



POLICY MANUAL

APPROVED AND ADOPTED MAY 14, 2013

(UNLESS OTHERWISE NOTED)

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PREFACE

The Ozark City Board of Education is established under the authority of state law for the purpose of exercising administration, management, and general supervision of the public schools serving school age children who reside within the city limits of the City of Ozark, Alabama, and promoting the interests of the Ozark City Board of Education and the students served by the Ozark City Schools.

In addition to compliance with applicable legal authority, the adoption and implementation of formal policies are intended to serve as broad statements of principle and purpose and as a framework for the principles that guide decision-making. Policies are not intended to restrict the ability of the Board or its employees to respond reasonably, flexibly, and with discretion to unexpected contingencies, emergencies, or other conditions that require a response that is tailored to unique or special circumstances. However, policies can establish specific substantive standards and requirements, including standards of personal and professional conduct, for members of the board, students, and employees, the violation of which may result in disciplinary sanctions or other adverse consequences. Although policies are adopted in part for the purpose of meeting the requirements of relevant law, policies of the Ozark City Board of Education do not establish or create a legal right, claim, entitlement, or interest.

Any provision, feature, or aspect of Board policy that does not conform to governing law should be deemed void and superseded by such law.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 are not intended as formal amendments and 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 limitation on the exercise of such prerogatives as may be imposed by law.

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 or pertinent governing authority.

DEFINITIONS

Except as otherwise expressly provided in individual policies or required by the context, throughout this policy manual the following terms has the meanings given below:

- a. “Board” or “Board of Education” means and refers to the Ozark City Board of Education.
- b. “Certified” or “certificated,” when used to modify the words “employee,” “personnel,” “staff,” “teacher,” or similar terms, means and refers to Board employees who hold a certificate or comparable form of licensure issued by the State Superintendent of Education under authority or Ala. Code §16-23-1 (1975).
- c. “Classified” or “support,” when used to modify the words “employee,” “personnel,” “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 by Ala. Code §16-24C-3(2) (1975).
- d. “Days” mean calendar days unless otherwise stated.
- e. “He,” “him,” or “his” means and includes all genders.
- f. “Law” includes local, state, and federal statutes, regulations, ordinances, court decisions, and binding administrative orders or directives.
- g. “State” means and refers to the State of Alabama.
- h. “State Board of Education” or “Alabama 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).
- i. “State Department of Education” or “Alabama Department of Education” means and refers to the state agency that is charged with implementing and assist in executing the policies, procedures, and regulations of the State Board of Education as provided in Ala. Code §16-2-1, *et seq.* (1975).
- j. “System” or “school system” means and refers to all schools, facilities, and operations of the Ozark City Board of Education.

I

GOVERNING PRINCIPLES

The Board's vision and mission is to prepare world-class students to soar in an ever-changing world with the guiding philosophy to take bold steps for the sake of the students within the System. The System's goals include excelling students, award winning programs, great facilities, learning communities, and empowered community advocates. The Board's core beliefs are to:

- a. Build powerful relationships
 - i. Embrace a common vision
 - ii. Communicate effectively with all stakeholders
 - iii. Develop supportive relationships

- b. Deliver powerful instruction
 - i. Engage students
 - ii. Create relevant and rigorous learning experiences
 - iii. Develop interdisciplinary activities
 - iv. Teach 21st century skills

- c. Create powerful learners
 - i. Demonstrate comprehensive global understanding
 - ii. Think innovatively
 - iii. Solve real-world problems
 - iv. Communicate effectively
 - v. Work collaboratively
 - vi. Use technology seamlessly

II BOARD OF EDUCATION OPERATIONS

2.1 ***Board Composition and Organization***

2.1.1 Composition – The Ozark City Board of Education is composed of five (5) members who are appointed one per year to five (5) year staggered terms by the Ozark City Council or Commission.

[Ala. Code §§16-11-2, 3 (1975)]

2.1.2 Officers – The Board will elect from its members a president and a vice-president as prescribed by Ala. Code §16-11-5 (1975). As prescribed by Ala. Code §16-12-1, *et seq.* (1975), the Board will appoint a Superintendent to be the chief executive officer and secretary of the Board.

[Ala. Code §§16-11-5, 16-12-1, 2, 3, *et seq.* (1975)]

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

[Ala. Code §§16-11-5, 9 (1975)]

2.2 ***Board Member Duties and Authority***

The Board has the authority and responsibility to administer, manage, and supervise the public schools under the purview of the Board. Board authority will only be exercised collectively through action taken in accordance with applicable statutory and parliamentary procedures. Individual members of the Board 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.

[Ala. Code §16-11-9 (1975)]

2.3 ***Board Member Training***

2.3.1 General – Members of the Board will pursue orientation training for newly appointed members of the Board and ongoing training to develop and enhance their knowledge and effectiveness as members of the Board and to improve Board governance and operations.

2.3.2 Source of Training – Where not adverse to requirements of Alabama law, the requirements of this policy may be satisfied by participation in training provided by the Alabama Association of School Boards or other sources considered knowledgeable in board of education governance and leadership.

2.3.3 Board Self-Evaluation – Members of the Board will conduct an evaluation annually that includes development of a list of recommended improvements in knowledge and effectiveness of the members of the Board. (*Approved and Adopted March 13, 2014*)

[Ala. Code §§16-1-41, 41.1 (1975), Acts of Alabama 2009-297, 2012-221]

2.4 ***Board Meetings***

2.4.1 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 System.

2.4.2 Time and Place – The times and places for regularly scheduled meetings will be established by the Board at the annual meeting at the first regular meeting 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, including specially called 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, but not less than as prescribed by law for public notice.

[Ala. Code §§16-11-5, 36-25A-1, *et seq.* (1975)]

2.4.3 Rules of Order – Board meetings will be conducted in accordance with reasonable rules of order generally followed by comparable deliberative bodies, including for example the most recently revised edition of *Robert's Rules of Order*. A majority of the members of the Board will constitute a quorum for purposes of transacting Board business except as may otherwise be provided by law.

[Ala. Code §16-11-5 (1975)]

2.4.4 Voting Method – Representation by proxy of any member of the Board is not permitted. All members of the Board present are authorized to speak on issues, offer and second motions, and vote.

[Ala. Code §16-11-5 (1975)]

2.4.5 Public Participation – Citizen participation is encouraged at meetings of the Board for the purpose of communicating matters of importance to the improvement of the system. To assist in efficient and effective Board meetings, members of the public desiring to speak should notify the Superintendent prior to the scheduled meeting and include the name of the individual desiring to speak and the purpose. Notwithstanding the foregoing, the Board president or presiding officer, at his discretion, may permit public comments from the floor. The Board president or presiding officer, at his

discretion, may terminate the remarks of any individual when such remarks are deemed to be a personal attack.

2.5 *Superintendent's Appointment, Responsibilities, Qualifications, and Authority*

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

[Ala. Code §16-12-1, *et seq.* (1975)]

2.6 *Recordkeeping and Retention of Board Records*

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

2.7 *Board Attorney*

The Board may retain and utilize legal counsel at the Board's expense.

2.8 *Association Membership*

The Board or its members may become members of the Alabama Association of School Boards and the National Association of School Boards.

[Ala. Code §16-1-6 (1975)]

III FISCAL MANAGEMENT

3.1 Chief School Financial Officer

The Board will appoint, in consultation with the Superintendent, 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 be referred to as Chief School Finance Officer.

[Ala. Code §16-13A-4 (1975), Ala. Admin. Code 290-2-5-.01, et seq.]

3.2 Finance Manual

Fiscal management of school system finances will be in accordance with a general finance manual developed by the Superintendent or the Chief School Financial Officer, recommended by the Superintendent, and approved by the Board. The finance manual(s) will establish and describe practices and procedures relating to financial administration and management, including, but not limited to accounting, asset inventory, payroll, account reconciliation, fund security, receipting, disbursement, purchasing, revenues and expenditures, banking and investments, and fund balance classifications.

[Ala. Code §16-13A-1, et al (1975); GASB Statement No. 54]

3.3 Budget

A budget will be developed and approved for each fiscal year, which extends from October 1 to September 30 of the following calendar year. Preparation, presentation, submission, approval, and amendments of the budget will be undertaken and completed as provided by law. For each fiscal year, expenditures set forth in the budget shall not exceed revenues and any cash balances on hand.

[Ala. Code §16-13-140, et seq. (1975), Ala. Code §16-13-1 (1975)]

3.4 Deposit and Expenditure of Funds

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

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

3.4.3 Expenditures – The Superintendent or his designee may spend funds budgeted for operations without prior Board approval unless the expenditures involves a personal services contract or capital outlay, or is subject to the bid law. The Superintendent may spend funds for labor, services, materials, equipment, supplies, or contracted services where such expenditure is below the dollar

amount of the current minimum bid threshold, and where the expenditure is considered critical to the continued and efficient operation of the school system. All such emergency expenditures must be reported to the Board at the next meeting of the Board.

[Ala. Code §16-13A-8 (1975)]

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

[Ala. Code §41-16-50, *et seq.* (1975)]

- 3.4.5 Authorized Signatures – Checks drawn on the general fund or any special fund, with the exception of accounts designed by the Board as accounts for use at a school (i.e., school accounts), require the signature of the Superintendent and the Chief School Financial Officer or their alternates as designated by the Board. Where permitted by law, such alternate may include a secured check signer that prints forgery proof signatures. Checks drawn on school accounts require the signature of the principal and the school bookkeeper/secretary, or their alternates as designated by the Board. All checks used will be prenumbered. Checks drawn on school system funds may be signed and processed by electronic means, under the direction of the Chief School Financial Officer or Superintendent.

3.5 ***Purchasing***

Purchases will be made in accordance with a purchase order system developed by the Chief School Financial Officer and approved by the Board that will include such requirements and procedures as may be established in the Board Finance Manual.

3.6 ***Inventories***

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

[Ala. Code §§16-13A-1, 6 (1975)]

3.7 *School Accounts*

The Board may designate or authorize the Chief School Financial Officer to designate certain school system funds and accounts as “school funds” or “school accounts,” where such funds or accounts and the funds deposited into or expended from such accounts are for the use and benefit a local school. Funds held in such school accounts, regardless of the funding source, are funds of the Board and will be maintained and accounted for in accordance with applicable law, the Board Finance Manual, and such procedures, rules, and regulations as may be developed by the Chief School Financial Officer or the Superintendent. The local school principal is responsible for all school funds and school accounts and for ensuring that such funds are properly accounted for and secured.

3.8 *Accounting*

3.8.1 General – Generally accepted accounting standards and procedures, including where applicable the Governmental Accounting Standards Board accounting standards and procedures, will be employed in the administration of school system finances, including monies primarily managed at a school. All accounts will be reconciled to financial records and all reports required by the State Department of Education or otherwise required by law will be completed in a timely manner with copies provided to members of the Board and made accessible to the public as required by law.

3.8.2 GASB Financial Reporting

- a. *Governmental Fund Definitions* – The following definitions will be used in reporting activity in governmental funds. The Board may or may not report all funds in any given reporting period, based on actual circumstances and activity.
 - i. The *General Fund* is used to account for and report all financial resources not accounted for and reported in another fund.
 - ii. *Special Revenue Funds* are used to account for and report the proceeds of specific revenue sources that are restricted or committed to expenditure for specified purposes other than debt service or capital projects.
 - iii. *Debt Service Funds* are used to account for and report financial resources that are restricted, committed, or assigned to expenditure for principal and interest, even if it is being accumulated for future years’ payments. Debt Service Funds should not be used to report resources if legally mandated.
 - iv. *Capital Projects Funds* are used to account for and report financial resources that are restricted, committed, or assigned

to expenditure for capital outlays, including the acquisition or construction of capital facilities and other capital assets.

- b. *Fund Balances* – Fund balances will be reported in governmental funds under the following five categories using the definitions provided by GASB Statement No. 54:
- i. *Non-spendable fund balances* include amounts that cannot be spent because they are either (a) not in spendable form or (b) legally or contractually required to be maintained intact. Examples of non-spendable fund balance reserves for which fund balance shall not be available for financial general operating expenditures include inventories, prepaid items, and long-term receivables.
 - ii. *Restricted fund balances* consist of amounts that are subject to externally enforceable legal restrictions imposed by creditors, grantors, contributors, or laws and regulations of other governments; or through constitutional provisions or enabling legislation. Examples of restricted fund balances include restricted grants.
 - iii. *Committed fund balances* consist of amounts that are subject to a purpose constraint imposed by formal action of the Board before the end of the fiscal year and that require the same level of formal action to remove the constraint.
 - iv. *Assigned fund balances* consist of amounts that are intended to be used by the Board for specific purposes. The Board authorizes the Superintendent or Chief School Financial Officer to make a determination of the assigned amounts of fund balance. Such assignments may not exceed the available (spendable, unrestricted, uncommitted) fund balance in any particular fund. Assigned fund balances require the same level of authority to remove the constraint.
 - v. *Unassigned fund balances* include all spendable amounts not contained in the other classification. This portion of the total fund balance in the general fund is available to finance operating expenditures.
- c. *Priority* – When expenditure is incurred for purposes for which both restricted and unrestricted (committed, assigned, or unassigned) amounts are available it shall be the policy of the Board to consider restricted amounts to have been reduced first. When an expenditure is incurred for the purposes for which amounts in any of the unrestricted fund balance classifications could be used it shall be the policy of the

Board that committed amounts would be reduced first, followed by assigned amounts, and then unassigned amounts.

- d. *Review and Reporting* – The Board, along with the Superintendent and the Chief School Financial Officer, will periodically review all restricted, committed, and assigned fund balances. A report will be prepared and submitted annually of all restricted, committed, and assigned funds for the Board.

[GASB Statement No. 54]

3.9 ***Audits***

Business and financial transactions of the Board, the records of Board financial statements, Board accounts, and accounts designated as school accounts will be audited in accordance with state law, appropriate auditing and accounting standards, and the Board Finance Manual.

[Ala. Code §§16-11-22, 16-13-9, 16-13A-7 (1975)]

3.10 ***Bonding***

The Superintendent, Chief School Financial Officer, and employees of the Board whose job duties, required or performed, involve the custody or responsibility for administration or accounting of school system funds or funds maintained at a school (i.e., school funds) more than on an occasional or sporadic basis are required to give bond as set forth in law or as prescribed in the Board Finance Manual.

[Ala. Code §16-13-8, 9 (1975)]

3.11 ***Affiliated Organizations***

3.11.1 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 by the Board or the principal. The use of funds collected, generated, or held by such organization will be determined in accordance with the constitution, charter, or by-laws of the organization, with oversight by the sponsor of the organization, and subject to approval of the principal.

3.11.2 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. An affiliated organization must conduct

an annual audit of its financial operations and make its books and financial records available to the Board for review and audit.

3.12 *Authority to Execute Contracts*

3.12.1 General Authority – The president of the Board, or, in the absence of the president, the vice president, will have the authority to execute contracts on behalf of the Board upon approval of the contract by the Board. The Board may also authorize the Superintendent to execute contracts on behalf of the Board as its chief executive officer. The contract will be in writing and will be filed with the finance office in the Board’s central office.

3.12.2 Limitation on Authority to Bind the Board – Principals and other administrators will have authority to enter into agreements with third parties only when such agreements are made with the express authorization of the Board.

3.13 *Employee Compensation*

3.13.1 Salaries and Pay Rates – Except as established and governed by the terms of a special employment contract and permitted by law, 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 in accordance with criteria set forth in Board approved salary schedules, Board policy, or as otherwise permitted by law.

[Ala. Code §16-13-231.1 (1975)]

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

3.13.3 Salary Deductions – Mandatory salary deductions will be made in accordance with applicable law and employees are required to complete and submit all forms and provide such information as may be required or reasonably required for such purpose. The Board will make voluntary deductions as a service to

employees upon written request of the individual employee to the extent permitted by law. Deductions for membership dues will be made for organizations upon approval of the Superintendent or his designee and to the extent permitted by law. For an organization to participate in the deductions program a minimum of ten percent (10%) of the eligible employees must request the deduction. Deductions will be based on the membership lists unless an employee revokes authorization for such deductions by providing written notice to the Superintendent or his designee on or before September 15 of each school year. Such membership lists will be corrected, updated, and returned to the organization no later than November 10 of each school year. Upon termination of employment, any amounts owed under the terms of an employee authorization will be deducted from the employee's final pay. The Board will not be liable for any good faith error made in implementing a salary deduction that has been authorized by the employee.

[Ala. Code §§16-22-6 and 17-17-5 (1975)]

- 3.13.4 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 as defined by the FLSA. For purposes of determining overtime, the workweek begins at 12:01am on Sunday and ends at midnight on the succeeding Saturday. All non-exempt employees who work more than forty (40) hours in a work week will be paid overtime. Employees must accurately report all time worked for the Board. Non-exempt employees are not authorized to work more than forty (40) hours in a workweek without specific direction or authorization to do so by the Superintendent, the employee's supervisor, or the supervising school principal.

[20 U.S.C. 201, *et seq.*; 29 CFR 510, 531, 553, 579, 778, 785, 786]

3.14 ***Expense Reimbursement***

Members of the Board and employees of the Board will be reimbursed for reasonable travel and subsistence expenses incurred in connection with official Board business. Reimbursement will be in accordance with Board approved rates and such procedures and standards for submitting and documenting such expenditures as may be developed by the Chief School Financial Officer or provided in the Board Finance Manual.

3.15 ***Fees, Payments, and Rentals***

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

- 3.15.2 Copying and Other Charges – The Superintendent is authorized to establish a schedule of reasonable charges which, upon approval by the Board, will be applied uniformly in response to requests for copies of documents and

records. Nothing in this policy or in any schedule of charges authorized hereunder creates or expands any entitlement to copies of records or access thereto beyond that which is established by law or specific Board policy.

3.16 ***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 state law and administrative regulations.

[Ala. Code §16-1-8.1 (1975)]

3.17 ***Child Nutrition Program and 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 Superintendent shall serve as the CNP Director or designate a separate CNP Director. The school principal and CNP Director will comply with applicable state and federal laws and regulations governing participation in such child nutrition programs.

It is an objective of the Board that all students have the opportunity to participate in the school lunch program. The CNP Director or his designee shall determine, in accordance with federal regulations, those students eligible for free or reduced meal prices.

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

The Superintendent may develop for Board approval additional procedures relating to the Child Nutrition Program to be included in the Board Finance Manual.

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

3.18 ***Fundraising***

Fundraising activities will be permitted on Board property only if the following criteria are met:

- a. The activity will be held at a time and in a manner that will not be disruptive to the instructional program or to any other school or school system activity or function;
- b. The activity is designed and intended to support a *bona fide* school or school system program or activity, or an activity that is consistent with the mission and purposes of the school system;

- c. Adequate provision has been made for the security and property accounting of funds collected;
- d. Other information regarding the nature, scope, and purpose of the activity is provided to school officials upon request; and
- e. Appropriate arrangements have been made for any special activities to be held in conjunction with the fundraising event.

3.19 ***Gifts to Schools/Departments***

The Superintendent is authorized to develop procedures and standards for documenting and approving gifts and the use of gifts made to the system, a school, or a department, including the type and amount of gifts that must be presented to the Board for approval.

3.20 ***Worthless Checks (Insufficient Funds – NSF)***

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

IV GENERAL ADMINISTRATION

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

4.1.1 Prohibition on the Possession of Firearms – The possession of a firearm in a school building, on school grounds, on Board property, on school buses, or at school-sponsored functions is prohibited except for authorized law enforcement personnel and as provided by law. For purposes of this policy, the term “firearm” has the same definition as is found in 18 U.S.C. §921; provided that the term “firearm” will exclude, to the extent permitted by law, the approved and authorized use of firearms for the purpose of and in connection with Board sanctioned educational, team, or competitive activities.

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

i. *Students* – Students will be expelled for a period of one year. The expulsion requirement may be modified in writing by the Board upon recommendation of the Superintendent on a case-by-case basis. Students who are expelled for firearm possession may not attend regular school classes, but may be permitted to attend alternative schools or education programs established by the Board. Discipline of students with disabilities who violate the firearm possession policy will be determined on a case-by-case basis in accordance with federal and state law. Parents of students who violate this policy will also be notified by the principal or his designee of violations.

ii. *Employees* – Employees will be subject to disciplinary action, which may include termination.

iii. *Other Persons* – Other persons may be denied re-entry to Board 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, if a school facility, or the administrator or supervisor if another Board facility, of a violation of this policy.

[Ala. Code §§16-1-24.1, 24.3, 13A-11-72 (1975); Act of Alabama 2013-288; Ala. Admin. Code 290-3-1-.02; Federal Gun Free Schools Act, 20 U.S.C. 7151; Federal Gun Free School Zone Act of 1995, 18 U.S.C. §922(q)]

4.1.2 Prohibition on the Possession of Weapons – The possession of a deadly weapon or dangerous instrument in a school building, on school grounds, on

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

[Ala. Code §16-1-24.1, 13A-11-72 (1975); Act of Alabama 2013-288; Ala. Admin. Code 290-3-1-.02(1)(b)]

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

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

- 4.1.4 Tobacco – The use of tobacco products and the illegal possession, distribution, and sale of tobacco products in a school building, on school grounds, on Board property, on school buses, or at school-sponsored functions is prohibited.

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

- 4.1.5 Drug and Alcohol Free Environment – All students, employees, volunteers, parents, visitors, and other persons are prohibited from possessing, using, consuming, manufacturing, dispensing, 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 substances 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. Employees convicted for a violation of a criminal drug statute occurring in the workplace must notify the Superintendent no more than five (5) calendar days after the conviction.

[Ala. Code §§16-1-24.1, 25-5-330 (1975); 34 CFR Part 84]

- 4.1.6 Penalties for Violations – In addition to any criminal penalties that may be imposed, the following penalties will be imposed for violation of the prohibitions and provisions of this Safe Schools Policy:

- a. *Students* – Students will be disciplined in accordance with the Board’s Code of Student Conduct.
 - b. *Employees* – Employees will be subject to adverse personnel action, which may include termination.
 - c. *Other Persons* – Other persons may be denied re-entry to school property.
- 4.1.7 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 notifications, referral, suspension, placement, re-admission, and other provisions set forth in state and federal law, including Ala. Code §§16-1-24.1 and 24.3 (1975).
- 4.1.8 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 (i) by the principal, if a school facility, or (ii) an administrator or supervisor, if another Board facility, of violations of this policy, excluding violations solely involving tobacco. The appropriate law enforcement authority will be notified by the principal, if a school facility, or an administrator or supervisory if another Board facility, of physical harm to a person or threatened physical harm to a person.
- [Ala. Code §16-1-24.1 (1975)]
- 4.1.9 Parental Notification – Parents and guardians may be notified of actual or suspected violations of this policy, whether or not the student is charged with a violation of Board policy, which for purposes of this policy includes the Code of Student Conduct.
- 4.1.10 Searches – Law enforcement agencies are permitted to make periodic visits to all Board property to detect the presence of illegal drugs or weapons and may use any lawful means at their disposal to detect the presence of such substances. The visits will be unannounced to anyone except the Superintendent and principal.
- [Ala. Code §16-1-24.1 (1975); Ala. Admin. Code 290-3-1-.02(1)(b)]

4.2 ***Internet Safety and Use of Technology***

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

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

- 4.2.2 Restrictions 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.
- 4.2.3 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 Board, or for any other reason not prohibited by law. Users of Board technology resources have no personal right of privacy or confidentiality with respect to the use or content of such resources.
- 4.2.4 Adoption of Rules and Regulations – The Superintendent is authorized to develop for Board approval additional or more specific rules and regulations regarding access to and use of its technology resources and to require adherence to such rules and regulations through such means as the “Acceptable Use Agreement” and application of appropriate disciplinary policies and procedures. Such rules and regulations will address or provide:
- a. Measures to block or filter Internet access to visual depictions 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.

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

[47 U.S.C. §254(h) and (l)]

4.3 *Security/Access to Board Property*

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

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

4.3.3 Adult Sex Offender

- a. Upon notification pursuant to Ala. Code Section 15-20A-17 by an adult sex offender of entry onto Board property or arriving at a Board activity, or upon otherwise learning of the presence of an adult sex offender on Board property or at a Board activity, the school principal, or his or her designee has the discretion to discreetly monitor the whereabouts of the sex offender for the duration of said person’s presence on Board property or attendance at a Board activity.
- b. An adult sex offender shall cooperate with and submit to any efforts undertaken by the school principal or his or her designee relative to the adult sex offender’s presence on Board property or at a Board activity.

- c. As used herein, Board activity includes but is not limited to an activity sponsored by the Board or a Board school, in which Board students are the primary intended participants or primary intended audience, including but not limited to school instructional time, after school care, after school tutoring, athletic or other extracurricular events, field trips, school plays, or assemblies.
- d. Adult sex offenders have a duty to comply with Ala. Code Section 15-20A-17 and this policy, and nothing in this policy shall not be construed as imposing an affirmative duty of any kind on the school principal; the school principal's designee; any member of the Board; any employee, agent, or representative of the Board; or any associated party of the Board.

[Ala. Code § 15-20A-17 (1975)]
(Approved October 12, 2017)

4.4 *Use of Board Property*

- 4.4.1 Equipment, Supplies, Materials, Vehicles – Equipment, supplies, materials, vehicles, and other movable or consumable property owned by or under lease to the Board may not be used by or made available to persons or entities for private or personal use, benefit, or consumption, or for any non-Board related use or purpose. Such property may not be removed from Board premises except as necessary to serve a Board related function or purpose, and with the knowledge and approval of the Superintendent or his designee.
- 4.4.2 Use of Board Facilities – Schools and other Board owned or controlled facilities may be made available for use by sanctioned or generally recognized school support organizations if the use of the facility will not disrupt school operations or be inconsistent with the purpose and mission of the Board, and if adequate advance provision is made for security, supervision, maintenance, damage prevention, post-event clean-up, liability coverage or insurance, and other risk management measures appropriate to the proposed use. Use of Board facilities for non-Board or school related organizations may be approved if the foregoing conditions are satisfied and a rental contract (or the equivalent thereof) that includes a reasonable fee or rental charge and other appropriate terms and conditions is approved by the Superintendent.
- 4.4.3 Advertising – Board property will not be used for commercial advertising except upon such terms and conditions as may be expressly approved by the Superintendent.

4.5 *Searches*

- 4.5.1 Board Property – All Board 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, vehicles, storage areas, computers, files, documents, data, and devices however and wherever kept, stored, or maintained.

- 4.5.2 Employee Personal Property – The Board reserves the right to inspect employee’s vehicles, purses, files, and other personal property if a supervisor forms a reasonable individualized suspicion that the property contains evidence of a violation of Board policy or contains any material, object, or substances that otherwise creates or presents a risk of harm or injury to the school, the workplace, or persons therein.
 - 4.5.3 Student Personal Property – Personal property, including but not limited to vehicles, purses, gym bags, book bags, computers, tablets, cell phones, personal digital assistants and devices, electronic communication device, and other audio/visual 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.
 - 4.5.4 Student 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 school employee and may include a private pat down of the student, and a search of personal items and clothing. Personal searches will be conducted with due regard for the age and gender of the student. Refusal to submit to a search or to cooperate in a search as provided in this policy may be grounds for disciplinary action.
 - 4.5.5 Use of Canines and Metal Detectors – The Board may utilize canine searches and metal detectors in enforcement of law and Board policy.
 - 4.5.6 Use of Recovered Items – Property, material, substance, information, or records that are obtained, discovered, or recovered as a result of a search may be retained and used for any lawful purpose.
- 4.6 ***Emergency Closing of Schools***
- 4.6.1 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).

4.6.2 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.

4.7 ***Risk Management***

The Board may obtain such liability and other forms of coverage or 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 ***Service Animals***

The use of a service animal by an individual with a disability is permitted in Board facilities and on Board property subject to state law and the provisions included in Code of Federal Regulations, 28 CFR Part 35, with the following exceptions: (i) an animal out of control and where the animal’s handler does not take effective action to control it, and (ii) the animal is not housebroken. Provided, however, the individual retains the opportunity to participate in the service, program, or activity without having the service animal on the premises. The Superintendent is authorized to develop additional procedures relating to the admission and use of a service animal in Board facilities and on Board property.

[28 CFR 35.135]; Ala. Act 2011-578]

4.9 ***Accreditation***

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

4.10 ***Copyright Restrictions***

Board employees should make reasonable effort to comply with and enforce copyright laws and regulations, in all formats, including electronic-based works or processes.

4.11 ***Political Activity***

Employees may not use Board property or resources to engage in political electioneering 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 Board sanctioned events, functions, or activities at which the employee is on duty or assigned official responsibilities.

Employees 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.

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

4.12 ***General Complaints and Grievances***

Subject to the limitations set forth below and elsewhere in this policy manual, any employee or member of the public may present to the Board a concern, complaint, grievance, or request for corrective action regarding any aspect of Board 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 but not required 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.

The general complaint and grievance policy and any procedures adopted thereunder do not apply to specific complaint or grievance policies or 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 governed by state law; “due process” hearings provided under the Individuals with Disabilities Education Act). In such instances, the specific statutory, regulatory, or policy-based process is the applicable procedure. The general complaint/grievance procedures that are authorized under the terms of this policy may not be invoked for the purpose of challenging or seeking review or reconsideration of adverse personnel decisions that have received final Board approval. A grievance may be based on an alleged misapplication of Board policies, regulations, or procedures, but may not be used to challenge the Board’s exercise of its discretion to adopt, approve, modify, or repeal a policy, regulation, or procedure or on its failure to exercise such discretion.

4.13 ***Student Complaints and Grievances***

Complaints, grievances, and requests for corrective action may be brought to the attention of the Board by or on behalf of students with respect to academic, athletic, extracurricular, or other non-disciplinary matters, issues, and concerns only after reasonable efforts to resolve the matter at the school and administrative levels have been

exhausted. The Superintendent is authorized but not required to develop specific procedures that will provide for fair consideration and orderly review of such complaints and grievances. Such procedures will not unreasonably burden or delay the presentation or processing of the complaint or grievance and will be subject to review and approval by the Board. Administrative judgments concerning academic or curricular matters or participation in extracurricular activities may be set aside by the Board only upon a showing that the action or decision in question is arbitrary and capricious, fundamentally unfair, or that it violates Board policy of the student's legal rights.

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

[Ala. Admin. Code 290-8-9-.12]

4.14 ***Title IX and Section 504 Complaints and Grievances***

4.14.1 **Compliance Coordinator** – The Superintendent shall designate an administrator or supervisor employed by the Board in the central office of operations to serve as the grievance coordinator, compliance officer, and assurance officer for purposes of compliance with and complaints and grievances arising out of alleged violations of Title IX, Section 504, and ADA. The individual shall be referred to in this policy as the Compliance Coordinator.

[28 CFR Part 35, including §35.107]

4.14.2 **Criteria** – Any student, parent, employee, or other person claiming a violation of Title IX of the 1972 Education Amendments or Section 504 of the Rehabilitation Act of 1973, and the regulations promulgated pursuant thereto, with regard to any educational or operational program or activity of the Ozark City Board of Education shall, within a reasonable time following the alleged violation (whether from a specific, cumulative, or continuing condition) make written complaint to the principal of the School or the appropriate supervisor or administrator of the facility in which such violation is alleged to have occurred.

4.14.3 **Complaint Process** – Upon receipt of such written complaint, the principal or facility supervisor or administrator shall make appropriate investigation with regard thereto, and shall within fifteen (15) days after receiving the complaint notify the complainant of (1) the decision reached in the matter and (2) the right to appeal to the Superintendent within thirty (30) days of such notification. A copy of the complaint with notation of its resolution shall be forwarded to the Compliance Coordinator. Further inquiry as deemed necessary will be made by the Compliance Coordinator.

4.14.4 **Appeal Procedure** – If the decision of the principal or facility supervisor or administrator is unsatisfactory to the complainant, then an appeal can be taken to the Superintendent, provided written request thereof is received by the

Superintendent within thirty (30) days after the appealing party has been informed of the decision of the principal or facility supervisor or administrator. If the appeal is received by the Superintendent within the time limitation, a hearing shall be held before the Superintendent or a designated representative within thirty (30) days after receiving the appeal. Within fifteen (15) days following the hearing the complainant shall be notified of (1) the decision reached in the appeal and (2) the right of further appeal to the Board within thirty (30) days of such notification.

If the decision of the Superintendent or designated representative is unsatisfactory to the appealing party, then a further appeal will be allowed to the Board upon written request therefore within thirty (30) days after notification of the decision of the Superintendent or the designated representative. If the appeal is received within the time limitation the Board will either ratify, modify, or reverse the decision of the Superintendent or the designated representative, without any further hearing in the matter. The complainant shall be notified within thirty (30) days following receipt of the complainant's appeal to the Board of the decision of the Board, which decision shall be final.

4.15 *Americans with Disabilities Act Complaints and Grievances*

- 4.15.1 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 the Americans with Disabilities Act may file a written complaint with the Compliance Coordinator.
- 4.15.2 Complaint Form – The complaint should be in writing and contain information about the alleged discrimination including the name, address, phone number of complaining party, and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint will be made available for persons with disabilities upon request.
- 4.15.3 Complaint Process – The complaint should be submitted to the Compliance Coordinator as soon as possible, but no later than thirty (30) days after the alleged violation. The Compliance Coordinator or a designated representative will meet with the complaining party to discuss the complaint and possible resolutions. Within fifteen (15) days of the meeting the Compliance Coordinator or his designated representative will respond in writing, and where appropriate, in a format accessible to the complaining party, such as large print, Braille, or audio tape. The response will explain the position of the Board and offer options for substantive resolution of the complaint.
- 4.15.4 Appeal Procedure – If the response by the Compliance Coordinator or his designated representative does not satisfactorily resolve the issue, the complaining party may appeal the decision within fifteen (15) days after

receipt of the response to the Superintendent. Within fifteen (15) days, the Superintendent will respond in writing, and where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

- 4.15.5 Records Retention – All written complaints received by the Compliance Coordinator, appeals to the Superintendent, and records relating thereto will be retained by the Board for at least three (3) years.
- 4.15.6 Additional Procedures Authorized – The Superintendent is authorized to develop such procedures as are necessary to implement this policy.

[42 U.S.C.A. §12131, *et seq.*]

4.16 ***Suicide Awareness and Prevention***

In an effort to increase awareness of student suicide and attempt to prevent incidences of student suicide, to the extent funded by the Alabama Legislature or the Board, the Board will:

- a. Make available to students, parents, and Board employees information regarding:
(i) individual, family, and group counseling services relating to suicide prevention; (ii) referral, crisis intervention, and other related information; (iii) availability of community suicide prevention services; (iv) relationship between drugs and alcohol use and suicide; (v) recognition of signs of suicidal tendencies and other facts and warning signs of suicide; and (vi) Board policies relating to harassment, intimidation, violence, and threats of violence.
- b. Offer Board employees educational training opportunities relating to suicide awareness and prevention, including annual training opportunities for certificated Board employees, whether through inservice or other professional development opportunities, and training for Board employees responsible for counseling and supervising students.
- c. Offer Board employees and volunteers who have regular, recurring significant contact with students educational training opportunities relating to Board policies relating to harassment, intimidation, violence, and threats of violence.
- d. Promote cooperative efforts between Board employees and community suicide prevention program personnel.
- e. Foster school-based or community-based, or both, alternative programs outside of the classroom.
- f. Develop a strategy to assist survivors of attempted suicide, students, and Board employees in coping with the issues relating to attempted suicide, suicide, the death of a student, and healing.
- g. Engage in any other program or activity that the Board may determine to be appropriate and prudent in the efforts of the Board to attempt to prevent student suicide.

[Act of Alabama 2016-310]

(Approved December 6, 2016)

V

PERSONNEL

5.1 *Equal Employment Opportunity*

The Board is an equal opportunity employer. Personnel actions and decisions will be made without regard to factors or consideration prohibited by federal or state law (as such laws may from time to time be amended), including but not limited to race, color, gender/sex, age, disability or genetic information, national origin, citizenship, and religious preference. 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.

5.2 *Hiring*

5.2.1 Application Procedures – Job applicants for all positions must file an official application with the Human Resources Department of the Board or other process promulgated or required by the State Department of Education. Applications must be completed in full. All information provided in the application must be truthful. Any misrepresentation on an employment application may disqualify the applicant from consideration for the position and may subject an employee to adverse employment action, including termination.

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

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

[Ala. Code §§16-12-16, 18, 19 (1975)]

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

5.2.5 Nepotism

- a. *Supervisory Relationships* – No employee may be assigned to a work location or to a position in which the employee would report to, be evaluated by, or would work under the immediate supervision of another family member as defined in the Alabama Ethics Law, Ala. Code §36-25-1(12) (1975). Any inadvertent employment or assignment of a family member that violates this policy must be promptly disclosed to the Superintendent upon its discovery, and all involved employees must cooperate in accepting reassignments or taking other measures necessary to correct the violation.
- b. *Employment of Family Members* – Board members, administrators, or supervisors may not use their positions to directly or indirectly seek or secure the employment of any family member as defined in the Alabama Ethics Law.

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. However, as permitted by law, upon recommendation of the Superintendent the Board may vote to approve a lesser period of probationary service for individuals employed as contract principals pursuant to Ala. Code §16-24B-1, et seq.

5.4 ***Employee Qualifications and Duties***

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

- c. Employees are expected to attend institute or professional training sessions as may required by the Board, the Superintendent, or their supervisor(s). When practicable, such training will be scheduled during regularly scheduled work periods.
- d. Employees are expected to treat all students, co-employees, visitors, and guests of the Board with respect. Employees are expected to demonstrate moderation, restraint, and civility in their dealings with others and, in general, to serve as appropriate role models for students in their behavior and demeanor.
- e. 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.
- f. Employees whose duties include the instruction or supervision of students must provide effective supervision, discipline, organization, and instruction of the students.
- g. Employees must complete and submit required reports accurately and in a timely fashion.
- h. Employees must respect, protect, and exercise due care in the handling, use, and operation of Board property and equipment.
- i. Employees shall maintain appropriate, “professional” distance from students and shall not engage in conduct (including communication of any kind) that constitutes, solicits, or suggests sexual, romantic, or inappropriately familiar interaction with students.
- j. Employees shall promptly disclose to the Superintendent or the Board any fact that would disqualify them from employment or that renders them unable to perform their essential job function.
- k. *Employee Attire* – Employees are required to report to work or to school system 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.

Employees who fail to meet these general requirements may be subject to adverse personnel action, which may include termination.

5.4.2 Special Requirements

- a. *Work Schedules (Teachers)* – Supervisory and instructional duties of teachers commence at a minimum of fifteen (15) minutes prior to the scheduled arrival and conclude thirty (30) minutes after the scheduled departure of students. Except as may otherwise be provided based upon the need of the Superintendent or the teacher’s supervisor, the minimum work day for teachers is seven and one-half (7-1/2) hours per day. 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 to and departure from school and school activities; 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 (Classified Personnel)* – The Superintendent or his designee is authorized to establish work schedules, including minimum work times, for classified personnel.
- c. *Certification* – Employees will hold such licensure or certification as may be required by law. Employees are solely responsible for ensuring that such licensure or certification is valid and current.
- d. *Substitute Teachers* – Substitute teachers must, at a minimum, possess a high school diploma and valid and current Alabama Substitute Teacher’s Certificate or Alabama Teacher’s Certificate.
- e. *Teacher Assistants* – Teacher assistants must, at a minimum, possess (1) a high school diploma or its equivalent; (2) a two year diploma from a college or university (or the equivalent hours) or pass the Work Keys Assessment; and (3) a certificate from the State Department of Education verifying a “clear” status resulting from a background check.

5.5 *Supplemental Duties*

- 5.5.1 Certified Employees – Certified employees may be paid compensation in the form of supplements for non-instructional supplemental duties in accordance with rates specified or established for such duties in the Board’s official salary schedule. Such supplemental duties are considered additional non-teaching assignments to be made and approved on an annual basis or otherwise as the needs of the school or school system require. Such supplemental duties are not considered to be a part of a teaching contract or appointment, and no tenure, continuing service status, 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 such rights.

5.5.2 Classified Employees – Classified employees who are assigned supplemental duties will be paid for those duties in accordance with state and federal law.

5.6 *Employee Evaluations*

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

5.6.2 Non-Certified Personnel – Non-certified personnel will be evaluated in accordance with criteria and procedures to be developed by the Superintendent and approved by the Board. The evaluation criteria and procedures will, at a minimum, include the following:

- a. A structured evaluation cycle or schedule that may include unannounced observations or assessments during the course of the evaluation period;
- b. A written evaluation form that specifies job-related evaluation criteria;
- c. Group or individual employee orientation regarding the evaluation process;
- d. An opportunity for the employee to confer with the evaluator following the evaluation; and
- e. An opportunity for the employee to disagree (in writing) with the evaluation and to have the disagreement maintained with the evaluation.

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

actual or alleged failure on the part of the Board or the evaluator to follow specific evaluation policies, regulations, or procedures.

- 5.6.4 Special Evaluation Situations – The Superintendent, the Chief School Financial Officer, and other employees who serve in positions of special trust or sensitivity may be evaluated by such means as the Board deems appropriate and as may be permitted by law or applicable regulation.
- 5.6.5 Exempt Personnel – Except when required by law or contract, temporary, substitute, and occasional employees, or employees appointed to supplemental positions (e.g., coaches, extracurricular activity sponsors) will not be formally evaluated in those roles.

5.7 ***Reduction In Force***

5.7.1 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 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 separate from employment with the Board. 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.

5.7.2 Criteria for Implementing Layoffs

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

- b. The criteria on which the layoffs are to be based shall be announced or otherwise made known by the Board to employees potentially 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:
 - i. Seniority, longevity, or time in service that will be more specifically described in the notice of layoff that is provided to affected employees
 - ii. Years of experience
 - iii. Degrees, certification, or licensure
 - iv. Job classification
 - v. Written or otherwise documented performance evaluations that can be fairly, accurately, or 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 (30) days.

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

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

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 officer of reemployment by the Board will be deemed to have waived any right to be recalled under the terms of this policy.

Circumstances permitted, 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.

- 5.7.4 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.

[Ala. Code §16-1-33 (1975)]

5.8 ***Personnel Records***

- 5.8.1 Content of Personnel Files – A central personnel file will be maintained for all regular employees. The personnel file may contain information regarding the employee's current assignment, payroll status, and work history, including but not limited to job qualifications, certification, licenses, employment contract(s), evaluation data, disciplinary information, and such other documents, written materials, and data as may be deemed reasonably 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, unless the material violates state or federal law.
- 5.8.2 Alternate Data Storage – Personnel file data may be stored or maintained electronically or digitally.
- 5.8.3 Confidentiality – In general, the contents of an employee's personnel file will be deemed confidential except for documents, information, and materials that are matters of public information or public record under applicable state or federal law.
- 5.8.4 Access to Personnel Files – Members of the Board, the Superintendent, Board administrators (including principals), employees of the Human Resources

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

5.9 ***Tutoring***

Except as approved by the Board through a Board approved after-school program, no Board employee may receive money or other form of payment for outside tutoring of students under their supervision or control (e.g., a student in the teacher's class).

5.10 ***Employee Conflicts of Interest***

Employees may not use their offices or positions for personal gain to themselves or their family members and must adhere to applicable provisions of the Alabama Ethics Law.

5.10.1 Outside Employment – 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 effectively perform duties as a Board employee;
- c. Employees may not accept work that could compromise the employee's independent judgment in the exercise of duties for the Board;
- d. Employees may not use or disclose confidential information acquired through Board employment for their personal gain or for the benefit of a third party.

5.10.2 Employee Gifts – Employees may accept gifts from students or other members of the public if the gifts are in accordance with the Alabama Ethics Law or other pertinent state laws.

[Ala. Code §36-25-1, *et seq.* (1975)]

5.11 ***Professional Development***

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

development activities may constitute grounds for disciplinary action, including termination of employment.

5.12 *Employee Leave*

5.12.1 Absences – Except as otherwise authorized by the Superintendent, employees may be absent from work only in the following circumstances:

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

Employees who know in advance that they will be absent from work must notify their immediate supervisor of the expected absence in accordance with any procedures specified by the Superintendent or the Board. 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. Except as otherwise provided or permitted, an employee who is absent from work without approved leave will be considered absent without leave in violation of Board policy and subject to appropriate disciplinary measures. Employees who are approved for paid leave or absences will be paid at the regular daily rate of pay; however, a day of paid leave or absence will not be counted as a day worked for 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.

5.12.2 Paid Sick Leave

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

Eligible employees may accumulate sick leave as provided by state law.

- c. *Use of Sick Leave* – Sick leave must be taken in minimum one-half day (4 hour) increments. Eligible employees may only use paid sick leave for absences caused by the following:
 - i. Personal illness;
 - ii. Incapacitation personal injury;
 - iii. 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;
 - iv. 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;
 - v. Death or care of an individual with whom unusually strong personal ties exist because of a relationship other than those listed above.
- d. *Certification* – Employees must certify that sick leave was used for one of the reasons provided in state law and specify the reason. The Superintendent is authorized to develop a form through which employees should request approval of sick leave pursuant to this policy. If the employee’s principal or supervisor has probable cause to believe that an employee has abused or misused sick leave, a physician’s statement verifying the existence and nature of the illness or medical condition, or other appropriate documentation, may be required by the Board. Abuse of sick leave may subject the employee to disciplinary action.

[Ala. Code §16-1-18.1 (1975)]

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

- a. The injured employee submits written medical certification from the attending licensed physician stating that the employee was injured and cannot return to work due to a specified injury, if there is a reasonable

expectation that the employee will return to work and, if so, the expected date of that return. The Board may require a second opinion from a Board specified physician, at its expense.

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

The Superintendent may develop a form(s) on which the employee is to submit the information required to comply with this policy.

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.

[Ala. Code §16-1-18.1 (1975)]

5.12.4 Personal Leave

- a. *State-Funded Personal Leave* – All regular, full time employees are eligible for two (2) personal leave days each scholastic year without loss of pay. Employees may be compensated for unused state-funded personal leave at the end of the scholastic year at the same daily rate of pay used for regular substitute teachers if such reimbursement is requested in writing by June 15th. All other unused state-funded personal leave days convert to sick leave at the end of the scholastic year.
- b. *Rate Earned* – Personal leave is earned one-half for each full semester worked (i.e., one and one-half days per semester).
- c. *Requesting Personal Leave* – Personal leave requests should be submitted to the requesting employee's principal or immediate supervisor in writing as far in advance as possible prior to taking personal leave. The Superintendent may develop a form (s) to document the requirements of this policy. Personal leave must be taken in increments of at least four hours (1/2 day) and, without prior

approval by the Superintendent or his designee, will not be granted during the first two or last two weeks students are in session for school classes. No employee, as a condition to receiving personal leave, shall be required to divulge reasons for requesting such leave.

5.12.5 Vacation Leave

- a. *Eligible Employees* – Twelve (12) month full-time employees are eligible for paid vacation.
- b. *Vacation Benefits* – Eligible employees will earn vacation benefits at the rate of one (1) vacation day per month, up to ten (10) days per fiscal year (July 1 to June 30), subject to the following limitations:
 - i. A maximum of twenty-five (25) vacation days may be accumulated.
 - ii. No cash payment will be made for unused vacation leave.
 - iii. Accumulated vacation leave will be forfeited if not used prior to the effective date of resignation or retirement.
 - iv. Requests for vacation leave should be submitted to the requesting employee's principal or supervisor and will be approved by the principal or supervisor and the Superintendent, or solely the Superintendent where the employee does not report to another supervisor. A request for vacation leave to be taken by the Superintendent should be made to the Board for approval. The Superintendent may develop a form on which requests for vacation leave should be submitted.
 - v. Vacation leave must be taken in increments of at least four hours (1/2 day) and, should not be taken during the first two or last two weeks students are in session for school classes.

5.12.6 Professional Leave – The Superintendent or his designee is authorized to grant professional leave with pay to Board employees to engage in educational activities that, in the judgment of the Superintendent or his designee, serve the needs and interests of the school system. The number of days approved for such leave will be at the discretion of the Superintendent or his designee. The Superintendent is authorized to develop a form for use in requesting approval of professional leave.

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

[Ala. Code §§16-24C-13, 31-2-13 (1975)]

5.12.8 Court Leave – Permanent and full-time employees are entitled to regular compensation while performing jury duty (Ala. Code §12-16-8) or when the employee is summoned under subpoena or other legal requirement to testify at trial in a court of law or in an administrative proceeding constituted under the statutory authority of the agency conducting the proceeding, subject to approval by the Superintendent or his designee. Paid leave is not authorized for employees to meet with attorneys, attend depositions, or otherwise prepare for legal proceedings unless the presence of the employee is requested or required by the Board or the Superintendent. Where applicable the employee should provide a copy of the document requesting or requiring court leave (i.e., jury summons, subpoena, court order) with the written request for approval of such leave. The Superintendent is authorized to develop a form on which the employee may submit the written request for approval of court leave.

- a. *Disposition of Applicable Court Fees* – Employees are not required to return to the school system any fee paid for jury or court service; however, a court attendance form must be provided to verify court attendance.
- b. *Return to Work* – When an employee is released from jury service or court appearances the employee should report promptly (same day if possible) to their employment position.

5.12.9 Leave of Absence – Employees may submit a written request for an unpaid leave of absence in accordance with state law.

[Ala. Code §16-24C-13 (1975)]

5.13 ***Family Medical Leave Act (FMLA)***

5.13.1 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.

5.13.2 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.

- 5.13.3 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:
 - i. A health condition, including treatment and recovery, lasting more than three (3) consecutive days, and any subsequent treatment or period of incapacity relating to the same condition;
 - ii. Pregnancy or prenatal care;
 - iii. A chronic, serious health condition that continues over an extended period of time, requires periodic visits to a health care provider, or may involve episodes of incapacity (e.g., asthma and diabetes);
 - iv. 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;
 - v. Multiple treatments for restorative surgery or for a condition that would likely result in a period of incapacity of more than three (3) days if not treated.

5.13.4 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 called 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.

- 5.13.5 Spouse Employed by the Board – Spouses who are both employed by the Board are limited to a combined total of twelve (12) weeks of family leave for the birth and care of a newborn child, for the placement of a child for adoption or foster care, for the care of a parent who has a serious health condition, and for qualifying exigency leave. Spouses who are both employed by the Board are limited to a combined total of twenty-six (26) weeks for military caregiver leave.
- 5.13.6 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.
- 5.13.7 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.
- 5.13.8 Notice – Employees seeking leave under the FMLA must provide thirty (30) days advance notice of the need to take leave when the need is foreseeable. When the need for leave is unforeseeable, employees should notify their supervisors as soon as possible. Employees must also provide notice of the need for qualifying exigency leave as soon as practicable.
- 5.13.9 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, child, or parents, or leave as a military caregiver must be supported by medical certification issued by the appropriate health care provider on forms provided by the Board.

For leave based on a serious health condition of the employee or employee's spouse, child, or parent, the Board reserves the right to obtain a second

opinion from an independent health-care provider designated by the Board. If the opinion received by the employee and the second opinion conflict the Board and the employee must agree on a third provider to issue a binding opinion. Both the second and third opinions (if necessary) will be at the expense of the Board.

- 5.13.10 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.
- 5.13.11 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.
- 5.13.12 Maintenance and Benefits – Benefits accrued by the employee before leave is taken are not lost when approved FMLA leave is taken. Employees who are on approved FMLA leave will remain eligible to participate in benefit programs in which the employee was enrolled at the time of the leave, provided that the employee will continue to be responsible for payment of employee’s portion of any cost, premium, or like payment that is required to maintain eligibility for the coverage or benefit. An employee that does not return to work after FMLA leave, will be required to reimburse the Board for the cost of benefits coverage extended to the employee during the leave, unless the reason for the employee’s failure to return to work is (a) continuing serious health condition suffered by either the employee or a family member, or (b) other circumstances beyond the employee’s control.
- 5.13.13 Instructional Employees – Medical leave taken by eligible instructional employees is subject to further limitations and provisions established by the FMLA. The Superintendent or his designee is authorized to develop additional information and guidelines concerning instructional employees.
- 5.13.14 Conflict with FMLA – Where the provisions of this policy conflict with provisions mandated by the FMLA, as amended, the federal law controls.

[29 U.S.C. §2601, *et seq.*]

5.14 ***Sick Leave Bank and Catastrophic Sick Leave***

The Board shall operate a Sick Leave Bank for full-time certified and classified employees in accordance with applicable provisions of state law. A Sick Leave Bank

Committee will oversee the operations of the Sick Leave Bank in accordance with state law and develop the guidelines and administrative procedures of the Sick Leave Bank.

[Ala. Code §16-22-9 (1975)]

5.15 *Employee 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 conduct or 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, other physical or verbal conduct of a sexual nature, and any other gender based harassment 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.
- d. *Examples of Prohibited Conduct* – Following are examples of conduct that may constitute sexual harassment, depending on individual circumstances:
 - i. Demands for sexual favors accompanied by implied or overt promises of preferential treatment or threats with regard to an individual's employment status;
 - ii. Verbal harassment or abuse of a sexual nature, including graphic or derogatory comments, the display of sexually suggestive objects or pictures, and sexual propositions;
 - iii. Repeated unwelcome solicitation of sexual activity or sexual conduct;
 - iv. Unwelcome, inappropriate sexual touching.

5.15.2 Reporting a Complaint – 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. An employee is not required to present the complaint

to the person who is the subject of the complaint. If the Superintendent is the subject of the complaint the complaint should be presented to the Chief School Financial Officer.

- 5.15.3 Informal Complaint Procedure – An employee may choose to submit a sexual harassment complaint to a supervisor for investigation and resolution at the department or local level without resorting to the formal complaint procedure. 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 or the designated alternate to initiate formal complaint procedures.
- 5.15.4 Formal Complaint Procedure – The Superintendent is responsible for receiving and investigating formal complaints regarding sexual harassment. The Superintendent will designate an additional official to which formal complaints may also be reported. If the Superintendent is unavailable or is the subject of the complaint, the alternate should be contacted regarding the formal complaint.
- a. *Complaint Form* – 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. The Superintendent is authorized to develop a sexual harassment complaint reporting form for use in asserting formal complaints.
 - b. *Investigation* – The Superintendent will promptly coordinate an investigation of the complaint, review the results of the investigation with legal counsel or other appropriate officials, make any findings that are supported by the investigation, and recommend appropriate action based on these findings. The complainant will be informed of any action that is taken as a result of the investigation.
 - c. *Review or Appeal* – 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 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 ***Drug and Alcohol Testing of Safety Sensitive Employees***

- 5.16.1 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, as amended. Testing will be required for all employees holding a commercial drivers’ license (CDL) or who occupy a safety sensitive position as designated by the Board (“covered employees”). A safety sensitive position is one that requires (1) operation of a motor vehicle or equipment owned or leased by the Board, including a commercial motor vehicle (“CMV”), or (2) operation of a motor vehicle or equipment while acting within the course and scope of employment for the board, whether the vehicle is personal or owned or leased by the Board. Participation in the Drug and Alcohol Testing Program is a requirement for continued employment as a covered employee.

- 5.16.2 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. Consuming alcohol while performing safety-sensitive functions or while on duty, operating, or having physical control of a vehicle (§382.205);
- b. Consuming alcohol or being under the influence of alcohol within four (4) hours of going on duty, operating, or having physical control of a vehicle (§382.207);
- c. 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 occurs first (§382.209);
- d. Reporting for duty, remaining on duty, or performing safety sensitive functions when using any controlled substance or when a controlled substance is in the employee’s system, 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, including safely operating a CMV (§382.213);
- e. Being on duty or operating a vehicle while possessing alcohol;

- f. Refusing to submit to an alcohol or controlled substance test required by post-accident, random, reasonable suspicion, or follow-up testing requirements;
- g. Performing safety-sensitive functions within twenty-four (24) hours following administration of a test where the employee's alcohol concentration was equal to or greater than 0.02 and less than 0.04 (§382.505) .

In the event of a violation of this policy, the employee shall be temporarily removed from safety-sensitive duties immediately upon notice of the violation by a supervisor or member of Board administration, 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 upon receipt of evidence verifying violation of the policy.

5.16.3 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 a qualifying accident, as defined by the U.S. Department of Transportation, will be tested for alcohol and controlled substances. As defined by the U.S. Department of Transportation, a qualifying accident includes but may not be limited to an accident involving (1) a human fatality, (2) bodily injury to anyone involved in the accident that resulted in immediate medical treatment away from the accident scene, and (3) disabling vehicle damage resulting in the vehicle being towed from the scene of the accident

[49 CFR Part 382.303]
- 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 testing before being

permitted to return to work following a positive alcohol or controlled substance test or other violations 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 Superintendent.

5.16.4 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 further address requirements of federal law (see 49 CFR Part 40); 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 law.

- a. *Refusal to Submit to a Test* – The following behavior constitutes a refusal to submit to a test pursuant to this policy: (1) inability to provide sufficient quantities of breath, saliva, or urine to be tested without a valid medical explanation; (2) tampering with or attempting to adulterate the specimen; (3) interfering with the collection procedure; (4) not immediately reporting to the collection site; (5) failing to remain at the collection site until the collection process is complete; (6) having a test result reported by a medical review officer (MRO) as adulterated or substituted; or (7) leaving the scene of an accident without a valid reason before the tests have been conducted. (See §382.107)
- b. *Privacy* – To the extent possible the privacy of Board employees will be maintained and results of drug and alcohol tests should not be released except to testing officials, supervising authorities (including the Superintendent), and a medical review officer (MRO) without the employee’s written authorization.

[Omnibus Transportation Employee Testing Act of 1991; 49 CFR Part 40]

5.17 ***Drug and Alcohol Testing for Other Employees***

The Board reserves the right to require that sobriety (alcohol) or drug tests or screenings be performed whenever a school official observes or is made aware of circumstances that provide reasonable suspicion or belief that an employee has used alcohol, illegal drugs, or other substances in violation of the Board’s Safe Schools policy or other policies addressing substance abuse. All such testing or screening will be performed in accordance with local, state, and federal laws and procedures and the policy and procedures addressing drug and alcohol testing for safety sensitive personnel or other procedures that may developed by the Superintendent for approval by the Board.

5.18 *Use of Wireless Telecommunication Device While Driving*

Employees are required to comply with state and federal law regarding the use of wireless telecommunication devices while operating a Board owned or leased vehicle or while operating a personal vehicle while in the course and scope of Board employment.

[Ala. Act 2012-291]

VI

STUDENTS

6.1 *Equal Educational Opportunities*

No student will be unlawfully excluded from participating 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, homeless, or foster care status. (*Revision Approved and Adopted November 9, 2017*)

6.2 *Admissions and Attendance*

6.2.1 Compulsory Attendance and Entrance Age – Notice is hereby provided to the public, including parents of school age children that as of the date of adoption of this policy all persons between the age of six and seventeen years of age are required by state law to attend school for the minimum number of scholastic days or hours prescribed by law and the State Board of Education unless the person holds a certificate of exemption issued by the Superintendent or is otherwise exempt under state law.

[Ala. Code §16-28-3 (1975), as amended by Ala. Act 2012-295; Ala. Code §16-28-2.1 (1975)]

6.2.2 Admission to Schools

a. *Residency* – School-age children who reside within the municipal limits of the City of Ozark, Alabama, may be admitted to the Ozark City Board of Education school system. For purposes of this policy, the residence of the student will be the primary residence of the parent or legal guardian who has primary custody. For purposes of this policy the primary residence of the parent or legal guardian is the location where the parent or legal guardian resides the majority of the time.

b. *Enrollment*

i. *Kindergarten Enrollment* – Individuals entering kindergarten must be five years old on or before September 1 or the date on which school begins of the year entering. (*Revision Approved and Adopted November 9, 2017*)

[Ala. Code §16-28-4(b) (1975)]

ii. *First Grade Enrollment* – Individuals entering the first grade must be six years old on or before December 31 or the date on which school begins of the year entering. Individuals who are

of their immigrant, ESL, migrant, homeless, or foster care status, including any inability to immediately produce required documentation. School personnel may provide reasonable assistance in obtaining documentation. The Superintendent may accept alternate forms of evidence or modify otherwise applicable requirements as necessary and appropriate and as permitted by law to accommodate immigrant, ESL, migrant, homeless, or foster care students. Homeless students, at their election, 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. In attempts to maintain consistency in educational stability for students in foster care, in compliance with applicable State and Federal laws and regulations, as determined to be in the best interest of the student, foster care students may remain enrolled in the school of origin. Alternatively, where determined to be in the student's best interest, a student in foster care may be enrolled in any school in the system that non-foster care students who live in the attendance area in which the student is living are eligible to attend.
(Revision Approved and Adopted November 9, 2017)

[McKinney-Vento Homeless Assistance Act, as amended and reauthorized by the No Child Left Behind Act of 2001 – 42 USC 11431 *et seq.*; Ala. Admin. Code 290-3-1-.02(7); Elementary and Secondary Education Act (ESEA) as amended by the Every Student Succeeds Act (ESSA)]

- d. *Homeless Student Dispute Resolution* – When a dispute arises regarding school placement, the school 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 principal or his designee 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 Superintendent of the dispute.

[Ala. Admin. Code 290-3-1-.02(7)(j)]

- e. *Students Residing Outside the City Limits* – Students who reside outside the municipal limits of the City of Ozark, Alabama, may submit to the Superintendent a written request to attend an Ozark City Board of Education school. The Superintendent is authorized to review the request for admission and on a case by case basis may approve admission of the non-resident student. A non-resident fee, established and approved by the Board is payable upon approval of admission and prior to the student being allowed to enroll. Non-

resident students must comply with the same requirements for documentation for admission and enrollment as resident students.

- f. *Students Transferring from Another School or School System* – Students transferring from another school system or from a private or parochial school will not be eligible for enrollment in an Ozark City Board of Education school if the student is under suspension or expulsion. However, where permitted by law, the student’s parent or legal guardian may submit to the Superintendent for review and consideration a written request for admission setting forth the facts and circumstances surrounding the suspension or expulsion. An appeal of the Superintendent’s decision may be submitted to the Board for review and consideration. Students may be admitted to the grade certified by the school from which they are moving, subject to compliance with the Alabama Administrative Code and other applicable law and regulations.
- g. *Grade Level Placement of Students* – The Superintendent or his designee will determine the grade level placement of newly enrolled students in accordance with state law.

[Ala. Admin. Code 290-3-1]

- 6.2.3 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.

[Ala. Code §16-28-1, *et seq.* (1975); Ala. Admin. Code 290-3-1-.02(7)]

- 6.2.4 Attendance Zone and Class Assignment – Students will be assigned to the school serving the attendance zone in which his parent(s) or legal guardian reside(s). Any exception must be approved by the Superintendent. A student whose parent or legal guardian moves from one attendance zone to another during the school year will be transferred to the school attendance zone in which the new residence is located. The student may be permitted to remain in the school attendance zone that serves the former residence until the end of the semester with the approval of the Superintendent. A parent or legal guardian who has documented plans to move to a new attendance area during the first or second grading period of the school year may have his child enrolled in the school serving the new residence upon approval of the Principal. 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. (As of the adoption of this policy only two attendance zones exist and are applicable only for elementary grades.)

- 6.2.5 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) personal illness, (2) hospitalization, (3) emergency, (4) death in immediate family, (5) court subpoena or legal reasons, (6) religious holiday, (7) inclement weather in which travel to school would be dangerous to the life or health of the student, (7) absences approved by the principal, including out-of-school suspension. Documentation supporting an excused absence must be submitted in a timely manner 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.

[Ala. Code §16-28-1, *et seq.* (1975); Ala. Admin. Code 290-3-1-.02(7)]

6.3 ***Driver's License (Attendance)***

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

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

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

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

[Ala. Code §16-28-40, *et seq.* (1975)]

6.4 *Transfers and Withdrawals*

- 6.4.1 Transfers – The Superintendent is authorized to 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 or his 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 interests of the student and of the school system. The existence or availability of a transfer process does not create or give rise to any right to attend a particular school. (As of the adoption of this policy only two attendance zones between which transfers would apply exist and are applicable only for elementary grades.)
- 6.4.2 Withdrawals – No student of compulsory attendance age will be permitted to withdraw from school except in accordance with state law and any withdrawal procedures that may be developed by the Superintendent.

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

6.5 *Student Records (Governance and Use)*

- 6.5.1 Education records as defined by law or Board policy will be available for examination and review by authorized persons in the manner prescribed and to the extent required by law. Except where the context requires otherwise, the term “educational records” has the meaning given in 20 U.S.C. §1232g(a)(4). Copies of such records may likewise be provided to the extent required and under circumstances specified by applicable law or regulation. The Superintendent is authorized to establish administrative standards and procedures respecting access to such records, including a schedule of reasonable charges for the reproduction thereof. Parents will be provided required annual notification regarding educational records through the student handbook or by other appropriate means.
- 6.5.2 The Superintendent is authorized to establish, implement, and maintain student record governance, use, and security measures. The unauthorized access, use, transfer, or distribution of education records may result in disciplinary action or other appropriate legal action. (*Approved and Adopted June 17, 2014*)

[20 U.S.C. §1232g(a)(4); 34 CFR 99.3; Alabama State Board of Education Resolution, October 10, 2013]

6.6 *Student Fees, Fines, and Charges*

Reasonable fees, fine, and charges not prohibited by law may be established by the Superintendent. All such fees, fines, and charges will be collected and accounted for in accordance with the procedures, rules, and regulations to be developed by the Chief School Financial Officer or as provided in the Board Finance Manual.

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

6.8 *Student Conduct and Behavior (Code of Student Conduct)*

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

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

6.9 *Corporal Punishment*

Corporal punishment of students is permitted at the discretion of a Board employee supervising students. Where practical, in the judgment of a Board employee, corporal punishment shall be administered by a certified Board employee, in the presence of another professional employee and outside the presence of other students. The nature of the infraction shall be explained to the student before corporal punishment is administered, and the student should be given an opportunity to respond.

The parent of a student shall be responsible for notifying the school principal, in writing, of any physical condition or health impairment that would render corporal punishment

inadvisable for the student. However, such notice shall not prohibit the use of corporal punishment unless there is written direction from the Superintendent to the educator who administered corporal punishment that the specific student is not to be corporally punished.

If a student has an Individualized Education Plan (IEP), that student should not be administered corporal punishment if such is prohibited by that student's IEP.

Where practical the educator administering the corporal punishment may transmit a written report of corporal punishment, including the nature of the infraction to the Superintendent.

[Ala. Code §16-28A-2 (1975)]

6.10 *Physical Restraint and Seclusion*

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

6.10.2 Seclusion – Seclusion is not permitted in the Ozark City Board of Education school system.

6.10.3 Use of Physical Restraint

- a. Where otherwise permitted by law and subject to current and future terms, provisions, and limitations of law, the following is permitted in the Ozark City Board of Education school system:
 - i. Timeout (see Ala. Admin. Code 290-3-1-.02(1)(f)(1.)(vi) and (2.)(ix))
 - ii. In-school suspension (see Ala. Admin. Code 290-3-1(1)(f)(1.)(v))
 - iii. Detention (see Ala. Admin. Code 290-3-1(1)(f)(1.)(v))
 - iv. Student-requested break in a different location in the same room or in a separate room (see Ala. Admin. Code 290-3-1(1)(f)(1.)(v))
 - v. Physical restraint in those situations in which the student is in an immediate danger to himself or others and the student is not responsive to less intensive behavioral interventions including verbal directives or other de-escalation techniques. Notwithstanding the foregoing, physical restraint is prohibited as a form of discipline or punishment. All physical restraint

must be immediately terminated when the student is no longer an immediate danger to himself or others or if the student is observed to be in severe distress. (see Ala. Admin. Code 290-3-1(1)(f)(2.)(v and vi)

- b. Board employees will participate in annual training relating to this Physical Restraint and Seclusion policy and any subsequent procedures developed in accordance with this policy. (see Ala. Admin. Code 290-3-1(1)(f)(2.)(viii)
- c. When physical restraint is used to restrain a student, written notification will be provided to the student's parent or guardian of record within a reasonable time, not to exceed one school day from the use of physical restraint.
- d. Within a reasonable time following the use of physical restraint, the employee(s) participating in or supervising the use of physical restraint of a student should document the instance and meet to discuss the instance of physical restraint of the student.
- e. The Superintendent or his designee will periodically review the use of physical restraint within the Ozark City Board of Education school system, including the documentation generated pursuant to 6.10.4(c) above. The Superintendent or his designee may include additional Board employees in the periodic review.
- f. Following review the use of physical restraint and the documentation referenced in this policy, the Superintendent or his designee will provide an annual report to the Board of the use of physical restraint within the Ozark City Board of Education school system and any instances of prohibited use of seclusion, and chemical, mechanical, or physical restraint.
- g. Documentation generated pursuant to this policy relating to the use of permissive physical restraint and any documentation relating to the impermissible use of seclusion or chemical, mechanical, or physical restraint will be provided annually by the Superintendent or his designee to the Alabama Department of Education.
- h. This Physical Restraint and Seclusion policy is hereby incorporated into the Code of Student Conduct.

[Ala. Admin. Code 290-3-1-.02(1)(f)(2.)(vii)]

[Ala. Code §16-1-14 (1975); Ala. Admin. Code 290-3-1-.02(1)(f)]

6.11 *Appearance and Dress*

Students will not be allowed to attend school if their appearance or dress constitutes a health or safety hazard or disrupts the orderly operation of the school. The Principal is responsible for making judgments in this area. The Superintendent may develop for approval by the Board procedures relating to student appearance and dress to be included in the Student Handbook.

6.12 *Electronic Communication Devices*

The inappropriate or disruptive use of electronic communication devices by students is prohibited on Board property, including while students are being transported on a school bus. Electronic communication devices include, but are not limited to, computers, tablets, cell phones, personal digital assistants and devices, and other audio/visual devices. Principals and their designees are authorized to further restrict or deny the use of electronic communication devices by any student to prevent the misuse, abuse, or violation of law, Board policy or procedures, the Code of Student Conduct, or school rules. Board 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 or procedures, the Code of Student Conduct, or other school rules. The Board assumes no responsibility for theft, loss, or damage to any electronic communication device.

[Ala. Code §16-1-27 (1975)]

6.13 *Extracurricular Activities*

6.13.1 General – Students may be offered a fair and equal opportunity to participate in extracurricular activities and organizations. An extracurricular activity is defined as an organized school function that requires after school practice and performance. The school principal will identify school functions that meet these criteria and ensure that sponsors, students, and parents are so informed. Extracurricular activities must meet the following criteria:

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

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

Clubs and organizations that operate primarily for social purposes are not allowed to function, operate in, or promote activities in the name of the Ozark City Board of Education.

- 6.13.2 Athletics – Participation in Board sanctioned athletic programs will be on such terms and conditions as may be approved by the Board and any athletic association of which the Board is a member. The Superintendent may develop for approval by the Board terms and conditions for participation in such programs subject to criteria, rules, regulations, or standards established by any athletic association or organization of which the Board is a member, or any rules, principle, or provision of applicable law.
- 6.13.3 Participation Eligibility – To be eligible for participation in an extracurricular activity a student must comply with the requirements promulgated by the Alabama State Department of Education.

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

6.14 ***Concussions***

The Superintendent is authorized to develop for Board approval guidelines and other pertinent information and forms necessary to comply with Alabama Act 2012-314 and to inform and educate youth athletes and their parents or guardians of the nature and risk of concussion and brain injury.

[Ala. Act 2012-314; Ala. Act 2011-541]

6.15 ***Student Publications***

Student publications are subject to and will be expected to meet standards associated with responsible journalism. The principal and student publication sponsor are responsible for the content of such publication.

6.16 ***Off-Campus Events***

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

- a. The destination is an activity, event, or function that serves a *bona fide* educational or related extracurricular purpose, or is an athletic event or function sponsored or sanctioned by the Board or the state athletic association;

- b. Adequate information regarding the trip has been provided to the principal, program director, and Superintendent;
- c. Adequate arrangements are made for supervision and other risk management considerations;
- d. Properly certified and qualified drivers have been selected and arrangements for the costs of the trip have been made.

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.

6.17 ***Work Release (Student Employment)***

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

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

6.18 ***Title IX***

6.18.1 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.

6.18.2 Title IX Coordinator – The Superintendent is authorized and directed to designate an employee as Title IX Coordinator, whose duties will include but not be limited to receiving and responding to Title IX inquiries and complaints.

6.19 ***Students with Disabilities (ADA and Section 504)***

In compliance with the definitions, guidelines, and requirements set forth in Section 504 of the Rehabilitation Act of 1973 (“Section 504”) and the Americans with Disabilities Act (“ADA”), the Board prohibits discrimination against students with disabilities, as defined in these laws, in any program or activity offered or sponsored by the Board.

6.20 ***Protection of Pupil Rights Amendment***

6.20.1 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:

- a. Political affiliations or beliefs of the student or student’s parent(s);
- b. Mental or psychological problems of the student or student’s family;
- c. Sexual behavior or attitudes;
- d. Illegal, anti-social, self-incriminating, or demeaning behavior;
- e. Critical appraisals of others with whom respondents have close family relationships;
- f. Legally recognized privileged relationships, such as with lawyers, doctors, or ministers;
- g. Religious practice, affiliations, or beliefs of the student or parent(s); or
- h. Income, other than as required by law to determine program eligibility.

6.20.2 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.

- 6.20.3 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 from any of the above marketing, sales, or other distribution purposes; and
 - c. Instructional material used as part of the educational curriculum.
- 6.20.4 Special Provisions for Certain Students – Students who are at least eighteen (18) years old and emancipated minors under state law will be allowed to take the above actions in lieu of their parents or guardians.
- 6.20.5 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.

[20 USC §1232h; 34 CFR Part 98]

6.21 ***Student Sexual Harassment***

The Board strictly prohibits sexual harassment in any form that is directed toward students. 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.

- 6.21.1 Definition of Sexual Harassment – Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, other physical or verbal conduct of a sexual nature, and any other gender-based harassment, whether initiated by students, Board employees, or third parties, when:
- a. Submission to or rejection of such conduct or communication is made a term, condition, or basis, either explicitly or implicitly, of the student’s education, including decisions affecting the student’s academic performance or participation in Board sponsored activities, or any other aspect of the student’s education;
 - b. Such conduct has the purpose or effect of unreasonably interfering with a student’s academic performance or participation in Board

sponsored activities or creating an intimidating, hostile, or offensive education environment.

- c. *Examples of Prohibited Conduct* – Following are examples of conduct that may constitute sexual harassment, depending on individual circumstances:
- i. Demands for sexual favors accompanied by implied or overt promises of preferential treatment or threats with regard to a student’s educational status;
 - ii. Verbal harassment or abuse of a sexual nature, including graphic or derogatory comments, the display of sexually suggestive objects or pictures, and sexual propositions;
 - iii. Repeated unwelcome solicitation of sexual activity or sexual conduct;
 - iv. Unwelcome, inappropriate sexual touching.

6.21.2 Reporting a Complaint – Any student 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. A student is not required to present the complaint to the person who is the subject of the complaint. If the Superintendent is the subject of the complaint the complaint should be presented to the Chief School Financial Officer.

6.21.3 Complaint Procedure – A student who believes they are a victim of unlawful sexual harassment should submit a sexual harassment complaint to any appropriate Board administrator, teacher, counselor, or employee, and such person has the duty to promptly report such matter as required by law, if applicable, and refer such allegations to the Superintendent or an additional official designated by the Superintendent to which complaints may be reported; or if the Superintendent is the subject of the allegation to the Chief School Financial Officer. A student will not be required to present a complaint to the accused or suspected harasser for resolution and any employee who is the subject of a complaint will not be permitted to conduct, review, or otherwise exercise decision-making responsibility in connection with the processing of the complaint.

- a. *Complaint Form* – Harassment complaints should be memorialized by the Superintendent or designated alternate official. The Superintendent is authorized to develop a sexual harassment complaint reporting form for use in asserting formal complaints.
- b. *Investigation* – The Superintendent will promptly coordinate an investigation of the complaint, review the results of the investigation with legal counsel or other appropriate officials, make any findings

that are supported by the investigation, and recommend appropriate action based on these findings. The complainant will be informed of any action that is taken as a result of the investigation.

- c. *Review or Appeal* – 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.

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

6.21.5 Retaliation Prohibited – No retaliation or adverse action may be imposed for submitting a sexual harassment complaint or serving as a witness in the investigation of a sexual harassment complaint.

6.21.6 Notice of Policy to be Promulgated – The Superintendent will promulgate and disseminate this policy 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.

6.22 *Harassment, Violence, and Threats of Violence*

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

6.22.2 Definitions

- a. The term “harassment” as used in this policy means a continuous pattern of intentional behavior that takes place on Board property, on a Board school bus, or at a Board-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 this policy. To constitute harassment, a pattern of behavior may do any of the following:
 - i. Place a student in reasonable fear of harm to his or her person or damage to his or her property.

- ii. Have the effect of substantially interfering with the educational performance, opportunities, or benefits of a student.
 - iii. Have the effect of substantially disrupting or interfering with the orderly operation of the school.
 - iv. Have the effect of creating a hostile environment in the school, on Board property, on a Board school bus, or at a Board-sponsored function.
 - v. Have the effect of being sufficiently severe, persistent, or pervasive enough to create an intimidating, threatening, or abusive educational environment for a student.
- b. The term “violence” as used in this policy means the infliction of physical force by a student with the intent to cause injury to another student or damage to the property of another student.
 - c. The term “threat of violence” as used in this policy means an expression of intention to inflict injury or damage that is made by a student and directed to another student.
 - d. The term “intimidation” as used in this policy means a threat or other action that is intended to cause fear or apprehension in a student, especially for the purpose of coercing or deterring the student from participating in or taking advantage of any Board 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 Ozark City Board of Education 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:

- i. The student's race;
- ii. The student's sex;
- iii. The student's religion;
- iv. The student's national origin;
- v. The student's disability; or
- vi. The student's morphology (i.e., body type).

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

6.22.5 Reporting, Investigation, and Complaint Resolution Procedures

- a. Complaints alleging violations of this policy must be made on Board approved complaint forms available at the principal and/or counselor's office. The complaint must be signed by the student alleging the violation or by the student's parent or legal guardian and delivered to the principal or the principal's designee either by mail or personal delivery. At the request of the complaining student or the student's parent or legal guardian, incidental or minor violations of the policy may be presented and resolved informally.
- b. Upon receipt of the complaint, the principal or the principal's designee will, in their sole discretion, determine if the complaint alleges a serious violation of this policy. If the principal or the principal's designee determines that the complaint alleges a serious violation, the principal or the principal's designee will undertake an investigation of the complaint. The investigation will entail the gathering of relevant facts and evidence and will be conducted in a reasonably prompt time period taking into account the circumstances of the complaint. If the investigation establishes a violation, appropriate disciplinary sanctions will be imposed on the offending student(s). Other measures that are reasonably calculated to prevent the 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 consequences 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 purpose.

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

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

VII

INSTRUCTIONAL PROGRAM

7.1 *Curriculum*

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

7.2 *Textbooks*

Textbooks will be purchased and distributed in accordance with State Department of Education regulations. Only textbooks recommended by the local textbook committee will be approved by the Board, upon the recommendation of the Superintendent. The local textbook committee will be appointed by the Board and will include certified employees and parents, who will each serve a term of one year. Textbooks remain the property of the Board and when a student is loaned a textbook, the student is responsible for the care of the textbook. Students must reimburse the Board for the cost of any textbooks that are lost or damaged beyond reasonable wear and tear.

[Ala. Code §16-36-62 (1975)]

7.3 *Instructional Materials and Materials for School Libraries*

7.3.1 Selection – Each school’s principal is responsible for overseeing the selection of instructional material (other than textbooks) for use in classrooms. Each school’s certified librarian or library media specialist is responsible for overseeing the selection of materials in circulation in each school library, including a review of new material.

7.3.2 Informal Objection – A student, parent, legal guardian, principal, teacher, or librarian that objects to instructional materials or materials within the school library may present an informal objection to the school principal (or where the principal has the objection to the Superintendent) to attempt an informal and mutually satisfactory resolution, provided that the resolution to the information objection may not include withdrawal of the material from general use.

7.3.3 Formal Objection – A student, parent, legal guardian, principal, teacher, or librarian may present a formal written objection to instructional material or material within the school library by completing a request for review form developed by the Superintendent to the Superintendent or his designee. The material in question will remain in use or available for use during the review process. The Superintendent or his designee should forward a copy of the request for review form to the principal and librarian involved, if applicable.

- a. *Committee Review* – A seven (7) member ad hoc review committee will (1) read, view, or listen to the challenged material, (2) review any professional reviews of the material, and (3) review the request for review. The committee will be comprised of the Superintendent, the school principal, the school librarian/library medial specialist, another library media specialist from the school system, a teacher representing the appropriate subject area, a parent representative appointed by the school principal, and a member of the community interested in school affairs appointed by the Superintendent. A meeting of the committee will be scheduled within thirty (30) days of receipt of the request for review. All committee members and the complaining party should be notified at least five (5) days prior to the meeting. The complaining party will be afforded the opportunity to present his concerns relative to the material to the committee at the meeting. The committee will then deliberate and vote on the challenged material.
- b. *Written Report* – The committee will provide a written report of the committee’s decision to the complaining party and advise of the right to appeal.
- c. *Appeal* – The complaining party may appeal the decision of the committee to the Board by submitting a written request to the Superintendent within ten (10) days of the committee’s report. The Board will address the matter at the next meeting of the Board. The decision of the Board will be final.

7.4 ***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.

7.4.1 General Grade Scale (Kindergarten) – Grades will be based on a system of standards and will be awarded according to the following scale:

	<i>Scale</i>	<i>Letter Grade Correlation (only applies to Transfer Students)</i>
Exceeding standards	4	A
Meeting standards	3	B
Developing towards standards	2	C
Significantly below standards	1	D

7.4.2 General Grade Scale (Grades 1 through 12) – Grades for academic course work will be awarded according to the following scale:

<i>Letter Grade</i>	<i>Numerical Grade (100 point scale)</i>
A+	97 – 100
A	90 – 96
B+	87 – 89
B	80 – 86
C+	77 – 79
C	70 – 76
D+	67 – 69
D	60 – 66
F	Below 60

7.4.3 Weighted Grading Scale – Students electing to participate in rigorous academic courses such as Honors, Advanced Placement (AP), or Dual Enrollment are given additional weight on the numerical grading scale, specifically an additional ten (10) points.

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

7.4.5 Transfer Students – Students who transfer must provide a transcript with grades in numerical form. If numerical grades are not available, said student’s letter grades will be converted to numerical grades at the mid-point of the grading scale.

7.4.6 Class Rankings – Beginning with the ninth grade of high school, all students will be ranked based on the student’s numerical grades in all classes, specifically calculated by adding each numerical grade and dividing by the total number of classes. Final senior class rankings will be determined following the third nine weeks of the spring semester and will include grades up to and including the third nine weeks.

7.4.7 Valedictorian and Salutatorian – Valedictorian will be awarded to the student(s) with the highest numerical average, carried out to three decimal points, for all CORE academic classes. Salutatorian will be awarded to the student(s) with the second highest numerical average, carried out to three decimal points, for all CORE academic classes. Average grades will be up to and including the third nine weeks of the spring semester of the students’ senior year. The determination of valedictorian and salutatorian based upon only CORE academic classes will begin with the freshman class of 2015-

2016. The Valedictorian and Salutatorian must have attended Carroll High School for a minimum of their Junior and Senior years. (*Revision Approved and Adopted October 8, 2015*)

- 7.4.8 Report Cards – Report cards reflecting student progress will be made available to parents or legal guardians of students on a regularly scheduled basis.
- 7.4.9 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. Decisions regarding student promotion from grade level to grade level or retention within a specific grade level may include input from the current legal guardian of the student in question and any teaching personnel that worked with the student, however the decision of the local school principal is controlling. Within twenty (20) days of the decision regarding promotion or retention, the decision of the local school principal may be reviewed by the Superintendent. The decision of the Superintendent is final.
- 7.4.10 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.

[Ala. Admin. Code 290-3-1-.02(12)]

7.5 ***Testing***

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

7.6 ***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.

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

7.7 ***Dual Enrollment***

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

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

7.8 ***Correspondence or Online Courses***

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

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

7.9 ***Gifted Services***

The Superintendent is authorized to develop for approval by the Board procedures to comply with Ala. Admin. Code 290-8-9-.12 and to ensure students who exhibit gifted characteristics are referred to gifted services.

[Ala. Admin. Code 290-8-9-.12]

7.10 ***Career and Technical Education Programs***

7.10.1 Work-Based Learning Experience/Cooperative Education - 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.

7.10.2 Live Work - Live work consists of work conducted by students that relates to the knowledge and skills taught as part of a career and technical education program of study, but is presented from outside the classroom. The Superintendent is authorized to develop for Board approval guidelines and procedures in accordance with the regulations of the Alabama State Department of Education and any applicable business/industry certification requirements for live work to be conducted in the school system, including, but not limited to, a systematic method for managing live work, work requests and orders, and procedures for approval of where and for whom work may be

conducted, liability, and restrictions on live work. Any money collected for live work will be accounted for in accordance with the Board Finance Manual.

- 7.10.3 Safety – To the extent practicable, reasonable safety procedures will be implemented in the career and technical education program of study in accordance with Alabama State Department of Education regulations and any applicable business/industry certification requirements.

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

7.11 ***Community Education***

The Superintendent is authorized to develop for approval by the Board programs and projects designed to meet the needs of the community served by the school system in accordance with any laws or regulations governing such programs. Such programs may include but are not limited to adult education programs.

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

7.12 ***Graduation***

- 7.12.1 General – Students who have satisfactorily completed requisite course work, met minimum attendance criteria, passed required examination(s) (including but not limited to the examination(s) prescribed and required by the Alabama State Board of Education), and complied with any additional requirements of the Alabama State Board or Department of Education are eligible for graduation. Students who have fulfilled coursework requirements but who have not passed all parts of the graduation examination may be eligible for a credit based diploma, provided students have met all criteria set forth by the Alabama State Department of Education.

- 7.12.2 Participation in Graduation Ceremony – Students who successfully complete the requirements to earn a diploma or graduation certification are eligible to participate in graduation ceremonies. Student participation in graduation ceremonies and related graduation activities will be subject to the principal's approval and payment of outstanding financial obligations. Participation in a graduation related ceremony may be prohibited by the principal if the student violates disciplinary standards or if, in the judgment of the principal, the student's participation could lead or contribute to disorder or disruption of the ceremony or activity. The Superintendent is authorized to develop additional guidelines addressing participation in a graduation or commencement ceremony or activity.

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

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

7.13 *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:

- 7.13.1 Nutrition Education – Nutrition education that teaches the knowledge, skills, and values needed to develop healthy eating behaviors will be integrated into the curriculum and offered throughout school campuses, including school dining areas and classrooms, by appropriately trained personnel.
- 7.13.2 Nutrition Standards – The Child Nutrition Program (“CNP”) will ensure that reimbursable school meals meet the program requirements and nutritional standards established by applicable state and federal regulations. The CNP will encourage students to make nutritious food choices and will monitor all food and beverages sold or served to students, including those available outside federally regulated child nutrition programs. The CNP will consider nutrient density and portion size before permitting food and beverages to be sold or served to students.
- 7.13.3 Physical Education and Physical Activity Opportunities – The Board will offer physical education opportunities that include the components of a sound physical education program. 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.
- 7.13.4 Other School-Based Activities Designed to Promote Student Wellness – The Board may implement other programs that help create a school environment that conveys consistent wellness messages and that is conducive to healthy eating and physical activity.
- 7.13.5 Administrative Implementation – The Superintendent is authorized to develop and implement administrative rules and directives that are consistent with this policy and that are based on input from teachers (including specialists in health and physical education), school nurses, parents and guardians, students, representatives of the school food service program, members of the Board, 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.

[42 U.S.C. §1758b

7.14 ***Parent/Family Involvement***

- 7.14.1 **Parental Involvement, Partnerships Encouraged** – Training and appropriate resources will be provided for teachers, administrators, and parents to strengthen the ability of strong parent-school partnerships to enhance student achievement. Parents will be involved in jointly developing appropriate parental involvement policies and in reviewing school improvement through meetings with the school system’s Parent Advisory Committee. Policies developed through this process will be distributed to parents of students attending Title I schools. Additionally, the Board will provide coordination, technical assistance, and other support necessary to assist Title I schools in planning and implementing effective parental involvement activities to improve student achievement and school improvement. The Board will coordinate and integrate parental involvement strategies with other programs as appropriate.
- 7.14.2 **Annual Evaluation of Initiatives** – An annual evaluation will be conducted, with the involvement of parents, to determine the effectiveness of the parental involvement policy in improving the academic quality of the schools. The evaluation will include parent surveys, focus groups, and student assessment data. Parents will also be given the opportunity to submit suggestions and concerns regarding the parental involvement policy to the parent advisory committee. This information will be reviewed annually and used to make revisions to the school system plan as necessary.
- 7.14.3 **Impediments to Parent Participation to be Identified** – The Board will identify barriers to greater participation by parents in parental involvement activities, with particular attention to parents who are economically disadvantaged, are disabled, have limited English proficiency, have limited literacy, or whose racial or ethnic background may impede effective participation. To the extent practicable, all information required under Section 1111 of the Elementary and Secondary Education Act (“ESEA”), 20 U.S.C. §6301 *et seq.*, will be provided to parents in a uniform, understandable format and upon request, in an alternative format and language that the parents understand.
- 7.14.4 **Elementary and Secondary Education Act Compliance** – The school system will work with its schools to ensure that school-level parental involvement policies meet the requirements of section 1118(b) of the ESEA and each includes a school-parent compact consistent with section 1118(d) of the ESEA. This policy will specify that each school will:

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

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

[Section 1118 of the Elementary and Secondary Education Act (ESEA); No Child Left Behind Act of 2001, 20 U.S.C. §6301, *et seq.*]