



**HOOVER  
CITY SCHOOLS**

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# **Policy Manual**

*“Learning for Life”*

# Hoover City Board of Education Policy Manual

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## Preface

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

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

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

Any provision, feature, or aspect of Board policy that does not conform to governing law should be deemed void and superseded by such law. Editorial changes that do not affect the meaning, substance, or application of a policy may be made by the Board without advance public notice and comment. In general, the Board reserves the right to adopt, revise, interpret, amend, repeal, suspend, or apply policies according to its assessment of the needs and interest 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” and “Board of Education” means and refers to the Hoover City Board of Education.
- B. “State” means and refers to the State of Alabama.
- C. “System” or “school system,” “district,” or “school district” means and refers to all schools, facilities, and operations of the Hoover City Board of Education.
- D. “State Board of Education” means and refers to the Board that exercises general control and supervision over the public schools of the State of Alabama as constituted and authorized by ALA. CODE 16-3-1, *et seq.* (1975).
- E. “Alabama (State) Department of Education” means and refers to the state agency that is charged with implementing the policies, procedures, and regulations of the State Board of Education as provided in ALA. CODE 16-2-1, *et seq.* (1975).
- F. “He,” “his,” or “him” means and includes all genders.
- G. “Law” includes local, state, and federal statutes, regulations, ordinances, court decisions, and binding administrative orders or directives.
- H. “Certified” or “certificated,” when used to modify the words “teacher,” “personnel,” “employee,” “staff,” or similar terms, means and refers to Board employees who hold certificated or comparable forms of licensure issued by the State Superintendent of Education under authority of ALA. Code 16-23-1 (1975).
- I. “Classified” or “support,” when used to modify the words “personnel,” “employee,” “staff,” or similar terms, means and refers to Board employees who do not hold certificates issued by the State Superintendent of Education under authority of ALA. CODE 16-23-1 (1975) and who, in general, hold employment positions of the type identified in ALA. CODE 36-26-100 (1975).

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

## I. Governing Principles

The Hoover City Board of Education promotes a ‘Spirit of Excellence.’ Through a well-balanced curriculum administered by an encouraging, professional staff committed to excellence, the Board and the schools within the Hoover City School System strive for all students to develop to their potential academically, emotionally, physically, and socially.

The Board is committed to programs that result in educational excellence for each student. The Board believes in providing each student with multiple opportunities to learn and experience success. Through these opportunities and experiences, it is our intent to assist each student in discovering and developing that student’s unique talents and gifts. Additionally, Hoover City Schools is committed to the fair and equitable distribution of its resources (funds, teachers, administrators, auxiliary personnel, curriculum materials, instructional supplies, etc.) among its schools. Planning for allocations to individual schools shall be based upon grade level, student number, space, identified needs, and other school assessment data.

At all times, schools will strive to provide an atmosphere of effective teaching, learning, and growth.

**Mission:** In a safe, caring atmosphere of teaching and learning, the Hoover City Schools provide each student with opportunities to develop exemplary character and achieve personal excellence through a rigorous and relevant curriculum.

**Vision:** All students are lifelong learners prepared to contribute positively to a rapidly changing world.

**Beliefs:** We believe that...

- all students are capable of attaining the instructional goals of the school;
- we in the schools, along with parents and community, share responsibility for the success of the students;
- success is enhanced by a positive self-concept which influences learning and behavior;
- learning is enhanced when the curriculum is preplanned, organized around specific learning outcomes, and aligned to instruction;
- learning conditions are enhanced in each school when the instructional staff is organized to provide for appropriate instruction;
- learning is enhanced when a systematic process of instruction is used in all classrooms, engaging each student until appropriate learning outcomes are attained;
- schools can maximize learning outcomes for all students;
- success is enhanced when students exhibit self-control and respect for others;
- diversity in classrooms is a cause for celebration;
- students learn in different ways and should be provided with a variety of challenging and engaging instructional approaches to support learning;
- students need access to a variety of technology tools to support their learning;

- success is enhanced when school programs assist students in the development of high moral and ethical standards along with good character and citizenship; and
- success is enhanced when the Board of Education and all employees of the schools model appropriate moral and ethical standards, good character, and good citizenship.

In cooperation with parents and community, our students will develop into successful, mature, lifelong learners.

## **II. School Board Operations**

### **2.1 Board Composition and Organization**

- 2.1.1 **Composition:** The Hoover City Board of Education is composed of five (5) members who are appointed to five year staggered terms by the Hoover City Council in accordance with state law. Reference: ALA. CODE 16-11-2, 3 (1975)
- 2.1.2 **Officers:** The Board will elect from its members a president and vice-president at the annual meeting of the Board held in May of each year. The Superintendent will serve as both the Board's chief executive officer and secretary. If the Superintendent's position is vacant, the Board may appoint one of its members to act as secretary until such time as the Superintendent's position is filled. Reference: ALA. CODE 16-11-5, 16-12-3 (1975)
- 2.1.3 **Committees:** The Board may divide itself into standing or special committees for the purpose of more efficiently conducting Board business, but no recommendation or action of any committee will bind the Board with the affirmative vote of a majority of the whole Board. Reference: ALA. CODE 16-11-5, 9 (1975)

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

The primary responsibility of the Board is to establish, review and revise policy for the schools located within the City of Hoover, Alabama, rather than to exercise day-to-day administrative functions. 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. The Board shall periodically undertake a formal evaluation of its effectiveness through one or more means that are appropriate to that purpose.

### **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. Approval of such compensation or any modification thereof shall be by separate Board action.

### **2.4 Board Member Training**

Board members will participate in orientation and ongoing training provided by the Alabama Association of School Boards or approved in advance through an application process administered by AASB to develop and enhance their knowledge and effectiveness as Board members and to improve Board governance and operations in accordance with the requirements of state law. Reference: ALA. CODE 16-1-41.1 (e) (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 schedule meetings will be established by the Board at the annual meeting held in May of each year, provided that the Board may modify its meeting schedule in the exercise of its sound discretion. Public notice of the dates, times, and places of meetings of the Board will be given in the manner prescribed by law. Board members will be given such advance notice of specially called meetings as is practicable under the circumstances. Reference: ALA. CODE 16-11-5, 36-25A-1 *et seq.* (1975)
- 2.5.3 Special (Called) Meetings: Special meetings shall be called by the president (or chairperson) of the board, upon the written request (which may be conveyed by electronic mail) of a majority of the members of the board to the president, or by the superintendent. Notice of the call or request shall be simultaneously conveyed to all board members and to the superintendent, together with a statement of the reason for the call or request and the matters to be addressed at the meeting The meeting shall be set as soon as is practicable, taking into account the reasonable availability of board members and the superintendent, the urgency of the matters to be addressed, and the necessity to provide public notice of the meeting as provided by law.
- 2.5.4 Rules of Order: Board meetings will be conducted in accordance with the most recently revised edition of Robert’s Rules of Order, provided that strict adherence to the formalities of the Rules of Order may be reasonably relaxed in order to facilitate conduct of board business. A majority of the whole board will constitute a quorum for purposes of transacting board business except as may otherwise be provided by law. Deviations from or errors in executing parliamentary procedures shall not invalidate board actions or decisions that are otherwise consistent with the intent of the board.
- 2.5.5 Public Participation: The Board may adopt as an adjunct to its *Rules of Order* procedures designed to permit public input respecting matters coming before the Board for deliberation or action, or matters generally affecting the operation and administration of Hoover City Schools.

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

2.6.1 Role, Responsibilities, Qualifications, and Term: The Superintendent serves as the chief executive officer of and secretary to the Board. The Superintendent may exercise such prerogatives and duties as are prescribed by statute, as are delegated or specified in an employment contract, or as are otherwise lawfully assigned by the Board. The Superintendent must possess the minimum qualifications for the position that are established by law and such other qualifications as may be specified by the Board. The term of the Superintendent’s appointment will be established by contract and may be renewed, extended, or modified, subject to any limitations regarding the extension or renewal of the appointment as are imposed by law. Reference: ALA. CODE 16-12-3 (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 measure as are directed to comply with legal requirements or attainment of the objects of Board policy.

## **2.7 Recordkeeping and Retention of Board Records**

In furtherance of its commitment to openness and transparency in its decision making processes, the Board will post such basic documentary information as is reasonably practicable on its website and provide prompt response to requests for public records in accordance with federal and state law. Board records will be maintained by the District in the manner and for the length of time required by law.

## **2.8 Association Membership**

The Board recognizes the value of professional association to be found in the Alabama Association of School Boards and the National School Boards Association and encourages individual and board affiliation and attendance at conferences.

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

#### **3.2 Budget**

The fiscal year for the School System will be October 1<sup>st</sup> through September 30<sup>th</sup> unless otherwise mandated by law. A budget will be developed and approved for each fiscal year. Preparation, presentation, submission, and approval of the budget and any amendments thereto will be undertaken and completed as provided for in state law and regulations.

The Board recognizes that the establishment and maintenance of adequate fund balances is necessary to avoid disruption in the educational programs in the schools. The Superintendent or Chief School Financial Officer will inform the Board, before the Board votes on a budget or budget amendment that will prevent the establishment or maintenance of a one month's operating balance. A one month's operating balance shall be determined by dividing the General Fund expenditures and fund transfers out by 12.

In determining the General Fund expenditures and fund transfers out, the proposed budget or budget amendment shall be used. Reference: ALA. CODE 16-13-140, *et seq.* (1975)

#### **3.3 Accounting**

The Board shall, following recommendations by the Superintendent, adopt fiscal management policies which comply with generally accepted accounting principles and are consistent with regulations and guidelines issued by the State Department of Education and/or other regulatory bodies as applicable.

The Superintendent shall have monthly reports of revenues and expenditures prepared for review by the Board. Required monthly financial statements and the annual budget shall be made available to the public on the local internet site.

#### **3.4 Finance Procedural Manual Authorized**

Financial transactions will be administered in accordance with a general finance procedural manual and local school finance manuals that may be developed by the Superintendent or the Chief School Finance Officer. The Finance Procedural Manual will establish and describe specific practices and procedures that are to be followed in connection with implementation of the requirements set forth herein regarding the financial transactions of the School System. The practices, procedures, and requirements set forth in the Finance Procedural Manual 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 Finance Procedural Manual.

### 3.5 Audits

Financial statements of the Board of Education will be audited in accordance with state law and appropriate auditing and accounting standards as early as possible after the end of the fiscal year. Reference: ALA. CODE 16-13A-7 (1975)

### 3.6 Deposit and Expenditure of Funds

3.6.1 Deposits: Funds received for school purposes by Board officials and employees shall be promptly deposited in the proper bank account. A financial institution used for the deposit and safekeeping of funds shall be approved as a qualified public depository by the Security for Alabama Funds Enhancement (SAFE Program) administered by the Alabama State Treasurer.

3.6.2 Expenditures: The Superintendent or his/her designee, subject to applicable laws, policies, and Board-approved budget limitations may expend funds for budgeted operating expenditures without advance Board approval of specific expenditures. All such expenditures shall be included in the monthly expenditure report to the Board.

3.6.3 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 District's Finance Procedural Manual, and shall be approved by the Board. 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)

3.6.4 Consultants: The Superintendent may engage professional consultants, specialists and experts, including but not limited to medical, mental health, education, legal, financial, technical (e.g., engineering, architectural, computer) experts and specialists for a term not to exceed ninety calendar days and the total fees and costs of which are not expected at the time of engagement to exceed \$15,000.00 without prior Board approval, provided that the expenditure is within the amount established for such purposes 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).



### **3.7 Reconciliations**

All bank accounts of the School System shall be reconciled to the financial records. The Chief School Financial Officer shall be responsible for verifying that monthly bank statements are reconciled to the financial records on a timely basis that ensures accurate monthly financial statements.

### **3.8 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 June 30, 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)]

### **3.9 Employee Compensation**

3.9.1 Salary Administration: Employees are expected to fulfill the work requirements of the position held for the full term of their appointment. In the event an employee does not complete the term of his/her appointment, compensation will be prorated to reflect the number of days actually worked, subject to appropriate adjustments, credits, and allowances for available leave. 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 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 to the extent permitted by law.

3.9.2 Salary Deductions: Mandatory salary deductions will be made in accordance with applicable law. Employees are required to complete and submit all forms and provide such information as may be required or reasonably required for such purpose. The Board will make voluntary deductions as a service to employees upon written request of the individual employee as permitted by law.

Deductions for membership dues will be made for organizations with at least 20 active members, as established by membership lists provided to the Board by the organization, if such deductions are allowed under state law and the organization has timely provided to the Board all certifications and expenditure reports required by law. Such membership lists will be corrected, updated, and returned to the employee's designated organization(s) no later than November 10 of each school year. Deductions will be based on the membership lists unless an employee revokes authorization for such deductions by providing written

notice to the Board on or before September 15<sup>th</sup> of each school year. Deductions will remain constant during the school year, except by the authorization of the Superintendent. 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 16-1-41.1 (e) (1975)

Upon termination of employment, any amounts owed under the terms of an employee authorization will be deducted from the employee's final pay. Reference:

ALA. CODE 16-22-6 (1975)

**3.9.3 Minimum Wage and Overtime** – In compliance with the Fair Labor Standards Act (“FLSA”), the Board will pay required minimum hourly wages and overtime to all employees who are not exempt employees under the FLSA. For purposes of determining overtime, the workweek begins at 12:01 a.m. on Sunday and ends at midnight on the succeeding Saturday. All non-exempt employees who work more than forty (40) hours in a workweek will be paid overtime. Employees must accurately report all time worked for the Board. Non-exempt employees are not authorized to work more than forty (40) hours in a workweek without specific direction or authorization to do so by the Superintendent, the employee's supervisor, or the supervising school principal.

**3.9.4 Compensatory Time**: Non-exempt employees who work more than forty (40) hours in a work week may, upon agreement between the employee and the Board, be paid overtime in the form of compensatory time as outlined in the school system's FLSA Manual. The Board reserves the right to require an employee to use compensatory time and may “pay down” any compensatory time balance in its discretion.

**3.9.5 Salaries and Pay Rates** –Board employees will be compensated at rates of pay that are approved by the Board. When required, such salary or compensation rates will be included in a schedule to be developed and adopted by the Board in accordance with state law. Employees may receive supplements or other additional compensation when specifically approved by the Board. All compensation must be approved by the Board, regardless of the source of funding. [Reference: ALA. CODE §16-13-231.1 (1975)]

### **3.10 Repayment of Debts**

Board employees are required to repay debts owed to the Board promptly. The Board reserves the right to withhold an amount or amounts from employee paycheck sufficient to satisfy such debts if they remain unpaid (or the employee fails to make satisfactory arrangements with the Board for repayment) after reasonable notice to the employee and an opportunity to respond to the proposed retention.

### **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 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 Finance Procedural Manual.

### **3.12 Fee, Payments, and Rentals**

The Superintendent is authorized to establish procedures including a schedule of reasonable fees for use of Board facilities and property by individuals, groups, or organizations and a schedule of reasonable charge for copies of public documents and records that shall be effective upon approval by the Board.

### **3.13 School Accounts**

Funds held in school accounts, regardless of the funding source, will be maintained and accounted for in accordance with the System’s Finance Procedural 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: Subject to the provisions of 3.6.2 (“Expenditures”) & 3.6.4 (“Consultants”) above, 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 contract on behalf of the Board as its chief executive officer.

3.14.2 Limitation on Authority to Bind the Board: The Superintendent, principals and other administrators will have authority to enter into agreements with third parties when such agreements are made in accordance with Board policy, criteria, or procedures set forth in finance manual(s) or like procedures.

### **3.15 Organizations**

3.15.1 School-Sponsored Student 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. 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 and subject to approval of the principal.

3.15.2 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.

3.15.3 Extracurricular Camps, Tournaments, and Jamborees: Extracurricular camps, tournaments, jamborees and other similar activities for academic and athletic programs are permitted to operate or raise funds on Board property only in conformity with procedures and standards developed by the Superintendent. 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.

### **3.16 School Fundraising Activities**

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

- a. All fundraising activities must be approved by the principal prior to commencement;
- b. The activity will be held at a time and in a manner that will not be disruptive or in conflict to the instructional program or to any other school or school system activity or function;
- c. 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;
- d. The activity will be conducted in conformity with the procedures outlined in the Local School Finance Manual and any other applicable procedures of the system.

### **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. Reference: ALA. Admin. Code 290-8-3-01, *et seq.*

### **3.18 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 manner and for the purposes authorized by statute and corresponding state regulations. Reference: ALA CODE 16-1-8.1 (b) (7).

## **IV. General Administration**

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

- 4.1.1 **Security Measures Authorized:** District 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. Such measures may include, but are not limited to, the use of video, audio, and electronic detection devices under circumstances in which the subjects of surveillance do not have a legally protected expectation of privacy. The Superintendent should be made aware of any extraordinary or special measure 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, etc.).
- 4.1.2 **Access Restrictions Authorized:** District administrators are authorized to regulate and restrict access to Board schools, buildings, and facilities in order to maintain appropriate security, minimize disruption and distraction within the learning environment, or to avoid a potential risk of harm to a student or employee. To that end, the Superintendent, principals and facility administrators are authorized to implement building-level requirements and procedures governing access to Board owned or controlled buildings, grounds, property, events, and activities by school and non-school personnel, including family members and relatives, vendors, attorneys, and other visitors, and to adopt identification and “check-in” and “check-out” requirements and procedures for students and employees.
- 4.1.3 **School Resource Officers:** The Board may enter into cooperative programs and agreements with local law enforcement agencies under which law enforcement personnel may be provided access to schools and school system facilities and functions for the purpose of promoting compliance with the law and the security of schools and school system premises; however, school resource officers and law enforcement officials serving in like capacities are not employees or agents of the Board and do not work or execute their duties under the supervision or at the discretion of the Board or its administrative personnel.
- 4.1.4 **Adult Sex Offenders:** Adult sex offenders who have been convicted of sex offense involving a minor must:
- a. Notify the principal of the school or his/her designee before entering school property or attending the K-12 school activity;

- b. Immediately report to the principal of the school or his/her designee upon entering the property or arriving at the K-12 school activity; and
- c. Cooperate with any efforts undertaken by the principal of the school or his/her designee to discreetly monitor their presence on school property or at the K-12 school activity.

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

Adult sex offenders have a duty to comply with this policy, and it shall not be construed as imposing an affirmative duty of any kind on the school principal, his/her designee, or any other employee, agent, or representative of the school or school system. Reference: ALA. CODE 15-20a-17

#### 4.1.5 Disruptive Visitors:

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

## 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 school-sponsored functions is prohibited except for authorized law enforcement personnel. For purposes of this policy, the term “firearm” has the same definition as is found in 18 U.S.C. 921.

- a. *Penalties for Violations* – In addition to any criminal penalties that may be imposed, the following penalties will be imposed for unauthorized possession of firearms:
  1. *Students:* Students will be expelled for a period of one year. The expulsion requirement may be modified in writing by the Board upon recommendation of the Superintendent on a case-by-case basis.

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 or designee of violations.

2. *Employees*: Employees will be subject to adverse personnel action, which may include termination.
3. *Other Persons*: Other persons will be denied reentry 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 or designee 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

4.2.2 Prohibition on the Possession of Weapons: The possession of a deadly weapon, 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, 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.

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 will be denied reentry 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 or designee 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 will be denied reentry 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 or designee 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. These prohibitions also apply to electronic cigarettes, vape pens, hookah pens, e-hookahs, vape pipes, and any similar type of device designed to deliver nicotine, flavor, and other chemicals via inhalation.

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 reentry 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 or designee 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, readmission, and other provision 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 AdvancEd as a condition to receiving or maintaining accreditation.

### **4.4 Use of Board Property**

- 4.4.1 **Equipment, Supplies, Material, 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 **Incidental Use of Communication Devices:** The foregoing restrictions will not be deemed to prohibit Board employees from using Board owned, leased, or furnished equipment or communication devices for limited use, subject to the following conditions and limitations:

- a. The nature, content, or subject matter of the use is not unlawful or otherwise in violation of Board policy;
- b. The nature and substance of the use is suitable for and appropriate to the public school setting;
- c. The personal use of Board owned, leased or provided equipment has so little value that accounting for it would be unreasonable or administratively impracticable.

The accommodations hereby authorized do not repeal or modify any restrictions, requirements, or limitations applicable to the use of computer, electronic, or communication equipment or devices that are established elsewhere in board policy, procedure, or regulation, and nothing herein shall be construed to establish any right or expectation of privacy or confidentiality in or relating to the personal use of board owned or furnished equipment or device. The authorization hereby conferred is a limited and conditional privilege that is granted for the convenience of employees. It is subject to revocation generally or in individual cases upon a showing or suspicion of its violation or abuse.

- 4.4.3 **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 as outlined in 3.12 (“Fees, Payments, and Rentals”) is executed in accordance with procedures governing the use of school facilities. Outside facilities such as tennis courts, athletic fields and tracks may be utilized by the general public as long as the use does not conflict or interfere with the use of the facilities by the school or a school sanctioned group activity and the use takes place outside of regular school day.

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

Any naming of a school facility or property under the control of the Board must be Board approved.

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

- 4.6.1 **General Complaints:** Subject to the limitations set forth below and elsewhere in this policy manual, any employee 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, etc.). 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.). Grievances may not be used to bypass or deviate from statutorily mandated prerequisites to approval of board action, including but not limited to, the recommendation of the Superintendent.
- 4.6.3 Student Complaints and Grievances: Complaints, grievances, and requests for corrective action may be presented on behalf of students 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. Administrative judgements concerning academic or curricular matters or participation in extracurricular activities may be set aside by the Board only upon a showing that the challenged action or decision is arbitrary and capricious, fundamentally unfair, or that it violates Board policy or the student’s legal rights.

- 4.6.4 Student Disciplinary Matters: The Board may consider appeals of student disciplinary decisions or actions in accordance with standards and procedures specified in the Code of Student Conduct.
- 4.6.5 Americans with Disabilities Act Complaint Procedure
- a. *Complaint Criteria* – Persons who believe that they have been discriminated against on the basis of disability in the provision of services, activities, programs, or benefits covered by Title II of the Americans with Disabilities Act may file a written complaint with the Director of Human Resources.
  - b. *Complaint Form* – The complaint should be in writing and contain information about the alleged discrimination including the name, address, phone number of complaining party and location, date, and description of the problem. Alternative means of filing complaints will be made available for persons with disabilities upon request. A copy of the ADA Complaint Form can be obtained from the Department of Human Resources.
  - c. *Complaint Process* – The complaint should be submitted to the Director of Human Resources as soon as possible, but no later than thirty (30) days after the alleged violation. The Director of Human Resources will meet with the complaining party to discuss the complaint and possible resolutions. Within fifteen (15) calendar days of the meeting, the Director of Human Resources will respond in writing, and where appropriate, in a format accessible to the complaining party. The response will explain the position of the Director of Human Resources and offer options for substantive resolution of the complaint.
  - d. *Appeal Procedure* – If the response by the Director of Human Resources does not satisfactorily resolve the issue, the complaining party may appeal the decision within fifteen (15) calendar days after receipt of the response to the Superintendent. Within fifteen (15) calendar days, the Superintendent will respond in writing, and where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.
  - e. *Records Retention* – All written complaints received by the Director of Human Resources, appeals to the Superintendent, and records relating thereto will be retained by the Board as required by law. Reference: 42 U.S.C.A. 12131, *et seq.*
- 4.6.6 Public Complaints: Nothing in this policy shall be construed to deny any member of the public the right to petition the board for consideration or action regarding any matter of public concern falling within the statutory jurisdiction of the Board, provided that the person can demonstrate that he or she is impacted by the alleged violation to a greater extent than the impact on the public at large.

#### **4.7 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.*

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

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

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

4.9.3 Ownership of Technology Resources and Data: All technology resources, including network and Internet resources, e-mail systems, and computers or other access devices owned, leased, or maintained by the Board are the sole property of the Board. Board personnel may, at any time and without prior notice, access, search, examine, inspect, collect or retrieve information of any kind from the Board’s technology resources, including computer or related equipment, files, and data, to determine if a user is in violation of any of the Board’s policies, rules, and regulations regarding access to and use of technology resources, for or in connection with any other matter or reason related to the safe and efficient operation or administration of the school system, or for any

other reason not prohibited by law. Users of school system technology resources have no personal right of privacy or confidentiality with respect to the use or content of such resources.

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

- a. Measure to block or filter Internet access to pictures that are obscene, that constitute child pornography, or that are harmful to minors;
- b. Restriction of access by minors to inappropriate material on the Internet;
- c. The safety and security of minors when they are using electronic mail, chat rooms, and other forms of direct electronic communications;
- d. Prevention of “hacking” and other forms of unauthorized use of or access to computer or Internet files, sites, databases or equipment;
- e. Unauthorized disclosure, use, and dissemination of personal information regarding minors;
- f. Restriction of minors’ access to harmful material; and
- g. Educating minors about appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms, and cyberbullying awareness and response.

4.9.5 Limitation on Liability: The Board makes no warranties of any kind; either expressed 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 restriction:

- 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 at school or 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.
- e. Nothing in this policy shall be deemed to prohibit Board employees from engaging in personal political expressions while on duty provided that the activity:
  - 1. Is “passive” in form (e.g., lapel buttons or bumper stickers) and does not consist of active campaigning or “electioneering” while on duty;
  - 2. Is not disturbing or disruptive of the learning environment;
  - 3. Is not displayed, presented, or discussed so as to suggest that students or subordinate employees who do not support or agree with employee’s political position will suffer any retaliation or adverse consequences as a result of such disagreement;
  - 4. Is not falsely representing that the political view is that of the Board or of any Board official

The Board may use its restricted public funds to seek support for non-partisan ballot initiatives that serve a public purpose or further the Board’s purpose and missions in accordance with state law.

**4.11 Data Governance and Use**

The Superintendent is authorized to establish procedures governing the storage, use, and sharing of data maintained electronically by the school system. Such procedures shall comply with applicable state and federal law and shall include provision for data security (including physical security measures), access controls, quality control, and data exchange and reporting (including external data requests, and third party data use). Nothing in this policy or in any procedures authorized hereunder creates or expands any entitlement or confidentiality of records beyond that which is established by law or specific Board policy. Any unauthorized access, use, transfer, or distribution of Board data by any employee, student, or any other individual may result in disciplinary action (up to and including termination for employees) and other legal action.

**4.12 Automatic External Defibrillator (AED)**

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



## 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 required to obey all laws, ordinances, Board policies, supervisory directives, and are expected to follow the Alabama Educator Code of Ethics and other pertinent authority while carrying out duties for the Board.
- d. Employees whose duties include the instruction or supervision of students must provide effective supervision, discipline, organization, and instruction of the students.
- e. Employees must complete and submit required reports accurately and in a timely fashion.
- f. Employees must respect, protect, and exercise due care in the handling, use, and operation of Board property and equipment.
- g. 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 suggest sexual, romantic or inappropriately familiar interaction with students.
- h. 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.

- i. 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.
- j. Legal, professional, and ethical standards that would otherwise apply to correspondence and other forms of communication generated by employees apply to communications and statements made or publicized through social media.

#### 5.1.2 Special Requirements

- a. *Work Schedules (Teachers)* – Supervisory and instructional duties of teachers commence fifteen (15) minutes prior to the actual arrival and conclude fifteen (15) minutes after the departure of students. Except as may otherwise be provided by the Board or required, the instructional day for teacher is seven and ½ (7.5) hours. Assignments and duties may extend beyond the instructional day and may include off-campus functions, events, and activities; conferences and meetings with parents; supervision of student arrival and departure; and preparation for the following instructional day. Teachers will be provided a minimum of thirty (30) minutes free of instructional and supervisory responsibilities each instructional day.
- b. *Work Schedules (Support Personnel)* – The Superintendent is authorized to establish work schedules, including minimum work times for support personnel.
- c. *Professional Certification* – In addition to requirements established by the State Board of Education and the pertinent job description, professional employees must hold a degree from an accredited college or university and hold a current, valid, and properly endorsed Alabama Teacher’s Certificate, which will be maintained in the Human Resource office. A teacher who has completed the certification process but has not received the certificate may be employed on tentative or temporary compensation pending verification of certification from the State Department of Education. Upon receipt of such verification, appropriate adjustments will be made to the teacher’s salary. If a teacher earns a higher degree from a regionally accredited institution that merits increased compensation under the approved salary schedule, any salary increase will be effective upon Board approval following verification of the new degree from the institution.
- d. *Supply Teachers* – A supply teacher is either a replacement for a permanent, certified teacher who is on leave for more than 18 weeks or a replacement for a permanent, certified teacher who is no longer employed by the Board. A supply teacher must have a valid teacher’s certificate issued by the State Superintendent of Education. Supply teachers will be selected and assigned

in accordance with procedures established by the Superintendent. Supply teachers will be placed on the salary schedule based upon their education degree and experience.

- e. *Substitute Teachers* – Substitute teachers must, at a minimum, possess a high school diploma or its equivalent, a two year diploma from a college or university (or the equivalent hours), and a valid Alabama Substitute Teachers License. Substitute teachers will be paid as specified in a Board-approved salary schedule. Substitute teachers are required to follow policies/procedures outlined in the Hoover City Schools Handbook for Substitute Teachers.
- f. *No Reemployment for Supply and Substitute Teachers* - Supply and substitute teachers are considered temporary employees and are appointed only to meet a temporary emergency. In no case will the employment be deemed to extend beyond the end of the school year, and all such positions shall expire on or before the end of the school year.
- g. *Teacher Assistants* – Teacher assistants must, at a minimum, possess (i) a high school diploma or its equivalent; (ii) a two year diploma from a college or university (or the equivalent hours) or pass the WorkKeys Assessment; and (iii) a certificate from the State Department of Education verifying a “clear” status resulting from a background check.
- h. *Bus Drivers* – In addition to the requirements established by the State Board of Education, a bus driver must: (1) hold a valid commercial driver’s license, (2) complete a minimum of twelve (12) hours of approved instruction in school bus driving, and (3) satisfactorily complete a written examination driver’s performance test approved or administered by the State Department of Education of State Superintendent. A bus driver must also meet any requirements of the entity providing the Board’s automobile liability coverage. Reference: ALA. CODE 16-27-4 (1975)

## 5.2 Hiring

- 5.2.1 Application Procedures: Application Procedures – Job applicants for all positions must file an online application with the Human Resources Department of the Board. Applications must be completed in full. All information provided in the application must be truthful. Any misrepresentation of a material fact on an employment application may disqualify the applicant from consideration for the position and may subject an employee to adverse employment action, including termination.
- 5.2.2 Qualifications: Applicants must meet the minimum qualifications of the position as provided in Board policy, the job description for the position, the posted

advertisement for the position, or as may otherwise be established by the Board, applicable law, or regulation. Applicants must hold such degrees, licenses, certificates and like credentials as may be necessary, appropriate, or customary for the position in question.

5.2.3 Employing Authority for Permanent Contract Personnel: The Board is responsible for making all final hiring and termination decisions for permanent contract personnel, 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* – Employment decisions and relationships that violate any provision of Alabama law, including state ethics and nepotism laws, are prohibited. The Superintendent is authorized to take action to identify and correct violations of the policy in a manner consistent with applicable law.
- b. *Employment of Family Members* – Board members, administrators, or supervisors may not use their positions to directly or indirectly seek or secure the employment of any family member as defined in the Alabama Ethics Law.
- c. *Selection of Impartial Person* – When law or policy mandates the recusal of a board member, official, or employee (“disqualified official”) from involvement in a decision involving the employment or possible employment of a relative or other person and permits or requires an objective, neutral, or impartial person (“the surrogate official”) to exercise some or all of the functions of the disqualified official with respect to the decision or action in question, the surrogate official shall be deemed objective, neutral or impartial if he or she:
  1. Is not related by blood or marriage to the disqualified official or the person whose employment status is at issue, or of any applicant in a multi-member field of persons under consideration for employment or advancement;
  2. Does not work under the direct or indirect supervision of the disqualified official, of any person who selects the surrogate official, or of any person whose employment status could be affected by the action or decision at issue;

3. Has no personal or financial connection to the disqualified official, to any person whose employment status could be affected by the action or decision at issue, to any other person involved or affected by the action or decision at issue in a way that would call into questions the surrogate official's objectivity, neutrality, or impartiality; and,
4. By education, training, and experience has sufficient understanding of the employment qualifications and other factors and considerations that bear upon the action or decision at issue to make an informed report and recommendation to the Board.

After considering any report or recommendation that may be made by the surrogate official, the Board may approve such recommendation or remand the matter in question for further review. Reference: Act of Alabama No. 2015-486

### **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 non-teaching 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 non-teaching assignments to be made 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 contact 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, workshop, 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 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 or personally identifiable information acquired through Board employment for their personal gain or for the benefit of a third party.
- e. Employees shall not receive pay or other compensation for private tutoring of students enrolled in classes they teach in Hoover City Schools. If they tutor other students in the school district not enrolled in their classes, written notice of such activity must be given to the building principal.

## 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 and other pertinent state laws.

## 5.8 Employee Evaluations

- 5.8.1 Certified Personnel: Certified employees (other than contract principals) will be evaluated in accordance with the Hoover City Schools Teacher Evaluation instrument or the evaluation program approved for use by the Alabama State Department 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 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 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 may be evaluated by such means as the Board deems appropriate and as may be permitted by law or applicable regulation.

## 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: The contents of an employee's personnel file will be deemed confidential except for documents that are matters of public information or public record under applicable state or federal law.

5.9.4 Access to Personnel Files: 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 by the Superintendent or designee, 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 leaves under state law or the Family Medical Leave Act;
- b. Professional leave;
- c. Vacation leave;
- d. Personal leave;
- e. Military leave;
- f. Court leave;
- g. Organizational leave;
- h. Other 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 their supervisor of the expected absence in accordance with procedures specified by the Superintendent. In the event of an emergency or incapacity that makes advance notice impractical, employees must notify their supervisor of their absence as early as possible. An employee who is absent from work without notification to his/her supervisor 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 provision of the particular benefit policy or plan.

5.10.3 Paid Sick Leave

- a. *Persons Eligible for Paid Sick Leave* – All regular full time employees are eligible for paid sick leave.
- b. *Earning and Accumulation of Paid Sick Leave* – All eligible employees earn sick leave days at the rate provided for in state law.



- 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 usually 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 Superintendent. Abuse of sick leave may subject the employee to disciplinary action, including possible loss of pay. 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. A supervisor 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 supervisor, 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. Personal leave may not be taken immediately before or after a school holiday or in the first or last ten days of a school term unless approved by the immediate supervisor.

a. *Classified Employees* - All regular full time classified employees are eligible for two non-cumulative personal leave days each scholastic year without loss of pay. Employees with unused personal leave days may choose to convert the unused days to sick leave days at the end of the school year.

b. *Certified employees*

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

2. *Additional Personal Leave*: All regular full time certified employees are eligible for three 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. 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. *Eligible Employees* – Twelve-month full-time employees are eligible for a minimum of ten (10) paid vacation days per year.

b. *Vacation Benefits* – Eligible employees will earn vacation benefits as flows:

1. Classified employees with at least one year of consecutive service with the Board will accrue ten (10) days of vacation on the first day of the Board's scholastic year.
2. Classified employees with less than one year of consecutive service with the Board will accrue one (1) vacation day per month up to ten (10) days per scholastic year.
3. Nonteaching certified personnel will accrue vacation on the first day of the Board's scholastic year.

c. *Accumulation of Vacation Time* – Vacation must be used by December 31<sup>st</sup> of the following year or be forfeited. Vacation days may not be bought, sold or donated. Employees will be paid for earned vacation time if not used prior to the effective date of resignation or retirement.

d. *Scheduling* – Vacations must be scheduled with the knowledge and approval of the employee's department head.

e. *Special Circumstances* – The amount of vacation leave may be adjusted for personnel who are employed under a special contract (e.g., the Superintendent) or under unusual circumstances such that the strict application of standard vacation policy would cause an inequitable forfeiture of earned vacation credit (e.g., employees who were credited with vacation leave earned in another system upon the formation of the Hoover school system).

5.10.7 Professional Leave: District administrators are authorized to grant professional leave with pay to Board employees to engage in educational activities which, in the judgment of the administrator, serve the needs and interest of the school system. Any such leave exceeding five days in a scholastic year must be approved by the Superintendent or designee.

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

5.10.9 Court Leave: Permanent and full-time employees are entitled to regular compensation while performing jury duty (ALA. CODE 12-8-25) or when the employee is summoned under subpoena or other legal requirement to testify at trial in a court of law or in an administrative proceedings constituted under the statutory authority of the agency conducting the proceedings. Paid leave is not

authorized for employees to meet with attorneys, to attend depositions, or to otherwise prepare for legal proceedings unless the presence of the employee is requested or required by the Board.

5.10.10 Organizational Leave: The employee organization representing the largest number of employees in the school district as determined by the list of members on file as of September 15<sup>th</sup> of each year will be provided one (1) day of organization leave day for every twenty-five (25) members for each scholastic year. The organization will submit to the Superintendent the names of members who are entitled to utilize the organizational leave on behalf of the organization and only personnel whose names appear on the list will be approved for organization leave. Personnel who desire to utilize organization leave shall submit notice of their proposed absence ten (10) working days in advance of the requested leave date, unless extenuating circumstances exist.

5.10.11 Leave of Absence: Full-time, tenured employees may be granted a leave of absence without pay not to exceed one (1) academic year for study, personal improvement, travel, sabbatical, family obligations, wellness or illness. The following provisions shall apply:

- a. It is the responsibility of the employee to submit a request for leave in writing no less than sixty (60) days before the anticipated date of the leave.
- b. The leave of absence must be for one entire academic year and may not include portions of two separate academic years.
- c. An employee returning from a leave of absence is not guaranteed his/her original position, but is subject to transfer and reassignment to another vacant position in the school district. He/she shall maintain his/her tenure status and all accruable benefits, except that, days are not to be accrued for sick leave or annual leave.
- d. A leave of absence shall not be counted as experience in the determination of placement of the salary schedule.
- e. An employee on a leave of absence shall notify the Superintendent, in writing, of the employee's intent to return or not to return, no later than sixty (60) days before the scheduled date of return.

## 5.11 Family and Medical Leave Act (FMLA)

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

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

- a. The birth and first year care of a newborn child;
- b. The placement of a foster child or adoption;
- c. The care of an immediate family member, defined as a spouse, child or parent, with a serious health condition;
- d. The taking of medical leave because of the employee's own serious health condition.

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

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

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

5. Multiple treatments for restorative surgery or for a condition which would likely result in a period of incapacity of more than three (3) days if not treated.

5.11.4 Military Family Leave Provided by the Act

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

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

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

5.11.7 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.

5.11.8 Notice: Employees seeking leave under the FMLA must provide thirty (30) days advance notice of the need to take leave when the need is foreseeable. When the need for leave is unforeseeable, employees should notify their supervisors as soon as possible. Employee must also provide notice of the need for qualifying exigency leave as soon as possible.

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

For leave based on a serious health condition of the employee or employee's spouse, child, or parent, the Board serves 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.

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

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

5.11.12 Maintenance of Benefits: Benefits accrued by the employee before leave is taken are not lost when approved FMLA leave is taken. Employees who are on approved FMLA leave will remain eligible to participate in benefit programs in which the employee was enrolled at the time of the leave, provided that the employee will continue to be responsible for payment of employee's portion of any cost, premium, or like payment that is required to maintain eligibility for the coverage or benefit. An employee who does not return to work after FMLA leave, will be required to reimburse the Board for the cost or benefits coverage extended to the employee during the leave, unless the reason for the employee's failure to return to work is (1) a continuing serious health condition

suffered by either the employee or a family member, or (2) other circumstances beyond the employee's control.

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

## 5.12 Sick Leave Bank

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

- a. Sick Leave Bank Committee – The Sick Leave Bank Committee will be composed of one member representing the Board and four members representing participating members of the bank.
  1. *Board Representative* – The Member representing the Board will be appointed by the Superintendent, subject to Board approval.
  2. *Participant Representatives* – The participant representatives will be selected by the sick leave bank members.
- b. Procedures for Selecting Employee Representatives on Committee
  1. *Nomination* – Before each election of participant representatives, the Board will hold an open nomination period. Any employee who is eligible to participate in the sick leave bank may be nominated for one of the participant representative positions. Nominations must be written and must be received in the Benefits Department by the deadline specified in a notice to be provided by the Superintendent or his/her designee through Board publications and other means of communication that are generally used of 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 Benefits 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. The chairman will be responsible for recording organizational minutes, for conducting meetings, and for organizing meetings as necessary.
- e. Meetings: If there is a recommendation for a change in procedure, the Sick Leave Bank Committee will meet at least annually following each enrollment period. The Committee will also meet as necessary.
- 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 request 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 **Administrative Leave**

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

### 5.14 **Equal Employment Opportunity**

- 5.14.1 Unlawful Discrimination Prohibited: The Board is an equal opportunity employer. Personnel actions and decisions will be made without regard to factors or considerations prohibited by federal or state law (as such laws may from time to time be amended), including but not limited to race, gender, age, disability, national origin, citizenship, and religious preference. Subject to the limitations

set forth in 4.6.2 the general complaint (grievance) policy (4.6.1) may be used to present any complaint alleging unlawful discrimination or harassment.

5.14.2 Implementing Regulations Authorized: The Superintendent is authorized and directed to implement such rules, regulations, procedures, and directives as necessary and appropriate to implement and enforce this policy and any law prohibiting discrimination in the workplace, including the designation of one or more complaint/grievance investigators, officials, or coordinators, the development of complaint or grievance procedures for responding to allegations of unlawful discrimination, the provision of training or dissemination of instructional materials and advisories to appropriate staff members, and the administration of corrective or remedial action in response to violations of the law and of this policy.

## 5.15 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.

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

- 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.

5.15.2 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.

#### 5.15.3 Employee Complaint Resolution Procedures

- 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.

#### 5.15.4 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 Director of Human Resources 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 finds. 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.

- 5.15.5 Confidentiality: To the extent possible, reports of sexual harassment will be kept confidential; however, complete confidentiality cannot be guaranteed.
- 5.15.6 Retaliation Prohibited: No retaliation or adverse action may be imposed as a result of a good faith complaint or report of sexual harassment. False accusations that are made in bad faith or for improper reasons may result in disciplinary action.
- 5.15.7 Penalties for Violation: Any employee who violates the terms of this policy or who impedes or unreasonably refuses to cooperate with a Board investigation regarding allegations of sexual harassment will be subject to appropriate disciplinary action, up to and including termination.

## **5.16 Reduction-In-Force**

### **5.16.1 Definition and Scope**

- a. This policy applies to reductions-in-force that are implemented by “layoffs” as contemplated by Ala. Code 16-1-33 (1975).
- b. A reduction-in-force may be declared by the Board of Education and layoffs approved thereunder if the Board determines that decreased student enrollment or a shortage of revenues requires a reduction in the work force (beyond normal attrition) in order to maintain effective provision of educational services or to meet the Board’s financial, legal, or operational obligations.
- c. A “layoff” within the meaning of this policy is a separation from employment with the Board of Education. However, employees who are laid off under authority of this policy are eligible for recall to employment as conditionally provided in this policy. The term “layoff” does not include or apply to the expiration of temporary, occasional, or “at-will” appointments or to decisions not to renew or extend employment beyond the expiration of annual or other specified terms of appointment.

### **5.16.2 Criteria for Implementing Layoffs**

- a. The order, priority, rank or selection of individual employees which are to be laid off under authority of this policy shall be determined on the basis of objective criteria. However, nothing herein shall be deemed or construed to limit or abridge the Board’s legislative discretion to identify areas, departments, groupings, or classification for reductions (layoffs). For example, the Board is not required to justify by objective criteria or

otherwise a decision to implement layoffs in non-instructional categories or employees before doing so with instructional staff.

- b. The criterion or criteria on which the layoffs are to be based shall be announced or otherwise made know by the Board to employees affected by the layoff no later than the date notice of the layoff is provided to the employees.
- c. “Objective criteria” within the meaning of this policy may include any lawful selection standard (or combination of standards that is verifiable, calculable, measurable, or otherwise determinable by means or methods other than the personal or subjective judgments or opinions of the person(s) applying the criteria, and that would be expected to produce the same result if applied to the same employees or group of employees by different persons. For purposes of this policy, objective criteria may include, but are not limited to:
  - Seniority, longevity, or time in service that will be more specifically described in the notice of layoff that is provided to affected employees
  - Years of experience
  - Degrees, certification, or licensure
  - Job classification
  - Written or otherwise documented performance evaluations that can be fairly, accurately, and objectively compared to other similarly situated employees for the purpose of ordering or ranking, provided that such evaluations predate the RIF announcement or declaration by not less than thirty days

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

- a. The nature of the position and qualifications therefore have not materially changed;
- b. The laid-off employee remain properly qualified, licensed, or certified; and
- c. The laid-off employee confirms in writing his or her availability for and interest in re-employment to the Board’s Director of Human Resources in accordance with any directives that may be contained in or transmitted in conjunction with the notice of layoff.

Circumstances permitting, and to the extent practicable, the selection of employees for recall will be based on the criteria that were applied to the layoffs themselves if there are more employees eligible for recall than positions available to fill. When layoffs occur over a period of time, the Board will take relative length of separation from service into consideration in

assigning recall priority, other factors being equal. In no case will any right to be recalled to employment extend beyond one year from the effective date of the employee's layoff. Recalled employees will retain credit for the tenure, years of service, and the pay and benefit status they held on the effective date of their layoff. No pay, benefits, status, or additional rights will accrue or be credited to the recalled employee for the time he or she has been laid off.

- 5.16.4 **Notice:** Notification of layoff and recall shall be by United States certified or registered mail, hand delivery, or such other means as are reasonable under the circumstances. Upon receipt of notification of recall, a laid-off employee shall respond affirmatively to the notice of recall in accordance with such specific directions or instructions as may be contained therein. Any laid-off employee who does not so respond or who otherwise declines an offer of reemployment by the Board will be deemed to have waived any right to be recalled under the terms of this policy. Reference: Ala. Code 16-1-33 (1975)

## 5.17 Unauthorized Payments

- 5.17.1 **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.
- 5.17.2 **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/her 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 completing 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.

5.17.3 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.

5.17.4 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.

## **5.18 Drug and Alcohol Testing of Safety Sensitive Employees**

5.18.1 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 driver licenses (CDL) or who occupy a safety sensitive position as designated by the Board (“covered employees”).

5.18.2 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 (8) hours following an accident for which a post-accident alcohol test is required, or prior to undergoing a post-accident alcohol test, whichever comes first;
- e. Refusing to submit to an alcohol or controlled substance test required by post-accident, random, reasonable suspicion, or follow-up testing requirements;

- f. Consuming alcohol or going 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;
- 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.

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

- a. *Pre-employment Testing* – Prior to the first time a covered employee performs a safety-sensitive function for the Board, the employee must undergo testing for alcohol and controlled substances.
- b. *Post-accident Testing* – Each surviving driver of an accident, as defined by the FHWA, will be tested for alcohol and controlled substances. In addition, covered employees who are involved in an accident involving injury to a person, or property damage in excess of five hundred dollars (\$500.00) will be subject to post-accident testing.
- c. *Random Testing* – The Board will conduct unannounced random alcohol and controlled substance testing of its covered employees.
- d. *Reasonable Suspicion Testing* – A covered employee must submit to alcohol or controlled substance testing whenever there is reasonable suspicion of alcohol misuse or the use of controlled substances based on specific, contemporaneous, and articulable observations concerning the appearance, behavior, speech, or bodily odors of the employee.
- e. *Return-to-Duty Testing* – A covered employee must submit to return-to-work alcohol and/or controlled substance test before being permitted to return to work following a positive alcohol or controlled substance test or other violation of this policy or federal regulations.



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

5.18.4 Administration of Program: The Superintendent is authorized to oversee the Board’s testing program, to contract with appropriate providers to implement the program, to develop guidelines, rules and regulations to implement training programs, to develop and distribute educational materials and appropriate notices to covered employees, and to take such further action as may be required by federal law. Reference: Omnibus Transportation and Employment Act of 1991

## 5.19 Searches (Personnel)

- 5.19.1 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.
- 5.19.2 Employee Property: The Board reserves the right to inspect employee’s vehicles, purses, files, and other personal property if an administrator 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.
- 5.19.3 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 ages of six and seventeen years are required by state law to attend school for the minimum number of scholastic days prescribed by the State Board of Education, unless the person holds a certificate of exemption issued by the Superintendent or is otherwise exempt under state law.

- a. *First Grade Age Requirement* – A student must be six years old on or before the date set by the State guidelines in order to be admitted to the first grade for that school year. Underage students transferring from out-of-state schools may be admitted subject to procedures established by the Superintendent. Children transferring to Hoover City Schools from private schools within Alabama may enter the first grade only if the state age requirement for entry into the first grade is met.
- b. *Kindergarten Age Requirement* – A student must be five years old on or before the date set by State guidelines to be admitted to kindergarten for that school year. Reference: AKA, CIDE 16-28-3 (1975)

### 6.1.2 Admission to Schools

- a. *Resident Students* – All children having legal residence, as defined herein, within the city limits of the Hoover School District and meeting the legal entrance age requirements shall be eligible to attend Hoover Schools. First time enrollees shall be required to furnish proof of residence and age and an Alabama immunization form. The public schools of the District shall be free to all children of school age whose parent(s) or legal guardian(s) resides within the School District.
  1. Legal residence as used herein means the fixed, permanent, and primary domicile of the parent(s) or legal guardian(s). The Legal Residence, as used herein, shall mean that true, fixed, and permanent home and principle establishment to which, whenever absent, the parent(s) or legal guardian(s) of the student has the intention of returning. As used herein, legal resident of domicile is distinguished from a temporary or secondary place of residence established for some specific purpose, but not the fixed, permanent, primary establishment of the parent(s) or legal guardian(s).
  2. To be eligible to attend the Hoover School System, a student must physically reside full time at a place of abode (house or other dwelling place) within the city limits of Hoover. If the place of abode (house or other dwelling place) is not clearly within the city limits (for example,

where part of the property is within the city limits and part outside the city limits), then the abode will be considered within the city limits if the abode (the physical structure of the living quarters of the house) is assessed by the Tax Assessor as being within the city limits of Hoover. In other words, to be eligible to attend Hoover schools, a student must reside in a house or other dwelling place, the physical structure of which is located within the city limits of Hoover.

3. The Hoover Board of Education and its administrative staff are legally bound to respect custody orders defining the rights and responsibilities of parents. A court order assigning primary custody or physical custody to one parent will be determinative: the residence of a child will be the residence of the parents with primary or physical custody.
  4. The Hoover Board of Education and its administrative staff shall implement this policy in order to comply with established federal guidelines to ensure attendance of students in their systems who are permanent, full-time residents, as defined above, with their parents(s) or legal guardian(s) in Hoover and to prevent out-of-district students from establishing temporary or secondary residence in Hoover for the purpose of attending Hoover Schools in violation of Federal Court Orders.
- b. *Non-resident Students*: The Board may authorize the enrollment of nonresident students under the following conditions:
1. Students must reside with a custodial parent who is a full-time District employee;
  2. Students who are entering their senior year (12<sup>th</sup> grade) and whose parents have moved out of District may be allowed to remain in Hoover schools provided that the required tuition is paid and a release has been granted from the student's home school district.
  3. Nonresident students must be and remain in good academic, attendance, and disciplinary standing;
  4. The student's enrollment may not violate district policies or procedures, or court order;
  5. Nonresident students must reapply for admission to the District annually.

c. *Homeless Students*

1. *Enrollment* – Homeless students will be permitted to enroll without regard to residency status and will not be denied services offered to other students in the school system. Homeless students may also be entitled to other accommodations under federal law.
2. Homeless students will continue in the school they attended before becoming homeless for the duration of their homelessness, or for the remainder of the academic year, if the student becomes permanently housed during an academic year. Otherwise, a homeless student may be enrolled in any school in the system that non-homeless students who live in the attendance area in which the student is living are eligible to attend.
3. *Dispute Resolution* – When a dispute arises regarding school placement, the system will immediately enroll the homeless student in the school in which enrollment is sought by the parent, guardian, or unaccompanied youth, pending resolution of the dispute. The 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 Liaison of the dispute.
4. *The Homeless Liaison* will expeditiously carry out the system’s dispute resolution procedures as detailed in the Board’s homeless student plan.
  - a. *Placement of Students*: The Board will determine the placement of newly enrolled students in accordance with state law.
  - b. *Required Documentation*: Students entering the school system for the first time, regardless of grade level, are not required to submit a birth certificate or another form of acceptable documentation to verify the student’s age. A social security number may also be requested, but such request is voluntary and is not a requirement of enrollment.

d. *Students in Foster Care*

1. A student in foster care remains in his or her school of origin, unless it is determined that remaining in the school of origin is not in the student’s best interest.
2. If it is not in the student’s best interest to stay in his or her school of origin, the student is immediately enrolled in the new school even if the student is unable to produce records normally required for enrollment.

3. The new (enrolling) school should immediately contact the school of origin to obtain relevant academic and other records.

### 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 their parent(s) or legal guardian(s) reside(s). Attendance zones shall be established to the extent practicable so as to equalize the educational opportunities available to all students in the Hoover school system, taking into consideration the adequacy and accessibility of school facilities.
- 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: 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:

1. Illness
2. Inclement weather
3. Legal quarantine
4. Death in immediate family
5. Emergency
6. Permission of principal and consent of parent
7. Religious holidays

Documentation supporting an excused absence must be submitted within three days of the absence 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.

### 6.1.6 Transportation: Student transportation will be made available to residents of the City of Hoover in accordance with routes and schedules developed by the Board's transportation department. Such schedules and routes may be modified or eliminated at the discretion of the Superintendent and/or designee as the needs and resources of the district dictate. Reference: ALA. CODE 16-28-1, *et. seq.* (1975); Ala.

Admin. Code 290-3-1-.02

## 6.2 Transfers and Withdrawals

6.2.1 **Transfers:** The Superintendent 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 and/or designee 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 interest 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 Superintendent. The Superintendent and/or designee reserve the right to reassign students when such action is determined to be in the best interests of the student or the District.

### 6.3 Student Fees, Fines, and Charges

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

### 6.4 Extracurricular Activities

6.4.1 **General:** The Board supports, to the extent reasonably possible, student participation in extracurricular activities.

Students may be offered an opportunity to participate in extracurricular activities and student 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 be subject to general supervision of school officials; and
- d. The nature of the organization and its activities are not inconsistent with and do not interfere with instructional activities or requirements.

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

- 6.4.2 **Athletics:** Participation in athletic programs will be on such terms and conditions as may be approved by the Board and any athletic association of which the Board is a member. Schools may establish terms and conditions for participation in such programs as long as school eligibility criteria are not inconsistent with system-wide eligibility or participation criteria, rules, regulations, or standards established by any athletic association or organization of which the Board is a member, or any rule, principle or provision of applicable law. Reference: Ala. Admin. Code 290-3-1-.02 (19)

## 6.5 Off-Campus Events

Students 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:

1. 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;
2. 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 and/or designee;
3. Adequate arrangements are made for supervision and other risk management considerations (e.g., parental permission, medical treatment authorization, special insurance requirements);
4. Properly certified and licensed drivers have been selected and arrangements for the costs of the trip (e.g., salary, fuel, maintenance, lodging) have been made;
5. Approval of the trip in accordance with administrative procedures is obtained; and
6. The selection of chaperones to accompany students on trips or off-campus activities is in the sole discretion of school officials.

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.

## 6.6 Equal Educational Opportunities

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

## 6.7 Title IX

6.7.1 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.

6.7.2 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.

## 6.8 Student Sexual Harassment

6.8.1 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.

6.8.2 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:

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

6.8.3 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 interest 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.

6.8.4 Initial Confrontation of Accused Harasser Not Required: A student who invokes the harassment complaint procedure will not be required to present the complaint to the accused or suspected harasser for resolution. Students will be permitted to report allegations of suspected harassment to any appropriate Board administrator, teacher, counselor, or employee, and such persons have a duty to promptly refer such allegations to the Superintendent or to take such action as may be required by the procedures established under "Sexual Harassment Complaint Procedures Authorized" (6.8.3) above. In no case will any employee who is the subject of a complaint be permitted to conduct, review, or otherwise exercise decision-making responsibility in connection with the processing of the complaint.

6.8.5 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.

## 6.9 Protection of Pupil Rights Amendment

6.9.1 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, antisocial, self-incriminating, or demeaning behavior;
- e. Critical appraisals of others with whom respondents have close family relationship,
- 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.

6.9.2 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.

6.9.3 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.

6.9.4 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.

6.9.5 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)

## **6.10 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 “education records” has the meaning given in 20 U.S.C. 1232 g(a)(4). Copies of such records may likewise be provided to the extent required and under circumstances specified by applicable law or regulation. The Superintendent is authorized to establish administrative standards and procedures respecting access to such records, including a schedule of reasonable charges for the reproduction thereof. Parents will be provided required annual notification regarding educational records through the student handbook or by other appropriate means. (Reference: 20 U.S.C. 1232g(a)(4); 34 C. FR 99.3)

## **6.11 Student Health Services**

The Board may offer limited student health services that are designed to address minor medical issues that may arise during the school day or to assist with special or chronic health problems. In cases of acute or contagious illnesses, parents or guardians may be notified and required to pick up the student. If a parent or guardian is not available, the principal or school nurse may contact the Department of Public Health. School officials

are authorized to take reasonable and appropriate steps to provide or arrange for the provision of emergency medical services to students who require immediate medical attention. In case of illness or accidental injury not requiring immediate medical attention, standard first aid procedures may be followed. The Superintendent is authorized to develop and promulgate procedures, rules, and regulations concerning the taking, administration, and handling of medication and anaphylaxis at school consistent with state law and appropriate health standards.

## **6.12 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, and parents or guardians. The CSC will describe the rules and standards of conduct and discipline that will be maintained and enforced with Hoover City Schools. The CSC will apply to conduct occurring on school buses, at off-campus events, at school functions and activities whether or not occurring during the school day, and to conduct on the part of students with respect to which the school has an identifiable interest. 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 or when a new student enrolls. 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)

## **6.13 Searches (Students)**

6.13.1 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.

6.13.2 Personal Property: Personal property, including but not limited to vehicles, purses, wallets, gym bags, book bags, and personal wireless communication 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.

6.13.3 Personal Searches: Students may be searched whenever reasonable suspicion exists that the student possesses prohibited materials, illegal substances, weapons, or other items that are reasonably deemed to present a risk or threat to the safety and welfare of the school community. Student searches must be conducted by a school administrator in the presence of another certified school employee and may include a frisk or “pat down” of the student, a search of personal items and clothing, 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 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.

6.13.4 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 and/or documentation of Code of Conduct violation and/or released to law enforcement.

#### **6.14 Corporal Punishment**

The Board does not permit the use of corporal punishment as a consequence for inappropriate behavior provided that school personnel are not prohibited from using appropriate physical contact or intervention in response to emergencies or other circumstances reasonably requiring such action. Reference: ALA. CODE 16-28A-2 (1975)

#### **6.15 Physical Restraint**

The Superintendent is authorized to develop written procedures governing the use of physical restraint as required by state law. The procedures will be published in accordance with the requirements of state law. Reference: ALA. Admin. Code 290-3-1-.01, 290-3-1-.02

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

In order to maintain order, minimize the risk of potential personal injury, property damage or disruption, or to permit an orderly investigation and evaluation of a suspected violation of school or school system rules, standards, or policies, principals may temporarily suspend a student pending a conference with the parent or guardian of the student and a final disciplinary decision. Suspension may also be imposed as a disciplinary measure as provided in the Code of Student Conduct. Suspension of students with disabilities will be subject to applicable limitations and requirements imposed by the Individuals with Disabilities Education Act (“IDEA”) and its implementing regulations.

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

Students may be expelled from school for offenses serious enough to warrant such action as provided in the 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 parents 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 Individual with Disabilities Education Act ("IDEA") and its implementing regulations.

### **6.18 Wireless Communication Devices**

Personal, wireless communication devices include, but are not limited to cellular telephones, smart phones, pocket pagers, e-mail devices, tablets, or any other electronic communication device. Students may possess a cell phone or other personal, wireless communication device on school property, but use of such devices during the school day is limited to uses expressly permitted by the supervising teacher or administrator. The Board assumes no responsibility for theft, loss, or damage to any personal, wireless communication device. Principals or their designees have the authority to restrict and deny the use of personal, wireless communication devices by any student to prevent the misuse, abuse, or violation of school rules regarding the use of such devices. School officials may read, examine, or inspect the contents of any such device upon reasonable suspicion that the device contains evidence of a violation of law, Board policy, the Code of Student Conduct, or other rules, provided that the nature and extent of such examination shall be reasonably related and limited to the suspected violation. ALA. CODE §16-1-27 (1975)

### **6.19 Driver License**

6.19.1 Driver License: Students under the age of 19 who fail to meet or maintain enrollment status as required by state law may be reported to the Alabama Department of Public Safety, which may withhold or suspend the student's learner permit or driver license. 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 lack of public transportation, are compelled to walk more than two miles to attend a public school.

Students who are denied a driver license by virtue of their non-enrollment may appeal a decision affecting their eligibility for a driver 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 and explain the reasons for their non-enrollment. An appeal should be promptly forwarded to the Superintendent for review and final decision.

6.19.2 Administrative Procedures Authorized: The Superintendent is authorized to develop procedures to implement the provisions of this policy and to comply fully with state law. Reference: ALA. CODE 16-28-40, *et seq.* (1975)

#### **6.20 Student Parking Privileges – Substance Abuse Policy**

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

## 6.21 Student Competitive Extracurricular Activity Substance Abuse Policy

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

## 6.22 Anti-Harassment

6.22.1 Harassment, Violence, and Threats of Violence Prohibited: No student shall engage in or be subjected 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.

### 6.22.2 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 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 is 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 Hoover City school system.

### 6.22.3 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.

**6.22.4 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.

**6.22.5 Reporting, Investigation, and Complaint Resolution Procedure**

- a. Complaints alleging violations of this policy must be made on district 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.
- b. Upon receipt of the complaint, the principal or the principal's designee will, in his/her 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.
- 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 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.
- d. 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.

**6.22.6 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, including publication on the Hoover City Schools website.

#### **6.22.7 Voluntary Religious Expression**

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

Students may express their religious beliefs in all phases of their schoolwork without penalty or reward based 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, organization, 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 Hoover City Board of Education and determined by evaluation, achievement, assessment, and testing materials, instruments, methods, and measures that have been generally recognized as appropriate for such purposes within the educational community and applied successfully in public school settings.

Students may organize and participate in religious activities before, during, and after school and have access to school facilities to the same extent students are permitted to organize and participate in other non-curricular activities to the extent that such access to or use of Board facilities does not constitute a constitutionally impermissible endorsement or sponsorship of the organization or violate any right established or imposed by either the Alabama or United States Constitutions. Reference: Act of Alabama No. 2015-129

### **6.23 - Jason Flatt Act - Youth Suicide Awareness and Prevention**

#### **Introduction**

Suicide is the tenth cause of death in the United States according to the Centers for Disease Control and Prevention. For youth between the ages of 10 and 24, the cause of

death rankings are 2nd and 3rd in the nation, and these rankings are higher for youth in the same age brackets in the state of Alabama. The *Jason Flatt Act* was passed in order to equip education institutions 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.

### **Section 1: Prevention of Suicide**

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 16-28B-8 of the Code of Alabama 1975, includes prevention of harassment and violence.

**Section 2:** *The Jason Flatt Act* includes several elements which should be interpreted as Policy. Schools systems will:

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.

### **Section 3: Description of Behavior Expected of Students**

Students are expected to treat other students with courtesy, respect and dignity and comply with the Hoover City Schools Code of Student Conduct. Students are expected and required to 1) comply with the requirements of the law, policy, regulations, 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.

### **Section 4: Responsibility of 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.

### **Section 5: 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 custodian, and employees by such means and methods are customarily used for such purposes, including publications on the school district's website. ACT # 2016-310

## 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** 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 teachers, parents, and administrators, who will serve a term of one year. Students are loaned textbooks for the duration of the course and are responsible for the care of the textbook. Students must reimburse the Board for the value 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 for grades 4-12:

<u>Letter Grade</u>	<u>Numerical Grade (100 point scale) (High School 9-12 only)</u>	<u>Quality 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	50-59	0.00

7.3.2 **Weighted Grades:** When calculating the grade point average on a four point scale at the high school level, additional points will be added to the grade point average points for advanced courses according to the following scale:

Type of Course	GPA Point Addition
Pre-AP/Pre-IB Courses	+0.50
Dual Enrollment/Scholastic Teams	+0.50
Advanced Placement/International Baccalaureate	+1.00

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 quality point scale (calculated and weighted as described herein). The cumulative quality point calculation will be carried out two decimal places and rounded off. All credit attempts will be represented in the quality point calculation.

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)

7.3.8 **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.

#### 7.4 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 develop and administer tests for their courses in order to determine their students' abilities, knowledge, and skills, and to use in calculating a student's grade.

#### 7.5 Summer School Operations

A summer school program may be implemented in compliance with regulations promulgated by the State Department of Education. Summer school is provided as a service by the Board and is separate and distinct from the regular academic year. The Superintendent is authorized to develop and maintain rules and regulations for the operation of summer school, including requirements for enrollment, attendance, transportation, and tuition, which will be subject to approval by the Board.

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

#### 7.6 Non-Traditional Learning

7.6.1 Dual Enrollment: Qualified high school students are allowed to take post-secondary college courses for high school credit in accordance with the regulations of the State Department of Education. Credit for the courses will be recognized if the conditions and criteria established by the Alabama Department of Education and approved by the local Board of Education are met. Reference: Ala. Admin. Code 290-3-1-.02(11)

7.6.2 Correspondence or Online Courses: Credit for correspondence and online courses will be recognized if the conditions and criteria established by the Alabama Department of Education and approved by the local Board of Education are met. Reference: Ala. Admin. Code 290-3-1-.02(12, 13)

7.6.3 Career and Technical Education: The Career and Technical Education Program (CTE) consist of areas of study that blend academic, occupational, and life skills,



The CTE Program will be administered in accordance with the requirements of the Alabama State Department of Education and the Board.

- a. **Work-Based:** 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.
- b. **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 are 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.
- c. **Safety:** To the extent practicable, reasonable safety procedures will be implemented in the CTE program in accordance with Alabama State Department of Education regulations and any applicable Business/Industry Certification requirements. Reference: Ala. Admin. Code, r, 290-6-1-.04(3)(4)

### **7.7 Extended Programs: Community Education**

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

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

### **7.8 Graduation and Commencement**

Students who have satisfactorily completed requisite course work, met minimum attendance criteria, and passed required examinations are eligible for graduation. 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 standard 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.

- 7.8.1 Honor Graduates: Students who meet the following requirements shall be designated as honor graduates at high school commencement ceremonies:
- a. Enrollment in the school system for a minimum of one full academic semester prior to the date of graduation;
  - b. Successful completion of all requirements for receiving an Alabama High School Diploma; and
  - c. 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 final semester of the senior year. Grades will be calculated and weighted as prescribed in the grading section above.
- 7.8.2 Valedictorian: Students who meet the following requirements shall be designated as valedictorians at high school commencement ceremonies:
- a. Enrollment in the school system for a minimum of two years prior to the date of graduation;
  - b. Successful completion of all requirements for receiving an Alabama High School Diploma with the Hoover City Schools Seal of Scholastic Excellence; and
  - c. Maintenance of an overall grade point average (GPA) of 4.35 or higher (on a 4.00 point scale) for all courses taken during the freshman (or ninth grade) year through the final semester of the senior year. Grades will be calculated and weighted as prescribed in the grading section above. The overall grade point average (GPA) requirement will be increased to 4.45 for the class of 2019 and beyond.

Valedictory and Salutatory Addresses: The valedictorians at each high school will, by process of election, recommend representatives who will be invited by the Principal to present the valedictory and salutatory addresses during the commencement ceremony. If the total size of the valedictorian group is three or less, then all members of the group can be invited to present a valedictory address. The authority to invite any student to present a valedictory or salutatorian address resides solely with the Principal of the school, and the invitation can be revoked and reassigned at the Principal's discretion.

- 7.8.3 Fifth Year Seniors: Upon the recommendation of the counselor and approval of the principal, a student who has completed four full academic years of high

school but who has not completed the required coursework for graduation will be allowed to attend the number of class periods necessary to complete the courses required for graduation.

- 7.8.4 Adult High School Diploma Program: The Superintendent is authorized to establish an adult diploma program in conformity with regulations issued by the State Department of Education and such additional requirements as may be approved by the Board. Reference: Ala. Admin. Code 290-3-1-.02(18)

## 7.9 School Wellness

In furtherance of its commitment to fostering healthy nutritional and physical activities that support student achievement and that promote the development of lifelong wellness practices, the Board endorses the following programs, practices, and activities:

- 7.9.1 Nutrition Education and Promotion: Nutrition education that teaches the knowledge, skills, and values needed to develop healthy eating behavior and nutrition awareness that promotes and reinforces student health will be integrated into the curriculum and offered throughout school campuses, including school dining areas and classrooms by appropriately trained personnel.
- 7.9.2. Nutrition Standards: The Board will ensure that reimbursable school meals meet the program requirements and nutritional standards established by applicable state and federal regulations. The Board will take all reasonable steps to foster and encourage consumption of healthy food and beverages at all times in connection with school functions. The Board will consider nutrient density, portion size, and any applicable state and federal regulations before permitting food and beverages to be sold, served, or marketed to students.
- 7.9.3 Physical Education and Physical Activity Opportunities: The Board will offer physical education opportunities that include the components of a sound physical education program. Physical education will equip students with the knowledge, skills, and values necessary to maintain healthful lifelong physical activity. Physical education instruction will be aligned with the curriculum. All students will be provided the opportunity to participate regularly in supervised physical activities that are intended to maintain physical fitness and to impart the benefits of maintaining a physically active and healthy lifestyle.
- 7.9.4 Cardiopulmonary Resuscitation: All students enrolled in high school health classes will receive instruction in cardiopulmonary resuscitation (“CPR”) techniques in accordance with methods or standards prescribed by the American Heart Association or the American Red Cross.
- 7.9.5 Other School-Based Activities Designed to Promote Student Wellness: The Board may implement other programs that help create a school environment that

conveys consistent wellness messages and that is conducive to healthy eating and physical activity.

7.9.6 **Administrative Implementation:** The Superintendent is authorized to develop and implement administrative rules and directives that are consistent with the Hoover City Schools Wellness Policy and Procedure Handbook and that are based on input from the District Wellness Committee which includes teachers (including specialist in health and physical education), school nurses, parents and guardians, students, representatives of the school food service program, school board members, school administrators, and the public. The Superintendent will report to the Board, as requested, on programs and efforts that are designed to meet the purpose and intent of this policy.

7.10 **Selection of Materials for the School Libraries**

The Superintendent is authorized to develop criteria for approval by the Board for selection of materials for the school libraries operated by the Board and a procedure for review of objections to materials in a school's library collection.

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

7.11.1 **Purpose:** The purpose of this policy is to ensure that all children have a fair, and equal, and significant opportunity to obtain a high-quality education and reach, at a minimum, proficiency on challenging State achievement standards and State academic assessments. This purpose can be promoted by affording parents substantial and meaningful opportunities to participate in the education of their children.

a. ***Written Plan:*** The Hoover City Schools, each Title I school, and all non-Title I schools, shall jointly develop with and distribute to parents of participating children a written parental involvement policy. The policy will be incorporated in the school and district Title I Parental Involvement Plan which will comply with federal law and:

1. Involve parents in the development of the plan;
2. Provide participating schools with coordination, technical assistance, and support for planning and implementing effective parental involvement activities to improve academic achievement;
3. Build the schools' and parents' capacities for strong parental involvement;
4. Coordinate and integrate parental involvement strategies in other programs;

5. Include school-parent-student compact that outlines how parents, the school, and students will share in the responsibility for improved student achievement to foster communication between parent and school;
  6. Review and evaluate the parental involvement plan annually;
  7. Convene an annual meeting to which all parents of participating children will be invited, inform parents of the school's participation of Title I, and explain Title I requirements and the rights of parents to be involved;
  8. Involve parents in the activities of the school;
  9. Involve parents in the process of school data review and improvement under Section 1116 of the Elementary and Secondary Education Act;
  10. Ensure that information related to the school and parent programs, meetings and other activities, is sent to parents in an understandable format, including alternative formats upon request, and, to the extent practicable, in a language the parents can understand; and
  11. Ensure that Title I teachers send a copy of this policy home with each participating student, in a language the parents can understand.
- b. Parents Right to Know: The Hoover City Board of Education shall notify parents of each student attending a Title I school that parents may request and the Local Education Agency will provide in a timely manner, information regarding the professional qualifications of the student's classroom teachers, including at a minimum, the following:
1. Whether the teacher has met state qualifications and licensing criteria for the grade levels and subject areas in which the teacher provides instruction;
  2. Whether the teacher is teaching under emergency or other provisional status through which state qualification or licensing criteria have been waived;
  3. The baccalaureate degree major of the teacher and any other graduate certification or degree held by the teacher and the field of discipline of the certification or degree; and
  4. Whether the child is provided services by a Title I paid paraprofessional and, if so, their qualifications.

5. Additionally parents will be given the following:

- i. The level of achievement of the parent’s child in each of the State academic assessments;
- ii. Timely notice that the parent’s child has been assigned, or has been taught for four or more consecutive weeks by, a teacher who is not highly qualified; and
- iii. Notification if their school is identified for school improvement.

7.11.2 **Notice:** The notice and information provided to parents shall be in a uniform format and, to the extent practicable, provided in a language that parents can understand.

7.11.3 **Use of Information:** This information is to be collected and disseminated in a manner that protects the privacy of individuals. Information may be disseminated in a variety of ways, including school web sites, student/parent handbooks, newsletters, annual meetings, Title I plans, and/or letters to parents.

## 7.12 **Safety**

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

## 7.13 **Virtual Education Option**

7.13.1 **Scope and Delivery of Services:** The Board provides a virtual education option for grades 9 – 12 that includes, at a minimum, all courses that are needed to obtain a high school diploma. Such courses may be delivered through the Alabama State Department of Education’s ACCESS program and/or a district approved Learning Management System.

7.13.2 **Student Eligibility Criteria:** Students who meet the following requirements are eligible to participate in the virtual education program:

- Enroll in Hoover City Schools;
- Comply with the district’s Student Acceptable Use Agreement;
- Successfully complete a district-defined virtual education orientation course;
- Meet any eligibility requirements of the Alabama State Department of Education’s ACCESS program, if applicable; and

- Meet school system enrollment requirements for the course in question including, but not limited to, successful completion of any prerequisite courses.

7.13.3 Monitoring Performance and Testing Requirements: Individual student performance will be monitored pursuant to the school system’s traditional academic credit requirements and grade scale. Students utilizing the virtual education option will be subject to all state testing and accountability requirements and will be subject to the same rules and regulations regarding the administration of such tests applicable to traditional public school students enrolled in the traditional public school.

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

The Superintendent is also authorized to take whatever action may be necessary to facilitate the integrity of classroom assessments. The school system reserves the right to require students utilizing the virtual education option to complete specified assessment activities on campus at a date and time selected by the school system.

7.13.4 Attendance: Students participating in the virtual education option will be considered as being in attendance if the students are successfully progressing in the virtual education coursework.

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

7.13.5 Removal: Students may be transitioned back to a traditional day program if (1) the student’s participation in the virtual program is impeding the student’s academic progress; (2) the student fails to meet virtual course attendance requirements; or (3) the student repeatedly violates school system policies, procedures, rules or regulations, including, but not limited to, the school system’s rules governing the use of its technology resources.

- 7.13.6 Extracurricular Activities: Students must meet the same extracurricular activity eligibility requirements as students enrolled in the traditional day program, including, but not limited to, any applicable Alabama High School Athletic Association (“AHSAA”) requirements. Student’s residency for purposes of participating in extracurricular activities will be determined in accordance with applicable state law and AHSAA guidelines.
- 7.13.7 Additional Procedures Authorized: The Superintendent or designee is authorized to develop such procedures as he or she deems necessary to implement this policy including, but not limited to eligibility criteria for courses, methods for informing students and parents of the virtual program’s requirements and rules, and a process for making determinations regarding a student’s continued eligibility.

*Board Approved April 10, 2017*