materials (other than textbooks) that are used in conjunction with student instruction and for circulation in school libraries. The Superintendent is further authorized to develop a procedure for review of objections to instructional and library materials.

7.15 *Parental and Family Engagement*

In order to comply with the requirements of section 1116 of Every Student Succeeds Act ("ESSA"), the Board will comply with the following requirements:

7.15.1 Joint Development of Required Plans –The school system will involve parents and family members in jointly developing the Board's Title I, Part A plan, and the development of school support and improvement plans as required by the ESSA.

7.15.2 Coordination of Activities within the School System –The school system will provide the coordination, technical assistance, and other support necessary to assist and build the capacity of all participating schools within the school system in planning and implementing effective parent and family involvement activities designed to improve student academic achievement and school performance. Such coordination may include meaningful consultation with employers, business leaders, and philanthropic organizations, or individuals with expertise in effectively engaging parents and family members in education.

7.15.3 Coordination with Other Laws and Programs – The school system will coordinate and integrate parent and family engagement strategies to the extent feasible and appropriate, with other relevant Federal, State, and local laws and programs.

7.15.4 Annual Evaluation – The school system will conduct, with the meaningful involvement of parents and family members, an annual evaluation of the content and effectiveness of the parent and family engagement policy in improving the academic quality of all schools served under this part, including identifying—

a. Barriers to greater participation by parents/families in activities authorized by this section (with particular attention to parents who are economically disadvantaged, are disabled, have limited English proficiency, have limited literacy, or are of any racial or ethnic minority background);

b. The needs of parents and family members to assist with the learning of their children, including engaging with school personnel and teachers; and

c. Strategies to support successful school and family interactions.

The school system will use the findings of the annual evaluation to design evidence-based strategies for more effective parental and family engagement, and to revise, if necessary, the parent and family engagement policies described in this section.

7.15.5 Involvement of Parents/Family Members – The school system will involve parents in the activities of the schools, which may include establishing a parent advisory board comprised of a sufficient number and representative group of parents or family members served by the school system to adequately represent the needs of the population. This advisory board will help develop, revise, and review the parent and family engagement policy.

[Reference: 20 U.S.C.A.§ 6318(a)(2)]

7.16 *Teachers' Bill of Rights Policy*

7.16.1 The Teachers' Bill of Rights requires every teacher to have an approved classroom management plan and affords teachers the right to exclude disruptive students from their classrooms in certain circumstances. The purpose of this policy is to outline the standards applicable to the development and approval of required classroom management plans; the standards applicable to the exclusion of a student from the classroom by a teacher; and the appeal process available to a teacher if a student is returned to the classroom by the principal. For purposes of this policy, the term principal also includes assistant principal, vice principal, or his or her designee.

7.16.2 Classroom Management Plans: Each classroom plan must be approved by the principal before the tenth day of instruction for students during each academic year. Principals are authorized to set a deadline for submission of classroom management plans by teachers that provides them with ample time to review and approve plans and seek revisions.

7.16.3 Exclusion of Student from Classroom by Teacher:

a. A teacher may exclude a student from his or her classroom due to their behavior only if:

i. The student has: Engaged in disorderly conduct, which is defined by the Act as any conduct that intentionally disrupts, disturbs, or interferes

with the teaching of students or disturbs the peace, order, or discipline at any school;

ii. Behaved in a manner that obstructs the teaching or learning process of others in the classroom;

iii. Threatened, abused, intimidated, or attempted to intimidate an education employee or another student;

iv. Willfully disobeyed an education employee;

b. Uses abusive or profane language directed at an education employee; The referring teacher followed his or her approved classroom management plan before excluding the student from the classroom; and

c. The referring teacher completes any required referral form and submits it to the principal or his or her designee when the student is excluded and referred to school administration.

7.16.4 Principal Review and Decision: The Superintendent shall develop guidance and procedures for principals to handle instances of student exclusion pursuant to this policy and consistent with Alabama and Federal law.

7.16.5 Appeal: An appeal may be filed by a teacher if (1) a principal refuses to allow a student to be excluded from the classroom under this policy, or (2) a teacher believes the school principal has prematurely ended the exclusion of a student from the classroom under this policy.

The appeal process available under this policy may not be invoked if:

- The decision not to exclude a student from the classroom or to return a student to the classroom results from a decision reached at the end of a school disciplinary hearing required by the Code of Conduct or state or federal law;
- A 504 or IEP team or other legally authorized person or entity determines that a student with a disability has the right to remain in or return to the classroom under the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act of 1990; or
- The student is otherwise legally entitled to remain in or return to the classroom.

1. Filing of Appeal: The teacher must complete and submit the approved appeal form to the Superintendent within **3** days of the principal's refusal

to exclude the student from the classroom or the return of the student to the teacher's classroom. Status of Student During Appeal: During the pendency of an appeal, the decision of the principal regarding the placement of the student, if any, will remain in effect.

2. Administrative Review: Upon receipt of a timely appeal, the Superintendent or designee shall start an investigation of the appeal. The investigation may include interviews of the teacher, the principal, and/or witnesses; obtaining or reviewing written statements, classroom management plans, or other pertinent documents; holding administrative conferences, and any other lawful action deemed necessary to reach a just disposition of the appeal at the discretion of the investigator. Upon completion of the investigation, the Superintendent or designee shall prepare a written recommendation regarding the issues raised in the appeal. The written recommendation of the Superintendent shall be transmitted to the teacher within **3** days of the date on which the appeal is filed. Should the Superintendent need such additional time to issue a written decision, the teacher shall be notified of the same in writing and advised of when the decision will be issued.

3. Appeal to Board of Education: A teacher may appeal the decision to the Board of Education by filing a written notice of appeal with the Superintendent within **3** days of receipt of the Superintendent's written decision. The Superintendent shall transmit to Board Members for their review a copy of the written appeal, the decision, and all evidence considered at any stage of the administrative review process. Not later than **3** days following receipt of the notice of appeal by the Superintendent, the Board shall meet to consider the appeal. After consideration of the appeal and administrative record, the Board may, by majority vote:

    a. Affirm the decision of the Superintendent;

    b. Reverse or modify the Superintendent's decision; or

    c. Defer final action pending a hearing before the Board.

4. Hearing Process*:* If a hearing is requested by a majority of the Board, the hearing shall be set within **3** days. The hearing procedures shall be determined by the Board. A final Board decision on the appeal shall be issued within **3** days after the hearing ends. The Board shall give written notice of its final decision to all parties.

5. The Board's Decision: The Board's decision shall be final, and the Superintendent will take steps to implement the decision.

7.16.6 Principal Procedures for Exclusion

1. Step One: Any student excluded from a referring teacher's classroom shall be placed under the control of the school principal or his or her designee.
2. Step Two: The principal will review the referral from the teacher and determine whether the teacher followed his or her approved classroom management plan before excluding the student:
    a. If not, the principal may return the student to the classroom and no further action is necessary.
    b. If so, the principal will review the referral and determine whether allegations against the student include behavior that allows the referring teacher to exclude the student from the classroom under this policy.
        i. If not, the student will be returned to the classroom. However, if the student is engaged in behavior that otherwise violates the Code of Conduct, the principal may discipline the student.
        ii. If so, the principal will determine whether the student engaged in the behavior and, if so, determine what disciplinary action is called for under the Student Code of Conduct.
    c. If a student in grades six through twelve is excluded by the referring teacher for his or her disorderly conduct, interference with an orderly educational process, or obstruction of the teaching or learning process of others in the classroom, the student may not be readmitted to the referring teacher's classroom for at least the remainder of the school day. The principal must communicate with the referring teacher regarding the student before he or she may be readmitted to the classroom.
    d. If a student is returned to the classroom after being excluded by the referring teacher, the principal or his or her designee must provide written certification to the referring teacher that the student may be readmitted and the type of disciplinary action, if any, that was taken.

3. Step Three: Before returning a student to the classroom of the referring teacher, the principal will also review the records of the student to determine if the student has previously been properly excluded from the referring teacher's classroom.
    a. If a student has been excluded from the classroom two times in one semester, the principal will determine whether all other reasonable means of classroom discipline have been exhausted:
    b. If not, the principal will take steps to work with the referring teacher to implement additional classroom discipline measures to address the student's behavior.
        i. If so, the student may be readmitted to the classroom only after: The principal, referring teacher, and, if possible, the student's parent or guardian have held a conference to discuss the student's disruptive behavior patterns;
        ii. The principal informs the teacher of any course of discipline for the student going forward; and
        iii. The student's parent or guardian has been informed of the course of discipline.
    c. If a student's disruptive behavior persists following their readmittance to the classroom, upon the teacher's request, the principal shall mete out the maximum discipline provided for by the student code of conduct for the infraction, including, but not limited to, transfer to an alternative school that is approved by the Superintendent.
    d. If, during a 30-day period, a student in grades sixth through twelve is excluded for the remainder of the school day a total of three times, that student shall receive, as determined by the principal, in-school or out-of-school suspension or may be recommended for placement in an alternative school, if one is available within the school district.

Nothing in this policy shall be construed to infringe on any right provided to a student pursuant to the Individuals with Disabilities Education Act (IDEA), the Family Educational Rights and Privacy Act (FERPA), Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act of 1990, provided that student information related to this policy shall be included as necessary into any and all Individualized Education Plans (IEPs), behavioral intervention plans, and other similar documents.

Generated pursuant to Act 2024-409 (Teachers' Bill of Rights).