



ELMORE COUNTY BOARD OF EDUCATION

POLICY MANUAL

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*Elmore County Board of Education
Policy Manual*

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Preface

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

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

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

Any provision, feature, or aspect of Board policy that does not conform to governing law should be deemed void and superseded by such law.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

Definitions

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

- a. “Board” or “Board of Education” means and refers to the Elmore County Board of Education.
- b. “State” means and refers to the State of Alabama.
- c. “System” or “school system” means and refers to all schools, facilities, and operations of the Elmore County Board of Education.
- d. “State Board of Education” means and refers to the Board that exercises general control and supervision over the public schools of the State of Alabama as constituted and authorized by ALA. CODE § 16-3-1, *et seq.* (1975).
- e. “Alabama (State) Department of Education” means and refers to the state agency that is charged with implementing the policies, procedures, and regulations of the State Board of Education as provided in ALA. CODE § 16-2-1, *et seq.* (1975).
- f. “He,” “his,” or “him” means and includes all genders.
- g. “Law” includes local, state, and federal statutes, regulations, ordinances, court decisions, and binding administrative orders or directives.
- h. “Certified” or “certificated,” when used to modify the words “teacher,” “personnel,” “employee,” “staff,” or similar terms, means and refers to Board employees who hold certificates or comparable forms of licensure issued by the State Superintendent of Education under authority of ALA. CODE §16-23-1 (1975).
- i. “Classified” or “support,” when used to modify the words “personnel,” “employee,” “staff,” or similar terms, means and refers to Board employees who do not hold certificates issued by the State Superintendent of Education under authority of ALA. CODE §16-23-1 (1975) and who, in general, hold employment positions of the type identified in ALA. CODE §16-24C-3(2) (1975), of the Code of Alabama (1975).

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

I. Governing Principles

Purpose

Every Student Empowered ♦ Every Student Succeeds

II. School Board Operations

2.1 *Board Composition and Organization*

2.1.1 Composition – The Elmore County Board of Education is composed of seven (7) members who are elected to six (6) year staggered terms by qualified electors of Elmore County, Alabama. Members may not be employees of the Board.

[Reference: ALA. CODE §§ 16-8-1, 2 (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 November of each year. The Superintendent will serve as both the Board’s chief executive officer and secretary. If the Superintendent’s position is vacant, the Board may appoint one of its members to act as secretary until such time as the Superintendent’s position is filled.

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

2.1.3 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.

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 Elmore County, Alabama. Board authority will only be exercised collectively through action taken in accordance with applicable statutory and parliamentary procedures. Individual Board members have no authority to bind the Board or to act on behalf of the Board except when authorized to do so by official action of the Board.

2.3 *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.

[Reference: ALA. CODE §§ 16-8-5, 16-1-26 (1975)]

2.4 *Board Member Training*

2.4.1 General – Elmore County Board of Education members will pursue ongoing training to develop and enhance their knowledge and effectiveness as Board members and to improve Board governance and operations. Training will include participation in:

- (a) Orientation for newly elected or appointed school board members;

- (b) Training or consulting workshop(s) for Board members that focuses on the Board members' roles and responsibilities, student and school performance standards, and the delineation of each member's role as a public official holding public trust;
 - (c) State or national school board association event(s) addressing Board governance or operation, or other Board member development opportunities relating to leadership development, Board governance, or Board operations.
- 2.4.2 Source of Training and Report – The Board recommends the requirements of this policy be satisfied by participation in training provided by the Alabama Association of School Boards or other sources considered knowledgeable in school board governance and leadership. Board members will provide a report to the Board about training experiences at the next available Board meeting.
- 2.4.3 Board Self-Evaluation – The Board will conduct an annual evaluation that includes development of a list of recommended improvements in knowledge and skills of Board members.

[Reference: ALA. CODE §16-1-41 (1975)]

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 November 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 §§ 16-8-4, 36-25A-1 (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.

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 Superintendent’s term will be established by law.

[Reference: ALA. CODE § 16-9-1, *et seq.* (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.

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 1st to September 30th of the following year. Preparation, presentation, submission, and approval of the budget will be undertaken and completed as provided for in state law and regulations. 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 Fund Balance Policy in Accordance with GASB Statement No. 54

- 3.5.1 Governmental Funds Definitions – The following definitions will be used in reporting activity in governmental funds. The Board may or may not report all fund types in any given reporting period, based on actual circumstances and activity.
- a. The General Fund is used to account for and report all financial resources not accounted for and reported in another fund.
 - b. Special Revenue Funds are used to account for and report the proceeds of specific revenue sources that are restricted or committed to expenditure for specified purposes other than debt service or capital projects.
 - c. Debt Service Funds are used to account for and report financial resources that are restricted, committed, or assigned to expenditure for principal and interest, even if it is being accumulated for future years' payments. Debt Service Funds should be used to report resources if legally mandated.
 - d. Capital Projects Funds are used to account for and report financial resources that are restricted, committed, or assigned to expenditure for capital outlays, including the acquisition or construction of capital facilities and other capital assets.
- 3.5.2 Fund Balances – Fund balances will be reported in governmental funds under the following five categories using the definitions provided by GASB Statement No. 54:
- a. Nonspendable fund balances include amounts that cannot be spent because they are either (a) not in spendable form or (b) legally or contractually required to be maintained in-tact. Examples of nonspendable fund balance reserves for which fund balance shall not be available for financing general operating expenditures include: inventories, prepaid items, and long-term receivables.
 - b. Restricted fund balances consist of amounts that are subject to externally enforceable legal restrictions imposed by creditors, grantors, contributors, or laws and regulations of other governments; or through constitutional provisions or enabling legislation. Examples of restricted fund balances include: restricted grants.
 - c. Committed fund balances consist of amounts that are subject to a purpose constraint imposed by formal action of the Board before the end of the fiscal year and that require the same level of formal action to remove the constraint.

- d. Assigned fund balances consist of amounts that are intended to be used by the school system for specific purposes. The Board authorizes the Superintendent or Chief School Finance Officer to make a determination of the assigned amounts of fund balance. Such assignments may not exceed the available (spendable, unrestricted, uncommitted) fund balance in any particular fund. Assigned fund balances require the same level of authority to remove the constraint.
- e. Unassigned fund balances include all spendable amounts not contained in the other classifications. This portion of the total fund balance in the general fund is available to finance operating expenditures.

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

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

3.6 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)]

3.7 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)]

3.8 *Purchasing*

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

3.8.1 Uniform Guidance for Federal Programs - Federal funds received by the Elmore County Board of Education, including Child Nutrition Program Funds, are subject to the requirements of the Office of Management and Budget's Uniform Administrative Requirements, Cost Principles and Audit Requirements-Part 200. In accordance with those requirements, the following policies and procedures are hereby established:

3.8.2 Cash Management for Federal Funds

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

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

3.8.3 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 assure that:

- a. The proposed expenditure is included in the federal program budget;
- b. The proposed expenditure is reasonable and necessary for the federal program;
- c. The proposed expenditure is consistent with procedures for financial transactions of the board including:
 - i. Purchase order approval procedures;
 - ii. Contract review and approval procedures;
 - iii. Applicable competitive purchasing procedures and;
 - iv. Documentation supports allowability of transaction.

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

3.8.4 Travel Costs

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

3.8.5 Conflict of Interest

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 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 of interest standards. In general, the Federal rules provide that:

No employee, officer, or agent of the board shall participate in selection, or in the award or administration of a contract supported by Federal funds if he or she has a real or apparent conflict of interest. Such a conflict would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs, or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from the firm considered for a contract. The board's officers, employees, or agents will neither solicit nor accept gratuities, favors or anything of monetary value from contractors, potential contractors, or parties to 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 he or she is: (a) giving preferential treatment; (b) losing independence and impartiality; (c) making decisions outside official and appropriate channels; or (d) harming the public's confidence in the integrity of the board.

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

3.8.6 Procurement of Property and Services

The board will follow state laws for the procurement of property and services. The primary state procurement laws for Alabama school boards are:

- a. *Alabama Competitive Bid Laws* (Chapter 13B of Title 16, Code of Alabama 1975);
- b. *Joint Information Technology Purchasing Agreement* (Chapter BB of Title 16, Code of Alabama 1975); and,
- c. *Public Works Law* (Title 39, Code of Alabama 1975).

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

- a. Avoid acquisition of unnecessary or duplicative goods and services;
- b. Use the most economical and efficient approach for acquisitions;
- c. Award acquisition contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of the proposed procurement;
- d. Consider contractor integrity, compliance with public policy, record of past performance , and financial and technical resources prior to awarding procurement contracts;
- e. Maintain records sufficient to document the history of the procurement; and,
- f. Conduct procurement transactions in a manner that provides full and open competition.

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

The board will request proposals for those professional service contracts (excluding architectural and engineering services) that are exempt under state procurement laws if the contracts exceed \$150,000 and will be paid from federal or Child Nutrition Program funds. The board will utilize a team of three or more qualified individuals to conduct a technical evaluation of proposals received and for selecting recipients. As a part of the evaluation, the individuals on the evaluation team will sign an assurance that each of the individuals is in

compliance with the board's conflict of interest policy.

[Reference: ALA. CODE §16-1-30 (1975); Adopted 8/21/2017]

3.9 *Deposit and Expenditure of Funds*

- 3.9.1 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.
- 3.9.2 Investments – The Board authorizes the investment of surplus funds in the manner prescribed by law and approved administrative guidelines.
- 3.9.3 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)]

- 3.9.4 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)]

- 3.9.5 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 and the school bookkeeper, or their alternates as designated by the Board. 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.
- 3.9.6 Consultants – The Superintendent may engage professional consultants, specialists and experts, including but not limited to medical, mental health, educational, legal, financial, technical (e.g., engineering, architectural, computer) experts and specialists provided that funds are available in the current, Board approved budget. All such expenditures shall be reported monthly to the Board of Education in the manner prescribed by §16-13A-8 of the Code of Alabama (1975).

3.10 *Employee Compensation*

- 3.10.1 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.

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

3.10.2 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.

3.10.3 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.

3.10.4 Salary Deductions – Mandatory salary deductions will be made in accordance with applicable law and 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. Voluntary deductions for membership dues will only be made for organizations with at least 10% of board employees as active members, as established by membership lists provided to the Board by the organization. Such membership lists will be corrected, updated, and returned to the organization no later than November 10 of each school year. Deductions will be based on the membership lists unless an employee revokes authorization for such deductions by providing written notice to the Board on or before September 15th of each school year. 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 (1975)]

3.10.5 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.

3.10.6 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.

3.11 *Expense Reimbursement*

Board members and employees will be reimbursed for reasonable travel and subsistence expenses incurred in connection with official Board business. 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.

3.12 Fees, Payments, and Rentals

3.12.1 Facility Use Fees – The Superintendent or designee 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.

3.12.2 Copying and Other Charges – The Superintendent or designee 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.

3.13 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.

3.14 Authority to Execute Contracts

3.14.1 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.

3.14.2 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.

3.15 Affiliated Organizations

3.15.1 School Sponsored Organizations – School-sponsored student organizations will be subject to Board policies and procedures concerning fiscal management and will maintain organization funds in school accounts. All books, records, and official documents pertaining to the management of such organizations will be maintained at the local school and will be subject to examination and audit by the Board, the principal, or the State Examiners of Public Accounts. The use of funds collected, generated, or held by such organizations will be determined in accordance with the constitution, charter, or by-laws of the organization, with oversight by the sponsor of the organization, and subject to approval of the principal.

- 3.15.2 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.

3.16 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.

3.17 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.

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

[Reference: Ala. Admin. Code 292-080-030-.01,]

3.18 *Worthless Checks*

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

3.19 *Classroom Instructional Support*

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

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

3.20 *Truth in Salary*

On or before January 31 of each year, the Elmore County Board of Education shall provide each employee and retiree, electronically and in paper form by postal service or internal mail system the following information for the preceding fiscal year as it applies that individual employee or retiree:

- a. An itemized statement of all employee benefits the employee or retiree accrued or received.
- b. An itemized statement of all pension benefits the employee or retiree accrued or received.
- c. The total amount of employer contributions made from funds appropriated by the Alabama Legislature to the applicable retirement system.
- d. The approximate percentage of total employer contributions made from funds appropriated by the Alabama Legislature to the applicable retirement system, as compared to the total amount of either General Fund or Education Trust Fund appropriations, as applicable.

[Reference: AL Code § 36-26-121 (2016)]

IV. General Administration

4.1 *Security/Access to Schools*

- 4.1.1 Security Measures Authorized – The Superintendent or designee, 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 or designee, 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 or designee, 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 Adult Sex Offenders - No adult sex offender who has been convicted of a sex offense involving a minor may enter onto the property of a K-12 school during the school day or attend any K-12 school activity unless he or she does all of the following:
- a. Notify the school’s principal or his or her designee before entering school property or attending a K-12 school activity;
 - b. Immediately report to the school’s principal or his or her designee upon entering school property or arriving at the K-12 school activity; and
 - c. Comply with any directive or supervision requested by the school principal or his or her designee to discreetly monitor their presence on school property or at the school activity.

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

Adult sex offenders have a duty to comply with this policy, and it shall not be construed as imposing an affirmative duty of any kind on the school principal, his

designee, or any other employee, agent, or representative of the school or school system.

Any failure to comply with this policy may result in the offender's exclusion from school property or activities and/or criminal charges.

[Policy Adopted 9/29/2015; 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 (18 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 on school property is prohibited.

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

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

4.2.5 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 Council on Accreditation and School Improvement (“SACS CASI”) accreditation division of AdvancED 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*

The Board shall have the authority to name facilities in the school system, as it deems appropriate.

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 Students First Act; “due process” hearings provided under the Individuals with Disabilities Education Act). In such instances, the specific statutory, regulatory, or policy-based process is the applicable procedure. The general complaint/grievance procedures that are authorized under the terms of this policy may not be invoked for the purpose of challenging or seeking review or reconsideration of adverse personnel decisions that have received final Board approval. A grievance may be based on an alleged misapplication of Board policies, regulations, or procedures, but may not be used to challenge the Board’s exercise of its discretion to adopt, approve, modify, or repeal a policy, regulation, or procedure or on its failure to exercise such discretion (e.g., adoption of a school calendar, compensation policies, etc.).
- 4.6.3 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.

4.7 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, unless approval to waive the days is obtained in accordance with state law, unless approval to waive the days is obtained in accordance with state law.

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 electronic devices, such as computers, the “Internet,” network storage areas (LAN and WAN), 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 a “Technology Acceptable Use Agreement,” agree to abide by all Board policies, procedures, 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, procedure, 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 electronic 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, e-mail, and data, to determine if a user is in violation of any of the Board’s policies, procedures, 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 procedures and regulations regarding access to and use of its technology resources and to require adherence to such procedures 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 in compliance with the Children’s Internet Protection Act (CIPA) which includes but is not limited to pictures that are obscene, that constitute child pornography, or that are harmful to minors;
- b. The safety and security of minors when they are using electronic mail, chat rooms, and other forms of direct electronic communications;
- c. Prevention of “hacking” and other forms of unauthorized use of or access to computer or Internet files, sites, databases or equipment; and
- d. Unauthorized disclosure, use, and dissemination of personal information regarding minors;
- e. Restriction of minors’ access to harmful material;
- f. Educating minors about appropriate online behavior, including interacting with other individuals on social networking websites, chat rooms and cyberbullying awareness and response.

4.9.5 Limitation on 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.

4.11 Data Governance

4.11.1 Purpose

- a. It is the policy of Elmore County Board of Education that data or information in all its forms--written, electronic, or printed--is protected from accidental or intentional unauthorized modification, destruction, or disclosure throughout its life cycle. This protection includes an appropriate level of security over the equipment, software, and practices used to process, store, and transmit data or information.
- b. The data governance policies and procedures are documented and reviewed annually by the data governance committee.
- c. Elmore County Board of Education conducts annual training on their data governance policy and documents that training.
- d. The terms data and information are used separately, together, and interchangeably throughout the policy.

- 4.11.2 **Scope** – The superintendent is authorized to establish, implement, and maintain data and information security measures. The policy, standards, processes, and procedures apply to all students and employees of the district, contractual third parties and agents of the district, and volunteers who have access to district data

systems or data.

This policy applies to all forms of Elmore County Board of Education data and information, including but not limited to:

- a. Speech, spoken face to face, or communicated by phone or any current and future technologies.
- b. Hard copy data, printed or written.
- c. Communications sent by post/courier, fax, electronic mail, text, chat and or any form of social media, etc.
- d. Data stored and/or processed by servers, personal computers, laptops, tablets, mobile devices, etc.
- e. Data stored on any type of internal, external, or removable media or cloud-based services.

4.11.3 Regulatory Compliance - The district shall abide by any law, statutory, regulatory, or contractual obligations affecting its data systems. Elmore County Board of Education complies with all applicable regulatory acts including but not limited to the following:

- a. Children's Internet Protection Act (CIPA)
- b. Children's Online Privacy Protection Act (COPPA)
- c. Family Educational Rights and Privacy Act (FERPA)
- d. Health Insurance Portability and Accountability Act (HIPAA)
- e. Payment Card Industry Data Security Standard (PCI DSS)
- f. Protection of Pupil Rights Amendment (PPRA)

4.11.4 Risk Management

- a. A thorough risk analysis of all Elmore County Board of Education data networks, systems, policies, and procedures shall be conducted as requested by the Superintendent or Technology Director. The risk assessment shall be used as a basis for a plan to mitigate identified threats and risk to an acceptable level.
- b. The Superintendent or designee administers periodic risk assessments to identify, quantify, and prioritize risks. Based on

the periodic assessment, measures are implemented that mitigate the threats by reducing the amount and scope of the vulnerabilities.

4.11.5 Systems and Information Control – Any computer, laptop, mobile device, printing and/or scanning device, network appliance/equipment, audio-visual equipment, server, internal or external storage, communication device or any other current or future electronic or technological device may be referred to as systems. All involved systems and information are assets of Elmore County Board of Education shall be protected from misuse, unauthorized manipulation, and destruction. These protection measures may be physical and/or software based.

- a. *Ownership of Software* – All computer software developed by Elmore County Board of Education employees or contract personnel on behalf of Elmore County Board of Education, licensed or purchased for Elmore County Board of Education use is the property of Elmore County Board of Education and shall not be copied for use at home or any other location, unless otherwise specified by the license agreement.
- b. *Software Installation and Use* – All software packages that reside on systems within or used by Elmore County Board of Education shall comply with applicable licensing agreements and restrictions and shall comply with Elmore County Board of Education acquisition of software procedures.
- c. *Virus, Malware, Spyware, Phishing, and SPAM Protection* – Virus checking systems approved by the District IT Services are deployed using a multi-layered approach (computers, servers, gateways, firewalls, filters, etc.) that ensures all electronic files are appropriately scanned for viruses, malware, spyware, phishing, and SPAM. Users shall not turn off or disable Elmore County Board of Education protection systems or install other systems.
- d. *Access Controls* – Physical and electronic access to information systems that contain Personally Identifiable Information (PII), Confidential information, Internal information and computing resources is controlled. To ensure appropriate levels of access by internal workers, a variety of security measures are instituted as recommended by the data governance committee and approved by Elmore County Board of Education. The data governance committee shall document roles and rights to the student information system and other like systems. Mechanisms to control access to PII, Confidential information, Internal information and computing resources include, but are not limited to, the following methods:

1. *Authorization* – Access shall be granted on a “need to know” basis and shall be authorized by the superintendent, principal, or Data Governance Committee with the assistance of the Technology Director. Specifically, on a case-by-case basis, permissions may be added in to those already held by individual users in the student management system, again on a need-to-know basis and only to fulfill specific job responsibilities, with approval of the Data Governance Committee or Technology Director.
 2. *Identification/Authentication* – Unique user identification (user ID) and authentication are required for all systems that maintain or access PII, Confidential information, and/or Internal information. Users shall be held accountable for all actions performed on the system with their User ID. User accounts and passwords shall NOT be shared.
 3. *Data Integrity* – Elmore County Board of Education provides safeguards so that PII, Confidential, and Internal information is not altered or destroyed in an unauthorized manner. Core data are backed up to a private cloud for disaster recovery.
 4. *Transmission Security* – Technical security mechanisms are in place to guard against unauthorized access to data that are transmitted over a communications network, including wireless networks. The following features are implemented:
 - a) integrity controls, and
 - b) encryption, where deemed appropriate.
- Note:** Only district-supported email accounts shall be used for communications to and from school employees, to and from parents or other community members, to and from other educational agencies, to and from vendors or other associations, and to and from students for school business.
5. *Remote Access* – Access into the Elmore County Board of Education network from outside the district is allowed using the Board’s VPN Portal. All other network access options are strictly prohibited without explicit authorization from the Technology Director or Superintendent. Further, PII, confidential information and/or internal information that is stored or accessed remotely shall maintain the same level of protections as information stored and accessed within the

Elmore County Board of Education network. PII shall only be stored in cloud storage if said storage has been approved by Data Governance Committee.

6. *Physical and Electronic Access and Security* – Access to areas in which information processing is carried out shall be restricted to only appropriately authorized individuals. At a minimum, staff passwords shall be changed annually.

a. No PII, confidential and/or internal information shall be stored on a device itself such as a hard drive, mobile device of any kind, or external storage device that is not located within a secure area.

b. No technological systems that may contain information as defined above shall be disposed of or moved without adhering to the appropriate Purchasing and Disposal of Electronic Equipment procedures.

c. It is the responsibility of the user to not leave these devices logged in, unattended, and open to unauthorized use.

e. *Data Transfer/Exchange/Printing*

1. *Electronic Mass Data Transfers* – Downloading, uploading, or transferring PII, confidential information, and internal information between systems shall be strictly controlled. Requests for mass download of, or individual requests for, information for research or any other purposes that include PII shall be in accordance with this policy and be approved by the data governance committee and/or Technology Director and include only the minimum amount of information necessary to fulfill the request. A Memorandum of Agreement (MOA) shall be in place when transferring PII to external entities such as software or application vendors, textbook companies, testing companies, or any other web based application, etc. unless the data governance committee or Superintendent approves the exception.

2. *Other Electronic Data Transfers and Printing* – PII, confidential information, and internal information shall be stored in a manner inaccessible to unauthorized individuals. PII and confidential information shall not be downloaded, copied, or printed indiscriminately or left unattended and open to compromise. PII that is downloaded for educational purposes where possible shall be redacted before use.

- f. *Oral Communications* – Elmore County Board of Education staff shall be aware of their surroundings when discussing PII and Confidential information. This includes but is not limited to the use of cellular telephones in public areas. Elmore County Board of Education ‘staff shall not discuss PII or Confidential information in public areas if the information can be overheard. Caution shall be used when conducting conversations in: semi-private rooms, waiting rooms, corridors, elevators, stairwells, cafeterias, restaurants, or on public transportation.
- g. *Audit Controls* – Hardware, software, services, and/or procedural mechanisms that record and examine activity in information systems that contain or use PII are reviewed by IT Services. Further, IT Services will regularly review records of information system activity, such as audit logs, access reports, and security incident tracking reports. These reviews shall be documented and maintained for six (6) years.
- h. *Evaluation* – IT Services requires that periodic technical and non-technical evaluations of access controls, storage, and other systems be performed in response to environmental or operational changes affecting the security of electronic PII to ensure its continued protection annually.
- i. *IT Disaster Recovery* – Controls shall ensure that Elmore County Board of Education can recover from any damage to critical systems, data, or information within a reasonable period. Each school, department, or individual is required to report any instances immediately to the Superintendent and Technology Director for response to a system emergency or other occurrence (for example, fire, vandalism, system failure and natural disaster) that damages data or systems. The IT Disaster Plan shall include the following:
 - 1. A prioritized list of critical services, data, and contacts.
 - 2. A process enabling Elmore County Board of Education to restore any loss of data in the event of fire, vandalism, natural disaster, or system failure.
 - 3. A process enabling Elmore County Board of Education to continue to operate in the event of fire, vandalism, natural disaster, or system failure.
 - 4. Procedures for periodic testing of written contingency plans to discover weaknesses and the subsequent process of revising the documentation, if necessary.

4.11.6 Compliance

- a. The Data Governance Policy applies to all users of Elmore County Board of Education information including employees, staff, students, volunteers, and outside affiliates. Failure to comply with this policy by employees, staff, volunteers, and outside affiliates may result in disciplinary action up to and including dismissal in accordance with applicable Elmore County Board of Education procedures, or, in the case of outside affiliates, termination of the affiliation. Failure to comply with this policy by students may constitute grounds for corrective action in accordance with Elmore County Board of Education policies. Further, penalties associated with state and federal laws may apply.
- b. Possible disciplinary/corrective action may be instituted for, but is not limited to, the following:
 1. Unauthorized disclosure of PII or confidential information.
 2. Unauthorized disclosure of a log-in code (User ID and password).
 3. An attempt to obtain a log-in code or password that belongs to another person.
 4. An attempt to use another person's log-in code or password.
 5. Unauthorized use of an authorized password to invade student or employee privacy by examining records or information for which there has been no request for review.
 6. Installation or use of unlicensed software on Elmore Board of Education systems.
 7. The intentional unauthorized altering, destruction, or disposal of Elmore County Board of Education information, data and/or systems. This includes the unauthorized removal from Board systems such as, but not limited to, laptops, internal or external storage, computers, servers, backups or other media, copiers, etc. that contain PII or confidential information.
 8. An attempt to gain access to log-in codes for purposes other than for support by authorized technology staff, including the completion of fraudulent documentation to gain access.

4.12 *Recording of IEP-Section 504 Meetings*

The recording of an individualized education program (“IEP”) or Section 504 meeting is prohibited unless a parent/guardian, authorized representative of a parent/guardian is unable to understand or meaningfully participate in the IEP or Section 504 process, or the planning of the relevant student’s educational program, due to a disability, language barrier, or some other impairment.

If a parent/guardian believes that recording an IEP or Section 504 meeting is necessary, the parent/guardian should notify the principal or designee in writing at least five (5) school days before the IEP or Section 504 Team meeting, of the request to record the meeting and the reason the recording is required. The principal or designee will notify the parent/guardian at least two (2) school days before the meeting of the grant or denial of the parent's/guardian’s request to record the meeting.

If the principal or designee denies the request to record the IEP or Section 504 meeting, the reasons will be stated in writing for the denial. Authorized exceptions to the general prohibition against the recording of IEP or Section 504 meetings involve situations when a parent/guardian, or authorized representative of a parent/guardian, is unable to understand or meaningfully participate in the IEP or Section 504 process or the planning of the relevant student’s educational program due to a disability, language barrier, or some other impairment.

If a parent/guardian is permitted to record the meeting, the parent/guardian must use his or her own audio recording device. If the school district records an IEP or Section 504 meeting, the resulting recording shall become a part of the student's educational record and will be maintained in accordance with state and federal law.

For purposes of this policy, a recording is defined as the capture of moving visual images, voices, and other ambient sound electronically, digitally, or by any other means for the purpose of retrieval and review.

Video recording, including recording of visual images, at an IEP or Section 504 meeting is strictly prohibited.

The use of court reporter services at an IEP or Section 504 meeting is strictly prohibited.

[Adopted 2-20-18]

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:
- a. Employees are required to be punctual and to attend work regularly.
 - b. Employees are required to perform the duties and responsibilities that are assigned to them by the Board, the Superintendent, or their supervisor(s). Such duties and assignments may extend beyond or outside the instructional day and may include off-campus functions, events, and activities.
 - c. Employees are expected to treat all students, co-employees, visitors, and guests of the Board with respect. Employees are expected to demonstrate moderation, restraint, and civility in their dealings with others and, in general, to serve as appropriate role models for students in their behavior and demeanor.
 - d. Employees are required to obey all laws, ordinances, Board policies, supervisory directives, and other pertinent authority while carrying out duties for the Board.
 - e. Employees whose duties include the instruction or supervision of students must provide effective supervision, discipline, organization, and instruction of the students.
 - f. Employees must complete and submit required reports accurately and in a timely fashion.
 - g. Employees must respect, protect, and exercise due care in the handling, use, and operation of Board property and equipment.
 - h. Employees shall at all times maintain appropriate, “professional” distance from students and shall not engage in conduct (including communication of any kind) that constitutes, solicits, or suggests sexual, romantic, or inappropriately familiar interaction with students.
 - i. *Employee Attire* – Employees are required to report to work or to school functions in attire that is appropriate to their position and the nature of the function and that is in keeping with generally accepted standards of decorum and professionalism. Service and other employees who are issued uniforms shall wear uniforms when required.

- j. Employees shall promptly disclose to the Board any fact that would disqualify them from employment or that renders them unable to perform their essential job functions.
- k. Employees shall notify the human resources director by email of any arrest within three calendar days of occurrence.

5.1.2 Special Requirements

- a. *Work Schedules (Teachers)* – Supervisory and instructional duties of teachers commence a minimum of twenty (20) minutes prior to the start of the school day and conclude twenty (20) minutes after the departure of students. 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 of planning time 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. 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 and valid and current Alabama Substitute Teacher’s Certificate or Alabama Teacher’s Certificate.
- e. *Long-Term Substitutes* – Substitute teachers who serve twenty (20) days of continuous service as a substitute for the same teacher will be described as a long-term substitute. A daily rate of pay will be approved by the Board and reflected in the salary schedule.
- f. *Teacher Aides* – Teacher aides must, at a minimum, possess (i) a high school diploma or its equivalent; (ii) a two-year diploma from a college or university (or the equivalent hours) or pass the Work Keys Assessment; and (iii) a certificate from the State Department of Education verifying a “clear” status resulting from a background check.

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

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

- h. *Drivers of County-owned vehicles* – Bus drivers and other employees who drive county-owned vehicles are responsible to exercise caution and good judgment while operating a county-owned vehicle. Drivers involved in at-fault accidents that cause bodily injury and/or damage/repair to county vehicles may be subject to disciplinary action according to the severity of the accident, up to and including termination of employment.

5.2 *Hiring*

- 5.2.1 Application Procedures – Job applicants for all positions must file an online application on the Teach in Alabama website (<http://www.alsde.edu/TeachinAlabama>). 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.

[Reference: 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.

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 *Employee Conflicts of Interest*

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

- a. Employees will not engage in outside business activities or render any service for another employer during such time as duties and responsibilities have been assigned by the Board;
- b. Employees will not accept outside employment that would interfere with or impair the ability of the employee to perform duties as a Board employee effectively;
- c. Employees may not accept work that could compromise the employee's independent judgment in the exercise of duties for the Board;
- d. Employees may not use or disclose confidential information acquired through Board employment for their personal gain or for the benefit of a third party.

5.7 *Employee Gifts*

Employees may accept gifts from students or other members of the public if the gifts are in accordance with the Alabama Ethics law or other pertinent state laws.

Employees may accept gifts or gift cards purchased from pooled donations within a class, team, or other school organization for the employee's personal use provided that the amount that each person gives does not exceed twenty-five dollars (\$25.00) and that the contribution to the pool does not result in the donor's exceeding the aggregate amount of fifty dollars (\$50.00).

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

5.8 *Employee Evaluations*

- 5.8.1 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.
- 5.8.2 Non-Certified Personnel – Non-certified personnel will be evaluated in accordance with criteria and procedures to be developed by the Superintendent.
- 5.8.3 Use of Evaluations in Connection With Employment Decisions – Unless prohibited by law (including applicable regulations) or the terms of the evaluation instrument, employment evaluations may be considered in making employment decisions, together with such other information and

considerations as may reasonably bear upon the wisdom, necessity, or advisability of the employment decision. However, employment evaluations are intended to enhance the overall quality of the school system's instructional program and are not intended to confer, constitute, or give rise to any individual right, entitlement, or enforceable expectation of continued employment or advancement. Accordingly, except as may be specifically provided otherwise in state law applicable to "contract principals," employees do not acquire any employment right or right of legal action based on any actual or alleged failure on the part of the Board or the evaluator to follow specific evaluation policies, regulations, or procedures.

- 5.8.4 Special Evaluation Situations – The Superintendent, the Chief School Financial Officer, and other employees who serve in positions of special trust or sensitivity may be evaluated by such means as may be permitted by law or applicable regulation, or as agreed to in an employment contract.
- 5.8.5 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.

5.9 *Personnel Records*

- 5.9.1 Content of Personnel Files – A central personnel file will be maintained for all regular employees. The personnel file may contain information regarding the employee's current assignment, payroll status, and work history, including but not limited to job qualifications, certification, licenses, employment contract(s), evaluation data, disciplinary information, and such other documents, written materials, and data as may be reasonably deemed necessary and appropriate by the Board for sound and efficient personnel administration. Anonymous material and other matters that are prohibited by law, regulation, or Board policy from being maintained in personnel files may not be included therein. Employees may reasonably supplement or respond in writing to any material contained in the personnel file with which they disagree and such responses will also be included in the personnel file.
- 5.9.2 Alternate Data Storage – Personnel file data may be stored or maintained electronically or digitally.
- 5.9.3 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.
- 5.9.4 Access to Personnel Files – Board members, the Superintendent, Board administrators (including principals), employees of the Human Resources Department, and other persons whose duties reasonably require access to

personnel files are authorized to view, copy, and use the contents of personnel files for purposes that are required by or in keeping with their official duties on behalf of the Board.

5.10 Employee Leave

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

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

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

Employees who know in advance that they will be absent from work must notify the Board of the expected absence in accordance with procedures specified by the Superintendent or the Board. In the event of an emergency or incapacity that makes advance notice impractical, employees must notify the Board of their absence as early as possible. Except as otherwise provided or permitted, an employee who is absent from work without approved leave will be considered absent without leave in violation of Board policy and subject to appropriate disciplinary measures. Employees who are approved for paid leave or absences will be paid at the regular daily rate of pay; however, a day of paid leave 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.

An employee may not accept or engage in other employment during the period of time of a leave of absence (paid or unpaid) unless specific written approval is given by the Superintendent. If at any time it is determined that an employee on leave has accepted or engaged in other employment, the leave shall be cancelled

at the discretion of the Superintendent and the employee shall be subject to discipline, up to and including termination.

[Policy revised 1/21/2020]

5.10.3 Paid Sick Leave

- a. *Persons Eligible for Paid Sick Leave* – All regular full time employees are eligible for paid sick leave.
- b. *Earning and Accumulation of Paid Sick Leave* – All eligible employees earn sick leave days at the rate provided for in state law. Eligible employees may accumulate sick leave as provided by state law.
- c. *Use of Sick Leave* – Eligible employees may only use paid sick leave for absences caused by the following:
 1. Personal illness;
 2. Incapacitating personal injury;
 3. Attendance upon an ill member of the employee’s immediate family, defined as a spouse, parent, child, sibling or any person with a close personal tie;
 4. Death of a family member, including a spouse, parent, child, sibling, mother or father-in-law, son or daughter-in-law, brother or sister-in-law, nephew or niece, grandparent, grandchild, aunt or uncle;
 5. Death or care of an individual with whom unusually strong personal ties exist because of a relationship other than those listed above.
- d. *Certification* – 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)]

- 5.10.4 On-The-Job Injury Leave – On-the-job injury includes an accident or injury to an employee that occurs in the course of performing job duties for the Board or when the employee is directed or requested by the employer to be on the property of employer and which prevents the employee from working or returning to the job.

Employees who are accidentally injured on the job may be approved for paid “on-the-job injury” leave without using sick days, provided that:

- a. The 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)]

5.10.5 Personal Leave – Personal leave must be requested in writing in accordance with such procedures as may be established by the Superintendent.

- a. *Paid Personal Leave* – All regular full time employees are eligible for two non-cumulative personal leave days each scholastic year without loss of pay.

The two days may be taken at anytime during the school year; however, an employee must work for a full year to earn the two (2) paid personal leave days. In the event an employee uses the two (2) days the first semester and does not work the second semester, a day’s pay will be deducted. In order to protect the educational interest of students, it is suggested that paid personal leave not be taken during the first or last two (2) weeks of school or immediately before or after a holiday.

Teachers may be compensated for unused paid personal leave at the end of the school year at the average daily rate of pay used for substitute teachers

if requested in advance. All other unused paid personal leave converts to sick leave.

- b. *Additional Personal Leave* – All regular full time employees are eligible for additional non-cumulative personal leave days each scholastic year for which the employee will be charged an amount equal to the average daily rate of pay for a substitute teacher as follows:

<u>Years of Consecutive Service for the Board</u>	<u># of Additional Days</u>
5-9	1
10-14	2
15+	3

Additional personal leave may not be taken during the first or last two (2) weeks of school or immediately before or after a holiday without prior approval of the immediate supervisor. Employees with unused additional personal leave may choose to convert the unused days to sick leave days at the end of the school year.

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

5.10.6 Vacation

- a. *Vacation benefits* – Eleven-month and twelve-month full-time employees are eligible for ten (10) days of paid vacation each scholastic year. Accrual of vacation begins upon employment.
- b. *Accrual and accumulation of vacation time* – Eleven-month full-time employees earn .91 vacation days per month, September through July. Twelve-month full-time employees earn .83 vacation days per month for twelve months. Up to twenty-five (25) vacation days may be accumulated. Accumulated vacation in excess of 25 days will be forfeited if not used by December 31st. Vacation days may not be bought, sold, or donated. Accumulated vacation time will be forfeited if not used prior to the effective date of resignation or retirement. No payment will be made for any vacation leave that is unused as of the employee’s resignation, termination or death.
- c. *Scheduling* – vacations must be scheduled with the knowledge and approval of the employee’s supervisor.

[Policy revised 5/18/2020]

- 5.10.7 Professional Leave – The Superintendent or his designee 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.

- 5.10.8 Military Leave – Military leave is available to all eligible employees in accordance with state and federal law.
- 5.10.9 Court Leave – Permanent and full-time employees are entitled to regular compensation while performing jury duty (ALA. CODE §12-16-8) or when the employee is summoned for school-related purposes under subpoena or other legal requirement to testify at trial in a court of law or in an administrative 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.
- 5.10.10 Unpaid Study Leave – Upon written application by the employee, the Board may provide an unpaid leave of absence for up to one year to pursue study or professional growth opportunities. Such leave is available to nonprobationary certified personnel only. Except as provided to the contrary by applicable law, the employee shall not be entitled to return to the same position held before the commencement of leave, and may be assigned to a different work location or position upon return from leave at the discretion of the Board.

5.11 *Family and Medical Leave Act (FMLA)*

- 5.11.7 Eligible Employees – The FMLA is applicable to all persons who have been employed for at least twelve (12) months and have worked a minimum of 1,250 hours during that twelve (12) month period.
- 5.11.8 Medical Leave Provided by the Act – Under the FMLA, eligible employees are entitled to twelve (12) weeks of unpaid leave during any twelve (12) month period for one or more of the following reasons:
- a. The birth and first year care of a newborn child;
 - b. The placement of a foster child or adoption;
 - c. The care of an immediate family member, defined as a spouse, child or parent, with a serious health condition;
 - d. The taking of medical leave because of the employee’s own serious health condition.

For the birth, adoption, or foster placement of a child, the entitlement to leave for 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.

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

- a. Any period of incapacity in connection with or following inpatient care in a hospital, hospice, or residential medical care facility.
- b. Continuing treatment by a health-care provider, to include any period of incapacity due to:
 1. A health condition, including treatment and recovery, lasting more than three (3) consecutive days, and any subsequent treatment or period of incapacity relating to the same condition;
 2. Pregnancy or prenatal care;
 3. A chronic, serious health condition which continues over an extended period of time, requires periodic visits to a health care provider, and may involve episodes of incapacity (e.g., asthma and diabetes);
 4. A permanent or long-term condition for which treatment may not be effective (e.g. Alzheimer’s, severe stroke) and for which supervision of a health-care provider is required;
 5. Multiple treatments for restorative surgery or for a condition which would likely result in a period of incapacity of more than three (3) days if not treated.

5.11.10 Military Family Leave Provided by the Act

- a. *Qualifying Exigency Leave* – Under the FMLA, an eligible employee with a spouse, child, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may utilize the twelve (12) week medical leave entitlement to address qualifying exigencies resulting from that service.
- b. *Military Caregiver Leave* – An eligible employee, who is the spouse, child, parent, or next of kin of a covered service member, is entitled to take up to twenty-six (26) weeks (including any medical leave provided by the Act) of unpaid leave during any twelve (12) month period (beginning the first day of the leave) to care for an individual covered service member with a serious injury or illness incurred in the line of duty while on active duty that may render the service member medically unfit to perform the duties of the member’s office, grade, rank, or rating. A covered service member is a member of the Armed Forces, including the National Guard

and Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness incurred in the line of duty on active duty.

- 5.11.11 Spouse Employed by the Board – Spouses who are both employed by the Board are limited to a combined total of twelve (12) weeks of family leave for the birth and care of a newborn child, for the placement of a child for adoption or foster care, for the care of a parent who has a serious health condition, and for qualifying exigency leave. Spouses who are both employed by the Board are limited to a combined total of twenty-six (26) weeks for military caregiver leave.
- 5.11.12 Intermittent Leave – An employee may take leave intermittently or on a reduced leave schedule only when medically necessary to care for a spouse, parent, or child or to receive planned medical treatment. Intermittent leave should be scheduled to the extent practicable so as not to unduly disrupt the operations of the Board. Intermittent leave may be further limited for teachers in accordance with federal law.
- 5.11.13 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.
- 5.11.14 Notice – Employees seeking leave under the FMLA must provide thirty (30) days advance notice of the need to take leave when the need is foreseeable. When the need for leave is unforeseeable, employees should notify their supervisors as soon as possible. Employees must also provide notice of the need for qualifying exigency leave as soon as practicable.
- 5.11.15 Certification for Medical or Military Caregiver Leave – Every request for FMLA leave based upon the serious health condition of the employee or employee's spouse, children, or parents, or leave as a military caregiver must be supported by medical certification issued by the appropriate health care provider on forms provided by the Board.

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

- 5.11.16 Certification for Qualifying Exigency Leave – Certification will be required by the Board for requests for qualifying exigency leave. Certification must be timely submitted on forms available from the Board. For the first such request, certification may include a copy of the military service member’s duty orders or other military documentation.
- 5.11.17 Return to Work – The Board may require an employee who has taken leave due to the employee’s own serious medical condition to provide the Board with a healthcare provider’s certification in order to return to work. Any employee who takes leave under these provisions will be entitled to be restored to the original position held when the leave commenced or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment.
- 5.11.18 Maintenance of Benefits – Benefits accrued by the employee before leave is taken are not lost when approved FMLA leave is taken. Employees who are on approved FMLA leave will remain eligible to participate in benefit programs in which the employee was enrolled at the time of the leave, provided that the employee will continue to be responsible for payment of employee’s portion of any cost, premium, or like payment that is required to maintain eligibility for the coverage or benefit. An employee that does not return to work after FMLA leave, will be required to reimburse the Board for the cost of benefits coverage extended to the employee during the leave, unless the reason for the employee’s failure to return to work is (i) a continuing serious health condition suffered by either the employee or a family member, or (ii) other circumstances beyond the employee’s control.
- 5.11.19 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.
- 5.11.20 Medical or Birth/Adoption – An employee may be granted up to one-year leave of absence without pay for each birth/adoption of a child, or personal illness when proper application is made to the Board. For valid extenuating circumstances, the Board may extend the leave of absence for up to one additional year. Such leave granted by the Board shall not be deemed to interrupt the continuing service of the employee. Should an employee who qualifies for FMLA leave and is also granted medical or birth adoption leave, the first twelve weeks of that leave shall be deemed to be FMLA leave.

[Policy adopted 8/1/2019]

5.12 Sick Leave Bank

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

- a. *Sick Leave Bank Committee* – The Sick Leave Bank Committee will be composed of one member representing the Board and four members representing participating members of the sick leave bank.
- 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 to include two certified and two noncertified employees who are members of the sick leave bank.
- b. *Procedures for Selecting Employee Representatives on Committee*
1. *Nomination* – Before each election of participant representatives, the Board will hold an open nomination period. Any employee who is eligible to participate in the sick leave bank may be nominated for one of the participant representative positions. Nominations must be written and must be received in the Human Resources Department 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 Human Resources Department for final tabulation. The four candidates receiving the highest number of votes will serve as participant representatives on the Sick Leave Bank Committee.
- c. *Term of Committee Members* – Sick Leave Bank Committee members will serve for a term of one year and may not serve for more than five years.
- d. *Chairman of the Sick Leave Bank Committee* – The Sick Leave Bank Committee will elect a chairman from among its representatives at its first annual meeting.
- e. *Meetings* – The Sick Leave Bank Committee will meet at least annually following each enrollment period. The Committee will also meet as necessary in its discretion.
- f. *Sick Leave Bank Committee Duties* – The Sick Leave Bank Committee will develop proposed rules and regulations for the Sick Leave Bank, to be submitted to participating members for approval. At a minimum, said

rules and regulations must include those terms and provisions that are required by statute. The Committee has the authority to review both participation in the Bank and requests for leave to ensure compliance with state law, Board policy, and such rules and regulations as may be adopted by the Sick Leave Bank Committee.

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

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

5.13 *Equal Employment Opportunity*

5.13.7 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.

5.13.8 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.

5.14.7 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:

- a. 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;

- b. 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
- c. 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.

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

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

5.14.9 Employee Complaint Resolution Procedure

- a. *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.
- b. *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.

5.14.10 Formal Complaint Procedure

- a. *Persons Responsible For Receiving and Investigating Formal Complaints* – The Superintendent is responsible for receiving and investigating formal complaints regarding sexual harassment. The Assistant Superintendent 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.

- b. *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.
- c. *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.
- d. *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.

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

5.14.12 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.

5.14.13 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 Certified Employees

This policy applies to layoffs that are implemented by a reduction in force as contemplated by ALA. CODE §16-1-33 (1975). A layoff may take place when the Board determines that a financial exigency, program change, decrease in student enrollment, change in curriculum, consolidation or reorganization of schools or school districts, serious natural disaster, or other legitimate business reason requires that the contract of one or more teachers, principals, or other professional employees be terminated. Such a determination constitutes the necessary cause for termination, demotion or reassignment. To the extent possible, the Superintendent will use attrition and non-renewal to achieve staff reductions.

Based on the philosophy of maintaining the best educational program possible, prior to the implementation of a layoff, the Board will determine, upon

recommendation of the Superintendent of Education, the organizational levels/areas and/or positions to be reduced. The Board should determine whether organizational levels/areas are to be considered distinctive categories. The personnel/positions within these levels/areas may be considered separately. For the purpose of the layoff, the following terms are defined:

Grade Level – kindergarten, elementary grades 1-6, secondary grades 7-12, administration and supervision, special education, counseling and guidance, vocational programs, and federal programs.

Discipline Area – certificate endorsement area(s) and current major teaching or administration/supervisory assignment(s) within the District.

Layoff – A “layoff” within the meaning of this policy is a separation from employment with the Board of Education. However, employees who are laid off under authority of this policy are eligible for recall to employment as conditionally provided in this policy. Moreover, layoffs are not terminations within the meaning of the Alabama Teacher Tenure laws and are not subject to the procedural or substantive requirements thereof. Nor does the term “layoff” include or apply to the expiration of temporary, occasional, or “at-will” appointments or to decisions not to renew or extend employment beyond the expiration of annual or other specified terms of appointment.

Financial Exigency – “Financial exigency” means any decline in the Board’s financial resources brought about by decline in enrollment, cuts in funding, decline in tax revenues, or any other actions or events that create a need to reduce financial expenditures for personnel.

Program Change – “Program change” means any elimination, curtailment or reorganization of curriculum offering, program, or school operation because of a lack of student response to particular course offerings, legislative revisions to program funding, or a reorganization or consolidation of two or more individual schools.

Subject to any applicable statutory and constitutional limitations, the Board has the authority to terminate, demote or reassign professional personnel to achieve the necessary reduction in staff. All terminations, demotions, or reassignments shall be based on objective criteria.

Following the identification of the grade level(s), discipline area(s), and positions the number of staff to be reduced from each of the area(s) will be determined by the Board based on a recommendation by the Superintendent of Education. The Superintendent shall also recommend the particular employees to be terminated, demoted, or reassigned.

When a layoff is necessary, the first employees to be dismissed will be non-tenured persons within the areas/class of personnel being reduced. Non-tenured

employees will be retained when a tenured employee is terminated only if the tenured employee is not qualified by certification or competence to hold the position that the non-tenured employee occupies.

In order for a staff member selected to be reduced in force by these procedures to displace a staff member in another discipline area with less service time, said staff member must be certified to handle the entire position of the employee they seek to displace. However, an employee does not have displacement rights to a higher paying position than the one he/she occupies at the time of the reduction in force.

If more than one tenured employee is being considered for dismissal, the following objective criteria, in order stated, will be used to determine which of the tenured employees will be retained:

1. Certification must be held in a teaching position that is open. A tenured employee who is highly qualified for the position under federal guidelines will be given consideration over a tenured employee who is not highly qualified. However, in the event a tenured employee has been serving in a position not requiring highly qualified status and is being returned to a teaching position for which they are otherwise qualified, he or she shall be given one year from the date of reassignment to become highly qualified. In addition, if the reassignment is as a result of a reduction in force and such tenured employee has greater length of service than a tenured employee who is highly qualified for the position, the tenured employee with the greatest length of service will be given preference for the position without regard to his or her highly qualified status.
2. Seniority and the length of continuous, full-time, contracted certified employment in the position beginning on the actual date of employment in the affected position as reflected in the Board minutes. Continuous employment will not be considered interrupted by holidays, vacation periods, summer recesses or approved leaves of absence; however, in computing length of service, the period of any approved leave of absence shall not be counted as part of the total continuous employment.

If, based upon these factors, two or more tenured faculty are equally qualified for the position, the following prioritized list will determine the order of the reduction in force:

1. Source of funding.
2. The date the Board ratified the employee's contract for the affected position.
3. The date the Board ratified the employee's contract for the initial position in the system, i.e., length of seniority in the system.
4. If all of the above are equal, lots will be drawn.

The above procedure shall not violate any applicable court order or statute.

Personnel who are to be reduced in force shall be given written notice by personal service or United States certified or registered mail.

Names of personnel reduced in force shall be placed in a school system reemployment pool. Any tenured professional employee terminated or demoted pursuant to this policy will, for a period of one calendar year, be offered re-employment, if their previous position is reinstated by the Board. The employee shall still be qualified by certification and competency in the area of need to qualify for the recall. Recalled employees will be re-employed in reverse order of termination or demotion before non-tenured/new professional employees in the same position are hired. If a former employee refuses an offer of employment pursuant to this policy, his or her rights of recall are forfeited.

Provided personnel in the employment pool are recalled, they shall be issued a letter of reappointment by personal service or postal mail within fifteen (15) work days of the vacancy occurring. The letter advising of reappointment will be sent to the recalled employee at the employee's last known address according to personnel records of the Board. Said personnel must accept or reject the offer of re-employment in writing within five (5) working days of receipt of the offer.

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

5.15.2 Classified Employees

This policy applies to layoffs that are implemented by a reduction in force as contemplated by Ala. Code §16-1-33 (1975). A layoff may take place when the Board determines that a financial exigency, program change, decrease in student enrollment, change in curriculum, consolidation or reorganization of schools or school districts, serious natural disaster, or other legitimate business reason requires that the contract of one or more non-certified staff be terminated. Such a determination constitutes the necessary cause for termination, demotion or reassignment. To the extent possible, the Superintendent will use attrition and non-renewal to achieve staff reductions.

Based on the philosophy of maintaining the best educational program possible, prior to the implementation of a layoff, the Board will determine, upon recommendation of the Superintendent of Education, the work sites, areas and/or positions to be reduced. The Board should determine whether work sites/areas are to be considered distinctive categories. The personnel/positions within these sites/areas may be considered separately. For the purpose of the layoff, the following terms are defined:

Work Areas – Child Nutrition personnel, custodians and maids, secretaries/bookkeepers, building maintenance, automotive mechanics, transportation, and instructional assistants.

Work Sites – Central office to include: Child Nutrition personnel, secretaries/ bookkeepers, custodians and maids, building maintenance, and transportation. Child Nutrition personnel, custodians and local schools to include maids, secretaries/bookkeepers, and instructional assistants.

Layoff – A “layoff” within the meaning of this policy is a separation from employment with the Board of Education. However, employees who are laid off under authority of this policy are eligible for recall to employment as conditionally provided in this policy. Moreover, layoffs are not terminations within the meaning of the Alabama Fair Dismissal laws and are not subject to the procedural or substantive requirements thereof. Nor does the term “layoff” include or apply to the expiration of temporary, occasional, or “at-will” appointments or to decisions not to renew or extend employment beyond the expiration of annual or other specified terms of appointment.

Financial Exigency – “Financial exigency” means any decline in the Board’s financial resources brought about by decline in enrollment, cuts in funding, decline in tax revenues, or any other actions or events that create a need to reduce financial expenditures for personnel.

Program Change – “Program change” means any elimination, curtailment or reorganization of curriculum offering, program, or school operation because of a lack of student response to particular course offerings, legislative revisions to program funding, or a reorganization or consolidation of two or more individual schools.

Subject to any applicable statutory and constitutional limitations, the Board has the authority to terminate, demote or reassign professional personnel to achieve the necessary reduction in staff. All terminations, demotions, or reassignments shall be based on objective criteria.

Following the identification of the work sites/area(s) and positions, the number of staff to be reduced from each of the sites/area(s) will be determined by the Board based on a recommendation by the Superintendent of Education. The Superintendent shall also recommend the particular employees to be terminated, demoted, or reassigned.

When a layoff is necessary, the first employees to be dismissed will be probationary persons within the sites/areas of personnel being reduced. Non-tenured employees will be retained when a tenured employee is terminated only if the tenured employee is not qualified to hold the position that the non-tenured employee occupies.

In order for a staff member selected to be reduced in force by these procedures to displace a staff member in another area with less service time, said staff member must be qualified to handle the entire position of the employee they seek to

displace. However, an employee does not have displacement rights to a higher paying position than the one he/she occupies at the time of the reduction in force.

If, based upon seniority, two or more non-probationary employees are equally qualified for the position, the following prioritized list will determine the order of the reduction in force:

1. The date the Board ratified the employee's current contract.
2. The date the Board ratified the employee's contract for the initial position in the system, i.e., length of seniority in the system.
3. If all of the above are equal, lots will be drawn.

The above procedure shall not violate any applicable court order or statute.

Personnel who are to be reduced in force shall be given written notice by personal service or United States certified or registered mail.

Names of personnel reduced in force shall be placed in a school system re-employment pool. Any non-probationary employee terminated or demoted pursuant to this policy will, for a period of one calendar year, be offered re-employment, if the same position is reinstated. The employee shall still be qualified by competency in the area of need. Recalled employees will be re-employed in reverse order of termination or demotion before probationary/new employees in the same class or organizational level are hired. If the employee refuses an offer of employment pursuant to this policy, his or her rights of recall are forfeited.

Provided personnel in the employment pool are recalled, they shall be issued a letter of reappointment by personal service or postal mail within fifteen (15) work days of the vacancy occurring. The letter advising of reappointment will be sent to the recalled employee at the employee's last known address according to personnel records of the Board. Said personnel must accept or reject the offer of re-employment in writing within five (5) working days of receipt of the offer.

[Ref.: Ala. Code §16-1-33 (1975)]

5.16 *Unauthorized Payments*

- 5.16.1 Notification to the Employee – Upon discovery of any unauthorized or erroneous payment or disbursement of funds to an employee, the Board will attempt in good faith to notify the employee of such unauthorized payment and to reach agreement with the employee, if possible, regarding the amount and terms of repayment. Notification to the employee will consist of a letter mailed or delivered to the employee's last known address. The notice will specify the amount owed, the method by which the amount was calculated, a proposed schedule of repayment, an opportunity for the employee to review or examine any documents or other

evidence supporting the claimed overpayment, and an opportunity for the employee to object in person or in writing to the amount or manner of the proposed withholding to provide an alternative plan of repayment. Unless the Board's ability to recover funds in question could be jeopardized by doing so, the Board will arrange a reasonable schedule of repayment so as to avoid undue hardship to the employee.

- 5.16.2 Retention and Recovery Authorized – If no objection to the proposed withholding is received within a reasonable time (to be specified in the notification letter), monies may be retained in the manner and to the extent described in the notification. If the employee objects to the proposed withholding, the Superintendent or his designee may, upon consideration of the objection and information and argument (if any) submitted in connection therewith, take such action as may be warranted under the circumstances and inform the employee in writing of the decision. If the employee is dissatisfied, he may contest the decision through the Board's complaint procedure. Monies may be withheld by the Board pending completion of the grievance process, provided that, should the Board later pay over to the employee monies that have been retained under authority of this policy, such payment(s) will reflect all appropriate deductions and will include accrued interest from the date of withholding at the rate specified by the then-effective rate applicable to interest on unpaid judgments under Alabama law. If, after exhausting reasonable efforts to do so, the Board is unable to contact the employee in the first instance, the Board may retain or withhold from compensation or other payments due the employee an amount sufficient to satisfy the indebtedness; provided that any such retention or withholding will be subject to review and reconsideration at the request of the employee.
- 5.16.3 Repayment Required as a Condition of Reemployment – The Board reserves the right to require repayment of any outstanding indebtedness as a condition to reemployment of any former employee.
- 5.16.4 Procedures Not Exclusive – The provisions, procedures, and method of review specified herein are in addition to those that are otherwise available to the parties under law for the retention or recovery of funds, and for administrative or judicial review thereof.

5.17 *Drug and Alcohol Testing of Safety Sensitive Employees*

- 5.17.1 Scope – The Board will conduct employee drug and alcohol testing for employees in safety sensitive positions 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 four (4) 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; and
- 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 will 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 or his or her designee 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 Employee Testing 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*

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

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

6.1.2 Admission to Schools

- a. *Resident Students* – School-aged children who reside within Elmore County, Alabama, and not within the limits of a city operating an independent municipal school system, may be admitted to Elmore County Schools. For purposes of this policy, the residence of the student will be the residence of the custodial parent or legal guardian. If custody of the child is shared, alternating, or unclear, or if the child does not reside with a custodial parent or legal guardian, the domicile or actual physical residence of the child will control, except when there is evidence that the claimed residence of the child is not his actual residence, or that the claimed residence is fraudulently given as a means of avoiding or violating admission, enrollment, attendance, and residency standards and requirements.
- b. *Non-resident Students* – The Board may permit students who do not reside within the Elmore County School District to attend schools within the school system. The Board may establish criteria for admission of non-resident students, and may require the payment of tuition as a prerequisite to enrollment. The Board will not provide transportation to and from school or homebound instruction outside of Elmore County.
- c. *Homeless, Foster Care, Migratory, Immigrant, and Limited English Proficient Students* – Homeless, foster care, migrants, immigrants, and English language learners must have equal access to the education, including public preschool education, provided to other children and youth. Such children will be provided the opportunity to meet the same challenging state content and state student performance standards to which all students are held without being stigmatized or isolated.

The enrollment of homeless, foster care, migrant, immigrant, and limited English proficient children and youth shall not be denied or delayed due to any of the following barriers:

1. Lack of birth certificate

2. Lack of school records or transcripts
 3. Lack of immunization or health records
 4. Lack of proof of residency
 5. Lack of transportation
 6. Guardianship or custody requirements
- d. *Homeless and Foster Care Students –*
- (i) *Enrollment.* Homeless and foster care students will be permitted to enroll without regard to residency status and may be entitled to other accommodations under federal law.
 - (ii) *Dispute Resolution.* When a dispute arises regarding school placement, the system will immediately enroll the homeless or foster care student in the school in which enrollment is sought by the parent, guardian, or unaccompanied youth, pending resolution of the dispute. The school will provide the parent, guardian, or unaccompanied youth with a written explanation of the decision, a statement of the right to appeal, and the procedure for appealing the placement decision. The principal of the school will notify the Board’s Homeless or Foster Care Liaison of the dispute.
 - (iii) The Homeless or Foster Care Liaison will expeditiously carry out the system’s dispute resolution procedures as detailed in the Board’s homeless student plan or foster care plan.
- e. *Students Expelled or Suspended from Other School Systems –* Any student who is under suspension or expulsion from another school system or a private, parochial, or other school will not be permitted to enroll until the student has satisfied the conditions for readmission set by the expelling or suspending board or authority in addition to generally applicable admission requirements established by the Board which may include temporary attendance at the alternative school.
- f. *Required Documentation –* Students entering the school system for the first time, regardless of grade level, will be required to submit documentation or other proof of residency and such other registration materials as school officials may reasonably require, including but not limited to a certificate of immunization or an exemption as prescribed by the Department of Health and signed by a private physician or appropriate health department official. A Delegation of Parental Authority will not be accepted for proof of guardianship; a court decree or other legal document is required. The Superintendent may accept alternate forms of evidence or modify otherwise applicable requirements as necessary and appropriate to accommodate migrant, immigrant, or homeless students.

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

6.1.3 Attendance Zone and Class Assignment

- a. *Attendance Zone Assignment* – Students will be assigned to the school serving the attendance zone in which his parent(s) or legal guardian reside(s). A student whose parent or legal guardian moves from one attendance zone to another during the school year will be transferred to the school attendance zone in which the new residence is located. The student may be permitted to remain in the school attendance zone that serves the former residence until the end of the semester with the approval of the Superintendent. A parent or legal guardian who has documented plans to move to a new attendance area during the first or second grading period of the school year may have his child enrolled in the school serving the new residence upon approval by the Superintendent.
- b. *Class Assignment* – Principals will assign students to classes in keeping with school accreditation standards and any procedures or criteria that may be established at the system or school level.

6.1.4 Absences and Excuses – Student attendance is maintained for all attendance types to include on campus, virtual, and blended attendance models. Students are not permitted to be absent from school without a valid excuse. Absences will be designated as excused or unexcused. Excused absences will be permitted for the following reasons:

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

Documentation supporting an excused absence must be submitted within three days of return to school or the absence will be deemed to be unexcused.

Excessive unexcused absences may result in a loss of academic credit or referral of the matter to juvenile or other appropriate legal authorities for investigation.

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

[Reference: ALA. CODE §16-28-1, *et seq.* (1975); Ala. Admin. Code 290-3-1-.02; Policy revised 6/15/2020]

6.2 *Transfers and Withdrawals*

- 6.2.1 Transfers – The Board may permit transfers between schools within the school system for good cause. Transfer requests must be submitted in writing and must include detailed reasons for the request. The Superintendent may approve or deny a transfer request in light of the stated reasons for the request, the capacity and resources of the schools, the student’s record (including behavior, grades, attendance, and other factors), and the best interests of the student and of the school system. The existence or availability of a transfer process does not create or give rise to any right to attend a particular school, and school assignment remains wholly with the discretion of the Board. Transportation to and from school will be the responsibility of the parent.
- 6.2.2 Withdrawals – No student of compulsory attendance age will be permitted to withdraw from school except in accordance with state law and any withdrawal procedures that may be developed by the Superintendent.

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

6.3 *Student Fees, Fines, and Charges*

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

6.4 *Concussions*

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

1. Develop materials and information that are designed to educate students and their parents or guardians about the nature of concussion and brain injury and the risks of continuing to participate in athletics after receiving a concussion or brain injury;
2. Suitably summarize such materials on a concussion and head injury information sheet which is to be provided annually to current and prospective student athletes and their parents or guardians. Prior to the student’s participation in practice or competition, the head coach of the team must obtain and keep on file a copy of the information worksheet signed by the team member and his or her parent or guardian;
3. Develop a program designed to educate coaches on how to learn to recognize the symptoms of a concussion and how to seek proper medical treatment for a person suspected of having a concussion. The training shall be provided by qualified medical personnel or persons with special expertise in recognizing and responding

to concussions and brain injuries, and shall be offered to every coach prior to the beginning of practice for the athletic team that he or she coaches; and

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

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

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

6.5 *Extracurricular Activities*

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

- a. The organization or activity must be approved by the school principal and must have an assigned faculty supervisor or sponsor;
- b. The organization or activity must promote or serve the intellectual, cultural, personal, or physical development of the student in a manner that is consistent with the purposes of public education, the Board’s legal mandate, mission statement, policies, and regulations, and with applicable requirements of state and federal law;
- c. The organization or activity must operate under and subject to general supervision of school officials; and
- d. The nature of the organization and its activities are not inconsistent with and do not interfere with instructional activities 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.

6.5.2 Athletics – Participation in Board sanctioned athletic programs will be on such terms and conditions as may be approved by the Board and the Alabama High School Athletic Association.

6.5.3 Academic Ineligibility – Participation in Board sanctioned athletic programs will be on such terms and conditions as may be approved by the Board, provided in applicable law or established by 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.

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

6.6 *Off-Campus Events*

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

- a. The destination is an activity, event, or function that services a *bona fide* educational or related extracurricular purpose, or is an athletic event or function sponsored or sanctioned by the school or the school system and the state athletic association;
- b. Adequate information regarding the trip (e.g., destination, duration, purpose, educational purpose, mode of transportation, nature and extent of student participation) has been provided to the principal, program director, and Superintendent;
- c. Adequate arrangements are made for supervision and other risk management considerations (e.g., parental permission, medical treatment authorization, special insurance requirements);
- d. Properly certified and qualified drivers have been selected and arrangements for the costs of the trip (e.g., salary, fuels, maintenance, lodging) have been made; and
- e. Principal approval of the trip is obtained. In addition, Superintendent approval is required for out-of-state trips.

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

6.7 *Student Publications*

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

6.8 *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:

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

6.9 *Equal Educational Opportunities*

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

6.10 *Title IX*

6.10.1 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.

6.10.2 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.

6.11 *Student Sexual Harassment*

6.11.1 Sexual Harassment Prohibited – Sexual harassment in any form that is directed toward students is prohibited. Persons who violate the policy will be subject to the full range of disciplinary consequences up to and including termination (for employees) and expulsion (for students) as dictated by the nature and severity of the violation and other relevant considerations. If appropriate, the circumstances

constituting the violation may be reported to law enforcement agencies or child welfare agencies for further investigation and action.

- 6.11.2 Definition – For purposes of this policy, sexual harassment means unwelcome sexual advances, requests for sexual favors, other physical or verbal conduct or communications of a sexual nature, and any other gender-based harassment, whether initiated by students, school employees, or third parties, when:
- a. Submission to the conduct is made explicitly or implicitly a term or condition of the student’s education, including any aspect of the student’s participation in school-sponsored activities, or any other aspect of the student’s education;
 - b. Submission to or rejection of the conduct is used as the basis for decisions affecting the student’s academic performance, participation in school-sponsored activities, or any other aspect of the student’s education;
 - c. The conduct has the purpose and effect of unreasonably interfering with a student’s academic performance or participation in school-sponsored activities or creating an intimidating, hostile, or offensive education environment.

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

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

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

the complaint, and will be drafted, explained, and implemented so as to be understandable and accessible to all student population groups and ages.

- 6.11.4 Initial Confrontation of Accused Harasser Not Required – A student who invokes the harassment complaint procedure will not be required to present the complaint to the accused or suspected harasser for resolution. Students will be permitted to report allegations of suspected harassment to any appropriate Board administrator, teacher, counselor, or employee, and such persons have a duty to promptly refer such allegations to the Superintendent or to take such action as may be required by the procedures established under “Sexual Harassment Complaint Procedures Authorized” (6.11.3) above. In no case will any employee who is the subject of a complaint be permitted to conduct, review, or otherwise exercise decisionmaking responsibility in connection with the processing of the complaint.
- 6.11.5 Notice of Policy to be Promulgated – The Superintendent will promulgate and disseminate this policy and the complaint procedures to the schools and will take such other steps and measures as may be reasonably available and expedient for informing the school community of the conduct prohibited by this policy and the recourse available to students who believe that they have been subjected to sexual harassment.

6.12 *Protection of Pupil Rights Amendment*

- 6.12.1 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.
- 6.12.2 Notice and Option to Opt Out – Parents will be provided notice and an opportunity to opt a student out of any of the following:

- a. Any survey that is designated to obtain protected information from a student, regardless of the source of funding;
- b. Any non-emergency, invasive physical exam or screening that is required as a condition of attendance, that is administered by the school or its agent, and that is not necessary to protect the immediate health and safety of a student, except for hearing, vision, or scoliosis screenings, or any physical exam or screening permitted or required under state law; and
- c. Activities involving collection, disclosure, or use of personal information obtained from students for marketing or for the purpose of selling or otherwise distributing the information to others.

6.12.3 Inspection – Parents will be allowed to inspect, upon request and before administration or use, the following:

- 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.

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

6.12.5 Additional Policies and Procedures Authorized – In consultation with parents, the Superintendent is authorized to develop additional policies, and arrangements to protect student privacy in the administration of protected information surveys and in the collection, disclosure, or use of personal information for marketing, sales, or other distribution purposes. The 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]

6.13 *Student Records*

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

regarding educational records through the student handbook or by other appropriate means.

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

6.14 *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.

6.15 *Student Conduct*

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

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

6.16 *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.

6.17 Corporal Punishment

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

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

6.18 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 for purposes of truancy monitoring. Make up work will only be permitted for the student's first suspension of the year. However, if permitting such make up 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, it may not be permitted. Suspension of students with disabilities will be subject to applicable limitations and requirements imposed by the Individuals with Disabilities Education Act ("IDEA") and its implementing regulations.

6.19 *Student Expulsion (including Students with Disabilities)*

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

6.20 *Electronic Communication Devices*

Personal, wireless communication devices are allowed on school grounds or while students are being transported on a school bus; however, the use of such devices may be prohibited when they are used in an inappropriate or disruptive manner. Personal, wireless communication devices include, but are not limited to, cellular telephones, smart phones, pocket pagers, email devices, "walkie talkies," or any other electronic communication device. Principals or their designees will also have the authority to further limit or deny the use of personal/wireless communication devices by any individual 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. The Board assumes no responsibility for theft, loss, or damage to any personal/wireless communication device.

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

6.21 *Driver's License*

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

- a. Students who are mentally or physically unable to attend school;
- b. Students who are regularly and legally employed in compliance with the provisions of the Child Labor Law; and
- c. Students who, because of the lack of public transportation, are compelled to walk more than two miles to attend a public school.

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

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

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

6.22 *Student Parking Privileges – Substance Abuse Policy*

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

the right to require that sobriety or drug tests or screenings be passed as a condition to maintaining parking or vehicle permits, or privileges relating to use of a motor vehicle. Such testing or screening may also be performed whenever a school official observes or is made aware of circumstances that provide reasonable suspicion or belief that the student has used alcohol, illegal drugs, or other substances in violation of the Board's substance abuse policies. All such testing or screening will be performed in accordance with local, state and federal laws, and procedures that are developed by the Superintendent for approval by the Board.

6.23 *Student Competitive Extracurricular Activity Substance Abuse Policy*

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

6.24 *Harassment, Violence, and Threats of Violence Prohibited*

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

6.24.2 Definitions –

- a. The term “harassment” as used in this policy means a continuous pattern of intentional behavior that takes place on school property, on a school bus, or at a school-sponsored function including, but not limited to, written, electronic, verbal, or physical acts that are reasonably perceived as being motivated by any characteristic of a student, or by the association of a student with an individual who has a particular characteristic, if the characteristic falls into one of the categories of personal characteristics set forth in Section 6.24.3(b) below. To constitute harassment, a pattern of behavior may do any of the following:
 1. Place a student in reasonable fear of harm to his or her person or damage to his or her property.

2. Have the effect of substantially interfering with the educational performance, opportunities, or benefits of a student.
 3. Have the effect of substantially disrupting or interfering with the orderly operation of the school.
 4. Have the effect of creating a hostile environment in the school, on school property, on a school bus, or at a school-sponsored function.
 5. Have the effect of being sufficiently severe, persistent, or pervasive enough to create an intimidating, threatening, or abusive educational environment for a student.
- b. The term “violence” as used in this policy means the infliction of physical force by a student with the intent to cause injury to another student or damage to the property of another student.
 - c. The term “threat of violence” as used in this policy means an expression of intention to inflict injury or damage that is made by a student and directed to another student.
 - d. The term “intimidation” as used in this policy means a threat or other action that is intended to cause fear or apprehension in a student, especially for the purpose of coercing or deterring the student from participating in or taking advantage of any school program, benefit, activity or opportunity for which the student is or would be eligible.
 - e. The term “student” as used in this policy means a student who is enrolled in the Elmore County School System.

6.24.3 Description of Behavior Expected of Students -

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

one or more of the following personal characteristics of the victim of such conduct:

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

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

6.24.5 Reporting, Investigation, and Complaint Resolution Procedures -

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.

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.

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

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

6.25 *Seclusion and Restraint*

- 6.25.1 Seclusion – The Board prohibits the use of Seclusion – 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 and 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, so the Board does allow, the following situations: 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 below; in-school suspension; alternative school; detention; or a student-requested break in a different location in the room or in a separate room.

Time-Out – A behavioral intervention in which the student is temporarily removed from the learning activity. Time-out is appropriately used 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.
- 6.25.2 Chemical Restraint – The Board prohibits the use of Chemical Restraint - any medication that is used to control violent physical behavior or restrict the student's

freedom of movement that is not prescribed treatment for the student's medical or psychiatric condition.

- 6.25.3 Mechanical Restraint – The Board prohibits the use of Mechanical Restraint – 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.

Mechanical Restraint does not include, so the Board allows, 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. In addition, mechanical restraint does not include seatbelts and other safety equipment when used to secure students during transportation.

- 6.25.4 Physical Restraint – The Board prohibits the use of Physical Restraint that restricts the flow of air to the student's lungs – any method (face-down, face-up, or on the side) 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.

The Board prohibits the use of Physical Restraint – direct physical contact from an adult that prevents or significantly restricts a student's movement 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 as a form of discipline or punishment is prohibited.

Physical Restraint does not include, so the Board allows, limited physical contact and/or redirection to promote student safety or to prevent self-injurious behavior, providing physical guidance or prompting when teaching a skill, redirecting attention, providing guidance to location, providing comfort, or providing limited physical contact as reasonably needed to prevent imminent destruction to school or another person's property.

Elmore County Schools shall utilize the following procedures for use of Physical Restraint:

1. All physical restraint must be immediately terminated when the student is no longer in immediate danger to himself or others or if the student is observed to be in severe distress.
2. Parents shall be provided, at least annually, with information regarding the policy for use of physical restraint.
3. Annual training for select faculty and staff on the use of physical restraint as well as the *Elmore County Schools Seclusion and Restraint Policy*.

- a. Use of physical restraint.
 - b. Techniques to prevent the need to use physical restraint.
 - c. De-escalation techniques.
 - d. Positive behavioral intervention strategies.
 - e. Maintain written or electronic documentation on training provided and a list of participants for each training.
4. Written parental notification when physical restraint is used to restrain their student within one school day from the use of restraint.
 5. The use of physical restraint shall be documented by staff or faculty participating in or supervising the restraint for each student, in each instance, in which the student is restrained.
 6. Annual report to the Elmore County Board of Education for:
 - a. Use and documentation of restraint;
 - b. Any prohibited use of seclusion, chemical, mechanical or physical restraint.

6.25.5 Construction of Policy – Nothing in this policy shall be construed to prohibit an employee of Elmore County Schools, any of its schools, or any of its program employees, from any of the following:

1. Use of any other classroom management techniques or approaches, including a student's removal from the classroom, that is not specifically addressed in this policy;
2. The right of school personnel to use reasonable force as permitted under the *Code of Alabama*, §16-1-14 (1975), or modifies the rules and procedures governing discipline under the *Code of Alabama*, §16-28-12 (1975);
3. Reasonable actions to diffuse or break up a student fight or altercation;
4. Reasonable action to obtain possession of a weapon or other dangerous objects on a student or within control of a student;
5. Discretion in the use of physical restraint to protect students or others from imminent harm or bodily injury. Nothing in this policy shall be construed to create a criminal offense or private cause of action against Elmore County Schools, or program, or its agents, or employees;
6. In instances in which a student is an immediate danger to himself or herself

or others, the school or program must determine when it becomes necessary to seek assistance from law enforcement and/or emergency medical personnel. Nothing in this policy shall be construed to interfere with the duties of law enforcement or emergency medical personnel. Parents must be promptly informed when students are removed from the school or program setting by emergency medical or law enforcement personnel.

[Reference: ALA. ADMIN. CODE R. 290-3-1-.02(1)(f)]

6.26 *Suicide Prevention*

6.26.1 The *Jason Flatt Act* was passed in order to equip Alabama school districts and their personnel to recognize and act on signs of suicide risk in order to provide prevention, intervention and postvention with students at risk, their families and the communities who may be affected. This act, which amends the 16-28B-8 of the Code of Alabama 1975, includes prevention of harassment and violence.

Elmore County Schools shall:

1. Foster individual, family, and group counseling services related to suicide prevention.
2. Make referral, crisis intervention, and other related information available for students, parents, and school personnel.
3. Foster training for school personnel who are responsible for counseling and supervising students.
4. Increase student awareness of the relationship between drug and alcohol use and suicide.
5. Educate students in recognizing signs of suicidal tendencies and other facts and warning signs of suicide.
6. Inform students of available community suicide prevention services.
7. Promote cooperative efforts between school personnel and community suicide prevention program personnel.
8. Foster school-based or community-based, or both, alternative programs outside of the classroom.
9. Develop a strategy to assist survivors of attempted suicide, students, and school personnel in coping with the issues relating to attempted suicide, suicide, the death of a student, and healing.

10. Engage in any other program or activity which the local board determines is appropriate and prudent in the efforts of the school system to prevent student suicide.
11. Provide training for school employees and volunteers who have significant contact with students on the local board policies to prevent harassment, intimidation, and threats of violence.
12. Develop a process for discussing with students local board policies relating to the prevention of student suicide and to the prevention of harassment, intimidation, violence, and threats of violence.
13. Provide annual training for all certificated school employees in suicide awareness and prevention. This training may be provided within the framework of existing inservice training programs or as a part of required professional development offered by the local school system.

6.26.2 Description of Behavior Expected of Students – Students are expected to treat other students with courtesy, respect, and dignity and comply with the Student Code of Conduct. Students are expected and required to (1) comply with the requirements of the law, policy, regulation, and rules prohibiting harassment, violence, or intimidation, and (2) to comply with the system’s prevention strategies related to suicide prevention, intervention, and postvention support.

6.26.3 Responsibility for Reporting – Any person involved in a cause of action or omission resulting from the implementation of this suicide prevention policy or resulting from any training, or lack thereof, required by this section, shall be subject to state immunity law.

6.26.4 Promulgation of Policy and Related Procedures, Rules and Forms – This policy and any procedures and rules 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 Elmore County Schools’ Web site.

[Reference: Ala. Code §16-28B-8; Policy adopted 12/12/2016]

6.27 *Voluntary Religious Expression*

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

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

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

[Reference: Act of Alabama No. 2015-129; Policy adopted 3/27/2017]

6.28 **Bullying Prevention**

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

6.28.2 Definitions – these terms shall have the following meanings:

- a. “Bullying” means a continuous pattern of intentional behavior on or off of school property, on a school bus, or at a school-sponsored function

including, but not limited to, cyberbullying or written, electronic, verbal, or physical actions that are reasonably perceived as being motivated by any characteristic of a student, or by the association of a student with an individual who has a particular characteristic, if the characteristic falls into one of the categories of personal characteristics contained in this policy.

To constitute bullying, a pattern of behavior may do any of the following:

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. “Hostile environment” means the perception by an affected student that the conduct of another student constitutes a threat of violence or bullying and that the conduct is objectively severe or pervasive enough that a reasonable person, under the circumstances, would agree that the conduct constitutes bullying, threat of assault, or assault.
- c. “Violence” means the unjustified infliction of physical force by a student with the intent to cause injury to another student or damage to the property of another student.
- d. “Threat” means a statement of an intention to inflict pain, injury, damage, or other hostile action to cause fear of harm. The intention may be communicated through an electronic, written, verbal, or physical act to cause fear, mental distress, or interference in the school environment. The intention may be expressly stated or implied and the person communicating the threat has the ability to carry out the threat.
- e. “Threat of violence” means an unjustified expression of intention to inflict injury or damage that is made by a student and directed to another student.
- f. “Intimidation” means an unjustified threat or other action that is intended to cause fear or apprehension in a student.
- g. “Student” as used in this policy means a person who is enrolled in public school system.

6.28.3 Description of Behavior Expected of Students

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

- b. Bullying, intimidation, violence, or threats of violence are prohibited and will be subject to appropriate disciplinary consequences and/or sanctions if the perpetrator of such action is found to have based the prohibited action on one or more of the following personal characteristics of the student:
 - 1. Race
 - 2. Sex
 - 3. Religion
 - 4. National origin
 - 5. Disability

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

6.28.5 Reporting, Investigation, and Complaint Resolution Procedures

- a. Complaints alleging violations of this policy may be made on a Board-approved complaint form available on the website, or at the school’s office. The complaint must be delivered to the principal or the principal’s designee either by mail or personal delivery. Incidental or minor violations of the policy may be presented and resolved informally. The complaint form developed to report violations of this policy will include a provision for reporting a threat of suicide by a student. If a threat of suicide is reported, the principal or the principal’s designee is authorized to inform the student’s parent or guardian of the report unless at the discretion of the school principal or the principal’s designee the apparent cause of the threat of suicide is child abuse or other significant harm from a parent or guardian.

- b. Upon receipt of the complaint, the principal or the principal’s designee will determine if the complaint alleges a serious violation of this policy. If the principal or the principal’s designee determines that the complaint alleges a serious violation, the principal or the principal’s designee will

undertake a reasonably prompt investigation of the complaint. The investigation will entail the gathering of relevant facts and evidence considering the circumstances of the complaint. If the investigation establishes a violation, appropriate disciplinary sanctions may be imposed on the offending student(s). Other measures that are reasonably calculated to prevent a recurrence of the violations(s) may also be imposed by the principal or the school system.

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

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

6.29 Supervision of Low-Risk Juvenile Sex Offenders

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

6.29.1 Definitions – these terms shall have the following meanings:

- a. “Plan” refers to the “individualized student safety plan” developed following the Student’s adjudication and/or enrollment in the school to serve as a behavior contract between the Student and the School.
- b. “School” refers to “all school property and school-sponsored functions including, but not limited to, classroom instructional time, assemblies, athletic events, extracurricular activities, and school bus transportation” related to the Student’s current school of record.
- c. “Student” refers to “the low-risk juvenile sex offender” designated by a juvenile court judge as having a low risk of re-offense.

- d. “Teachers and staff with supervision over the student” or “Supervision team” refers to school officials or staff who have a specific responsibility for the student, including the school principal, the student’s assigned teachers and/or coaches, the student’s counselor, and if applicable, the student’s bus driver, during the subject school year and who will be privy to information regarding the student’s status. Teachers and staff with only passing and/or general contact with the student shall not be privy to information regarding the student’s status.
- e. “Victim” refers to the victim, if known by and attending the same school as the student, of the offense for which the student was adjudicated delinquent.

6.29.2 Notification

- a. In the event a currently enrolled student is an adjudicated delinquent and designated “low risk” by the juvenile court, local law enforcement is expected to notify the local Superintendent and principal of the student’s school in writing.
- b. In the event a student seeks to enroll in the district as a new student, and that student has been previously designated as a low-risk juvenile sex offender, local law enforcement is expected to notify the local Superintendent and principal of the student’s school in writing.
- c. In the event a currently enrolled student transfers to another school in the district or is promoted to another school in the district, the principal of the original school should notify designated law enforcement of the change as soon as practicable. Following that notification, the principal of the original school should orally or in writing brief the principal of the new school regarding the original plan and the transferring student’s status and circumstances. Regardless, the principal of the prior school must provide the student’s records and safety plan to the principal of the new school as soon as practicable. The new principal should review the plan and meet with the student, the student’s parent or guardian, and the anticipated new Supervision Team to determine whether the current terms are enough or should be adjusted based on the student’s circumstances.
- d. In the event the principal or a member of the Supervision Team leaves his position or is no longer responsible for supervising the student, a replacement team member should be named, if necessary and appropriate, and briefed by the principal or the most senior member of the Supervision Team regarding the student’s status and plan. The student, his parent or guardian, and other members of the Supervision Team should be notified of changes to the Supervision Team within a reasonable timeframe.

- 6.29.3 Plan Development and Maintenance – Upon proper notification from law enforcement, the student’s principal or designee will call together the anticipated Supervision Team to meet with the student and/or the student’s parent or guardian to develop an appropriate plan. This meeting should take place within ten (10) school days or as soon as practicable. In the event the student’s parent or guardian is unable or unwilling to meet, the principal or designee and the Supervision Team should meet with the student within a reasonable timeframe to develop an appropriate plan. In the event the victim attends the same school as the student, the plan should include measures to reduce the likelihood of victim and student interaction. The terms of the plan and any updates to it must be memorialized in writing and approved by the principal or designee before being distributed to the student and the student’s parent or guardian, as well as the Supervision Team. The principal or designee should meet with the student, the student’s parent or guardian, and the Supervision Team at least annually, but as often as deemed necessary by the principal or designee to assess the student’s status and to determine whether adjustments should be made to the plan.
- 6.29.4 Supervision – The student will be subject to the general Student Code of Conduct and any other conditions deemed necessary by the principal or designee as incorporated in the student’s plan. Members of the Supervision Team should report any suspected violations of the plan to the principal or designee. The school officials and staff responsible for supervising the student on a daily basis should do so in a manner that is discrete and unobtrusive.
- 6.29.5 Students with Disabilities – Discipline of students with disabilities will be subject to applicable limitations and requirements imposed by the Individuals with Disabilities Education Act and/or Section 504 of the Rehabilitation Act and implementing regulations.
- 6.29.6 Violations of the Plan – In the event the student violates the Student Code of Conduct or the plan, the student may be subject to discipline pursuant to board policy and/or reassessment of the plan’s conditions.
- 6.29.7 Challenges to the Plan – In the event the student and/or his parent or guardian object to conditions of the plan or the application of a sanction, a challenge must be submitted in writing to the Superintendent or his designee to consider whether adjustment of the Plan or response modification is warranted. The Superintendent’s decision shall be final. A response that constitutes disciplinary action will adhere to the applicable school disciplinary policies and procedures and the student will be afforded process due thereunder.
- 6.29.8 Confidential Information – Confidential information received by school officials or staff related to the student’s delinquent status must be treated as confidential from other students, staff members, officials and stakeholders. Any document identifying the student’s status should be safeguarded from unintentional disclosure by the members of the Supervision Team. Any school official or school

employee who improperly discloses the student's status to any other person may be subject to school discipline and/or criminal charges as provided by law.

6.29.9 Retaliation – Members of the Supervision Team should make every effort to treat the Student with the same respect and courtesy to which every student is entitled. The Team is reminded that the Student has been deemed by the juvenile court as not likely to reoffend and should be encouraged to fully integrate into the student body as a successful student. Mistreatment of any student may be cause for discipline.

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

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

VII. Instructional Program

7.1 *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 teacher representatives from each school, as well as 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*

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

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

<u>Letter Grade</u>	<u>Numerical Grade (100 point scale)</u>	<u>Grade Point Average Points (4 point scale)</u>
A	90 – 100	4.00
B	80-89	3.00
C	70-79	2.00
D	60-69	1.00
F	Below 60	0.00

7.3.2 Advanced Placement and Honors Grade Scale –When calculating the grade point average on a four point scale one point will be added for Advanced Placement courses and .2 will be added for Honors courses.

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.
- 7.3.6 Class Rankings – Beginning with the ninth grade of high school, all students will be ranked based on the four point grade point average scale (GPA) (calculated and weighted as described herein). The GPA calculation will be carried out three decimal places and truncated.
- 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 *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)]

7.7 *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)]

7.8 *Career and Technical Education Programs*

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

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

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

7.8.3 Safety –To the extent practicable, reasonable safety procedures will be implemented in the Career and Technical Education program in accordance with Alabama State Department of Education regulations and any applicable Business/Industry Certification requirements.

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

7.9 *Foreign Exchange Programs*

The Superintendent or designee is authorized to develop guidelines and procedures, to be approved by the Board, under which foreign exchange students may attend Elmore County Schools and Elmore County students may participate in foreign exchange programs.

7.10 *Extended Programs: Community Education*

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

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

7.11 *Graduation, Certificate of Completion, and Commencement*

Students who have satisfactorily completed requisite course work, met minimum attendance criteria, and passed required examinations are eligible for graduation. Students who have fulfilled coursework requirements but who have not passed the required graduation examination are eligible to participate in graduation ceremonies and will be presented with a “certificate of completion.” 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.

7.11.1 Honor Graduates – Students who meet the following requirements shall be classified as honor graduates at high school commencement ceremonies:

- a. Successful completion and passing of the required graduation examinations and other requirements for graduation set forth by the Board; and
- b. Maintenance of an overall grade point average (GPA) of 4.00 or higher (on a 4.00 point scale) for all courses taken during the freshman (or ninth grade) year through the semester immediately preceding graduation. Grades will be calculated and weighted as prescribed in the grading section above.

7.11.2 Valedictorian/Salutatorian

- a. *Criteria* – The valedictorian and salutatorian for the graduating class of each high school must qualify for the most advanced academic diploma offered and have been enrolled in the school system for a minimum of one full academic year prior to the date of graduation. The student with the highest grade point average (calculated and weighted on the four (4) point scale as prescribed in the grading section above) will be the class valedictorian. The student with the second highest grade point average shall be the class salutatorian. In calculating the grade point average, all semester grades will be used, beginning with the ninth grade through the semester immediately preceding graduation. The calculated average will be carried out three decimal places and truncated. In the case of a tie, students having the same average will be recognized as co-valedictorians and co-salutatorians.
- 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.

- 7.11.3 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.

7.12 *School Wellness*

The Board is committed to providing school environments that promote and protect children's health, well-being, and ability to learn by supporting healthy eating and physical activity.

7.12.1 General Requirements:

- a. The school district shall engage students, parents, faculty, teachers of physical education, food service professionals, health professionals, and other interested community members in developing, implementing,

monitoring, and reviewing district wide nutrition and physical activity policies.

- b. All students in grades K-12 shall have opportunities, support, and encouragement to be physically active on a regular basis.
- c. Foods and beverages sold or served at school shall meet the nutritional recommendations of the Healthy Hunger-Free Kids Act of 2010.
- d. Qualified child nutrition professionals shall provide students with access to a variety of affordable, nutritious, and appealing foods that meet the health and nutrition needs of students and shall provide clean, safe, and pleasant settings and adequate time for students to eat.
- e. To the maximum extent practicable, all schools in the district shall participate in available federal school meal programs, including the School Breakfast Program, National School Lunch Program, After-School Snack Program, and Summer Feeding Program.
- f. Schools shall provide nutrition education and physical education to foster lifelong habits of healthy eating and physical activity, and shall establish linkages between health education and school meal programs, and with related community services.

7.12.2 School Action Plan

The Board will provide a district wellness policy that will serve as a building block for individual schools to write an action plan for improving student health that is unique to the individual needs of their school. Schools shall appoint a representative to serve on the District Wellness Committee and work to develop, implement, monitor, review, and, as necessary, revise school nutrition and physical activity policies. Each school representative shall conduct annual school evaluations to identify strengths and weaknesses and prioritize changes as an action plan for improving student health. The assessment and planning steps shall involve the District Wellness Committee, teachers, child nutrition staff or other school staff as appropriate, parents, students, and the community.

7.12.3 Nutritional Quality of Foods and Beverages Sold and Served on Campus

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

- a. *School Meals* – Meals served through the National School Lunch,

Breakfast, Snack, and Summer Programs shall:

1. Be appealing and attractive to children and be served in clean and pleasant settings using Hazard Analysis Critical Control Point (HACCP) food safety principles to ensure the best quality of food;
 2. Schools shall focus on improving meal quality and increasing the variety of fruits and vegetables, especially raw fruits and vegetables;
 3. Serve only low-fat (1%) unflavored milk and fat-free flavored and unflavored milk, and nutritionally-equivalent non-dairy alternatives (to be defined by USDA);
 4. Serving sizes shall comply with the meal pattern requirements as described by the United States Department of Agriculture (USDA) regulations. Foods served and/or sold through the cafeteria shall adhere to the guidelines established by the USDA and The Healthy, Hunger-Free Kids Act of 2010;
 5. School meals must average, for a weekly period, meeting the standards of the “Healthy Hunger -Free Kids Act of 2010. School lunches shall meet the standard of providing 550 – 650 calories for grades K-5, 600-700 calories for grades 6-8, and 750-850 calories for grades 9-12;
 6. Emphasis is to be placed on increasing the quantity of whole grains served with the ultimate goal of all the grains served to be whole grain. Products are considered Whole Grain if a *whole grain product* is listed as the primary grain ingredient in the ingredient statement. Examples include whole wheat flour, cracked wheat, brown rice, yellow corn meal and oatmeal;
 7. Free water will be provided to students at breakfast and lunch.
 8. Schools must review the items offered as a la carte sales and evaluate the nutritional contributions of each item. Foods not meeting the criteria contained herein shall be eliminated or portion sizes reduced in order to be in compliance with the requirements.
- b. *Breakfast* – All children shall be encouraged to have breakfast, either at home or at school, in order to meet their nutritional needs and enhance their ability to learn.
1. All Elmore County Schools shall operate a School Breakfast Program.
 2. School administrators shall arrange bus schedules and utilize

methods to serve school breakfasts that encourage participation.

3. Schools shall notify parents and students of the availability of the School Breakfast Program.
 4. School Administrators shall encourage parents to provide a healthy breakfast for their children that do not eat breakfast at school. This can be accomplished through newsletter articles, take-home materials, or other means.
- c. *Free and Reduced-price Meals* – Federal Law requires that schools make every effort to eliminate any social stigma attached to, and prevent the overt identification of, students who are eligible for free and reduced-price school meals.
1. Schools in Elmore County shall utilize electronic identification and payment systems that do not identify the student’s eligibility.
 2. In the event of computer failure, school cafeterias shall have procedures in place to account for meals without exposing individual student’s eligibility status.
 3. School Administrators are to promote the availability of school meals to all students and encourage participation in the lunch and breakfast program.
- d. *Meal Times and Scheduling by School Administrators*
1. Provide adequate time for students to eat and enjoy school meals (a minimum of 10 minutes to consume breakfast and 15-20 minutes to consume lunch), after being seated.
 2. Ensure school staff is assigned to monitoring duties in the lunchroom to provide supervision in the serving and dining areas.
 3. Schedule meal periods at appropriate times.
 4. Shall not schedule tutoring, club, or organizational meetings or activities during mealtimes, unless students may eat during such activities.
- e. *Sharing of Foods and Beverages* – Schools shall discourage students from sharing their foods or beverages with one another during meal or snack times, given concerns about allergies and other restrictions on some children's diets.

- f. *Qualifications for Child Nutrition Director* – Any person employed as a CNP Director must meet the standards of the Code of Alabama (1975) 290-080-030-05 and 06 as amended June 6, 1994. A CNP Director who does not meet the educational requirements must complete those requirements within a three year period from the date of employment. If educational requirements are not met within the three year period, the person cannot continue being employed as a CNP Director.
- g. *Qualifications of School Food Service Staff* – Qualified nutrition professionals shall administer the school meal programs. As part of the school district's responsibility to operate a food service program, we shall provide continuing professional development for all nutrition professionals in schools. Staff development programs shall include appropriate certification and/or training programs for child nutrition directors, school nutrition managers, and cafeteria workers, according to their levels of responsibility. School nutrition staff development programs are available through the USDA, School Nutrition Association, and the National Food Service Management Institute.

h. *USDA and Alabama Smart Snacks Standards in Schools and Fundraising*

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At the beginning of school Year 2015-2016, federal and state law required schools to provide consistent environments conducive to healthful eating behaviors during school hours. The school campus shall reflect healthy nutrition environments.

Schools must not establish policies, class schedules, bus schedules or other barriers that directly or indirectly restrict access to and compete with meal schedules.

Healthy and appealing foods shall be available through cafeteria meals and a la carte items. Foods served and/or sold through the cafeteria shall adhere to the Smart Snacks in School standards established by USDA and the Healthy Hunger-Free Kids Act of 2010. Portion sizes, calories, sodium, fat, and sugar limits must comply with the requirements as described by the USDA Smart Snacks in School Standards.

Schools must review the items offered as a la carte sales and evaluate the nutritional contribution of each item. Single items and additional portions of foods that constitute the reimbursable meal may be sold as a la carte so long as these items are also in compliance with the USDA Smart Snacks in School standards. Foods sold as the “entrée” of any single meal are exempt from the USDA Smart Snacks in School standards, and may be sold a la carte on the day of, and the day after, the item is on the menu. Except in the case of entrees, as outlined above, all foods sold a la carte during the school day must meet the USDA Smart Snacks in School

standards as outlined below. Food items that do not meet these standards should be eliminated from a la carte sales, or be sold in reduced portion sizes in order to comply with the USDA requirements.

Schools should focus on improving food quality in the school meal programs by offering whole grain-rich breakfast and lunch items, having one percent or less fat milk as the standard beverage, and increasing fruit and vegetables preferably using freshly grown, Alabama produced. Preparation of foods in the cafeteria must use cooking techniques to reduce fat, sugar, and sodium in school meals. School districts must not prepare foods by deep or pan frying and should reduce the number of pre-prepared (i.e. processed) food items that are planned and served each week. Food flash-fried by the manufacturer may be served but should be prepared by a food preparation method other than frying.

Every school shall ensure that all foods sold in vending machines, school stores, and cafeterias are in compliance with the USDA Smart Snacks in Schools standards. The School Food Authority (SFA) may wish to utilize focus group(s), surveys, and other methods to evaluate and approve items that are in compliance with USDA Smart Snacks in Schools standards. Healthy products must be priced at a level to encourage students to purchase items.

Amendments made by Section 208 of the Healthy Hunger-Free Kids Act of 2010 required the Secretary of Agriculture to establish nutrition standards for all foods sold in schools, other than food sold under the school lunch and breakfast programs. Food sold will follow the Smart Snacks in School Standard, or “Nutrition Standards for All Foods Sold in School FNS-2011-0019.” Food items in competition with the CNP scheduled meal times may not be sold or provided free of charge to students. This includes, but is not limited to, food items purchased through school organizations and those donated from outside sources. To encourage students to eat healthy meals, schools are required to restrict student access to concessions, extra sales, vending, and fundraisers one hour before or after meal periods. Therefore, schools may not schedule sales of such items one hour before or one hour after meals that would compete with the meal service. If sales should occur that are in competition with CNP meals, then all income generated from such sales will be required to be given to Child Nutrition for depositing in the school cafeteria account. The policy is not intended to restrict access to healthy snacks during recess, or at times other than the meal service.

- i. *Nutrition Standards for Foods Sold Individually (exempts reimbursable meals) Smart Snacks in Schools guidelines as established by USDA – Any food sold in school must:*

1. Be a “whole grain-rich grain product”; or
2. Have as the first ingredient a fruit, a vegetable, a dairy product, or a protein food; or
3. Be a combination food that contains at least ¼ cup of fruit and/or vegetable.

Foods must also meet the following nutrient requirements:

Calorie Limits

Snacks items: 200 calories or less

Entrée items: 350 calories or less

Sodium Limits

Snack items: 200 mg or less

Entrée items: 400 mg or less

Fat Limits

Total Fat: 35% of calories or less

Saturated Fat: Less than 10% of calories

Trans fat: zero grams

Sugar Limits

35% or less of weight from total sugar

Accompaniments – Must be included in the nutrient profile as part of the food item sold to help control the amount of calories, fat, sugar, and sodium added to foods. Examples include: cream cheese, salad dressing, catsup, mustard, pickles, pickle relish, dips, sauces, and butter.

School Definitions

Elementary Pre K – Grade 5

Middle Grades 6 – 8

High Grades 9 – 12

Beverage Portion Sizes – All schools may sell:

- Plain water (with or without carbonation)
- Unflavored low fat milk
- Unflavored or flavored fat free milk and milk alternatives permitted by NSLP/SBP
- 100% fruit or vegetable juice
- 100% fruit or vegetable juice diluted with water (with or without carbonation), no added sweeteners.

Portion size limitation by school categories

- Elementary schools may sell up to 8-ounce portion of milk or juice
- Middle schools and high schools may sell up to 12-ounce portion of milk or juice

- There is no portion size limit for plain water.
- In addition to “no calorie” and “lower calorie” beverages for High school students, the following options may be offered:
 - No more than 20-ounce portions of calorie-free, flavored water (with or without carbonation); and other flavored and/or carbonated beverages that are labeled to contain less than 5 calories, or 10 calories or less per 20 fluid ounces.
 - No more than 12-ounce portions of beverages with 40 calories or less per 8 fluid ounces, or 60 calories or less per 12 fluid ounces.

k. *Fundraising Activity Guidelines*

1. School Day – “School day” means, for the purpose of competitive food standards implementation, the period from midnight, to 30 minutes after the end of the official school day.
2. Fundraising Activities – Fundraising activities that involve the selling of food should reinforce food choices that promote good health.

Allowable fundraising on school campuses:

- Foods that meet the USDA Smart Snacks in School standards, but are not sold in competition with school meals. Example: Fruit
- Foods that do not meet the USDA Smart Snacks in School standards, but are not consumed at school. Example: Cookie Dough Sales
- Non-food item. Example: School Supplies
- Food fundraisers which meet exempt fundraising definition.

3. Exempt Fundraiser Definition – An exempt food fundraiser is defined as the sale of food items that do not meet the USDA Smart Snacks in School standards and are sold during the school day. A school may sponsor up to but not exceed 30 exempt fundraisers per year, for no more than one (1) day each in length. Exempt fundraiser food is prohibited from being sold as a la carte items, in vending machines, in school stores, or before school on school campus.

Food sold as part of exempt fundraisers may not be sold one (1) hour before or one after meal periods. Example: If lunch ends at 12:30 p.m. then the fundraiser could not start until 1:30 p.m.

Exempt Food Fundraiser Procedure:

School Principal

- Alabama's Implementation of USDA Smart Snacks in School and Exempt Fundraisers Form
- Complete, approve, and sign form
- Provide a copy to CNP Director
- Provide documentation of approval upon request by Alabama State Department of Education (ALSDE) for audit review

Superintendent

- Attestation of Compliance with Alabama Implementation of USDA Smart Snacks in School and Fundraising Activities
- Complete and sign attestation document
- Provide to CNP Directors to support the annual online application renewal

Child Nutrition Director

- Place a copy of the Alabama's Implementation of USDA Smart Snacks in School and Exempt Fundraiser Form (signed by the school principal) in the wellness plan file
- Provide documentation of approval upon request by ALSDE

Semi-annual due dates are: July 1 and January 1 of each school year. *The completed Alabama's Implementation of USDA Smart Snacks in School and Exempt Fundraisers Form is required to be signed and on file as described above before exempt food fundraisers commence.*

The Smart Snack Calculator may be found at:

https://www.healthiergeneration.org/take_action/schools/snacks_and_beverages/smart_snacks/alliance_product_calculator/?gclid=CjwKEAjlw8e2sBRCYte6U3suRjFESJAB4gn_gljIxg-Y83JUEV8x9oTQRHOMSI141I0DHGHwmeaa6BxoCDCrw_wcB

1. After School Snacks – Afterschool snacks can be provided only if there is an enrichment program offered. Afterschool snacks must contain at least two different components of the following four: a serving of fluid milk, a serving of meat or meat alternative, a serving of vegetables or fruits or full-strength vegetable or fruit juice, a serving of whole grain or enriched bread or cereal.

7.12.4 Nutrition and Physical Activity Promotion and Food Marketing Nutrition Education and Promotion

- a. The Board aims to teach, encourage, and support healthy eating by students. Schools shall provide nutrition education and engage in nutrition promotion that:

1. Is offered at each grade level as part of a sequential, comprehensive, standards-based program designed to provide students with the knowledge and skills necessary to promote and protect their health;
 2. Is part of not only health education classes, but also classroom instruction in subjects such as math, science, language arts, social sciences, and elective subjects;
 3. Includes enjoyable, developmentally-appropriate, culturally-relevant, participatory activities, such as contests, promotions, taste testing, farm visits, and school gardens;
 4. Promotes fruits, vegetables, whole grain products, low-fat and fat-free dairy products, healthy food preparation methods, and health-enhancing nutrition practices;
 5. Emphasizes caloric balance between food intake and energy expenditure (physical activity/exercise);
 6. Links with school meal programs, other school foods, and nutrition-related community services;
 7. Teaches media literacy with an emphasis on food marketing; and
 8. Includes training for teachers and other staff.
- b. Integrating Physical Activity into the Classroom Setting – At a minimum, students will receive the Physical Education State Course of Study recommendation for per day activity and students will be encouraged to fully embrace regular physical activity as a personal behavior. Waivers for exemption to physical education requirements must be approved by the State Department of Education which require full justification to the State Superintendent of Education in any year in which a waiver is requested. Waivers for High School students must follow the guidelines as outlined in Instructional Code Changes (290-3-1.02(8)(f).
- c. Communications with Parents – The district/school shall support parents' efforts to provide a healthy diet and daily physical activity for their children. The district/school shall send home nutrition information and post nutrition tips on school websites. Schools shall encourage parents to pack healthy lunches and snacks and to refrain from including beverages and foods that do not meet the above nutrition standards for individual foods and beverages. The district/school shall provide parents a list of

ideas for snacks, healthy celebrations/parties, rewards, and fundraising activities.

7.12.5 Food Safety – In accordance with the USDA Child Nutrition Reauthorization Act of 2010, each cafeteria manager and principal shall initiate and implement a Food Safety Plan based on Hazard Analysis Critical Control Point principles. The Board shall provide each school with Standard Operating Procedures that shall be used to establish a Food Safety Plan and monitoring procedures at each school cafeteria and all school campus areas.

7.12.6 Monitoring and Policy Review

- a. **Monitoring** – The superintendent shall ensure compliance with established district-wide nutrition and physical activity wellness policies. A checklist will be used to evaluate each area of the wellness policy for compliance. In each school, the principal or school representative shall ensure compliance with those policies in his/her school and shall report on the school's compliance to the district wellness committee and school district superintendent.
- b. **School Food Service Staff** – All school nutrition program directors, managers, and staff will meet or exceed hiring and annual continuing education/training requirements in the USDA professional standards for child nutrition professionals. Professional development opportunities will be made available to child nutrition staff members throughout the year.
- c. **Policy Review** – The district wellness committee shall review this policy during January of each school year.

[Policy revised 6/8/2017]

7.13 *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.

7.14 *Title I Program – Meeting the Requirements of No Child Left Behind Act of 2001*

7.14.1 Title I Program – The Board hereby agrees to participate in the Title I Program and to implement the program according to the financial and program regulations of the *No Child Left Behind Act of 2001*. Each school has the responsibility for developing, implementing, and evaluating an appropriate school-wide plan for that school based upon its comprehensive needs assessment. The Superintendent or designee shall ensure that parents of all children including migrant, homeless,

English Learners, neglected, and delinquent in each Title I school-wide school will have an adequate opportunity to participate in the design, implementation, and evaluation of the Title I School-wide Plan.

- 7.14.2 Title I Comparability – It is the intent of the Board to meet Title I comparability requirements as established in the guidelines of the Alabama State Department of Education. Accordingly, there shall be equivalence among schools in the provisions of personnel as well as curriculum materials and instructional supplies. A system-wide salary schedule has been adopted and implemented. Teachers who are paid with Title I funds are employees of the Board and thus subject to the provision of the salary schedule. The Superintendent or designee shall prepare and file with the State Department of Education the written assurance that the comparability requirement has been met.