

# MASTER

## BOAZ CITY BOARD OF EDUCATION

### POLICY MANUAL

(Master Copy to be retained by the Executive Secretary with Board Minutes)

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***Boaz City Board of Education***  
***Policy Manual***

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## Preface

The Boaz City 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 attendance zone for the Boaz City School System, and of promoting the interests of the Boaz City 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Any provision, feature, or aspect of Board policy that does not conform to governing law should be deemed void and superseded by such law.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. Procedures, rules, regulations and administrative directives implemented before the adoption of this policy manual will remain in full force and effect to the extent that they are not inconsistent with the policies contained in the manual.

## 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 Boaz City 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 Boaz City 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 certificated 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 §36-26-100 (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 that 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**

The Boaz City Board of Education believes that the mission of the Boaz City School System is to prepare each student to his or her full potential mentally, physically, emotionally, socially, morally, and ethically for a happy, well-adjusted, and productive life in our democratic society.

## II. School Board Operations

### 2.1 *Board Composition and Organization*

2.1.1 Composition – The Boaz City Board of Education is composed of five (5) members who are appointed to five year staggered terms by the Boaz City Council. Board members must be residents of the City of Boaz and may not be a member of the City Council or an employee of the Board.

[Reference: ALA. CODE §§16-11-2, 3 (1975)]

2.1.2 Officers – The Board will elect from its members a president and vice-president at the annual meeting of the Board held in May 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 §§16-11-5, 16-12-3 (1975)]

2.1.3 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.

[Reference: ALA. CODE §§16-11-5, 9 (1975)]

### 2.2 *Duties and Authority of Board Members*

The Board has the authority and responsibility to administer and supervise the public schools that are located within the City of Boaz, 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.

### 2.3 *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.

### 2.4 *Board Member Training*

The Board of Education or its designee shall see to the provision of orientation and ongoing training of its members.

The Superintendent shall be responsible for providing a comprehensive program for new Board members. New Board members also are encouraged to

attend new board member orientation sessions conducted by the Alabama Association of School Boards.

Attendance at State or national school board association events addressing Board governance or operation or other Board member development opportunities relating to leadership development, Board governance or Board operations shall be encouraged.

The Board recommends the requirements of this policy be satisfied by participation in training provided by sources considered knowledgeable in school board governance and leadership and approved by the Board. Board members will provide a report to the Board about training experiences at the next available Board meeting.

[Reference: ACT OF ALABAMA 2009-297]

## **2.5 Board Meetings**

2.5.1 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)]

2.5.2 Time and Place – The times and places for regularly scheduled meetings will be established by the Board at the annual meeting held in May of each year, 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 §§16-11-5, 36-25A-1, *et seq.* (1975)]

2.5.3 Rules of Order – Board meetings will be conducted in accordance with the most recently revised edition of *Robert's Rules of Order*. A majority of the whole Board will constitute a quorum for purposes of transacting Board business except as may otherwise be provided by law.

[Reference: ALA. CODE § 16-11-5 (1975)]

## **2.6 Superintendent's Responsibilities, Qualifications, and Appointment**

2.6.1 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 contract and may be renewed, extended, or modified, subject to any limitations regarding the extension or renewal of the appointment as are imposed by law.

[Reference: ALA. CODE § (1975)]

2.6.2 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.

## **2.7 *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.

## **2.8 *Association Membership***

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

## **2.9 *Student First Act of 2011***

“All policies and procedures of the Boaz City School Board of Education and its superintendent that are in conflict with or inconsistent with the Student First Act of 2011 are rescinded and repealed to the extent of their inconsistency or conflict with the act.” (*Approved/Amended Sept 13, 2012*)

## **III. Fiscal Management**

### ***3.1 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.*]

### ***3.2 Budget***

A budget will be developed and approved for each fiscal year, which extends from October 1<sup>st</sup> to September 30<sup>th</sup> 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. Budgets will be “balanced” such that the expenditures set forth in the budget for the fiscal year will not exceed revenues and any cash balances on hand.

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

### ***3.3 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.

### ***3.4 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)]

### **3.5 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)]

### **3.6 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)]

### **3.7 Purchasing/Procurement**

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.

The board will follow state laws for the procurement of property and services, provided that the procurement conform to applicable federal law and standards identified in the Uniform Administrative Requirements.

The primary state procurement laws for Alabama school boards are:

- Alabama Competitive Bid Laws (Chapter 13B of Title 16, Code of Alabama 1975);
- Information Technology Joint Purchase Agreements (Chapter 61E of Title 16, Code of Alabama 1975); and,
- Public Works Law (Title 39, Code of Alabama 1975).

#### **General procurement standards include:**

- **Avoid acquisition of unnecessary or duplicative goods and services;**
- **Use the most economical and efficient approach for acquisitions;**



- Award acquisition contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of the proposed procurement;
- Consider contractor integrity, compliance with public policy, record of past performance, and financial and technical resources prior to awarding procurement contracts; and,
- Maintain record sufficient to document the history of the procurement.

**Specific procurement standards include:**

- **Competition-** Conduct procurement transactions in a manner that provides full and open competition, and prohibits the use of statutorily or administratively imposed state, local, or tribal geographical preferences in the evaluation of bids or proposals. All solicitations must incorporate clear and accurate descriptions of the product of service to be procured, avoiding unduly restrictive specifications and brand names except as a means to define the performance requirements. Contractors that develop or draft specifications must be excluded from competing for such procurements. All prequalified lists of prospective bidders must be kept current and the Board must not preclude potential bidders from qualifying during the solicitation period.
- **Methods of procurement –** The Board must use one of the following five methods of procurement:
  - **Micro-purchase** – a purchase of supplies or services with no competitive solicitation, the aggregate amount of which does not exceed the micro-purchase threshold (adjusted periodically for inflation) in order to expedite small transactions and minimize the associated administrative burden and cost.
  - **Small Purchase** – Procurement transactions that exceed the aggregate amount of the micro-purchase threshold, but are less than state bid law requirements or federal Simplified Acquisition Threshold (adjusted periodically for inflation), whichever is more restrictive, will be obtained by utilizing price or rate quotes from two or more qualified sources.
  - **Sealed Bid-** in accordance with the State Competitive Bid Laws.
  - **Competitive proposal** – The Board will request proposals for professional service contracts (excluding architectural and engineering services) that are exempt under state procurement laws if the contract exceeds the federal Simplified Acquisition Threshold 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 on the evaluation team will sign an assurance that each of the individuals is in compliance with the board's conflict of interest policy.

- **Sole Source-** from one source only; certain circumstances apply including public emergency, specific written authorization from federal or pass-through entity; or after competitive solicitation yields an inadequate response.
- **Board Contracts must contain applicable provisions of Appendix II to Part 200 (such as legal remedies for breach of contract, termination clause, EEO, Davis Bacon Act, Contract Work Hours and Safety Standards Act, Rights to Inventions, Clean Air Act, Debarment and Suspension, Byrd Anti-Lobbying, etc.)**

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*.  
*(Approved/Amended Oct 24, 2016)*

### **3.8 Deposit and Expenditure of Funds**

- 3.8.1 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.
- 3.8.2 Investments – The Board authorizes the investment of surplus funds in the manner prescribed by law and approved administrative guidelines.
- 3.8.3 Expenditures – The Superintendent or his designee may spend funds budgeted for operations without prior Board approval unless the expenditure involves a personal services contract or capital outlay, or is subject to the bid law. [Reference: ALA. CODE §16-13A-8 (1975)] *(Approved/Amended Oct 24, 2016)*

Determination of Allowable Costs - 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 provide assurance that:

- The proposed expenditure is included in the federal program budget;
- The proposed expenditure complies with generally accepted accounting principals and with state, local, and federal laws, rules and regulations;
- The proposed expenditures reasonable and necessary for the federal program;

- 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.

Any cost reduction or cash refund (rebates, discounts, etc.) related to the transaction will be credited to the Federal program.

3.8.4 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 §41-16-50, *et seq.* (1975)]

3.8.5 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 signature of the principal. 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.

3.8.6 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 as follows:

- Advanced payments may be requested for anticipated disbursements that are generally fixed, such as monthly program salaries and benefits; or disbursements which will be made within twenty business days after receipt of funds.
- Reimbursement is the preferred method when
  - Advance payment requirements cannot be met,
  - Federal awarding agency sets a specific condition (per §200.207), or
  - Board requests payment by reimbursement (relating to federal awards for construction or construction financing).
- A working capital advance method may be utilized if the Board cannot meet the criteria for advance payments and the federal awarding

agency or pass-through entity has determined that reimbursement is not feasible because the Board lacks sufficient working capital.

The Board will not be required to utilize separate depository accounts for federal funds (with the exception of Child Nutrition Program funds) provided financial records that account for the receipt, obligation, and expenditure of each federal program fund are maintained. 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 School 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. *(Approved/Amended Oct 24, 2016)*

### ***3.9 Employee Compensation***

3.9.1 Salaries and Pay Rates – Except as established and governed by the terms of a special employment contract, 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)]

3.9.2 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.

3.9.3 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.

3.9.4 Salary Deductions – Mandatory salary deductions will be made in accordance with applicable law. Employees are required to complete and submit all forms and provide such information as may be required or reasonably required for such purpose. The Board will make voluntary deductions as a service to employees upon written request of the individual employee, as permitted by law. Deductions for membership dues will be made for organizations have at least 20 active members, if the organization timely has provided to the Board all certifications and expenditure reports required by law. Determination of whether the organization meets the required membership threshold will be made by examination of membership lists provided to the Board by the organization. Such membership lists will be corrected, updated, and returned to the organization by 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 15<sup>th</sup> of each school year. Upon termination of employment, any amounts owed under the terms of an employee authorization will be deducted from the employee's final pay. The Board will not be liable for any good faith error made in implementing a salary deduction that has been authorized by the employee.

[Reference: ALA. CODE §16-22-6 ,17-17-5 (1975)]

- 3.9.5 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 Saturday and ends at midnight on the succeeding Friday. All non-exempt employees who work more than forty (40) hours in a work week 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.
- 3.9.6 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.

### **3.10 *Travel Policy***

Travel costs are the expenses for transportation, lodging, subsistence, and related items incurred by board members and employees who are in travel status on official business of the board. Reimbursement will be in accordance with board approved rates and such procedures and standards for submitting and documenting such expenditures as may be developed by the Chief School Financial Officer or provided in the approved Finance Manual. 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 for state or local funds. In addition, travel costs of employees and officers charged directly to a federal award must document justification that (1) participation of the individual is necessary to the federal award; and (2) the costs are

reasonable and consistent with the Board's established travel policy.  
*(Approved/Amended Oct 24, 2016)*

### **3.11 Fees, Payments, and Rentals**

3.11.1 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.

3.11.2 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.

### **3.12 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.

### **3.13 Authority to Execute Contracts**

3.13.1 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.

3.13.2 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 are made in accordance with Board policy, finance manual(s) created under authority of Board policy, or with the express authorization of the Board.

### **3.14 Affiliated Organizations**

3.14.1 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 or the principal. 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.

- 3.14.2 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.

### **3.15 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.

### **3.16 Child Nutrition Procurements**



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.

[Reference: Ala. Admin. Code 290-8-3-.01, *et seq.*]

### **3.17 *Classroom Instructional Support***

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

[Reference: Ala. Code §16-1-8.1(b)(7)]

## **IV. General Administration**

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

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

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

- 4.1.3 Duty of Sex Offender to Notify School of Presence - This policy is implemented pursuant to the provisions of Ala. Code § 15-20A-17. In accordance with that section, any adult sex offender, after having been convicted of a sex offense involving a minor, shall not enter onto school property or attend any K-12 school activity without: (1) notifying the principal or the principal's designee that he or she intends to enter onto the premises for a legitimate purpose, which purpose shall be communicated to the principal or the principal's designee; and (2) immediately reporting to the school principal or the principal's designee upon entering the school property or arriving at the K-12 school activity.

Nothing in this policy shall be construed as imposing an affirmative duty on the school principal; the principal's designee; any member of the school board, staff, faculty, or any other agent, representative, or other associated party of the school board to investigate or determine the sex offender status of any individual prior to, or upon, that individual's entering on school property or arriving at a K-12 school activity.

[Reference: ALA. CODE § 15-20A-17]]

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

- 4.2.1 Prohibition on the Possession of Firearms – The possession of a firearm in a school building, on school grounds, on Board property, on school buses, or at school-sponsored functions is prohibited except for authorized law enforcement personnel and as provided by law. For purposes of this policy, the term “firearm” has the same definition as is found in 18 U.S.C §921.
- a. *Penalties for violations* – In addition to any criminal penalties that may be imposed, the following penalties will be imposed for unauthorized possession of firearms:
1. *Students* – Students will be expelled for a period of one year. The expulsion requirement may be modified in writing by the Board upon recommendation of the Superintendent on a case-by-case basis. Students who are expelled for firearm possession may not attend regular school classes, but may be permitted to attend alternative schools or education programs established by the Board. Discipline of students with disabilities who violate the firearm possession policy will be determined on a case-by-case basis in accordance with federal and state law. Parents

of students who violate this policy will also be notified by the principal of violations.

2. *Employees* – Employees will be subject to adverse personnel action, which may include termination.
  3. *Other Persons* – Other persons may be denied re-entry to school property.
- b. *Notification of Law Enforcement* – The appropriate law enforcement authority, which may include the city police, county sheriff, and the local district attorney, will be notified by the principal of violations of this policy.

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

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

- a. *Penalties for Violations* – In addition to any criminal penalties that may be imposed, the following penalties will be imposed for unauthorized possession of deadly weapons or dangerous instruments:
1. *Students* – Students will be disciplined in accordance with the Board’s Code of Student Conduct.
  2. *Employees* – Employees will be subject to adverse personnel action, which may include termination.
  3. *Other Persons* – Other persons may be denied re-entry to school property.
- b. *Notification of Law Enforcement* – The appropriate law enforcement authority, which may include the city police, county

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

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

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

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

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

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

4.2.4 Tobacco – The use of tobacco products and the illegal possession, distribution, and sale of tobacco products in a school building, on school grounds, on Board property, on school buses, or while attending any Board sponsored or sanctioned event, program, activity, or function is prohibited. These prohibitions also apply to electronic cigarettes, vape pens, hookah pens, e-hookahs, vape pipes, and any similar type of device designed to deliver nicotine, flavor, and other chemicals via inhalation.

*(Approved/Amended August 21, 2014)*

a. *Penalties for Violations*

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 suspect violations of the tobacco prohibition whether or not the student is charged with a violation of Board policy, which includes the Code of Student Conduct.

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

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

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

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

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

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

**4.3 Accreditation**

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

**4.4 Use of Board Property**

4.4.1 Equipment, Supplies, Materials, Vehicles – Equipment, supplies, materials, vehicles, and other movable or consumable property owned by or under lease to the Board may not be used by or made available to persons or entities for private or personal use, benefit, or consumption, or

for any non-Board related use or purpose. Such property may not be removed from Board premises except as necessary to serve a school or Board-related function or purpose, and with the knowledge and approval of the appropriate supervisor, administrator, or the Superintendent.

- 4.4.2 Use of Board Facilities – Schools and other Board owned or controlled facilities may be made available for use by sanctioned or generally recognized school support organizations if the use of the facility will not disrupt school operations or be inconsistent with the purpose and mission of the school system, and if adequate advance provision is made for security, supervision, maintenance, damage prevention, post-event clean-up, liability insurance, and other risk management measures appropriate to the proposed use. Use of Board facilities for non-school organizations may be approved if the foregoing conditions are satisfied and a rental contract (or the equivalent thereof) that includes a reasonable fee or rental charge and other appropriate terms and conditions is approved by the Board.
- 4.4.3 Advertising – Board property will not be used for commercial advertising except upon such terms and conditions as may be expressly approved by the Board.

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

No facility, property, building, or part thereof, under the control of the Board will be named after or for any living person or for any person who has been deceased for fewer than two years.

- 4.5.1 Naming School Facilities - To establish guidelines for the naming of school facilities. It shall be the sole responsibility of the School Board to select names for all school facilities and to authorize the permanent dedication or naming of areas of school facilities or grounds. In fulfilling this responsibility, the School Board shall make every effort to respect the preference of the community; however, final decisions on the naming of school facilities rest entirely with the School Board. The School Board shall also have the responsibility to authorize naming rights for portions of school facilities.

When a new school site is purchased, or a planning project for a new school facility is initiated, the superintendent will establish a temporary, generic name to designate the site or building for planning purposes. As a new school facility-planning project is initiated, the Board shall develop a listing of up to four names. The superintendent shall establish a committee process through which interested groups in the area that the school is intended to serve shall recommend, in priority order, preferences from among the listing of names provided by the Board of Education and up to two additional names recommended by the committee.

After receiving recommendations from the committee, the Superintendent shall determine whether to recommend approval of the naming rights nomination to the School Board. The School Board will consider the Superintendent's recommendation in the form of a resolution at a regular Board meeting.

Although the Board will consider carefully the superintendent's recommendation for school facility names from the committee, the final responsibility for officially naming a school building rests with the Board of Education.

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

- 4.6.1 General Complaints (Grievances) – Subject to the limitations set forth below and elsewhere in this policy manual, any employee 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.
- 4.6.2 Limitations Regarding Availability and Application of General Complaint/Grievance Policy – The general complaint/grievance policy and any procedures adopted thereunder do not apply to specific complaint or grievance policies and procedures that are established by Board policy or law for application to special factual or legal circumstances (e.g., sexual harassment grievance procedures; review of personnel matters under the Alabama teacher tenure or fair dismissal laws; “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.).

- 4.6.3 Student Complaints and Grievances – Complaints, grievances, and requests for corrective action may be brought to the attention of the Board by or on behalf of students with respect to academic, athletic, extracurricular, or other non-disciplinary matters, issues, and concerns only after reasonable efforts to resolve the matter at the school and administrative levels have been exhausted. The Superintendent is authorized to develop specific procedures that will provide for fair consideration and orderly review of such complaints and grievances. Such procedures will not unreasonably burden or delay the presentation or processing of the complaint or grievance and will be subject to review and approval by the Board. Administrative judgments concerning academic or curricular matters or participation in extracurricular activities may be set aside by the Board only upon a showing that the action or decision in question is arbitrary and capricious, fundamentally unfair, or that it violates Board policy or the student’s legal rights.
- 4.6.4 Student Disciplinary Matters – The Board may consider appeals of student disciplinary decisions or actions in accordance with standards and procedures specified in the Code of Student Conduct.
- 4.6.5 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.*]

#### **4.7 Risk Management**

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

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

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

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

- 4.9.1 Access to Technology Resources – The Board permits restricted and conditional access to and use of its technology resources, including but not limited to computers, the “Internet,” network storage areas, and electronic mail. Such access and use is restricted to employees, students, and other persons who are engaged in *bona fide* educational and administrative activities that serve and are consistent with identified educational objectives or authorized support functions, and who, by signing an

“Acceptable Use Agreement,” agree to abide by all Board policies, rules, and regulations regarding technology use. The Acceptable Use Agreement will be developed by the Superintendent for approval by the Board.

- 4.9.2 Restriction or Loss of Technology Privileges – Persons who violate any Board policy, rule, or regulation regarding technology use may be denied use of the Board’s technology resources and may be subject to additional disciplinary action.
- 4.9.3 Ownership of Technology Resources and Data – All technology resources, including network and Internet resources, e-mail systems, and computers or other access devices owned, leased, or maintained by the Board are the sole property of the Board. Board personnel may, at any time and without prior notice, access, search, examine, inspect, collect, or retrieve information of any kind from the Board’s technology resources, including computer or related equipment, files, and data, to determine if a user is in violation of any of the Board’s policies, rules, and regulations regarding access to and use of technology resources, for or in connection with any other matter or reason related to the safe and efficient operation or administration of the school system, or for any other reason not prohibited by law. Users of school system technology resources have no personal right of privacy or confidentiality with respect to the use or content of such resources.
- 4.9.4 Adoption of Rules and Regulations – The Superintendent is authorized to develop for Board approval additional or more specific rules and regulations regarding access to and use of its technology resources and to require adherence to such rules and regulations through such means as the “Acceptable Use Agreement” and application of appropriate disciplinary policies and procedures. Such rules and regulations will address or provide:
- a. Measures to block or filter Internet access to pictures that are obscene, that constitute child pornography, or that are harmful to minors;
  - b. Restriction of access by minors to inappropriate material on the Internet;
  - c. The safety and security of minors when they are using electronic mail, chat rooms, and other forms of direct electronic communications;
  - d. Prevention of “hacking” and other forms of unauthorized use of or access to computer or Internet files, sites, databases or equipment; and

- e. Unauthorized disclosure, use, and dissemination of personal information regarding minors; and
- f. Restriction of minors' access to harmful material.

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

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

#### **4.10 *Political Activity***

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

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

## V. Personnel

### 5.1 *Employee Qualifications and Duties*

5.1.1 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:

- I. Employees are required to be punctual and to attend work regularly.
- II. 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.
- III. 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.
- IV. Employees are required to obey all laws, ordinances, Board policies, supervisory directives, and are expected to follow the Alabama Educator Code of Ethics and other pertinent authority while carrying out duties for the Board, including, filing a Statement of Economic Interests, if required, with the Alabama Ethics Commission
- V. Employees whose duties include the instruction or supervision of students must provide effective supervision, discipline, organization, and instruction of the students.
- VI. Employees must complete and submit required reports accurately and in a timely fashion.
- VII. Employees must respect, protect, and exercise due care in the handling, use, and operation of Board property and equipment.

### 5.1.2 Special Requirements

- a. *Work Schedules (Teachers)* – Supervisory and instructional duties of teachers commence a minimum of fifteen (15) minutes prior to the actual arrival and conclude fifteen (15) minutes after the departure of students. Except as may otherwise be provided or

required by the Board, the minimum instructional day for teachers is seven (7) hours. 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 instructional 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 Teacher’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 a teacher earns a higher certificate that merits increased compensation under the approved salary schedule, any salary increase will become effective upon receipt of documentation of the new certification from the State Department of Education.
- d. *Substitute Teachers* – Substitute teachers must, at a minimum, possess a high school diploma or its equivalent and valid and current Alabama Substitute Teacher’s Certificate or Alabama Teacher’s Certificate.
- e. *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.
- f. *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 of 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)]

## **5.2 Hiring**

- 5.2.1 Application Procedures – Job applicants for all positions must file an application in the manner proscribed by the Board. 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.
- 5.2.2 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.
- 5.2.3 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.
- 5.2.4 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.
- 5.2.5 Nepotism
  - a. *Supervisory Relationships* – No employee may be assigned to a work location or to a position in which the employee would report to, be evaluated by, or would work under the immediate supervision of another family member as defined in the Alabama Ethics Law, ALA. CODE §36-25-1(12) (1975). Any inadvertent employment or assignment of a family member that violates this policy must be promptly disclosed to the Superintendent upon its discovery, and all involved employees must cooperate in accepting

reassignments or taking other measures necessary to correct the violation.

- 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. ALA. CODE §36-25-1(12) (1975).

### ***5.3 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, except as may otherwise be expressly provided in a written contract between the Board and the employee.

### ***5.4 Non-Teaching Supplemental Duties***

Compensation in the form of supplements may be paid for noninstructional supplemental duties in accordance with rates specified or established for such duties in the Board's official salary schedule. Such duties include coaching and sponsorship of athletic support organizations (e.g., cheerleaders, flag teams, drill teams) as well as scholastic support activities (e.g., yearbook, service clubs, academic honoraries). Such supplemental duties are considered additional nonteaching assignments to be made and approved on an annual basis or otherwise as the needs of the school require. Such supplemental duties are not considered to be a part of a teaching contract or appointment, and no tenure, continuing service status, non-probationary 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.

### ***5.5 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.

### ***5.6 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 is



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 an agent of the board may not participate in his or her official capacity in a matter that is likely to have direct and predictable effects 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 or interest standards. In general, the federal rules provide that:

*No employee, officer, or agent may participate in the selection, award or administration of a contract supported by a Federal award 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 or a tangible personal benefit from a firm considered for a contract. The officers, employees, and agents of the non-Federal entity may neither solicit nor accept gratuities, favors or anything of monetary value from contractors or parties to subcontracts.*

The board's conflict of interest policies include adherence to the Alabama Ethics Law, 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 his 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.

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 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.

Situations and circumstances presenting an actual conflict of interest or the appearance of a conflict should be brought to the immediate attention of the superintendent. A board employee, board member, 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.

*(Approved/Amended Oct 24, 2016)*

## **5.7 Employee Evaluations**

- 5.7.1 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.
- 5.7.2 Non-Certified Personnel – Non-certified personnel will be evaluated in accordance with criteria and procedures to be developed by the Superintendent and approved by the Board. The evaluation criteria and procedures will, at a minimum, include the following:
  - a. A structured evaluation cycle or schedule that may include unannounced observations or assessments during the course of the evaluation period;
  - b. A written evaluation form that specifies job-related evaluation criteria;
  - c. Group or individual employee orientation regarding the evaluation process;
  - d. An opportunity for the employee to confer with the evaluator following the evaluation; and
  - e. An opportunity for the employee to disagree (in writing) with the evaluation and to have the disagreement maintained with the evaluations.
- 5.7.3 Use of Evaluations in Connection With Employment Decisions – 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.

- 5.7.4 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 the Board deems appropriate and as may be permitted by law or applicable regulation.
- 5.7.5 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.

## ***5.8 Personnel Records***

- 5.8.1 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 inspect and review their own personnel file upon request. 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.
- 5.8.2 Alternate Data Storage – Personnel file data may be stored or maintained electronically or digitally.
- 5.8.3 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.

- 5.8.4 Access to Personnel Files – Board members, the Superintendent, Board administrators (including principals), employees with duties pertaining to human resources, 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.

## **5.9 Employee Leave**

- 5.9.1 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.
- 5.9.2 Absences – Except as otherwise authorized under Board policy, employees may be absent from work only in the following circumstances:
- 5.9.2.a.1.1 Illness, injury or other qualifying reason for sick leave or on-the-job injury leave under state law or the Family Medical Leave Act;
  - 5.9.2.a.1.2 Personal leave;
  - 5.9.2.a.1.3 Vacation leave;
  - 5.9.2.a.1.4 Professional leave;
  - 5.9.2.a.1.5 Military leave;
  - 5.9.2.a.1.6 Court leave;
  - 5.9.2.a.1.7 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 or 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.

### 5.9.3 Paid Sick Leave

*5.9.3.a.1.1 Persons Eligible for Paid Sick Leave* – All regular full time employees are eligible for paid sick leave.

*5.9.3.a.1.2 Earning and Accumulation of Paid Sick Leave* – All eligible employees earn sick leave days at the rate provided for in state law. Nine or ten month employees who work during summer school earn one sick day for the entire summer session. Eligible employees may accumulate sick leave as provided by state law.

*5.9.3.a.1.3 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.

*5.9.3.a.1.4 Certification* – Employees must certify that sick leave was used for one of the reasons provided in state law and specify the reason. If the employee's principal or department head 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 may be required by the Board. Abuse of sick leave may subject the employee to disciplinary action.

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

5.9.4 Bereavement Leave – Employees shall be allowed bereavement leave as follows:

- a. For death in the immediate family (parent, husband, wife, child, step-child, brother, sister, father-in-law, mother-in-law, grandchild), the employee will receive three (3) days of bereavement leave. Payment for the substitute for the employee will be furnished by the Board.
- b. For death in the extended family (grandparent, brother-in-law, sister-in-law, son-in-law, daughter-in-law), the employee will receive one (1) day of bereavement leave. Payment for the substitute for the employee will be furnished by the Board.
- c. Any additional days taken for a death in the family will come under the standard sick leave policy.

5.9.5 Unavoidable Leave – Absence for unavoidable cause which prevents employees from discharging their duties is allowed, but shall not exceed one (1) week [five (5) working days] during any one (1) year period. Unavoidable leave may not be used in lieu of sick leave. Payment is provided for approved absences for such causes, which may include:

- a. Loss of home by fire, tornado, etc.
- b. Other emergencies or situations as approved by the Superintendent.

All leave for unavoidable cause are subject to the approval of the Superintendent or a designee. Employees are required to secure prior approval for such leave in those instances that this is possible and to notify the Principal or Supervisor immediately when any absence is involved.

5.9.6 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 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.

- b. 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.

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 ninety (90) 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)]

5.9.7 Personal Leave –All regular, full time employees are eligible for two (2) non-cumulative personal leave days each scholastic year without loss of pay. Regular, full time employees are eligible for three (3) additional non-cumulative personal leave days each scholastic year, subject to the following restrictions:

<u>Years of Service with Board</u>	
0 to 3 years	Daily rate of pay for a substitute (whether or not one is required) will be deducted from the employee’s pay for the third, fourth, and fifth personal leave days taken
4 to 10 years	Daily rate of pay for a substitute (whether or not one is required) will be deducted from the employee’s pay for the fourth and fifth personal leave days taken
11 to 15 years	Daily rate of pay for a substitute (whether or not one is required) will be deducted from the employee’s pay for the fifth personal leave day taken
16 or more years	No deductions from the employee’s pay when the employee takes any of the five personal leave days

Personal leave must be requested in writing in accordance with such procedures as may be established by the Superintendent and the Board. Personal leave may not be taken immediately before or after a school holiday or in the first or last ten days of a school term unless approved by the Superintendent and must be taken in increments of at least four hours (1/2 day). At the end of the school year and at the same daily rate of pay used for substitute teachers, certified personnel with five (5) unused personal leave days may request in writing to be compensated for up to two (2) of the unused personal leave days. Certified personnel with four (4) unused personal leave days may, upon request, be compensated as herein provided for one (1) of the unused personal leave days. Full time employees may choose to convert unused personal leave days to sick leave days at the end of the scholastic year.

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

5.9.8 Vacation

5.9.8.a.1.1 *Eligible Employees* – Twelve-month full-time employees are eligible for paid vacation.

5.9.8.a.1.2 *Vacation Benefits* – Eligible employees will earn vacation benefits as follows:

Years of Service with Board	Rate of Accrual Vacation time
0-14	5/6 (.833) day per month worked
15-19	1 day per month worked
20 or more	1.25 days per month worked

Only consecutive service with the Board will be considered in establishing length of service for purposes of determining vacation benefits.

5.9.8.a.1.3 *Accrual and Accumulation of Vacation Time* – Vacation will be accrued from July 1 – June 30. Employees in positions of twelve (12) months may take vacation any time during the scholastic year, when approved by the Superintendent or designee.

The total accrued vacation time as of June 30 of any year shall not exceed:

1. Twenty (20) days (160 hours) for employees with less than fifteen (15) years of service. Accrued vacation in excess of twenty (20) days (160 hours) for employees in this category is lost at the end of June. Employees are not permitted to take



more than ten (10) vacation days between July 1 and June 30 of the following year without approval of the Superintendent.

2. Thirty (30) days (240 hours) for employees with fifteen (15) years or more. Accrued vacation in excess of thirty (30) days (240 hours) for employees in this category is lost at the end of June. Employees are not permitted to take more than ten (10) vacation days between July 1 and June 30 of the following year without approval of the Superintendent.

If an employee's vacation balance exceeds the accumulated limit, he or she will lose the difference, unless specific authorization to the contrary is given by the Superintendent.

Twelve-month employees may use all of their vacation prior to either retirement or resignation. In the event that an employee is terminated, he or she will be reimbursed for any earned but unused vacation days at his or her current daily rate.

Employees will not be reimbursed for earned but unused vacation days prior to the end of their employment with the school system. However, when an employee leaves the employment of the Board, the final salary payment shall reflect any unused vacation days at that employee's contracted rate of pay. In no instance shall an employee be paid for more than thirty (30) vacation days with 15 or more years of service or 20 days with less than 15 days of service.

- 5.9.8.a.1.4 *Scheduling* – Vacations should be requested at least five (5) working days prior to the requested date and may be granted by his or her immediate supervisor.
- 5.9.9 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; provided, however, that any such leave exceeding five (5) consecutive days in a scholastic year or out-of-state travel must be approved by the Board.
- 5.9.10 Military Leave – Military leave is available to all eligible employees in accordance with state and federal law.
- 5.9.11 Court Leave – Permanent and full-time employees are entitled to regular compensation while performing jury duty (ALA. CODE §12-8-25) or when the employee is summoned under subpoena or other legal requirement to testify at trial in a court of law or in an administrative proceedings

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 Family and Medical Leave Act (FMLA)**

5.10.1 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.

5.10.2 Medical Leave Provided by the FMLA – 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 child care 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.

5.10.3 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.

#### 5.10.4 Military Family Leave Provided by the FMLA

- 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 FMLA) 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.

- 5.10.5 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.

- 5.10.6 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.
- 5.10.7 Use of Vacation and Sick Leave – If an employee has available sick leave, vacation leave or other applicable paid leave, the employee must utilize those forms of leave before taking unpaid leave under the FMLA. In that instance, the paid leave and the FMLA leave will run concurrently and the employee’s twelve (12) weeks of unpaid FMLA leave will be reduced by the paid leave utilized, as long as the need for such leave results from one or more of the qualifying reasons under the FMLA.
- 5.10.8 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.
- 5.10.9 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.

- 5.10.10 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.
- 5.10.11 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.

- 5.10.12 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.
- 5.10.13 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.

## **5.11 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:

*5.11.1.a.1.1 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.

*Board Representative* – The Member representing the Board will be appointed by the Superintendent, subject to Board approval.

*Participant Representatives* – The participant representatives will be selected by the sick leave bank members.

*5.11.1.a.1.2 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 Board 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 Board Office for final tabulation. The four candidates receiving the highest number of votes will serve as participant representatives on the Sick Leave Bank Committee.

*5.11.1.a.1.3 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.

*5.11.1.a.1.4 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.

*5.11.1.a.1.5 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.

*5.11.1.a.1.6 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.

*5.11.1.a.1.7 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.

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

## **5.12 *Administrative Leave***

The Superintendent is authorized to place an employee on administrative leave upon a determination that the best interests of the school system would be served by such action. Administrative leave relieves the employee of regular work responsibilities pending resolution of the matters or circumstances that gave rise to the leave. Administrative leave is not disciplinary in nature or purpose and does not affect the employee's compensation, benefits, tenure, or nonprobationary status. Administrative leave may be accompanied by such additional restrictions or conditions as may reasonably be imposed by the Superintendent under the circumstances (e.g., limitation on access to school property). The status of employees who are on administrative leave will be reviewed and reported to the Board periodically or as otherwise may be directed by the Board.

## **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, gender, age, disability, national origin, citizenship, and religious preference.

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 *Sexual Harassment***

The Board strictly prohibits unlawful discrimination in all of its programs, offices, departments and facilities. Sexual harassment, as defined by law, is a form of unlawful discrimination and will not be tolerated from employees or other persons associated with the Board.

5.14.1 Definition of Sexual Harassment – Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, and other physical or verbal conduct of a sexual nature when:

5.14.1.a.1.1 Submission to such conduct or communication is made a term or condition, either explicitly or implicitly, of employment or other employment benefits provided by the Board;

5.14.1.a.1.2 Submission to or rejection of such conduct by an individual is used as the basis for decisions affecting the individual's employment, or other benefits provided by the Board; or

5.14.1.a.1.3 Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

5.14.2 Examples of Prohibited Conduct – The following are examples of conduct that may constitute sexual harassment, depending on individual circumstances:

5.14.2.a.1.1 Verbal harassment or abuse of a sexual nature, including graphic or derogatory comments, the display of sexually suggestive objects or pictures, and sexual propositions;

5.14.2.a.1.2 Repeated unwelcome solicitation of sexual activity or sexual contact;

5.14.2.a.1.3 Unwelcome, inappropriate sexual touching;

5.14.2.a.1.4 Demands for sexual favors accompanied by implied or overt promises of preferential treatment or threats with regard to an individual's employment status.

5.14.3 Employee Complaint Resolution Procedure

5.14.3.a.1.1 *Reporting* – Any employee with reason to believe that he or she has been or is being subjected to any form of sexual harassment should report the matter immediately. Under no circumstances will an employee be required to present the complaint to the person who is the subject of the complaint.

5.14.3.a.1.2 *Informal Complaint* – An employee may choose to submit a sexual harassment complaint to a supervisor for investigation and resolution at the departmental or local level without resorting to formal complaint procedures. If the supervisor is the subject of the complaint, the complaint may be submitted to the Superintendent for resolution. If the complaint is not resolved informally to the



satisfaction of the complaining employee, the employee must contact the Superintendent to initiate formal complaint procedures.

#### 5.14.4 Formal Complaint Procedure

*5.14.4.a.1.1 Persons Responsible For Receiving and Investigating Formal Complaints* – The Superintendent is responsible for receiving and investigating formal complaints regarding sexual harassment. The Chief School Financial Officer (CSFO) is an additional official to which formal complaints can be reported. If the Superintendent is unavailable or is the subject of the complaint, the alternate should be contacted regarding the formal complaint.

*5.14.4.a.1.2 Complaint form, contents* – Formal complaints should be made in writing, signed by the complainant, and fully describe the circumstances surrounding the alleged harassment. Harassment complaints that cannot be made in writing should be memorialized by the Superintendent or designated alternate official.

*5.14.4.a.1.3 Investigation* – The Superintendent will promptly investigate the complaint, review the results of any investigation with legal counsel or other appropriate officials, make any findings that are supported by the investigation, and recommend appropriate action based on these findings. The complainant will be informed of any action that is taken as a result of the investigation.

*5.14.4.a.1.4 Review by the Superintendent and the Board* – A complaining party who is not satisfied with the investigation or resolution of the complaint may request that the Superintendent take additional or different action or present the complaint to the Board for its review and action. In such case, the Board will render a final decision as soon as practicable.

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

5.14.6 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.

5.14.7 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 Scope and Definition – This policy applies to reductions-in-force (layoffs) within the meaning of ALA. CODE §16-1-33 (1975). As used herein, the term “layoff” means an unavoidable reduction in the work force beyond normal attrition due to decreased enrollment or shortage of revenues. The term “layoff” does not include, and the provisions of this policy do not apply to, decisions to terminate or not to extend the appointment of occasional, temporary, or “at-will” employees, or to decisions not to extend or renew the employment of employees following the expiration of annual or other specified terms of appointment.

5.15.2 Criteria for Implementing Layoffs – Layoffs may be implemented if the Board determines that financial circumstances or enrollment data require such action in order to maintain effective provision of educational services. The elimination of positions and layoff of employees will be based upon consideration of the following criteria, as applicable to the circumstances:

- a. The Board’s determination of its educational needs, requirements, and priorities;
- b. Current data and projected trends in revenue collection, anticipated expenditures, and/or enrollment;
- c. The comparative abilities of persons currently holding positions subject to elimination to meet the needs and requirements of the school system taking into account such considerations as education, training, and experience; quality of job performance; special skills and aptitudes; possession of necessary and appropriate licensure or certification; and proficiency in performing a variety of tasks, responsibilities, and functions;
- d. Other factors being equal, the comparative length of employees’ service in the position and with the Board;
- e. The extent to which cost savings or other appropriate administrative objectives can be realized by taking into consideration voluntary retirements, resignations, transfers, and other normal attrition in the workforce;
- f. Any nondiscrimination requirements that may be imposed by state or federal law and any procedural or substantive requirements that may be imposed by state or federal law, including the Alabama Teacher Tenure Law or the Alabama Fair Dismissal Act.

5.15.3 Recall – Recall of laid-off employees will be based on consideration of the criteria described above for layoffs and on relative length of separation from employment, other factors being equal. The Board will have no obligation to recall any laid-off employee after one year from the effective date of the employee’s termination. Employees recalled within one year from the effective date of their termination will be credited with time-in-service, and the pay and benefit status they enjoyed on the effective date of their layoff. No pay, benefits, tenure (or non-probationary) status, or other employment right will accrue or be credited to any laid-off employee for or during the time he was not employed, except to the extent required by law.

A laid-off employee will only be eligible for recall if:

- a. The nature of the position and qualifications therefore have not materially changed;
- b. The laid-off employee remains properly qualified, licensed, and certified; and
- c. The laid-off employee confirms in writing his availability for and interest in reemployment to the Superintendent within thirty (30) days of receipt of notice of layoff from the Board.

5.15.4 Notice – Notification of layoff and recall will be by United States certified or registered mail, hand delivery, or by other means that are permitted for such purposes by law. Upon receipt of notification of recall, a laid-off employee will have fourteen (14) calendar days from the receipt of said notice within which to 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.

5.15.5 Reservation of Board Authority – Nothing in this policy will be deemed or construed to restrict or impair the authority of the Board to reorganize, consolidate, eliminate, reallocate, or otherwise modify the nature and configuration of its workforce.

[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

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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 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, Board 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 possessing alcohol
- c. Consuming alcohol while performing safety-sensitive functions;
- d. Consuming alcohol within eight 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, as deemed appropriate by the Superintendent and the Board.

5.17.3 Testing Program Authorized – The Superintendent is directed to establish a testing program whereby all covered employees will be tested for the presence of alcohol and controlled substances. The following tests may be conducted:

- 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 alcohol and controlled substances.
- b. *Post-accident Testing* – Each surviving driver of an accident, as defined by the FHWA, will be tested for alcohol and controlled substances. In addition, covered employees who are involved in an accident involving injury to a person, or property damage in excess of five hundred dollars (\$500.00) will be subject to post-accident testing.
- 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.

[Reference: Omnibus Transportation and Employment Act of 1991]

## **5.18 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.

## **VI. Students**

### **6.1 Admissions and Attendance (Approved/Amended July 29, 2013)**

Definitions:

*Zone 1:* The geographical area bounded by the Boaz City Limits as defined by the Boaz City Council.

*Zone 2:* The geographical area outside Zone 1 and within the bounded area defined as:

“The northern border being established by the Albertville City Limits, eastward on Henderson Road from the Albertville City Limits to McVille Road, then northward on McVille Road to Beulah Road, then southeastward on Beulah Road crossing Alabama Highway 168 and counting eastward on Double Bridges Road to the Marshall/Dekalb County line to the Marshall/Etowah County line.

The southern border being established by the Etowah County Line with the exception of the portion of Etowah County within the Boaz City Limits, then continuing westward/southwestward along the Etowah/Marshall County Line intersecting New Home Road, then northward on New Home Road to a line intersecting New Home Road and Coal Mine Road, then northward on Coal Mine Road to Alabama Highway 168, then eastward on Alabama Highway 168 to Needmore Road, then northward on Needmore Road to Whitesville Road, eastward on Whitesville Road to Niles Road, eastward on Niles Road to the northern loop of Niles Road to Mt. Vernon Drive, northward on Mt. Vernon Drive to the Boaz City Limits.

Any physical address lying on either side of the section of a road serving as a boundary shall be considered within the boundary. Any physical address on side roads outside the boundary, but intersecting boundary roads, shall not be considered with the boundary.”

*Reside:* Live full-time at a designated address with a parent or legal guardian.

*Sibling:* The school-age sister or brother (full, half, adopted, step, foster), legally residing in the home of a student legally attending Boaz City Schools.

*“Grandfathered “ student:* A child or youth residing outside Zone 1 who was legally enrolled in the Boaz City School System on May 1, 2011.

*Child of an Employee:* A child or youth legally residing in the home of a full-time Boaz City School System employee.

*Homeless Student:* A child or youth who

- i. shares the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement;



- ii. has a primary nighttime residence that is a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings;
- iii. lives in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings.

[Reference: SUBTITLE B OF TITLE VII OF THE MCKINNEY-VINTO HOMELESS ASSISTANCE ACT]

*Unaccompanied Student:* A child or youth not in the physical custody of a parent or legal guardian who also meets the Homeless Student definition.

*Resident Student:* A child or youth residing within Zone 1.

*Non-Resident Student:* A child or youth residing outside Zone 1, and who does not meet the Homeless Student or Unaccompanied Student definitions.

*Legacy Student:* A child or youth living full-time at a designated address with a parent or legal guardian who graduated from Boaz High School.

*Tuition:* The obligatory fee paid by Non-Resident Students (see Section 6.2.2).

- 6.1.1 Compulsory Attendance Age – All Alabama residents from seven (7) to seventeen (17) years of age are required by state law to attend school for the minimum number of scholastic days prescribed by the State Board of Education unless the person holds a certificate of exemption issued by the Superintendent or is otherwise exempt under state law.

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

- 6.1.2 Admission – All students listed below who desire enrollment with the Boaz City School System shall apply, meet eligibility requirements, and have an approved School Enrollment Form prior to admission each school year. An approved School Enrollment Form shall be valid for the current school year only.

- A. Resident Student – Resident Students shall be admitted to the Boaz City School System on a tuition-free basis.
- B. Child of an Employee – Children of Employees shall be admitted to the Boaz City School System on a tuition-free basis.
- C. Homeless Students and Unaccompanied Students – Homeless Students and Unaccompanied Students shall be admitted to the Boaz City School System on a tuition-free basis.
- D. Non-Resident Students – Non-Resident Students shall be admitted to the Boaz City School System on a first-come, first-served, space-available, and tuition-paid basis.

1. Eligibility – Non-resident Students, after enrollment approval and full tuition payment, shall be admitted to the Boaz City School System in the following priority order;

- i. Legacy Students.
- ii. Students who reside in Zone 2. Students who reside in Zone 2 who are approved for enrollment may continue to enroll until graduation as long as the student continuously resides in either Zone 1 or Zone 2.
- iii. Grandfathered Students. Grandfathered Students and their siblings residing outside Zone 2 may continue to enroll until graduation provided the continuously reside at the address for which they are presently approved. A change of residence shall render the student's 'grandfather' status null and void, and subject the student to eligibility requirements applicable to the new residence as defined in this policy. All siblings of Grandfathered Students may continue to enroll provided the sibling has an enrollment application approved prior to the graduation of the Grandfathered Student.
- iv. Any student enrolled in the Boaz City School System the previous school year.

2. Enrollment Denial – Factors which may result in enrollment denial of a Non-Resident Student include, but are not limited to:

- i. a school, grade, or program lacking available space, staff, or support services (with Resident Student enrollment projections taken into consideration);
- ii. the school requested does not offer appropriate programs, is not structured or equipped with the necessary facilities to meet student needs, or does not offer a requested program;
- iii. the student does not meet the established eligibility criteria for participation in a particular program (e.g. age requirements, course prerequisites, required academic performance levels, etc.);
- iv. the student has been suspended or expelled from school, or is in the process of being expelled and has not satisfied the readmission conditions;
- v. the student has withdrawn from a school to avoid possible suspension or expulsion;
- vi. the student has a record of disciplinary infractions within the past three (3) years;
- vii. the student has been adjudicated or convicted of a crime;
- viii. the student has a record of excessive absences or truancy from school;

- ix. information on the enrollment application was misrepresented or incomplete.

3. Enrollment Revocation – The Boaz City School System reserves the right to revoke the enrollment status of a Non-Resident Student at any time due to unacceptable behavior, or false, misleading, or incomplete enrollment application information. In the event of an enrollment revocation, the parent(s) or legal guardian shall be informed in writing of the circumstances which resulted in the revocation decision. There is not appeal process; the Superintendent’s decision is final. In addition, the Superintendent is authorized to enforce penalties established by the State Board of education with regard to persons falsifying information in order to enroll a student.

4. Transportation – The Boaz City School System shall not provide transportation to students residing outside Zone 1.

6.1.3 Required Documents – Each student applying for enrollment in the Boaz City School System shall submit, or have on file, documentation verifying minimum eligibility. The Superintendent may accept alternate forms of documentations as necessary and appropriate to accommodate migrant, immigrant, homeless, or unaccompanied students (see Definitions). Documents required for enrollment include, but are not limited to:

- A. Certified Birth Certificate;
- B. Proof of Residency (e.g. utility bill for the previous two billing cycles, homeowner or renter insurance statement, etc.);
- C. Certificate of Immunization, or an exemption as prescribed by the Health Department, signed by a physician or appropriate Health Department official;
- D. Certified Academic Transcript for students transferring into the Boaz City School System from a school not in the Boaz City School System.

6.1.4 Student Placement – The Boaz City School System shall determine student placement in accordance with state law.

6.1.5 Class Assignment – Principals shall assign students to classes in accordance with school accreditation standards and any procedures or criteria established at the system or school level.

6.1.6 Absences – Students are not permitted to be absent from school without a valid excuse. Absences shall 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
- Principal-approved absence

Documentation supporting an Excused Absence shall be submitted to the school Principal within two school days of returning to school or the absence shall be deemed Unexcused. Excessive unexcused absences may result in a loss of academic credit, or referral to juvenile or other appropriate legal authorities for investigation.

- 6.1.7 Truancy – Parents or legal guardians shall ensure students under their care, custody, or control, attend school regularly. Habitual or excessive absence from school may require school officials to refer the matter to juvenile authorities or initiate truancy proceedings.

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

- 6.1.8 Withdrawals – No student of Compulsory Attendance Age shall be permitted to withdraw from school except in accordance with state law and any withdrawal procedures developed by the Superintendent.

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

## **6.2 Fees, Fines, Charges, and Tuition**

- 6.2.1 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 shall be collected and accounted in accordance with the procedures, rules and regulations established by the Chief School Financial Officer or as provided in the Board of Education, or local school, finance manual(s).

- 6.2.2 Tuition – All students not residing within Zone 1, and who otherwise meet established enrollment criteria, shall pay tuition at a rate established by the Boaz City Board of Education.

- A. Tuition shall not be refunded after classes begin each school year, and shall not be prorated for students enrolling during on on-going school year.
- B. Enrollment shall not be approved, and admission to class shall not be permitted, until tuition has been paid in full. Tuition shall be paid in full at the time of enrollment.
- C. The Boaz City Board of Education reserves the right to adjust the tuition rate at any time. Any tuition adjustment shall be in effect immediately upon approval, and shall be applied the following

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school year. Notification of any tuition adjustment shall be provided prior to the beginning of the upcoming school year.

- D. The Boaz City Board of Education reserves the right to modify or update the tuition policy at any time. Tuition policy modifications or updates shall be in effect immediately upon approval, and shall be applied the upcoming school year.

### **6.3 *Extracurricular Activities***

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

1. The organization or activity must be approved by the school principal and must have an assigned faculty supervisor or sponsor;
2. 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;
3. The organization or activity must operate under and subject to general supervision of school officials; and
4. The nature of the organization and its activities are not inconsistent with and do not interfere with instructional activities of 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.

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

6.3.3 Academic Ineligibility – The Board prescribes the following regulations for eligibility in this school system to participate in all extracurricular activities.

All students in grades 8 - 9 participating in any extracurricular activity must have passed a minimum of five units of work and have a 70 overall average for the previous year. First time seventh graders are automatically eligible.

Students in grades 10 - 12 must pass six (6) units of course work, including the four core subjects (English, math, science and social studies) with a 70 average in order to be eligible to participate in any extracurricular activity. This includes, but is not limited, to athletics, cheerleading, band, choir, club conventions, parades, amusement park trips, competitions, trips by tour companies, performances at various meetings, etc.

Eligibility will be determined before the start of each new school year. A student that is academically eligible at the beginning of the school year remains eligible for remainder of that school year so far as grades are concerned. Students declared ineligible at the beginning of the school year may regain their eligibility at the end of the first semester by meeting the academic requirements listed above during the last two semesters in attendance and summer school or credit recovery, if applicable. The restored eligibility of any student must be determined no later than the fifth day of the second semester.

Students should be in attendance at school on the day of any extracurricular activity in order to participate. Exceptions may be granted by the principal in cases of extreme hardship, such as the death of a family member, etc.

[Reference: Ala. Admin. Code 290-3-1-.02(19)]

#### **6.4 *Off-Campus Events***

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

- 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;
- Adequate information regarding the trip (e.g., destination, duration, purpose, educational purpose, mode of transportation, nature and extent of student participation) has been provided to the principal, program director, and Superintendent.

- Adequate arrangements are made for supervision and other risk management considerations (e.g., parental permission, medical treatment authorization, special insurance requirements);
- 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
- Board approval of the trip is obtained if the trip is out-of-state.

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.

### **6.5 *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.

### **6.6 *Student Employment (Work Release)***

Off school campus student employment during regular school hours may be authorized under and subject to the following terms and conditions:

- The employment does not violate state or federal law;
- The employment does not conflict with the student's academic coursework;
- The employment is necessary for the student to continue in school;
- Written approval is obtained from the student's parent or legal guardian and the Superintendent or his designee;
- Other rules, regulations, and requirements, including those pertaining to early dismissal or checkout, are observed; and
- Other rules and regulations that may be developed by the Superintendent and approved by the Board.

### **6.7 *Equal Educational Opportunities (Approved/Amended January 18, 2018 )***

It is the policy of the Boaz City School System that no student be excluded from participation in, be denied the benefits of or subjected to discrimination in

any program or activity, on the basis of sex, race, age, disability, religion, belief, national origin or color in its programs and activities and provides equal access to the Boy Scouts/Girl Scouts and other designated youth groups. Pursuant to the requirements of Every Student Succeeds Act (ESSA) and the McKinney-Vento Homeless Assistance Act, all homeless, migratory, immigrant, English learners, and students in foster care must have equal access to the same free appropriate public education provided to all children and youth. All programs offered by schools within the school system shall be open to all students in compliance with statutory and judicial requirements. The enrollment of homeless, migratory, immigrant, English learners, and foster care children shall not be denied due to any of the following barriers: lack of birth certificate, lack of school records or transcripts, lack of immunization records, lack of proof of residency, lack of transportation, unaccompanied: no guardian, and lack of social security number. For information regarding the compliance of this statement you may contact central office at the following number: (256) 593-8180.

## **6.8 Title IX**

- 6.8.1 Prohibition – In accordance with Title IX (20 U.S.C. §1681, *et seq.*), the Board strictly prohibits discrimination on the basis of sex or gender in its programs or activities, including sexual harassment, as defined by law and Board policy. Sexual harassment complaints should be filed and reviewed under the Board’s student sexual harassment policy. All other complaints under Title IX will be filed and reviewed according to the Board’s general complaint and grievance procedures.
- 6.8.2 Title IX Coordinator – The Superintendent is authorized and directed to designate a Title IX Coordinator, whose duties will include but not be limited to receiving and responding to Title IX inquiries and complaints.

## **6.9 Student Sexual Harassment**

- 6.9.1 Sexual Harassment Prohibited – Sexual harassment in any form that is directed toward students is prohibited. Persons who violate the policy will be subject to the full range of disciplinary consequences up to and including termination (for employees) and expulsion (for students) as dictated by the nature and severity of the violation and other relevant considerations. If appropriate, the circumstances constituting the violation may be reported to law enforcement agencies or child welfare agencies for further investigation and action.
- 6.9.2 Definition – For purposes of this policy, sexual harassment means unwelcome sexual advances, requests for sexual favors, other physical or verbal conduct or communications of a sexual nature, and any other gender-based harassment, whether initiated by students, school employees, or third parties, when:



- a. Submission to the conduct is made explicitly or implicitly a term or condition of the student's education, including any aspect of the student's participation in school-sponsored activities, or any other aspect of the student's education;
- b. Submission to or rejection of the conduct is used as the basis for decisions affecting the student's academic performance, participation in school-sponsored activities, or any other aspect of the student's education; or
- c. The conduct has the purpose and effect of unreasonably interfering with a student's academic performance or participation in school-sponsored activities or creating an intimidating, hostile, or offensive education environment.

The following are examples of conduct that may constitute sexual harassment, depending on the circumstances:

- a. Verbal harassment or abuse of a sexual nature, including graphic comments, the display of sexually suggestive objects or pictures, and sexual propositions;
- b. Repeated unwelcome solicitations of sexual activity or sexual contact;
- c. Unwelcome, inappropriate sexual touching;
- d. Demands for sexual favors accompanied by implied or overt promises of preferential treatment or threats with regard to the student's educational status.

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

- 6.9.4 Initial Confrontation of Accused Harasser Not Required – A student who invokes the harassment complaint procedure will not be required to present the complaint to the accused or suspected harasser for resolution. Students will be permitted to report allegations of suspected harassment to any appropriate Board administrator, teacher, counselor, or employee, and such persons have a duty to promptly refer such allegations to the Superintendent or to take such action as may be required by the procedures established under “Sexual Harassment Complaint Procedures Authorized” (6.8.3) above. In no case will any employee who is the subject of a complaint be permitted to conduct, review, or otherwise exercise decision making responsibility in connection with the processing of the complaint.
- 6.9.5 Notice of Policy to be Promulgated – The Superintendent will promulgate and disseminate this policy and the complaint procedures to the schools and will take such other steps and measures as may be reasonably available and expedient for informing the school community of the conduct prohibited by this policy and the recourse available to students who believe that they have been subjected to sexual harassment.

#### **6.10 *Protection of Pupil Rights Amendment***

- 6.10.1 Consent – The Board will obtain parental consent before students are required to participate in a survey that concerns one or more of the following protected areas ("protected information survey") if the survey is funded in whole or in part by a program of the U.S. Department of Education (ED):
- a. Political affiliations or beliefs of the student or student's parent(s);
  - b. Mental or psychological problems of the student or student's family;
  - c. Sexual behavior or attitudes;
  - d. Illegal, anti-social, self-incriminating, or demeaning behavior;
  - e. Critical appraisals of others with whom respondents have close family relationships;
  - f. Legally recognized privileged relationships, such as with lawyers, doctors, or ministers;
  - g. Religious practices, affiliations, or beliefs of the student or parent(s);  
or
  - h. Income, other than as required by law to determine program eligibility.

- 6.10.2 Notice and Option to Opt Out – Parents will be provided notice and an opportunity to opt a student out of any of the following:
- a. Any survey that is designated to obtain protected information from a student, regardless of the source of funding;
  - b. Any non-emergency, invasive physical exam or screening that is required as a condition of attendance, that is administered by the school or its agent, and that is not necessary to protect the immediate health and safety of a student, except for hearing, vision, or scoliosis screenings, or any physical exam or screening permitted or required under state law; and
  - c. Activities involving collection, disclosure, or use of personal information obtained from students for marketing or for the purpose of selling or otherwise distributing the information to others.
- 6.10.3 Inspection – Parents will be allowed to inspect, upon request and before administration or use, the following:
- a. Protected information surveys of students;
  - b. Instruments used to collect personal information from students for any of the above marketing, sales, or other distribution purposes; and
  - c. Instructional material used as part of the educational curriculum.
- 6.10.4 Special Provisions for Certain Students – Students who are at least 18 years old and emancipated minors under state law will be allowed to take the above actions in lieu of their parents or guardians.
- 6.10.5 Additional Policies and Procedures Authorized – In consultation with parents, the 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]

## **6.11 *Student Records***

Educational records as defined by law or Board policy will be available for examination and review by authorized persons in the manner prescribed and to the extent required by law. Except where the context requires otherwise, the term

“educational records” has the meaning given in 20 U.S.C. 1232g(a)(4). Copies of such records may likewise be provided to the extent required and under circumstances specified by applicable law or regulation. The 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 C.F.R. §99.3]

## **6.12 *Student Health Services***

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

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

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

#### **6.14 Searches (Students)**

- a. *Board Property* – All school system property, facilities, and grounds may be entered, inspected, and searched for any lawful purpose by Board officials or their designees at any time, without prior notice and to the fullest extent permitted by law. The right to enter, inspect, and search includes and extends to (but is not limited to) Board owned or controlled offices, desks, file cabinets, lockers, computers, files, documents, data, and devices however and wherever kept, stored, or maintained.
- b. *Personal Property* – Personal property, including but not limited to vehicles, purses, wallets, gym bags, book bags, cell phones, computers, and “personal digital assistant” (PDA) devices may be searched by authorized school officials, including school principals or their designees, when reasonable suspicion exists that the property contains prohibited materials, illegal substances, weapons, or other items that are reasonably deemed to present a risk or threat to the safety or welfare of the school community.
- c. *Personal Searches* – Students may be searched whenever reasonable suspicion exists that the student possesses prohibited materials, illegal substances, weapons, or other items that are reasonably deemed to present a risk or threat to the safety and welfare of the school community. Student searches must be conducted by a school administrator in the presence of another certified school employee and may include a private pat down of the student, a search of personal items and clothing, or a more thorough search upon specific approval of the Superintendent. Personal searches will be conducted with due regard for the age and gender of the student. Searches that require physical contact between the school official and the student, removal of clothing, or examination of the student in a way that would implicate privacy concerns must be conducted and witnessed by officials of the same gender as the student and in a way that preserves the dignity of the student to the extent practicable under the circumstances. Refusal to submit to a search or to cooperate in a search as provided in this policy may be grounds for disciplinary action.
- d. *Use of Recovered Items* – Property, material, substances, information, or records that are obtained, discovered, or recovered as a result of a search may be retained and used for any lawful purpose.

#### **6.15 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 representative in the presence of

another adult professional school system employee. Corporal punishment should not be administered in the presence of another student. The Superintendent is authorized to develop and implement procedures for administering and documenting corporal punishment, consistent with the terms of this policy.

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

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

In order to maintain order, minimize the risk of potential personal injury, property damage or disruption, or to permit an orderly investigation and evaluation of a suspected violation of school or school system rules, standards, or policies, 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.

#### **6.17 *Student Expulsion (including Students with Disabilities)***

Students may be expelled from school for offenses serious enough to warrant such action as provided in Code of Student Conduct or other Board disciplinary policies. Students who are recommended for expulsion may be suspended until such time as the Board meets to consider the recommendation for expulsion. Reasonable notice of the proposed action, the reasons therefore, and an opportunity to be heard will be afforded to the student and the student’s parent or guardian prior to a final 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.

## **6.18 *Electronic Communication Devices***

The use of personal, wireless communication devices by students is prohibited on school grounds or while students are being transported on a school bus, except as provided for herein:

a. Grades K-8: Elementary and middle school students may not turn on personal wireless communication devices during the school day between the hours of 7:00 a.m. to 3:00 p.m. and shall not visibly display a personal, wireless communication device on their person.

b. Grades 9-12: High school students will be allowed to use personal, wireless communication devices in the morning before the first bell, at morning break, and while in the cafeteria for lunch, however, the use of pagers and beepers is not allowed. While in the classroom, student's personal, wireless communication shall be turned off and placed in view of the classroom teacher on the student's desk or table. During athletic classes and class changes, all devices shall remain put away and turned off.

Personal, wireless communication devices include, but are not limited to, cellular telephones, pocket pagers, email devices, "walkie talkies," or any other electronic communication device. The Board assumes no responsibility for theft, loss, or damage to any personal/wireless communication device. The principal or his designee may approve the use of such devices during medical emergencies, natural disasters, or at events or under circumstances in which the use of the devices serves safety and convenience without disrupting academic or school operations. Principals or their designees will also have the authority to further restrict or 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 school rules. Students who violate this policy will be disciplined in accordance with the Code of Student Conduct and failure to comply with the policy may result in confiscation of the electronic communication device which will be returned to a parent or guardian only.

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

## **6.19 *Drivers' License***

6.19.1 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.

- 6.19.2 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)]

## **6.20 *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.

#### **6.21 *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.

#### **6.22 *Harassment, Violence, and Threats of Violence Prohibited***

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

##### **6.22.1 Definitions –**

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

2. Have the effect of substantially interfering with the educational performance, opportunities, or benefits of a student.
  3. Have the effect of substantially disrupting or interfering with the orderly operation of the school.
  4. Have the effect of creating a hostile environment in the school, on school property, on a school bus, or at a school-sponsored function.
  5. Have the effect of being sufficiently severe, persistent, or pervasive enough to create an intimidating, threatening, or abusive educational environment for a student.
- b. The term “violence” as used in this policy means the infliction of physical force by a student with the intent to cause injury to another student or damage to the property of another student.
  - c. The term “threat of violence” as used in this policy means an expression of intention to inflict injury or damage that is made by a student and directed to another student.
  - d. The term “intimidation” as used in this policy means a threat or other action that is intended to cause fear or apprehension in a student, especially for the purpose of coercing or deterring the student from participating in or taking advantage of any school program, benefit, activity or opportunity for which the student is or would be eligible.
  - e. The term “bullying” as used in this policy is a pattern of intentional, repeated, aggressive behavior directed by or on behalf of one student against another. It includes physical actions, including but not limited to shoving, hitting or punching, and verbal actions including but not limited to teasing and name-calling, as well as verbal or physical intimidation.
  - f. The term “cyber bullying” as used in this policy is a pattern of intentional, repeated, aggressive behavior directed by or on behalf of one students against another through the use of social media, text or instant messaging, e-mail or other electronic media or devices.
  - g. The term “student” as used in this policy means a student who is enrolled in the Boaz City school system.

## 6.22.2 Description of Behavior Expected of Students

- a. Students are expected to treat other students with courtesy, respect, and dignity and comply with the Code of Student Conduct. Students are expected and required (1) to comply with the requirements of law, policy, regulation, and rules prohibiting harassment, bullying, cyber 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. Violence, threats of violence, harassment, and intimidation, bullying and cyber bullying, are prohibited and will be subject to disciplinary consequences and sanctions if the perpetrator of such action is found to have based the prohibited action on one or more of the following personal characteristics of the victim of such conduct:
  1. The student's race;
  2. The student's sex;
  3. The student's religion;
  4. The student's national origin;
  5. The student's disability;
  6. The student's imbalance of strength, power or influence; or
  7. Other personal characteristics which motivate the prohibited action.
- c. Except as otherwise provided in this policy, the expectations of students expressed herein are not limited to behaviors which occur only on school grounds. This policy is premised on the notion that violence, threats of violence, intimidation, bullying, and cyber bullying of one student by another may be detrimental to the best interest and welfare of students and disruptive of the opportunity for student learning in Boaz City Schools without regard to the location where such behaviors occur. It is acknowledged that, in some situations, the nexus between the regulation of such unacceptable behaviors and Boaz City Schools' interest in providing a safe environment for its students may be remote and

thus not an appropriate basis for school disciplinary action. However, where the offending behavior causes a material and substantial disruption to school activities or undermines the ability of a student to learn in a non-hostile environment, students violating this policy may be subject to discipline regardless of where the offending conduct occurs.

6.22.3 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. The first and second occurrence of behaviors which, if repeated or continuous would constitute a violation of the policy, may result in Class I or Class II consequences as outlined in the Code of Student Conduct. Depending on the severity of the offense, a Class II or Class III consequence may be administered for the first violation of this policy.

6.22.4 Reporting, Investigation, and Complaint Resolution Procedures

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

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

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

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

6.23.5 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, including publication on the Boaz City School's website..

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

## **6.24 Service Animals In Public Schools *(Approved/Amended January 19, 2012)***

The Boaz City Board of Education acknowledges its responsibility to permit students and/or adults with disabilities to be accompanied by a “service animal” in its school buildings, in classrooms, and at school functions, as required by the Americans with Disabilities Act, 28 CFR Part 35, subject to the following:

### 6.24.1 Service Animals

A “service animal” means a dog, or in specific circumstances a miniature horse, that has been individually trained to do work or perform tasks for

the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition. The work or tasks performed by a service animal must be directly related to the handler's disability or necessary to mitigate a disability.

School officials may ask the owner or handler of an animal whether the animal is required because of a disability and what work or task the animal has been trained to do unless the answers to these inquiries are readily apparent. School officials may not ask about the nature or extent of a person's disability and may not require documentary proof of certification or licensing of the animal as a service animal.

#### 6.24.2 Requirements For A Service Animal To Be Allowed On School Property

**Request:** Any request for an individual with a disability to be accompanied by a service animal must be addressed in writing to the Superintendent of Schools and must contain documentation of vaccinations. This written request must be delivered to the Superintendent of Schools at least 10 business days prior to bringing the service animal to school or a school function. The request must be renewed each school year.

**Vaccinations:** The service animal must be immunized against diseases common to that type of animal. Owners of a service dog must provide annual proof of the following vaccinations: DHLPPC (Distemper, Hepatitis, Leptospirosis, Parainfluenza, Coronavirus), Bordetella, and Rabies. Owners of service miniature horses must provide annual proof of the following vaccinations: Equine Infectious Anemia (Coggins Test), Rabies, Tetanus, Encephalomyelitis, Rhinoneumonitis, Influenza, and Strangles.

**Health:** The service animal must be in good health. The service animals must be kept clean and groomed to avoid shedding and dander. The service animal must be treated for, and kept free of, fleas and ticks. The service animal must be spayed or neutered.

**Control:** A service animal must be under the control of its handler at all times. The service animal must have a harness, backpack, vest identifying the dog as a trained service dog, leash (blaze orange in color for hearing dogs), or other tether unless either the handler is unable because of a disability to use a harness, backpack, vest, leash, or other tether, or the use of a harness, backpack, vest, leash, or other tether would interfere with the

service animal's safety or effective performance of work or tasks, in which case the service animal must be otherwise under the handler's control.

#### 6.24.3 Service Dogs In Training

Experienced trainers of service animals may be accompanied on school property by a dog that is in training to become a service animal. The dog must be at least six months of age. Trainers must wear a jacket identifying the organization to which they belong. Persons conducting continuing training of a service animal may be accompanied by a service animal while on school property for the purpose of school business. Persons who are part of a three-unit service dog team may be accompanied by a service dog while on school property provided that person is conducting continuing training of a service dog. A three-unit service dog team consists of a trained service dog, a disabled person, and a person who is an adult and who has been trained to handle the service dog. The dogs may accompany these persons while on school property for school purposes.

**Use of Harnesses, Vest, etc.:** A dog that is in training to become a guide dog or a currently trained guide dog that is undergoing continuing training must be in a harness.

A dog that is in training to become a hearing dog or a currently trained hearing dog that is undergoing continuing training must be on a blaze orange leash.

A dog that is in training to become a service dog or a currently trained service dog that is undergoing continuing training must be in a harness, backpack, or a vest identifying the dog as a trained service dog.

The training cannot disrupt or interfere with a school's educational process. It is expected that training would not normally take place in the classroom during instructional time.

All requirements of this policy which apply to service animals, such as health certificates, annual written requests, and supervision, care and damages, also apply to dogs in training.

#### 6.24.4 Miniature Horses

The school district will make reasonable modifications in policies, practices, or procedures to permit the use of a miniature horse by an individual with a disability if the miniature horse has been individually trained to do work or perform tasks for the benefit of the individual with a disability. In determining whether reasonable modifications in policies,

practices, or procedures can be made to allow a miniature horse into a specific facility, the school district must consider the following factors:

1. The type, size, and weight of the miniature horse and whether the facility can accommodate these features;
2. Whether the handler has sufficient control of the miniature horse;
3. Whether the miniature horse is housebroken; and
4. Whether the miniature horse's presence in a specific facility compromises legitimate safety requirements that are necessary for safe operation.

All additional requirements outlined in this policy, which apply to service animals, shall apply to miniature horses.

#### 6.24.5 Extra Charges

The owner or handler of a service animal cannot be required to pay an admission fee or a charge for the animal to attend events for which a fee is charged.

#### 6.24.6 Supervision And Care Of Service Animals

The owner or handler of a service animal is responsible for the supervision and care of the animal, including any feeding, exercising, and clean up. The school district is not responsible for providing a staff member to walk the service animal or to provide any other care or assistance to the animal. In the case of a young child or student with disabilities who is unable to care for or supervise the service animal, the parent is responsible for providing care and supervision of the animal. Issues related to the care and supervision of service animals will be addressed on a case by-case basis in the discretion of the Superintendent or his or her designee.

#### 6.24.7 Damages To School Property And Injures

The owner or handler of a service animal is solely responsible for any damage to school property or injury to personnel, students, or others caused by the animal.

#### 6.24.8 Removal Of Service Animals From School Property

A school administrator can require an individual with a disability to remove a service animal from school property under the following circumstances:



1. The animal is out of control and the animal's handler does not take effective action to control it;
2. The animal is not housebroken;
3. The presence of the animal poses a direct threat to the health or safety of others; or
4. The presence of an animal would require a fundamental alteration to the service, program, or activity of the school division.

If the service animal is removed, the individual with a disability shall be provided with the opportunity to participate in the service, program, or activity without the service animal.

*Reference: ADA Regulations, 28 CFR Part 35 (as amended 2010).*

## **6.25 Physical Restraint and Seclusion (Approved/Amended March 21, 2013)**

### 6.25.1 Policy Purpose

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

### 6.25.2 Definitions

- a. **Physical restraint** is direct physical contact from an adult that prevents or significantly restricts a student's movement. The term physical restraint does not include mechanical restraint or chemical restraint. Additionally, physical restraint does not include: providing limited physical contact and/or redirection to a student in order to promote safety or to prevent self-injurious behavior; providing physical guidance or prompting to a student when teaching a skill; redirecting attention; providing guidance to a location; providing comfort; or providing limited physical contact as

reasonably needed to prevent imminent destruction to school or another person's property.

- b. **Chemical restraint** is any medication that is used to control violent physical behavior or to restrict the student's freedom of movement that is not a prescribed treatment for a medical or psychiatric condition of the student.
- c. **Mechanical restraint** is the use of any device or material attached to or adjacent to a student's body that is intended to restrict the normal freedom of movement and which cannot be easily removed by the student. The term does not include an adaptive or protective device recommended by a physician or therapist when used as recommended by the physician or therapist to promote normative body positioning and physical functioning, and/or to prevent self injurious behavior. The term also does not include seatbelts and other safety equipment when used to secure students during transportation.
- d. **Seclusion** is a procedure that isolates and confines the student in a separate, locked area until he or she is no longer an immediate danger to himself/herself or others. Seclusion occurs in a specifically constructed or designated room or space that is physically isolated from common areas and from which the student is physically prevented from leaving. Seclusion does not include situations in which a staff member trained in the use of de-escalation techniques or restraint is physically present in the same unlocked room as the student; time-out as defined herein; in-school suspension; detention; or a student-requested break in a different location in the room or in a separate room.
- e. **Time-out** is a behavioral intervention in which the student is temporarily removed from the learning activity. Time-out is appropriately used and is not seclusion when:
  - (1) The non-locking setting used for time-out is appropriately lighted, ventilated, and heated or cooled.
  - (2) The duration of the time-out is reasonable in light of the purpose of the time-out and the age of the child; however, each time-out should not exceed 45 minutes.
  - (3) The student is reasonably monitored by an attending adult who is in reasonable physical proximity of the student and has sight of the student while in time-out.
  - (4) The time-out space is free of objects that unreasonably expose the student or others to harm.

### 6.25.3 Prohibitions

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

### 6.25.4 Requirements

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

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

As a part of the policies and procedures of the school system, the use of physical restraint is prohibited in the system and its educational programs except in those situations in which the student is an immediate danger to himself or others and the student is not responsive to less intensive behavioral interventions including verbal directives or other de-escalation techniques. Physical restraint is expressly prohibited when used as a form of discipline or punishment. The use of other physical restraint, chemical restraint, mechanical restraint, or seclusion is prohibited in the school system and its educational programs.

The use of restraint may occur along with other emergency actions such as the school seeking assistance from law enforcement and/or emergency medical personnel, which could result in a removal of the student by such personnel.

Significant violations of the law including assaults on students and staff will be reported to the police. As soon as possible after the restraint or removal of a student (and no longer than one school day following the occurrence), the parent or legal guardian will be provided written notification.

#### 6.25.5 Clarifications

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

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

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

## **VII. Instructional Program**

### **7.1 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.

### **7.2 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 six (6) 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)]

### **7.3 Academic Standards** *(Approved/Amended April 18, 2012) (Approved/Amended December 5, 2017)*

Teachers will assign grades and confer academic credit for work and activities performed by students in accordance with board policy, system-wide procedures using objective grading standards, applicable laws and regulations, and criteria hereinafter specified.

#### **7.3.1 Grade Point Average – For the purpose of computing a Grade**

Point Average (GPA), a four-point system will be used as follows:

<u>Letter Grade</u>	<u>Numerical Grade (100 point Scale)</u>	<u>Grade Point Average Points (4 point scale)</u>	<u>Standards Based</u>
A	90-100	4.00	V. Meets standards
B	80-89	3.00	III. Meets standards
C	70-79	2.00	II. Progressing toward
D	60-69	1.00	I. Does not meet
F	Below 60	0.00	

Intervention grades will not be considered for additional awards presented; such as: Distinguished Scholar, Advanced Diploma, etc. as these awards signify passing a rigorous curriculum.

Grades in AP or academic dual enrollment core classes may be weighed on a 5 point grade point average (GPA) scale.

- 7.3.2 Advanced Placement and Dual Enrollment Grade Scale – Numerical grades in Advanced Placement courses (approved by the College Board) and Dual Enrollment courses in Core classes (English, Math, Social Studies, and Foreign Language) will be weighted by adding ten (10) points (equivalent to 1 quality point) for each grade. *(Approved/Amended January 18, 2018)*
- 7.3.3 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.
- 7.3.4 Report Cards – Report cards reflecting student progress will be provided to the parents or legal guardians of students on a regularly scheduled basis.
- 7.3.5 Promotion – Students are promoted from grade to grade on the basis of academic 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. Students who are eligible for promotion from grade to grade may nevertheless be retained by agreement of the parents and appropriate school officials. Promotion guidelines are followed based on the procedures located in the BCSS Parent/Student Handbook.

- 7.3.6 Class Rankings – Beginning with the ninth grade of high school, all students will be ranked based on the Numerical Grade (100 point) Scale.
- 7.3.7 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(12)]

#### ***7.4 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.

#### ***7.5 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)]

#### ***7.6 Non-Traditional Learning***

- 7.6.1 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)]

- 7.6.2 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)]

- 7.6.3 Cooperative Education/Work Study Programs – Upon recommendation of the Superintendent, the Board may approve cooperative education or work-study programs in accordance with State Department of Education regulations (including the Cooperative Education Manual) and other appropriate terms and conditions. These programs will combine school-based instruction and work- based experience.

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

- 7.6.4 Technical School Transportation – The Superintendent is authorized to develop guidelines for the transportation of students to and from technical programs including guidelines for students to drive themselves to the school.

- 7.6.5 Live Work – The Superintendent is authorized to develop guidelines and procedures, including business/industry certification requirements, for live work to be conducted in the school system.

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

Live work - Live Work is work performed by students as part of their training in Career/Technical Education. This work must be done in the school facilities and includes service, repair or production jobs of any kind excluding work performed by students in the CT Cooperative Education program. Live work must be related to the training program and must provide a learning experience for the student. Live work should not compete with private enterprise. Instructors are responsible for following all regulations which detail the appropriateness, scheduling, costs, collection of fees or charges and release of school liability.

Definition: Live Work is work performed by students as part of their training program. Such work includes service, repair, or production jobs of any and all kinds, excluding work performed by students enrolled in CT Cooperative Education Program.

Relationship to Training: Live work will be conducted when in the opinion of the instructor the training program requires such projects for students to acquire occupational skills leading to employment. Live Work will be assigned to individual students by the instructor as part of the student’s training program and will conform to standards established by the State Board of Education. Live Work will be scheduled for an individual or groups of students to correlate with the instructional unit with which the live work is associated. Live work shall be accepted in terms of its appropriateness and need in the training program rather than for production and/or accommodation.

Administration: Administration and control of live work shall reside with the career/technical coordinator or school principal. All live work must be approved by the career/technical coordinator, school principal or designee and conducted in accordance with these and other policies issued by the Board of Education as the need arises. The instructor shall be responsible for the determination and collection of all charges and maintenance of appropriate records, which must be deposited in the school account.

Eligible Live Work Recipients: Live work will be performed in specific classes for specific projects for specific individuals and organizations. The scope and extend of each project will be well defined and documented before acceptance. Live work projects can be conducted on priority basis for:

1. Students
2. Those persons directly connected with education

3. Other tax supported programs and institutions or charitable organizations
4. Other individuals and organizations if;
  - a. Such live work is not designed for competition with private enterprises
  - b. The circumstances involved justify the acceptance of the live work project; and
  - c. The instructor can justify why the live work is necessary for the training program.

Release of School Liability: The person, program, institution or organization for which live work is done shall

1. Accept the work performed by the students and assume all responsibility for the completed workmanship
2. Bear all actual cost of materials and parts involved
3. Pay the service charge according to the schedule as prescribed by “Service Charge for Live Work”
4. Sign an agreement to the above conditions and specifically stipulate the work to be performed.

Service Charge for Live Work: The total charges (cost plus a service charge) for live work will be as follows:

1. Actual cost of parts and/or materials, plus twenty (20) percent for service charges.
2. For projects that do not involve costs of part and/or materials, a service charge may be collected at the discretion of the instructor.
3. Funds collected from service charges on live work projects shall be used for routine maintenance, repair and replacement of equipment and for operation and maintenance of shops.

Restrictions on Live Work: Live work will not be conducted to compete with private enterprise; and, as such, neither the school system nor school employees will receive economic profit from live work. Live work is restricted as follows:

1. Live work may be performed only when tasks are directly related to the skills currently being taught in the classroom as part of a sequenced course of study. Tasks should not be taught out of sequence in order to accommodate live work.
2. No person shall use career technical facilities, equipment or any live work for personal gain or profit.
3. Live work conducted for student experiences must be conducted during actual class periods. *(Approved/Amended Oct 24, 2016)*

7.6.6 Foreign Exchange Programs – The Superintendent is authorized to develop guidelines and procedures, to be approved by the Board, under which foreign exchange students may attend Boaz City Schools and Boaz City students may participate in foreign exchange programs.

7.6.7 Virtual School-*(Approved/Amended February 22, 2016) (Approved/Amended December 5, 2017)*  
The Superintendent is authorized to develop the following guidelines and procedures, to be approved by the Board, for virtual school offerings. Virtual Schooling offers students numerous benefits in terms of time flexibility and program customization. Along with these advantages, students also assume increased responsibility in time management, organization, self-direction, and self-regulation.

**a. Benefits**

- Instruction from Alabama-certified teachers

- No tuition and minimal fees (*Out-of-District tuition still applies to non-residents*)
- Accredited diploma upon satisfying all requirements for graduation
- Flexibility and personalized learning experiences
- Individualized academic and career preparation plan
- Self-pacing and opportunity for accelerated advancement
- Early graduation option upon meeting eligibility criteria
- Flexibility to pursue interests intensively

**b. Requirements for Enrollment**

- Virtual School is an option for BCSS students in grades 9-12.
  - Residency: In-District or Out-of-District students who meet all other requirements are required to be enrolled in BCSS for one academic year before becoming eligible for Virtual School.
- Academic Prerequisites
  - Students must be proficient in reading, writing, and math.
    - An incoming 9<sup>th</sup> grade student shall be considered proficient by having an overall year-end average of 85% in each 8<sup>th</sup> grade class.
    - An incoming 10<sup>th</sup>-12<sup>th</sup> grade student shall be considered proficient by having an overall average of 80% in each class the previous semester.
- Technology
  - Own an operational home computer
  - Acquire and maintain consistent Internet access
  - The cost of special programs, books or requirements of an ACCESS class shall be the responsibility of the student/parent.
- Parent Orientation
  - Before a student will be enrolled in the virtual school the parent/guardian must attend a parent orientation.
    - This orientation will clarify:
      - Requirements of BCSS Virtual School Policy
      - Scheduling Requirements
      - Required Documentation
- Career Pathway – The State of Alabama requires graduates to be college and career ready. Each student must select a career pathway prior to admission to Virtual School, and take a class each semester within the course progression of the career pathway selected, even if that means reporting to Boaz High School at the time the course is scheduled.

c. **Expectations**

- Curriculum and Instruction
  - ACCESS Virtual Learning will provide all Virtual School courses.
    - All ACCESS courses are aligned to the Alabama College and Career Ready Standards.
    - All ACCESS Virtual Learning teachers are deemed highly qualified in their content area and hold a valid teaching certificate in the state of Alabama.
- Scheduling
  - Virtual school students may only schedule “traditional”, on-campus classes for electives that are not provided through the virtual platform.
- Course Progression
  - Students are required to progress through online courses at a rate comparable to the progression of a traditional class.
  - Students are permitted to work ahead of the standard course progression and finish courses early.
  - Students who fall behind comparable course progress will be subject to academic probation.
- Academic Probation (Intervention strategy)
  - Students are expected to maintain a 70% average in each course. When an average from 55% up to 70% is revealed during mid-quarterly and quarterly grade monitoring, the student will be placed on academic probation, which requires the following:
    - The student will be required to be active in each course daily. Days with no coursework activity shall be considered unexcused absences unless appropriate documentation is submitted to the Boaz High School office, as required for traditional students.
    - Weekly grade counseling with Boaz City School staff will be required.
  - Students remain on academic probation until the next grade monitoring, approximately four and one-half weeks later.
    - Students who achieve an overall average at or above 70% in each course at the next grade monitoring will be removed from academic probation.
    - Students who do not achieve an average at or above 70% in each course at the next grade monitoring will be re-scheduled in traditional classes at Boaz High School.
  - Students with an average below 55% will be reassigned a traditional “on-campus” schedule at Boaz High School.
- Proctored Examinations

- All tests and exams must be taken in the presence of a proctor at Boaz High School. Students are responsible for scheduling testing appointments with the Boaz High School staff.
- Scores earned on exams that are not taken at an approved testing site with a proctor are subject to review and invalidation by the Boaz High School administration.
- Students must provide their own transportation to the testing site.
- ALSDE Mandated Standardized Testing
  - All students enrolled in the virtual school will participate in all grade appropriate state testing and accountability requirements.
    - Students must provide their own transportation to the testing site.
    - Students must follow the testing schedule approved for Boaz High School
- Code of Conduct
  - All aspects of the Boaz City Schools Student Handbook and Code of Conduct apply to Virtual School Students while they are on campus or are participating in a school-sponsored event.
- Extracurricular activities
  - Students enrolled in the Boaz High School Virtual School are eligible to participate in extracurricular activities and are subject to all BCSS and Alabama High School Athletic Association requirements and policies.
- Graduation
  - Upon satisfying all graduation requirements, students enrolled in the virtual school will receive a Boaz High School diploma.

**d. Minimum Requirements to Remain Enrolled**

- Maintain enrollment in Boaz City Schools
- Maintain consistent, daily access to the Internet (minimum 1.5 Mbs)
- Maintain minimum of 70% average in every course taken during the current academic year
- Maintain appropriate course progression as measured by the completion of weekly assignments, quizzes and/or tests, and completion of the course by the end of the semester enrolled.
- Adhere to the Academic Integrity Contract
- Students with discipline infractions resulting in suspension or expulsion will immediately be removed from the Boaz City Schools Virtual School.

***7.7 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. Such programs may include the Extended Day Program or other such offering as may be approved by the Board.

[Reference: Ala. Admin. Code 290-8-5-.01]

## **7.8 Graduation, Certificate of Completion, and Commencement** *(Approved/Amended December 5, 2017)*

Students who have satisfactorily completed requisite course work based on Alabama High School Graduation Requirements as defined by the Alabama State Board of Education and Alabama Code and met minimum attendance criteria are eligible for graduation. BCSS Graduation Requirements are located in the Course Description Handbook. Student participation in graduation ceremonies and related graduation activities will be subject to the principal's approval and payment of outstanding financial obligations. Participation in a graduation-related ceremony 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 290-3-1-02(8) and (8)(a)]

### **7.8.1 Honor Graduates/Distinguished Scholars**

a. *Honor Graduates.* Students who are in good standing and rank in the top ten students of their graduating class (by averaging all numerical grades) or have a 90 or above average (by averaging all numerical grades) or are members of the National Honor Society may be recognized as Honor Graduates.

b. *Distinguished Scholars.* Students who meet the Alabama High School Diploma Requirements must meet the following additional criteria to be considered as a Distinguished Scholar.

1. Pre-Calculus as the 4th Math
2. 11<sup>th</sup>/12<sup>th</sup> grade Sciences must be from the following: Chemistry, Physics, Anatomy/Physiology or their CT equivalents.
3. 1 AP course or 1 college dual enrollment
4. 2 Honors courses

-Note: An 80% average must be earned in each of these classes

-Note: Algebra 1A/1B or Geometry A/B is not acceptable as course options for this distinction.

Students receiving these awards may be recognized with Honor Cords at graduation and with Seals placed upon their diploma and permanent record.

7.8.2 Valedictorian/Salutatorian *(Approved/Amended April 18, 2012)*

a. *Criteria* – To be eligible for the Valedictorian or Salutatorian Award, the student must have attended Boaz High School for a minimum of two years, including the entirety of his or her Junior and Senior year. The Valedictorian and Salutatorian must have earned the Alabama High School Diploma with Advanced Academic Endorsement. **(Beginning with the class of 2015, students must qualify as a Distinguished Scholar to be Valedictorian or Salutatorian.)**

Valedictorian and Salutatorian selection will be based on grades earned in core classes (8-12) that are awarded high school credit (English, math, science, social studies, and foreign language). The student who is in good standing (not on probation, under suspension, expulsion or had serious disciplinary problems or acts of behavior unbecoming such an honor) and has the highest academic average (carried to two decimal places) will be selected as Valedictorian. The student who is in good standing and has the second highest academic average will be selected as Salutatorian.

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	D-= 60	

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

7.8.3 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.

- 7.8.4 Adult High School Diploma Program – The Superintendent is authorized to establish an adult diploma program in conformity with regulations issued by the State Department of Education and such additional requirements as may be approved by the Board.

[Reference: Ala. Admin. Code 290-3-1-.02(17)]

## **7.9 School Wellness**

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:

- 7.9.1 Nutrition Education – Nutrition education that teaches the knowledge, skills, and values needed to develop healthy eating behaviors will be integrated into the curriculum and offered throughout school campuses, including school dining areas and classrooms, by appropriately trained personnel.
- 7.9.2 Nutrition Standards – 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.
- 7.9.3 Physical Education and Physical Activity Opportunities – The Board will offer physical education opportunities that include the components of a sound physical education program. 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.
- 7.9.4 Other School-Based Activities Designed to Promote Student Wellness – The Board may implement other programs that help create a school environment that conveys consistent wellness messages and that is conducive to healthy eating and physical activity.
- 7.9.5 Administrative Implementation – The Superintendent is authorized to develop and implement administrative rules and directives that are consistent with this policy and that are 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.

#### **7.10 *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.

#### **7.11 *Parent/Family Involvement – Meeting the Requirements of No Child Left Behind Act of 2001***

7.11.1 Parental Involvement, Partnerships Encouraged – Training and appropriate resources will be provided for teachers, administrators, and parents to strengthen the ability of strong parent-school partnerships to enhance student achievement. Parents will be involved in jointly developing appropriate parental involvement plans and in reviewing school improvement through meetings with the school system’s and school level Parent Advisory Committee. Plans developed through this process will be distributed to parents of students attending Title I schools. Additionally, the Board will provide coordination, technical assistance, and other support necessary to assist Title I schools in planning and implementing effective parental involvement activities to improve student achievement and school improvement. The Board will coordinate and integrate parental involvement strategies with other programs as appropriate.

7.11.2 Annual Evaluation of Initiatives – An annual evaluation will be conducted, with the involvement of parents, to determine the effectiveness of the parental involvement plan in improving the academic quality of the schools. The evaluation will include parent surveys, focus groups, and student assessment data. Parents will also be given the opportunity to submit suggestions and concerns regarding the parental involvement plan to the parent advisory committee. This information will be reviewed annually and used to make revisions to the school system plan as necessary.

7.11.3 Impediments to Parent Participation to be Identified – The Board will identify barriers to greater participation by parents in parental involvement activities, with particular attention to parents who are economically disadvantaged, are disabled, have limited English proficiency, have limited literacy, or whose racial or ethnic background may impede effective participation. To the extent practicable, all information required

under Section 1111 of the Elementary and Secondary Education Act (“ESEA”), 20 U.S.C. §6301 *et seq.*, will be provided to parents in a uniform, understandable format and upon request, in an alternative format and language that the parents understand.

7.11.4 Elementary and Secondary Education Act Compliance – The school system will work with its schools to ensure that school-level parental involvement plan meet the requirements of section 1118(b) of the ESEA and each includes a school-parent compact consistent with section 1118(d) of the ESEA. This plan will specify that each school will:

- a. Convene an annual meeting to explain the school programs to parents and inform them of their responsibilities and right to be involved in the program;
- b. Offer a flexible number of informational parent meetings, including building a strong home/school connection, parenting skills, and literacy development;
- c. Involve parents in an organized, ongoing, and timely way in planning, review, and improvement of school programs;
- d. Provide timely information about its school programs to parents, describe the curricula, student assessments, opportunities for regular meetings where parents can provide input, and respond promptly to parent suggestions; and
- e. Provide parents with an opportunity for meaningful and ongoing consultation and communication about the academic quality of the school.

7.11.5 Notice of Rights and Information – The Board will comply with the *Parents Right to Know* provision of the *No Child Left Behind Act of 2001*, including the rights of parents to be informed of the credentials/qualifications of their child’s teacher(s) and their school choice and/or supplemental educational services options when schools are identified for school improvement or determined to be unsafe within the meaning of the Act.