

ACKNOWLEDGEMENT

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SCHOOL DISTRICT'S LEGAL STATUS

The School District derives its legal status from the Alabama State Legislature, which is subject only to the United States Constitution and to the Alabama State Constitution. Therefore, education is a state function.

Section 256 of The Constitution of the State of Alabama states:

"The legislature may by law provide for or authorize the establishment and operation of schools by such persons, agencies or municipalities, at such places and upon such conditions as it may prescribe . . ."

This section from the Alabama Constitution makes clear the State Legislature's authority in regard to education.

SOURCE: Colbert County Board of Education, Tuscumbia, Alabama

ADOPTED: March 5, 1987

LEGAL REF: *The Code of Alabama, 1975*, as amended, §16-8-8; U.S. Const. Amend. X; U.S. Const. Amend. XIV, 1; Ala. Const. amend. 111; *Wisconsin v. Yoder*, 92 S.Ct. 1526 (1972); *Milliken v. Bradley*, 94 S.Ct. 3112 (1974); *Dayton Board of Education v. Brinkman*, 97 S.Ct. 2766 (1977).

SCHOOL BOARD'S LEGAL STATUS

The Constitution of Alabama places the responsibility for establishing and maintaining an efficient system of public schools on the State Legislature. At the local level, the Legislature has provided for two basic administrative units - a county board of education and a city board of education. Legally, local school boards are instruments of the State Legislature and derive their authority from the Constitution of Alabama, *The Code of Alabama, 1975*, and rules and regulations of the State Board of Education.

SOURCE: Colbert County Board of Education, Tuscumbia, Alabama

ADOPTED: March 5, 1987

LEGAL REF: *The Code of Alabama, 1975*, as amended, §16-8-8 through 10; Alabama Const. amend. 111; Alabama Const. art. XIV, 256; Day v. Andrews, 188 So. 2d 523 (1966); Sims v. Etowah County Bd. of Ed., 337 So. 2d 1310 (1976); Monell v. New York City Dept. of Social Services, 98 S. Ct. 2022 (1978).

SCHOOL BOARD'S AUTHORITY

The Board is a legal body created by the laws of the State of Alabama. Its members are state officials receiving their responsibilities and powers from state law.

Board members have no authority over school affairs as individuals. They have complete authority, within state law, over school affairs when they serve as a legal body.

The Board is, in practice, primarily a policy-making body. Although legally authorized to administer policy, the Board delegates this function to an officer of the Board, the Superintendent of Schools.

Delegating the administrative function makes the Board responsible for evaluating the effectiveness of the execution of Board policies. Evaluation by the Board requires continuous appraisal of the results of its educational policies as well as the effectiveness of the general administration.

The Code of Alabama, 1975, Title 16, Chapter 8, specifically grants county boards of education all powers necessary and proper for the administration of management of the free public schools within such county.

SOURCE: Colbert County Board of Education, Tuscumbia, Alabama

ADOPTED: March 5, 1987

LEGAL REF: *The Code of Alabama, 1975*, as amended, Title 16, Chapter 8.

POWERS AND DUTIES OF THE BOARD

The Board shall act as the general agent of the State of Alabama in carrying out the will of the people of its district in matters of public education.

The Board shall be responsible for carrying out mandatory laws pertaining to education and shall consider and accept or reject the provisions of the permissive laws. In all cases where the State laws do not provide or prohibit, the Board shall consider itself the agent responsible for establishing and appraising the educational activities under its jurisdiction.

In general, the Board shall be responsible for policy making with the advice of the Superintendent of Schools, and for evaluation to, the following:

1. To determine, on recommendation of the Superintendent of Schools and subject to Constitutional requirements and Alabama Law, the educational policies of the School District.
2. To require of the administrative staff the necessary reports and information which are essential for the Board to make appropriate decisions involving the education of the students and the general welfare of the community.
3. To cause to be taken, under the direction of the Superintendent of Schools, a decennial census of children between the ages of six (6) and twenty-one (21) years.
4. To consider, upon the written recommendation of the Superintendent of Schools, the appointment of all employees and their salaries.
5. To suspend or dismiss, upon the written recommendation of the Superintendent of Schools, provided by law.
6. To approve the purchase or sale of all school lands.
7. To approve all building contracts.
8. To approve all purchases over the amount specified in the state bid law unless such purchase is approved under the school budget.
9. To approve the annual budget.

10. To publish annually in the month of October, in a newspaper published in said county a full and complete statement of the receipts by source and disbursements by functions of the School District for the twelve month period ending September 30.
11. To publish annually in a newspaper published in said county in the month of October a statement of the outstanding indebtedness of the School District on last September 30.
12. To make all reports required by the State Board of Education.
13. To appoint a custodian of public school funds.
14. To hold in trust all property, real, personal, and mixed, now held or hereafter acquired by the School District.
15. To see that every school building in the School District whose title is vested in the state, county, or School District is insured for its insurable value.
16. To set uniform dates for the opening of the schools of the School District.
17. To adopt the Annual School Calendar.

SOURCE: Colbert County Board of Education, Tuscumbia, Alabama

ADOPTED: March 5, 1987

LEGAL REF: *The Code of Alabama, 1975*, as amended, §§16-8-7 through 16-8-43.

BOARD MEMBERS

Members of the Board constitute the legal body for governing the educational activities of the School District. Members of the Board shall have authority only when acting as a board legally in session. The Board shall not be bound in any way by any statement or action on the part of individual members except when such statements or actions are in pursuance of specific instructions of the Board.

SOURCE: Colbert County Board of Education, Tuscumbia, Alabama

ADOPTED: March 5, 1987

LEGAL REF: *The Code of Alabama, 1975*, as amended, §§16-8-1 through 2, §16-8-6, §§16-8-8 through 9, §36-9-1, §§36-25-1 through 14, §41-16-60; Ala. Const. art. VII, 173-175; Day v. Andrews, 188 So. 2d. 523 (1966); Wood v. Strickland, 95 S. Ct. 992 (1975); Baker v.

FILE: ABCA

NUMBER OF BOARD MEMBERS

The Board shall be composed of six (6) members as set forth by Federal court order for single member districts, who shall be elected by the qualified electors of the single member districts.

SOURCE: Colbert County Board of Education, Tuscumbia, Alabama
ADOPTED: March 5, 1987, Amended as per Federal Court Order, 1988
LEGAL REF: *The Code of Alabama, 1975*, as amended, §16-8-1.

QUALIFICATIONS FOR SCHOOL BOARD MEMBERS

A person is legally qualified to become a member of the Board provided:

1. The person is a resident of the district within the County for which they are to serve.
2. The person is not an employee of the Board.
3. The person is of good character with at least a fair elementary education, of good standing in his/her respective community, and known for his honesty, business ability, public spirit, and interest in the good of public education.
4. The person has not financial or contractual interest in Board business matters. It is desirable that members of the Board have a genuine interest in and devotion to public education, a willingness to give time and effort to the work, a capacity for understanding people, and the ability to work cooperatively with others.

SOURCE: Colbert County Board of Education, Tuscumbia, Alabama

ADOPTED: March 5, 1987

LEGAL REF: *The Code of Alabama, 1975*, as amended, §16-8-1, §14-16-60, §§36-25-1 through 14, §41-16-60.

FILE: ABCC

TERMS OF OFFICE FOR BOARD MEMBERS

Members of the Board shall be elected for six (6) year terms. Said members of the Board shall hold office until their successors have been elected and qualified. Terms of office shall be staggered, so that not more than two new members will be elected at any one time.

SOURCE: Colbert County Board of Education, Tuscumbia, Alabama

ADOPTED: March 5, 1987; Amended Federal Court Order, 1988

LEGAL REF: *The Code of Alabama, 1975*, as amended, §16-8-2

FILE: ABCD

METHOD OF ELECTION FOR BOARD MEMBERS

The members of the Board shall be elected by the qualified electors of the single member districts of the County.

SOURCE: Colbert County Board of Education, Tuscumbia, Alabama

ADOPTED: March 5, 1987, Amended Federal Court Order, 1988

LEGAL REF: *The Code of Alabama, 1975*, as amended, §16-8-1.

FILLING OF UNEXPIRED TERM

In the event a vacancy occurs in the office of members of the Board, the vacancy shall be filled by appointment by a majority of the remaining members of the Board and the appointee shall serve for the unexpired term. In the event the vacancy is not filled by the remaining members of the Board within thirty (30) days, the State Superintendent shall fill such vacancy by appointment. The Superintendent of Schools shall notify the State Superintendent of Education when a vacancy in the office of a member of the Board has not been filled within thirty (30) days.

SOURCE: Colbert County Board of Education, Tuscumbia, Alabama

ADOPTED: March 5, 1987

LEGAL REF: *The Code of Alabama, 1975*, as amended, §16-8-6.

RESIGNATION OF BOARD MEMBERS

Board members may submit resignations at any time during their term of office. Such resignations are subject to Board approval. In the event a Board member chooses to resign, a written statement of resignation should be submitted to the Board as far in advance of the effective date of resignation as possible. Board members shall be considered resigned when they permanently establish their residence outside the district of the county in which they serve or become an employee of the Board.

SOURCE: Colbert County Board of Education, Tuscumbia, Alabama

ADOPTED: March 5, 1987

LEGAL REF: *The Code of Alabama, 1975*, as amended, §36-9-1; Baker v. Conway, 108 So. 18 (1926).

FILE: ABCF

REMOVAL FROM OFFICE

Members of the Board may be removed from office in accordance with procedures set forth in *The Code of Alabama, 1975*. Procedures for such removal are outlined under removal of "Public Officials" in the Title and Sections cited below:

The Code of Alabama, 1975, §§36-11-1 through -6; Alabama Constitution Article VII. 173-175.

SOURCE: Colbert County Board of Education, Tuscumbia, Alabama

ADOPTED: March 5, 1987

LEGAL REF: *The Code of Alabama, 1975*, as amended, §§36-11-1 through 6; Ala. Const. art. VII 173-175.

FILE: ABD

SUPERINTENDENT OF SCHOOLS' LEGAL STATUS

The Superintendent of Schools shall serve as the chief executive officer of the Board. He/She derives his/her legal status from *The Code of Alabama*.

SOURCE: Colbert County Board of Education, Tuscumbia, Alabama

ADOPTED: March 5, 1987

LEGAL REF: *The Code of Alabama, 1975*, as amended, §16-8-7, §16-9-3, §16-9-8, §36-5-1.

FILE: AC

SCHOOL DISTRICT ORGANIZATION PLAN

The instructional program is presently divided into three levels: the elementary level, the middle school level, and the senior high level. Upon the recommendation of the Superintendent of Schools and approval of the Board, exceptions may be made to the plan to accommodate the educational goals of the School District.

SOURCE: Colbert County Board of Education, Tuscumbia, Alabama

ADOPTED: March 5, 1987

LEGAL REF: *The Code of Alabama, 1975*, as amended, §16-8-36, §16-8-41, Shores Elmore County Board Education, 3 So. 2d 14 (1941).

SCHOOL CENSUS

The Board shall cause to be taken, under the direction of the Superintendent of Schools, a decennial school census of the school children between the ages of six (6) and twenty-one (21) years. Said census shall be taken during the month of July in accordance with the directives of the State Superintendent of Education. The Superintendent of Schools shall be authorized to employ enumerators sufficient to complete the census. Compensation of enumerators shall, upon recommendation of the Superintendent of Schools, be set by the Board and paid by the County Commission from the County treasury.

SOURCE: Colbert County Board of Education, Tuscumbia, Alabama

ADOPTED: March 5, 1987

LEGAL REF: *The Code of Alabama, 1975*, as amended, §§16-8-31 through -32, Legislative Act 82-298.

SCHOOL YEAR

The school year shall meet the minimum standards set forth in *The Code of Alabama, 1975*, and State Board of Education rules and regulations. The scholastic school year shall annually begin on July 1 and end on June 30. The instructional year shall consist of at least 180 days of not less than six (6) hours (360 minutes) instructional time per day. The teacher contract year shall consist of not less than 187 days.

SOURCE: Colbert County Board of Education, Tuscumbia, Alabama

ADOPTED: March 5, 1987

LEGAL REF: *The Code of Alabama, 1975*, as amended, §16-1-1; Marshall County Board of Education v. State ex rel. Williams, 42 So. 2d 24 (1949) regulations.

FILE: AEA

SCHOOL CALENDAR

The Superintendent of Schools shall prepare or cause to be prepared a yearly calendar for the School District. Said calendar shall be reviewed and be subject to approval by the Board not later than the regular April Board meeting.

SOURCE: Colbert County Board of Education, Tuscumbia, Alabama

ADOPTED: March 5, 1987

LEGAL REF: *The Code of Alabama, 1975*, as amended, §16-8-10, §16-8-30.

FILE: AEAA

VACATIONS AND HOLIDAYS

The Superintendent of Schools shall prepare or cause to be prepared a yearly schedule of school holidays for students and selected personnel of the School District. Said schedule shall be included in the annual school calendar and shall be reviewed and be subject to approval by the Board not later than the regular April Board Meeting. The Board has discretionary power to identify in the school calendar holidays to be observed during each school year except those holidays specified and required by law.

SOURCE: Colbert County Board of Education, Tuscumbia, Alabama
ADOPTED: March 5, 1987

FILE: AEB

EXTENDED SCHOOL YEAR

In order to meet the minimum of the requirements as set forth in *The Code of Alabama, 1975*, and State Board of Education rules and regulations governing the number of days school shall be in session, the Board shall have the authority to extend the school year to meet said requirements.

SOURCE: Colbert County Board of Education, Tuscumbia, Alabama

ADOPTED: March 5, 1987

LEGAL REF: *The Code of Alabama, 1975*, as amended, §16-1-1.

SCHOOL DAY

The school day for all schools of the School District shall meet the minimum standards set forth in *The Code of Alabama, 1975*, and State Board of Education rules and regulations. The Code states that a school day shall include six (6) hours (360 minutes) of actual teaching time exclusive of all recesses and intermissions.

The Board realizes that on occasions the school day extends beyond the normal six (6) hours. In order to provide the students of the School District the opportunity to participate in meaningful extracurricular and special activities, school administrators are hereby directed to ensure that such activities are adequately monitored/supervised by members of the professional staff. Teachers and administrators are encouraged to establish plans to ensure that these vital activities are accomplished effectively.

Schools that have PTO's are to devise plans that encourage both parent and teacher participation. Effective public relations may be accomplished through cooperatively planned and operated PTO programs.

SOURCE: Colbert County Board of Education, Tuscumbia, Alabama

ADOPTED: March 5, 1987

LEGAL REF: *The Code of Alabama, 1975*, as amended, §16-1-1.

EMERGENCY CLOSING

Temporary Closings

The decision to cancel or close a daily school session because of inclement weather, furnace breakdown, or similar common emergencies shall be at the discretion of the Superintendent of Schools or designee.

Procedures

If it becomes necessary to cancel a daily school session caused by an emergency, the following notification procedure will be used:

1. Every effort will be made to notify parents, students, and school personnel at the earliest possible time.
2. The local radio stations (WBTG – Tuscumbia; WLAY - Muscle Shoals; WQLT – Florence; WVNA – Tuscumbia; WZZA – Tuscumbia) and TV stations (WAAY 31 – Huntsville; WHDF 15 – Huntsville; WHNT 19 – Huntsville; WAFF 48 – Huntsville) will be requested to announce the cancellation of school during their morning broadcasts.
 - a. The announcements will identify the school or schools that will have daily activities cancelled.
 - b. The announcements will identify the reason for cancellation of school.
 - c. The announcement, if possible, will identify expected date school or schools will be reopened.
3. The Superintendent of Schools and/or designee will notify local school administrators and transportation officials as soon as possible.
4. Local school administrators should instruct all students and school personnel of notification procedures.
5. Each home will receive a phone message from our Crisis Communication System regarding the event.

If it becomes necessary to close an on-going daily school session because of an emergency, the following notification procedure will be used.

1. The local radio and TV stations cited will be requested to announce the closing of school or schools at the earliest possible time.
2. The Superintendent of Schools or designee will notify local school administrators and transportation officials as soon as possible.
3. Local school administrators will take the necessary precautions to insure the safety and well being of students during and after dismissal procedures are initiated.
4. Each home will receive a phone message from our Crisis Communication System regarding the event.

SOURCE: Colbert County Board of Education, Tuscumbia, Alabama

ADOPTED: March 5, 1987

LEGAL REF: *The Code of Alabama, 1975*, as amended, §16-8-8 to -9.