

St. Clair County Board of Education

POLICY MANUAL



ST. CLAIR COUNTY BOARD OF EDUCATION

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CITE-

41 USC CHAPTER 10 - DRUG-FREE WORKPLACE
01/08/2008

-EXPCITE-

TITLE 41 - PUBLIC CONTRACTS
CHAPTER 10 - DRUG-FREE WORKPLACE

-HEAD-

CHAPTER 10 - DRUG-FREE WORKPLACE

-MISC1-

Sec.
701. Drug-free workplace requirements for Federal contractors.
702. Drug-free workplace requirements for Federal grant recipients.
703. Employee sanctions and remedies.
704. Waiver.
705. Regulations.
706. Definitions.
707. Construction of chapter.

-End-

-CITE-

41 USC Sec. 701
01/08/2008

-EXPCITE-

TITLE 41 - PUBLIC CONTRACTS
CHAPTER 10 - DRUG-FREE WORKPLACE

-HEAD-

Sec. 701. Drug-free workplace requirements for Federal contractors

-STATUTE-

(a) Drug-free workplace requirement
(1) Requirement for persons other than individuals
No person, other than an individual, shall be considered a responsible source, under the meaning of such term as defined in section 403(8) of this title, for the purposes of being awarded a contract for the procurement of any property or services of a value greater than the simplified acquisition threshold (as defined in section 403(11) of this title) by any Federal agency, other than a contract for the procurement of commercial items (as defined in section 403(12) of this title), unless such person agrees to provide a drug-free workplace by -
(A) publishing a statement notifying employees that the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited in the person's workplace and specifying the actions that will be taken against employees for violations of such prohibition;
(B) establishing a drug-free awareness program to inform employees about -

- (i) the dangers of drug abuse in the workplace;
- (ii) the person's policy of maintaining a drug-free workplace;
- (iii) any available drug counseling, rehabilitation, and employee assistance programs; and
- (iv) the penalties that may be imposed upon employees for drug abuse violations;

(C) making it a requirement that each employee to be engaged in the performance of such contract be given a copy of the statement required by subparagraph (A);

(D) notifying the employee in the statement required by subparagraph (A), that as a condition of employment on such contract, the employee will -

- (i) abide by the terms of the statement; and
- (ii) notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than 5 days after such conviction;

(E) notifying the contracting agency within 10 days after receiving notice under subparagraph (D)(ii) from an employee or otherwise receiving actual notice of such conviction;

(F) imposing a sanction on, or requiring the satisfactory participation in a drug abuse assistance or rehabilitation program by, any employee who is so convicted, as required by section 703 of this title; and

(G) making a good faith effort to continue to maintain a drug-free workplace through implementation of subparagraphs (A), (B), (C), (D), (E), and (F).

(2) Requirement for individuals

No Federal agency shall enter into a contract with an individual unless such individual agrees that the individual will not engage in the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance in the performance of the contract.

(b) Suspension, termination, or debarment of contractor

(1) Grounds for suspension, termination, or debarment

Each contract awarded by a Federal agency shall be subject to suspension of payments under the contract or termination of the contract, or both, and the contractor thereunder or the individual who entered the contract with the Federal agency, as applicable, shall be subject to suspension or debarment in accordance with the requirements of this section if the head of the agency determines that -

(A) the contractor violates the requirements of subparagraph (A), (B), (C), (D), (E), or (F) of subsection (a)(1) of this section; or

(B) such a number of employees of such contractor have been convicted of violations of criminal drug statutes for violations occurring in the workplace as to indicate that the contractor has failed to make a good faith effort to provide a drug-free workplace as required by subsection (a) of this section.

(2) Conduct of suspension, termination, and debarment proceedings

(A) If a contracting officer determines, in writing, that cause for suspension of payments, termination, or suspension or

debarment exists, an appropriate action shall be initiated by a contracting officer of the agency, to be conducted by the agency concerned in accordance with the Federal Acquisition Regulation and applicable agency procedures.

(B) The Federal Acquisition Regulation shall be revised to include rules for conducting suspension and debarment proceedings under this subsection, including rules providing notice, opportunity to respond in writing or in person, and such other procedures as may be necessary to provide a full and fair proceeding to a contractor or individual in such proceeding.

(3) Effect of debarment

Upon issuance of any final decision under this subsection requiring debarment of a contractor or individual, such contractor or individual shall be ineligible for award of any contract by any Federal agency, and for participation in any future procurement by any Federal agency, for a period specified in the decision, not to exceed 5 years.

-SOURCE-

(Pub. L. 100-690, title V, Sec. 5152, Nov. 18, 1988, 102 Stat. 4304; Pub. L. 103-355, title IV, Sec. 4104(d), title VIII, Sec. 8301(f), Oct. 13, 1994, 108 Stat. 3342, 3397; Pub. L. 104-106, div. D, title XLIII, Secs. 4301(a)(3), 4321(i)(13), Feb. 10, 1996, 110 Stat. 656, 677.)

-MISC1-

AMENDMENTS

1996 - Subsec. (a)(1). Pub. L. 104-106, Sec. 4321(i)(13), substituted "(as defined in section 403(12) of this title)" for "as defined in section 403 of this title" in introductory provisions.

Pub. L. 104-106, Sec. 4301(a)(3)(A), substituted "agrees to" for "has certified to the contracting agency that it will" in introductory provisions.

Subsec. (a)(2). Pub. L. 104-106, Sec. 4301(a)(3)(B), substituted "individual agrees" for "contract includes a certification by the individual".

Subsec. (b)(1). Pub. L. 104-106, Sec. 4301(a)(3)(C), redesignated subpar. (B) as (A), struck out "such certification by failing to carry out" after "contractor violates", redesignated subpar. (C) as (B), and struck out former subpar. (A) which read as follows: "the contractor or individual has made a false certification under subsection (a) of this section;".

1994 - Subsec. (a)(1). Pub. L. 103-355 substituted "greater than the simplified acquisition threshold (as defined in section 403(11) of this title) by any Federal agency, other than a contract for the procurement of commercial items as defined in section 403 of this title," for "of \$25,000 or more from any Federal agency" in introductory provisions.

EFFECTIVE DATE OF 1996 AMENDMENT

For effective date and applicability of amendment by Pub. L. 104-106, see section 4401 of Pub. L. 104-106, set out as a note under section 251 of this title.

EFFECTIVE DATE OF 1994 AMENDMENT

For effective date and applicability of amendment by Pub. L. 103-

355, see section 10001 of Pub. L. 103-355, set out as a note under section 251 of this title.

EFFECTIVE DATE

Section 5160 of Pub. L. 100-690 provided that: "Sections 5152 and 5153 [enacting this section and section 702 of this title] shall be effective 120 days after the date of the enactment of this subtitle [Nov. 18, 1988]."

SHORT TITLE

Section 5151 of Pub. L. 100-690 provided that: "This subtitle [subtitle D (Secs. 5151-5160) of title V of Pub. L. 100-690, enacting this chapter] may be cited as the 'Drug-Free Workplace Act of 1988'."

CONSISTENCY OF REGULATIONS WITH INTERNATIONAL OBLIGATIONS OF UNITED STATES; EXTRATERRITORIAL APPLICATION

Section 4804 of Pub. L. 100-690 required that regulations promulgated by agency heads be consistent with international obligations of United States, prior to repeal by Pub. L. 103-447, title I, Sec. 103(b), Nov. 2, 1994, 108 Stat. 4693.

-End-

-CITE-

41 USC Sec. 702
01/08/2008

-EXPCITE-

TITLE 41 - PUBLIC CONTRACTS
CHAPTER 10 - DRUG-FREE WORKPLACE

-HEAD-

Sec. 702. Drug-free workplace requirements for Federal grant recipients

-STATUTE-

- (a) Drug-free workplace requirement
 - (1) Persons other than individuals

No person, other than an individual, shall receive a grant from any Federal agency unless such person agrees to provide a drug-free workplace by -

 - (A) publishing a statement notifying employees that the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violations of such prohibition;
 - (B) establishing a drug-free awareness program to inform employees about -
 - (i) the dangers of drug abuse in the workplace;
 - (ii) the grantee's policy of maintaining a drug-free workplace;
 - (iii) any available drug counseling, rehabilitation, and employee assistance programs; and
 - (iv) the penalties that may be imposed upon employees for

drug abuse violations;

(C) making it a requirement that each employee to be engaged in the performance of such grant be given a copy of the statement required by subparagraph (A);

(D) notifying the employee in the statement required by subparagraph (A), that as a condition of employment in such grant, the employee will -

(i) abide by the terms of the statement; and

(ii) notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than 5 days after such conviction;

(E) notifying the granting agency within 10 days after receiving notice of a conviction under subparagraph (D)(ii) from an employee or otherwise receiving actual notice of such conviction;

(F) imposing a sanction on, or requiring the satisfactory participation in a drug abuse assistance or rehabilitation program by, any employee who is so convicted, as required by section 703 of this title; and

(G) making a good faith effort to continue to maintain a drug-free workplace through implementation of subparagraphs (A), (B), (C), (D), (E), and (F).

(2) Individuals

No Federal agency shall make a grant to any individual unless such individual agrees as a condition of such grant that the individual will not engage in the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance in conducting any activity with such grant.

(b) Suspension, termination, or debarment of grantee

(1) Grounds for suspension, termination, or debarment

Each grant awarded by a Federal agency shall be subject to suspension of payments under the grant or termination of the grant, or both, and the grantee thereunder shall be subject to suspension or debarment, in accordance with the requirements of this section if the agency head of the granting agency or his official designee determines, in writing, that -

(A) the grantee violates the requirements of subparagraph (A), (B), (C), (D), (E), (F), or (G) of subsection (a)(1) of this section; or

(B) such a number of employees of such grantee have been convicted of violations of criminal drug statutes for violations occurring in the workplace as to indicate that the grantee has failed to make a good faith effort to provide a drug-free workplace as required by subsection (a)(1) of this section.

(2) Conduct of suspension, termination, and debarment proceedings

A suspension of payments, termination, or suspension or debarment proceeding subject to this subsection shall be conducted in accordance with applicable law, including Executive Order 12549 or any superseding Executive order and any regulations promulgated to implement such law or Executive order.

(3) Effect of debarment

Upon issuance of any final decision under this subsection requiring debarment of a grantee, such grantee shall be

ineligible for award of any grant from any Federal agency and for participation in any future grant from any Federal agency for a period specified in the decision, not to exceed 5 years.

-SOURCE-

(Pub. L. 100-690, title V, Sec. 5153, Nov. 18, 1988, 102 Stat. 4306; Pub. L. 105-85, div. A, title VIII, Sec. 809, Nov. 18, 1997, 111 Stat. 1838.)

-REFTEXT-

REFERENCES IN TEXT

Executive Order 12549, referred to in subsec. (b)(2), is set out as a note under section 6101 of Title 31, Money and Finance.

-MISC1-

AMENDMENTS

1997 - Subsec. (a)(1). Pub. L. 105-85, Sec. 809(1)(A), substituted "agrees to" for "has certified to the granting agency that it will" in introductory provisions.

Subsec. (a)(2). Pub. L. 105-85, Sec. 809(1)(B), substituted "agrees" for "certifies to the agency".

Subsec. (b)(1)(A). Pub. L. 105-85, Sec. 809(2)(C), struck out "such certification by failing to carry out" after "violates".

Pub. L. 105-85, Sec. 809(2)(A), (B), redesignated subpar. (B) as (A) and struck out former subpar. (A) which read as follows: "the grantee has made a false certification under subsection (a) of this section;".

Subsec. (b)(1)(B), (C). Pub. L. 105-85, Sec. 809(2)(B), redesignated subpars. (B) and (C) as (A) and (B), respectively.

EFFECTIVE DATE

Section effective 120 days after Nov. 18, 1988, see section 5160 of Pub. L. 100-690, set out as a note under section 701 of this title.

-End-

-CITE-

41 USC Sec. 703
01/08/2008

-EXPCITE-

TITLE 41 - PUBLIC CONTRACTS
CHAPTER 10 - DRUG-FREE WORKPLACE

-HEAD-

Sec. 703. Employee sanctions and remedies

-STATUTE-

A grantee or contractor shall, within 30 days after receiving notice from an employee of a conviction pursuant to section 701(a)(1)(D)(ii) or 702(a)(1)(D)(ii) of this title -

(1) take appropriate personnel action against such employee up to and including termination; or

(2) require such employee to satisfactorily participate in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency.

-SOURCE-

(Pub. L. 100-690, title V, Sec. 5154, Nov. 18, 1988, 102 Stat. 4307.)

-End-

-CITE-

41 USC Sec. 704
01/08/2008

-EXPCITE-

TITLE 41 - PUBLIC CONTRACTS
CHAPTER 10 - DRUG-FREE WORKPLACE

-HEAD-

Sec. 704. Waiver

-STATUTE-

(a) In general

A termination, suspension of payments, or suspension or debarment under this chapter may be waived by the head of an agency with respect to a particular contract or grant if -

(1) in the case of a waiver with respect to a contract, the head of the agency determines under section 701(b)(1) of this title, after the issuance of a final determination under such section, that suspension of payments, or termination of the contract, or suspension or debarment of the contractor, or refusal to permit a person to be treated as a responsible source for a contract, as the case may be, would severely disrupt the operation of such agency to the detriment of the Federal Government or the general public; or

(2) in the case of a waiver with respect to a grant, the head of the agency determines that suspension of payments, termination of the grant, or suspension or debarment of the grantee would not be in the public interest.

(b) Exclusive authority

The authority of the head of an agency under this section to waive a termination, suspension, or debarment shall not be delegated.

-SOURCE-

(Pub. L. 100-690, title V, Sec. 5155, Nov. 18, 1988, 102 Stat. 4307.)

-End-

-CITE-

41 USC Sec. 705
01/08/2008

-EXPCITE-

TITLE 41 - PUBLIC CONTRACTS
CHAPTER 10 - DRUG-FREE WORKPLACE

-HEAD-

Sec. 705. Regulations

-STATUTE-

Not later than 90 days after November 18, 1988, the governmentwide regulations governing actions under this chapter shall be issued pursuant to the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.).

-SOURCE-

(Pub. L. 100-690, title V, Sec. 5156, Nov. 18, 1988, 102 Stat. 4308.)

-REFTEXT-

REFERENCES IN TEXT

The Office of Federal Procurement Policy Act, referred to in text, is Pub. L. 93-400, Aug. 30, 1974, 88 Stat. 796, as amended, which is classified principally to chapter 7 (Sec. 401 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 401 of this title and Tables.

-End-

-CITE-

41 USC Sec. 706
01/08/2008

-EXPCITE-

TITLE 41 - PUBLIC CONTRACTS
CHAPTER 10 - DRUG-FREE WORKPLACE

-HEAD-

Sec. 706. Definitions

-STATUTE-

For purposes of this chapter -

(1) the term "drug-free workplace" means a site for the performance of work done in connection with a specific grant or contract described in section 701 or 702 of this title of an entity at which employees of such entity are prohibited from engaging in the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance in accordance with the requirements of this Act;

(2) the term "employee" means the employee of a grantee or contractor directly engaged in the performance of work pursuant to the provisions of the grant or contract described in section 701 or 702 of this title;

(3) the term "controlled substance" means a controlled substance in schedules I through V of section 812 of title 21;

(4) the term "conviction" means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes;

(5) the term "criminal drug statute" means a criminal statute involving manufacture, distribution, dispensation, use, or possession of any controlled substance;

(6) the term "grantee" means the department, division, or other unit of a person responsible for the performance under the grant;

(7) the term "contractor" means the department, division, or other unit of a person responsible for the performance under the contract; and

(8) the term "Federal agency" means an agency as that term is defined in section 552(f) of title 5.

-SOURCE-

(Pub. L. 100-690, title V, Sec. 5157, Nov. 18, 1988, 102 Stat. 4308.)

-REFTEXT-

REFERENCES IN TEXT

This Act, referred to in par. (1), is Pub. L. 100-690, Nov. 18, 1988, 102 Stat. 4181, known as the Anti-Drug Abuse Act of 1988. For complete classification of this Act to the Code, see Short Title note set out under former section 1501 of Title 21, Food and Drugs, and Tables.

-End-

-CITE-

41 USC Sec. 707
01/08/2008

-EXPCITE-

TITLE 41 - PUBLIC CONTRACTS
CHAPTER 10 - DRUG-FREE WORKPLACE

-HEAD-

Sec. 707. Construction of chapter

-STATUTE-

Nothing in this chapter shall be construed to require law enforcement agencies, if the head of the agency determines it would be inappropriate in connection with the agency's undercover operations, to comply with the provisions of this chapter.

-SOURCE-

(Pub. L. 100-690, title V, Sec. 5158, Nov. 18, 1988, 102 Stat. 4308.)

-End-

CHAPTER 1.00 – PHILOSOPHY

SYSTEM PHILOSOPHY, PURPOSE AND DIRECTION

1.10

St. Clair County Board of Education shall maintain and communicate a purpose and direction that commits to high expectations for learning as well as shared values and beliefs about teaching and learning to all stakeholders. The purpose will clearly focus on student success.

St. Clair County Board of Education will engage in a systematic, inclusive and comprehensive process to review, revise and communicate a system-wide purpose for student success including participation from all stakeholder groups. The process will be implemented on a regular schedule, clearly documented and a record of the use and results of the process will be communicated to all stakeholders.

St. Clair County Board of Education shall ensure that each school engages in a systematic, inclusive and comprehensive process to review, revise and communicate a system-wide purpose for student success including participation from all stakeholder groups.

District's Slogan: "Preparing Tomorrow's Leaders Today"

REFERENCE(S):

CODE OF ALABAMA

[16-8-8](#)

HISTORY:

ADOPTED: FEBRUARY 22, 2010
REVISED: JULY 1, 2010, JANUARY 25, 2016
FORMERLY: NEW

CHAPTER 1.00 – PHILOSOPHY

SYSTEM LEGAL STATUS

1.12

The St. Clair County School System derives its legal status from the State Legislature which, in turn, is subject to the Constitutions of both the State of Alabama and the United States. Amendment III to the Alabama Constitution provides that the legislature may by law provide for or authorize the establishment and operation of schools.

The St. Clair County School System is, therefore, under the exclusive control and management of the St. Clair County Board of Education as prescribed above, and shall be operated in accordance with constitutional and statutory law.

The corporate name of this school system shall be the St. Clair County Board of Education, and it conducts its business at 410 Roy Drive, Ashville, Alabama 35953.

REFERENCE(S):

CODE OF ALABAMA
[16-8-8](#), [16-8-9](#)
ALABAMA CONSTITUTION of 1901, AMENDMENT III

HISTORY:

ADOPTED: OCTOBER 21, 1996
REVISED: AUGUST 18, 2003; FEBRUARY 22, 2010
FORMERLY: AA, AB, ABA

CHAPTER 2.00 - SCHOOL BOARD GOVERNANCE AND ORGANIZATION

SCOPE OF THE SCHOOL SYSTEM

2.10

The St. Clair County Board of Education is the governing body of the system and is responsible for the control, operation, organization, management, and administration of public schools in the system pursuant to the provisions and standards prescribed by Alabama statutes and State Board of Education rules. As members of an instrumentality created by the state, the St. Clair Board of Education members are officers of the state, but they have only local jurisdiction.

The St. Clair County Board of Education is the agency through which the county acts in regard to school matters. The board members have authority only when functioning as a body or group in legally called regular or special meetings. The powers of the St. Clair County Board of Education are delegated only to the Board as a body. No authority is granted to members acting as individuals.

The St. Clair County Board of Education is cognizant that all actions must be taken in good faith, with reasonable prudence, sincerity and based on the belief that such actions are correct and in the best interest of the St. Clair County School System in accordance with statutes and pertinent judicial precedents. The Board shall have the authority to determine and establish written educational policy for the school system and shall prescribe such rules and regulations for the conduct and management of the schools as deemed necessary.

REFERENCE(S):

**CODE OF ALABAMA
16-8-8, 16-8-9
ALABAMA CONSTITUTION OF 1901, §256, AMENDMENT III**

HISTORY:

**ADOPTED: OCTOBER 21, 1996
REVISED: AUGUST 18, 2003; FEBRUARY 22, 2010
FORMERLY: AB, ABA**

CHAPTER 2.00 - SCHOOL BOARD GOVERNANCE AND ORGANIZATION

QUALIFICATIONS OF BOARD MEMBERS

2.11

Many desirable characteristics are needed to be a St. Clair County Board of Education member, such as a willingness to give time and effort; a belief in the spirit and need for public education; the ability to motivate other people; the capacity to understand people; the insight which is needed to work as a part of a cooperative body; and a devotion to the concept of a better society through education.

To become one of the seven (7) members of the St. Clair County Board of Education elected to serve six (6) year terms, the following criteria must be met:

- I. The individual must be a qualified elector of St. Clair County, Alabama;
- II. The individual shall not be employed by the St. Clair County School System;
- III. The individual must be of good moral character;
- IV. The individual must have at least an elementary education;
- V. The individual must be known for his/her honesty, business ability, public spirit, and interest in the good of public education;
- VI. A candidate for election as a district member of the Board shall be a resident of the single-member district which he or she seeks to represent for at least ninety (90) consecutive days immediately preceding the deadline date for qualifying as a candidate, and shall reside in that district during the entire term of office;
- VII. A candidate for election as an at-large member of the Board shall be a resident of the county for at least ninety (90) consecutive days immediately preceding the deadline for qualifying as a candidate, and shall reside in the county during the entire term of office.
- VIII. The individual must have no direct or indirect financial or contractual interest in St. Clair County Board of Education business matters.

REFERENCE(S):

CODE OF ALABAMA
[16-8-1 to -2](#), [16-8-6](#), [16-8-8 to -9](#), [36-25-1 to -14](#)
ALABAMA CONSTITUTION OF 1901 ARTICLE VII, 173-175

HISTORY:

ADOPTED: OCTOBER 21, 1996
REVISED: AUGUST 18, 2003; FEBRUARY 22, 2010
FORMERLY: ABC, BBBA

CHAPTER 2.00 - SCHOOL BOARD GOVERNANCE AND ORGANIZATION

BOARD ORIENTATION, TRAINING AND EVALUATION

2.12

St. Clair Board of Education members will pursue ongoing training to develop and enhance their knowledge and effectiveness as Board members and to improve Board governance and operations. Training will include participation in:

- a. Orientation for newly elected or appointed Board members;
- b. Training or consulting workshop for the local Board as a whole;
- c. State or national school board association event addressing Board governance or operation, or other Board member development opportunities relating to leadership development, Board governance, or Board operations.

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

The Superintendent shall include an amount in each proposed annual budget to cover expenses to support the participation of the Board in activities and programs conducted by the State and other organizations as the Board chooses. Board member travel outside of the state of Alabama must be approved in advance by the St. Clair County Board of Education in order for a member to receive reimbursement.

The St. Clair County Board of Education may maintain membership in the Alabama Association of School Boards. Board members shall participate when possible in AASB development opportunities and training programs.

The Board may conduct an annual evaluation that includes development of a list of recommended improvements in knowledge and skills of Board members.

REFERENCE(S):

CODE OF ALABAMA
[16-1-6](#), [16-8-8](#)
LEGISLATIVE ACTS 2009-229 and 2009-297

HISTORY:

ADOPTED: JULY 13, 1998
REVISED: AUGUST 18, 2003; FEBRUARY 22, 2010
FORMERLY: BBBB, BBBC

CHAPTER 2.00 - SCHOOL BOARD GOVERNANCE AND ORGANIZATION

TERMS OF BOARD MEMBERS

2.13

Members of the St. Clair County Board of Education shall be elected for six (6) year terms by the qualified electors of St. Clair County. Members of the Board shall hold office until their successors have been elected and qualified. Before exercising any authority or performing any duties as a member of the St. Clair County Board of Education, each member thereof shall qualify by taking and subscribing to the oath of office prescribed by Article XVI of the Alabama Constitution, the certificate whereof shall be filed in the office of the Judge of Probate of St. Clair County.

Vacancies of St. Clair County Board of Education positions shall be filled according to legal procedures including:

I. Filling of an Unexpired Term

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

II. Resignation of Board Members

- A. St. Clair County Board of Education members may submit resignations at any time during their term of office. Such resignations are subject to Board approval.
- B. In the event a Board member chooses to resign, a written statement of resignation should be submitted to the St. Clair County Board of Education as far in advance of the effective date of resignation as possible.
- C. A Board member shall be considered resigned when he/she permanently establishes residence outside the district he/she was elected to represent, outside the area served by the St. Clair County School System, outside St. Clair County, becomes subject to the authority of the Board as an employee other otherwise, or becomes an elected official for another governmental agency.

CHAPTER 2.00 - SCHOOL BOARD GOVERNANCE AND ORGANIZATION

III. Removal from office

- A. Members of the St. Clair County Board of Education are officers of the State and may be removed from office only through impeachment proceedings in Circuit Court or other court of like jurisdiction as stipulated in the Alabama Constitution of 1901.
- B. Causes for impeachment of any Board member shall be those applicable to all public officers, namely:
 - 1. willful neglect of duty;
 - 2. corruption in office;
 - 3. incompetence;
 - 4. intemperance in the use of intoxicating liquors or narcotics to such an extent that it renders the officer unfit to discharge duties of the office; or
 - 5. any offense involving moral turpitude while in office, or connected therewith.

REFERENCE(S):

CODE OF ALABAMA
[16-8-8 to -9](#), [16-8-6](#), [16-8-2](#), [41-16-60](#), [36-9-1](#), [36-25-1 to -14](#)
LEGISLATIVE ACT 2001-507
ALABAMA CONSTITUTION OF 1901, VII, 173-175

HISTORY:

ADOPTED: OCTOBER 21, 1996
REVISED: AUGUST 18, 2003; FEBRUARY 22, 2010
FORMERLY: ABC, BBBA

CHAPTER 2.00 - SCHOOL BOARD GOVERNANCE AND ORGANIZATION

BOARD RESPONSIBILITIES, AUTHORITY AND ETHICS

2.20

- I. The St. Clair County Board of Education is responsible for the organization and control of the public schools of the system and is empowered to determine the policies necessary for the effective operation and general improvement of the school system. The Board is a public corporate entity and may take action only when the Board is meeting in official public session and a quorum is present. The St. Clair County Board of Education shall limit its action to establishing policy and to meeting the requirements prescribed by federal and state law and rules of the State Board of Education. Individual members of the St. Clair County Board of Education have authority to take official action only when sitting as a member of the Board in public session, except when the Board specifically authorizes the member to act. The St. Clair County Board of Education shall not be bound in any way by any action on the part of an individual Board member or an employee, except when such statement or action is in compliance with the public action of the St. Clair County Board of Education.
- II. The specific duties of the Board shall include, but not be limited to the following:
 - A. To approve policies relating to the operation of the public schools;
 - B. To adopt the annual budget and approve expenditures of funds as recommended by the Superintendent;
 - C. To monitor the financial status of the system;
 - D. To appoint principals and other St. Clair County School System employees upon the written recommendation of the Superintendent;
 - E. To determine or approve salary schedules and other personnel policies;
 - F. To consider reports of the Superintendent on the progress of the schools and advise him/her on recommended changes in educational programs;
 - G. To adopt plans for structural improvements and construction of new facilities and determine the means to finance them; and
 - H. To inform the citizens of the community and the Legislature of the needs of the schools.
- III. The duties and obligations of an individual St. Clair County Board of Education member shall include, but not be limited to the following:
 - A. To attend all meetings;

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- B. To become familiar with selected federal and state school laws, State Department of Education rules and regulations, and local Board policies, rules and regulations;
 - C. To assist in establishing the highest goals and objectives for the St. Clair County School System which realistically can be achieved;
 - D. To vote and act in the Board meetings for the total good of the school system;
 - E. To accept the will of the majority vote and give support to the resultant policy;
 - F. To represent the St. Clair County Board of Education in such a way as to promote public interest in and support for Board-related activities;
 - G. To refer complaints and inquiries to the proper school authorities and to abstain from individual counsel and action;
 - H. To recognize that candid discussions based on objective rationale are vital to the ultimate success of the school system;
 - I. To comply with statutory requirements, state and St. Clair County Board of Education policies, and regulations of duly authorized administrative agencies;
 - J. To act ethically in all matters at all times, thereby representing the school system to the best of one's ability; and
 - K. To receive no financial interest or personal benefit, either directly or indirectly, in the purchase of or contract for real or personal property or contractual service with the St. Clair County Board of Education.
- IV. The St. Clair County Board of Education may maintain membership in the Alabama Association of School Boards.
- V. The St. Clair County Board of Education adopts for its members the following Code of Ethics:

As a member of the St. Clair County Board of Education, I will strive to improve public education, and to that end I will:

- A. Attend all regularly scheduled Board meetings, insofar as possible, and become informed concerning the issues to be considered at those meetings;
- B. Recognize that I should endeavor to make policy decisions only after full discussion at publicly held Board meetings;
- C. Render all decisions based on the available facts and by independent judgment and refuse to surrender that judgment to any individual or special interest group;

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- D. Encourage the free expression of opinion by all Board members and seek systematic communication among the Board and students, staff, and all elements of the community;
- E. Work with other Board members to establish effective Board policies and to delegate authority for the administration of the St. Clair County schools to the Superintendent;
- F. Communicate to other Board members and the Superintendent expressions of public reaction to Board policies and school programs;
- G. Inform myself about the current educational issues by individual study and through participation in programs providing needed information, such as those sponsored by my state and national school boards association;
- H. Support the employment of those persons best qualified to serve as school staff and insist on a regular and impartial evaluation of all staff;
- I. Avoid being placed in a position of conflict of interest and refrain from using my St. Clair County Board of Education position for personal or partisan gain;
- J. Take no private action that will compromise the Board or administration and respect the confidentiality of information that is privileged under applicable law; and
- K. Remember always that my first and greatest concern must be the educational welfare of the students attending the St. Clair County School System public schools.

REFERENCE(S):

CODE OF ALABAMA
[16-8-1 to -12.1](#), [16-8-8 to -10](#), [36-25-1](#),
[36-25A-1 to -11](#), [41-16-50](#), [41-16-57](#)
ALABAMA OPEN MEETINGS ACT

HISTORY:

ADOPTED: OCTOBER 21, 1996
REVISED: AUGUST 18, 2003; FEBRUARY 22, 2010
FORMERLY: ABB, BBBA

CHAPTER 2.00 - SCHOOL BOARD GOVERNANCE AND ORGANIZATION

ORGANIZATION AND OFFICERS OF THE BOARD

2.21

- I. The St. Clair County Board of Education shall elect, at its annual meeting in November of each year, one of its members as President and one as Vice-President. The President shall preside at all meetings of the Board and shall call special meetings when circumstances require such meetings.
- II. The President shall sign, with the Superintendent, the minutes and other official documents which require the signature of the President. He/she shall perform other duties as prescribed by law or specified in the policies of the St. Clair County School System.
- III. The President shall preside at all School Board meetings and perform such other duties as may be prescribed by law or by action of the School Board. The Vice-President shall preside in the absence of the President and shall perform such other duties of the President as required by circumstances.
- IV. If the President and Vice-President are absent from a meeting at which a quorum is present, the ranking member present in terms of continuous service on the St. Clair County Board of Education shall preside.
- V. The Superintendent, as provided by law, shall be the secretary and executive officer of the School Board.

REFERENCE(S):

CODE OF ALABAMA
[16-8-1](#), [16-8-6](#), [16-8-7](#), [16-9-1](#)

HISTORY:

ADOPTED: JULY 13, 1998
REVISED: AUGUST 18, 2003; FEBRUARY 22, 2010
FORMERLY: BB, BBA

CHAPTER 2.00 - SCHOOL BOARD GOVERNANCE AND ORGANIZATION

BOARD MEETINGS

2.22

All St. Clair County Board of Education meetings shall be open to the public, and all informal meetings and conferences involving Board members shall be conducted as public meetings unless specifically exempted by Alabama Statutes. The St. Clair County Board of Education may take no official action at any time other than an official meeting.

- I. Regular St. Clair County Board of Education meetings shall be established at the organizational meeting held in November. The regular meeting date may be changed by Board action at any previous meeting or at the direction of the Superintendent and/or Board President, provided that each member is notified. When a meeting date is changed, the Superintendent shall take appropriate action to inform the public.
- II. Regular, special, and emergency meetings of the St. Clair County Board of Education shall be held in the regular Board meeting room, unless changed in the manner prescribed herein. Regular meetings are scheduled on the third (3rd) Monday of each month at 6:00 pm at the Board office.

Any regular or special meeting may be held at any other appropriate public place within the system by giving prior public notice.

- III. Notice and a preliminary agenda for all meetings of the St. Clair County Board of Education shall be posted convenient for public viewing as required by law. Meeting notice deadlines as legally prescribed are as follows:

- Regular meeting – seven (7) days' notice
- Special meeting – one (1) day notice
- Emergency meeting – one (1) hour notice

The notice shall include the time, date, and place of the meeting. If a preliminary agenda is not created, a general description of the nature and purpose of the meeting shall be stated.

- IV. Members of the St. Clair County Board of Education shall receive any and all materials or supplemental information which the Superintendent considers important to clarify, broaden, and/or help increase understanding of the school system's business matters for which Board members are duly responsible. The Superintendent shall be responsible for the distribution of all material.
- V. Any item to be placed on the agenda of a regular St. Clair County Board of Education meeting shall be submitted in writing to the Superintendent's office no later than 2:00 p.m. on the Wednesday before the next scheduled Monday meeting. This rule shall not preclude the right of any citizen to address the St. Clair County Board of Education; however, except for good cause as provided herein, the Board of Education shall not take action on any substantive proposal until such matter has been formally placed on the Board agenda. An individual or representative of a delegation addressing the Board must adhere to a time allotment as specified by the Board President. Copies of the tentative agenda for regular meetings shall be made available prior to the scheduled meeting. Copies of the agenda for a special meeting shall be prepared.

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A majority vote of the Board shall be required to place an item on the agenda that has not been previously submitted in writing. However, substantive action on such a matter shall not be taken until sufficient consideration and/or investigation by the Board has been accomplished.

- VI. All St. Clair County Board of Education meetings shall be conducted in accordance with the latest edition of *Robert's Rules of Order, Newly Revised*, with the exception that the President may discuss and vote on all matters before the Board. A majority of the Board shall constitute a quorum for the transaction of business. An official act of the Board shall require four (4) votes of the total membership.
- VI. The Board encourages citizen participation at meetings for the purpose of communicating matters important to the improvement of the school district. The President or presiding officer shall be able to regulate and control public participation. Any concerns or complaints about Board actions or operations may be addressed directly to the Board by written request for the matter to be placed on the agenda as described in section V. Comments involving specific concerns related to instruction, discipline, or learning materials are to be addressed at specified levels in the following order:
 - A. Teacher
 - B. Designated building-level employee, if applicable (athletic director, counselor, assistant principal, etc.)
 - C. Principal
 - D. Designated Central Office Staff Member, as determined by the Superintendent
 - E. Superintendent
 - F. Board of Education

Complaints about school personnel will be investigated by the administration prior to any consideration or actions by the Board. At no time, however, shall the remarks of any person be focused as a personal attack. If such an attack occurs, the President or presiding officer of the Board shall proceed to terminate the citizen's time on the agenda.

- VII. A majority shall constitute a quorum for any St. Clair County Board of Education meeting. Unless a majority is present, no meeting can be convened.
- VIII. The official minutes of the St. Clair County Board of Education shall be kept as prescribed by Alabama statutes. The minutes shall be kept in a safe place by the Superintendent and shall be made available by the Superintendent during the time the office is open to any citizen desiring to examine the minutes.

Only motions, resolutions and the necessary information related thereto: the name of the person making the motion or submitting the resolution; the name of the person who seconds the motion; and the vote or action thereon must be recorded. Other relevant information as determined by the Superintendent may be recorded.

CHAPTER 2.00 - SCHOOL BOARD GOVERNANCE AND ORGANIZATION

- IX. The St. Clair County Board of Education may vote in a legally called meeting and, upon approval of the majority of the whole Board, may hold executive sessions for specific purposes as provided by law. Executive sessions shall be attended only by members of the St. Clair County Board of Education, the Superintendent, counsel if necessary, and persons necessary to ensure due process for the individual discussion. All matters discussed by the Board in executive session shall be regarded as confidential by all persons in attendance and shall not be divulged to the public. No minutes shall be kept of executive session discussions. Nothing having the effect of regulation, policy or official action of any kind shall be decided in executive session.
- X. There shall be no representation by proxy of any St. Clair County Board of Education member.

REFERENCE(S):

CODE OF ALABAMA
[16-8-7 to -9, 36-12-2, 36-12-40, 16-8-4](#)
ALABAMA OPEN MEETINGS ACT [36-25A-1 TO -11](#)

HISTORY:

ADOPTED: JULY 13, 1998
REVISED: AUGUST 18, 2003; FEBRUARY 22, 2010
FORMERLY: BCBB, BCBE, BCBF, BCBG, BCBH, BCBI, BCBJ

CHAPTER 2.00 - SCHOOL BOARD GOVERNANCE AND ORGANIZATION

SCHOOL BOARD POLICY

2.23

- I. The St. Clair County Board of Education shall formulate policies by which its schools shall be managed.
- II. No St. Clair County Board of Education policy shall be construed to create or confer any contractual right, property right, entitlement of, expectancy of, or other legal cognizable interest in employment or continuing employment. Nothing in any policy shall be construed to create or grant employment rights greater than or in addition to those expressed in law or written contract.
- III. Before adopting written policies, the Board shall directly or indirectly through the Superintendent, consult with the local employees' professional organization whose parent organization represents the majority of school employees statewide. Input by the applicable professional organization shall be made in writing to the Superintendent. The Superintendent may also consult professional assistants, principals, employees and interested citizens. All policies shall be made available to all persons affected and employed by the St. Clair County Board of Education.
- IV. Policy Dissemination
 - A. Board policies and administrative rules and regulations shall also be made accessible to all members of the St. Clair County Board of Education, students and members of the community served by the school system.
 - B. Any amendments to the policies, rules and regulations of the St. Clair County Board of Education shall be furnished to the affected persons employed by the Board.
- V. Policy Suspension

All policies established at any time by the St. Clair County Board of Education are implemented with the expectation that they will apply under routine circumstances. No policy is intended to restrict the Board's general authority to exercise all powers necessary and proper for the administration and management of the schools. Therefore, whenever in the Board's opinion it would be in the best interest of the system to suspend one or more policies, the Board may acknowledge that fact, suspend the application of the policies, and take whatever action it deems appropriate. Any such action taken by the Board under this policy shall not be a violation of any suspended policy, provided the minutes of the Board reflect the Board's determination that the best interest of the system justified the suspension of the policy.
- VI. Administration in the Absence of Policy

The Superintendent shall have the power to act in cases where the Board has not provided policy statements to guide administrative action. However, his/her decisions

CHAPTER 2.00 - SCHOOL BOARD GOVERNANCE AND ORGANIZATION

shall be subject to review of the Board. It shall be the duty of the Superintendent to inform the Board promptly of such action and of the need for policy.

REFERENCE(S):

CODE OF ALABAMA
[16-1-30](#), [16-8-1](#), [16-8-7 to -10](#), AAC §290-3-1-.02

HISTORY:

ADOPTED: OCTOBER 21, 1996
REVISED: AUGUST 18, 2003; FEBRUARY 22, 2010
FORMERLY: ABB, BBBA

CHAPTER 2.00 – SCHOOL BOARD GOVERNANCE AND ORGANIZATION

BOARD MEMBER COMPENSATION

2.24

- I. St. Clair County Board of Education members are authorized to receive reasonable compensation for their services, not to exceed \$600 per month, unless set at a higher limit by local act.
- II. The St. Clair County Board of Education shall set the level of compensation to be received by Board members upon a majority vote of the Board at its organizational meeting in November. Any increase in compensation approved by the Board shall take effect following the expiration of the next member's term of office.
- III. The compensation identified herein shall be in addition to actual travel expenses and other necessary, sensible expenses incurred in attending meetings and transacting business of the Board.

REFERENCE(S):

CODE OF ALABAMA
[16-1-26](#)
ALABAMA CONSTITUTION ARTICLE IV, SECTION 68
LEGISLATIVE ACT 2000-123

HISTORY:

ADOPTED: NOVEMBER 6, 2000
REVISED: AUGUST 18, 2003; FEBRUARY 22, 2010
FORMERLY: BBBE, DJD

CHAPTER 2.00 - SCHOOL BOARD GOVERNANCE AND ORGANIZATION

SCHOOL IMPROVEMENT AND EDUCATION ACCOUNTABILITY 2.25

The St. Clair County Board of Education shall be responsible for school and student performance and for developing, approving, implementing, and maintaining a system of school improvement and education accountability pursuant to Alabama statutes and State Board of Education rules. The system shall establish the individual school as the unit for education accountability and shall conform with the provisions of planning and budgeting as required by Alabama statutes. School as used herein shall include each school-within-a-school, magnet school, self-contained educational alternative center, and satellite center.

Each system school shall develop and present to the Superintendent or his/her designee, by the date set by the Superintendent, an individual Continuous Improvement Plan for consideration by the St. Clair County Board of Education. The approved plan shall be implemented the next school year.

- I. The plan shall be designed to achieve the state education goals and student performance standards and shall be based on a needs assessment conducted pursuant to data collection requirements in Alabama statutes.
- II. The plan shall address school progress, goals, indicators of student progress, strategies, and evaluation procedures, including adequate measures of individual student performance. Plans shall also address professional development, school culture and climate improvement strategies, and may include school safety, attendance, and/or discipline goals.
- III. The plan for each school shall be approved annually and shall be implemented as a new, amended, or continued school improvement plan.
- IV. The plan shall be developed by St. Clair County Board of Education employees in each school in conjunction with an advisory council.
- VI. The system process for initial approval and subsequent annual approval of St. Clair County School System Continuous Improvement Plans shall provide for each Continuous Improvement Plan to be reviewed and approved or disapproved by the Superintendent or his/her designee, unless a school is designated "in school improvement" year 1 or greater. Then the Continuous Improvement Plan must be approved or disapproved by the St. Clair County Board of Education.

REFERENCE(S):

CODE OF ALABAMA
[16-6B-3](#), [16-6B-7](#), [16-8-8](#), AAC §290-4-1-.01

HISTORY:

ADOPTED: FEBRUARY 22, 2010
REVISED: _____
FORMERLY: NEW

CHAPTER 2.00 - SCHOOL BOARD GOVERNANCE AND ORGANIZATION

SPECIAL COMMITTEES OF THE SCHOOL BOARD

2.26

- I. No standing committees of the St. Clair County Board of Education shall be authorized.
- II. Special committees may be appointed by the St. Clair County Board of Education President when deemed necessary. The duties of any such committee shall be outlined at the time of appointment. The committee shall be automatically dissolved when the Board accepts the committee's final report. Each St. Clair County Board of Education member shall be notified of all committee meetings but shall have no vote unless the member is serving as a committee member. All meetings of Board committees shall be open to the public. The Board may disband a committee at its discretion. The Board President and Superintendent of Education shall be ex-officio members of all committees.
- III. Special committees or individuals who serve on special committees shall take no action which is binding upon the St. Clair County Board of Education.

REFERENCE(S):

CODE OF ALABAMA
[16-8-6](#), [16-8-7](#), [16-8-8](#)

HISTORY:

ADOPTED: JULY 13, 1998
REVISED: AUGUST 18, 2003; FEBRUARY 22, 2010
FORMERLY: BB

CHAPTER 2.00 - SCHOOL BOARD GOVERNANCE AND ORGANIZATION

LEGAL COUNSEL – BOARD

2.30

The St. Clair County Board of Education attorney, obtained from outside the Board's membership, shall act as legal advisor to the St. Clair County Board of Education and the Superintendent. When approved by the Board, special counsel may be retained to assist in any litigation or other matter. The services of legal counsel may be secured at Board expense without competitive bid. The Board shall establish terms of such service.

REFERENCE(S):

CODE OF ALABAMA

[16-8-8](#), [41-16-51\(a\)\(3\)](#)

HISTORY:

ADOPTED: JULY 13, 1998

REVISED: AUGUST 18, 2003; FEBRUARY 22, 2010

FORMERLY: BBE

CHAPTER 2.00 - SCHOOL BOARD GOVERNANCE AND ORGANIZATION

BOARD AND SUPERINTENDENT RELATIONS

2.31

The operation of a public school system is a complex undertaking. Important to success is the quality of relationship that exists between the Board and the Superintendent and his/her staff. In some cases the duties and prerogatives of each can be clearly defined; while in others, functions necessarily overlap. Often complicated questions which cannot be anticipated will arise; faith, understanding, and patience are essential to teamwork. Advance knowledge that certain codes of conduct and principles will be observed by the Superintendent and board members promotes confidence, trust, and provides for understanding and cooperation.

The St. Clair County Board of Education considers the formulation and adoption of policies as its most important function. The execution and implementation of adopted policies shall be the function of the Superintendent.

Delegation by the Board of its executive powers to the Superintendent provides freedom for the Superintendent to manage the schools within the Board's policies and frees the Board to devote its time to policy-making and judicial and evaluative functions.

The Board shall hold the Superintendent responsible for carrying out its policies within established guidelines and for keeping the Board informed about school operations. In an effort to keep the Board informed, the Superintendent shall promptly notify Board members of any happenings of an emergency nature that occur in the schools.

REFERENCE(S):

CODE OF ALABAMA

[16-8-8](#)

HISTORY:

ADOPTED: JULY 13, 1998

REVISED: AUGUST 18, 2003; FEBRUARY 22, 2010

FORMERLY: BBD

CHAPTER 3.00 - SCHOOL ADMINISTRATION

ADMINISTRATIVE ORGANIZATION

3.10

The St. Clair County Board of Education is the policy-forming body of the St. Clair County School System. The Board shall approve all policies in conformance with applicable federal, state, and local statutes and regulations as well as with established judicial decisions.

The Superintendent shall have the responsibility to enforce the policies of the Board and interpret, with assistance of Board counsel as needed, all legal issues which pertain to the operation of the school system. The administration of all facets of operation of the schools shall be the responsibility of the Superintendent, including budgeting and other business affairs, direction of the instructional program, the selection, evaluation and improvement of personnel, and planning and development of the physical plants. The staff organization for effective operation of the schools shall be planned by the Superintendent and submitted to the Board for approval.

The Superintendent shall be the chief executive officer and professional advisor to the Board and shall be responsible directly to the St. Clair County Board of Education. The Superintendent shall be authorized to delegate certain responsibilities for the operation of the school system to respected designees as needed for the efficient and effective operation of the school system. The Superintendent, however, shall be directly accountable to the Board for all results produced at operational levels.

School principals shall be required to supervise and direct the programs in the school of their assignment. Principals shall work under the direction of the Superintendent, to whom they are professionally and administratively responsible.

Teachers and other school-based employees shall be responsible to the building principal and are obligated to abide by established rules and regulations in the performance of their classroom and other assigned duties.

REFERENCE(S):

CODE OF ALABAMA
[16-8-7](#), [16-8-8](#), [16-8-9](#), [16-9-23](#)

HISTORY:

ADOPTED: JUNE 22, 1998
REVISED: SEPTEMBER 15, 2003; FEBRUARY 22, 2010
FORMERLY: CDA, CD, CE

CHAPTER 3.00 –SCHOOL ADMINISTRATION

CALENDAR, LENGTH OF SCHOOL DAY AND YEAR

3.12

The St. Clair County Board of Education shall set the opening of school according to state law and Alabama State Department of Education regulations and shall direct the Superintendent to prepare a yearly calendar for the School System. The School System calendar shall include a yearly schedule of school holidays for students and selected personnel of the School System.

The school calendar shall be established yearly to include at least the minimum number of days or instructional hours required by the Alabama State Department of Education.

The length of the school day and of the school year for students will be in keeping with the intent of State laws and Alabama State Board of Education rules and regulations. They are as follows:

1. School Day – shall not be less than six (6) hours, or 360 minutes, of actual teaching, exclusive of all recesses or intermission periods. Class periods shall be planned to allow for this amount of instructional time.
2. School Year – shall provide for at least the minimum number of hours of instruction required by the State Board of Education and current state law.

The scholastic, or school, year shall begin on July 1 and end on June 30 of the following year. The daily schedule for beginning and closing times may vary from school to school but must meet the minimum instructional hour requirements.

REFERENCE(S):

CODE OF ALABAMA
[16-1-1](#), [16-8-30](#), AAC §290-3-1-.02(2)(a)

HISTORY:

ADOPTED: OCTOBER 21, 1996
REVISED: AUGUST 18, 2003; JUNE 26, 2006; FEBRUARY 22, 2010; AUGUST 4, 2015
FORMERLY: AE, AEA

CHAPTER 3.00 - SCHOOL ADMINISTRATION

SUPERINTENDENT ELECTION

3.13

The voters of St. Clair County shall elect the Superintendent as provided by the laws of the State of Alabama. The Superintendent is a statutory officer as provided by the Constitution and laws of the State of Alabama. As such, he/she has certain authorities and functions which are provided for by law. His/her duties include serving as secretary and executive officer of the St. Clair County Board of Education.

The St. Clair County Board of Education agrees, as a further condition of this elected office it shall defend, hold harmless, and indemnify the Superintendent from any and all demands, claims, suits, actions, and legal proceedings brought against the Superintendent in his/her individual capacity, on his/her official capacity as agent and employee of the School System, provided the incident arose while the Superintendent was acting within the scope of his/her duties.

If in the good faith opinion of the Superintendent, a conflict exists as regards the defense to such claim between the legal position of the Superintendent and the legal position of the School System, the Superintendent may engage counsel in which event the School System shall indemnify the Superintendent for the cost of legal defense.

REFERENCE(S):

CODE OF ALABAMA
[16-9-1](#), [16-8-7](#)

HISTORY:

ADOPTED: OCTOBER 21, 1996
REVISED: AUGUST 18, 2003; FEBRUARY 22, 2010
FORMERLY: ABD, CE

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QUALIFICATIONS OF SUPERINTENDENT

3.20

- I. The Superintendent of the St. Clair County Board of Education shall possess the following qualifications as minimum requirements:
 - A. Hold a Master's degree from an accredited four-year college or university;
 - B. Five (5) years of successful educational experience as a teacher, principal, supervisor, superintendent, educational administrator, or instructor in school administration during the five (5) years immediately preceding his/her election;
 - C. Hold an Alabama certificate in administration and supervision certificate.
- II. Any candidate elected must satisfactorily complete the State Department of Education's training on school finance, education law and curriculum/instruction.

REFERENCE(S):

CODE OF ALABAMA
[16-1-38](#), [16-8-7](#)
LEGISLATIVE ACT 1969-1039

HISTORY:

ADOPTED: JUNE 22, 1998
REVISED: SEPTEMBER 15, 2003; FEBRUARY 22, 2010
FORMERLY: CEA

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CONTRACT OF SUPERINTENDENT

3.21

- I. The St. Clair County Board of Education shall contract with the duly elected Superintendent, subject to such conditions and limitations as are prescribed by law or by contract with the Board. The Superintendent shall be evaluated as prescribed by the Board and according to legislative acts and regulations of the State Department of Education.
- II. The Board shall determine the salary, additional benefits, vacation entitlement and other leave of the Superintendent.

Additional benefits such as health and other forms of insurance, annual vacation, holidays, and temporary and extended leaves and absences shall be at least equal to those granted other professional St. Clair County School System staff members.

The Superintendent will be reimbursed travel costs.

REFERENCE(S):

CODE OF ALABAMA

[16-8-8](#), [16-9-12](#)

HISTORY:

ADOPTED: FEBRUARY 22, 2010

REVISED: _____

FORMERLY: NEW

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DUTIES OF THE SUPERINTENDENT

3.22

The Superintendent shall act as the chief executive officer of the St. Clair County Board of Education. He/She shall have, under the direction and policies of the Board and in accordance with state law and regulations of the State Board of Education, responsibility for the management of the school system and the supervision of all personnel in the system.

The Superintendent shall be authorized to delegate to other employees of the Board such responsibilities imposed on him/her by the Board, as he/she may deem necessary. Delegation of responsibility to other personnel of the system shall not relieve the Superintendent of his/her responsibility for the total operation of the schools.

The general scope of duties of the Superintendent shall include, but not be limited to, the following:

1. Exercise, pursuant to state statutes and under the direction of the Board, general supervision of the public schools in the district.
2. Enforce all provisions of law relating to the management of the schools, and other educational, social, and recreational activities under the direction of the Board of Education.
3. Attend all meetings of and have a seat on the Board of Education; to have the right to speak on all matters but not the right to vote and to bring such matters before the Board as seem to him/her necessary for the general welfare of the schools.
4. Keep abreast of and to keep the Board of Education informed concerning acceptable, modern school practices; and to make such recommendations to the Board as shall lead to the establishment of standards that will assure growth and progress of the school district.
5. Carry out the policies adopted by the Board under such powers as may be delegated by the Board as are necessary to that end.
6. Initiate those matters required of the Superintendent under Alabama law and other applicable rules respecting the duties and responsibilities of the county superintendent.
7. Exercise general supervision over all employees and have the right to nominate, assign, suspend, and transfer all employees. All appointment and transfers are subject to a written recommendation from the Superintendent and the approval of the Board.
8. Suspend any pupil from school whenever, in his/her judgment, the best interests of the schools are served.
9. Assure the proper maintenance of all school district records and the proper distribution of such records to board members, principals, etc.

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10. Plan and administer the budget as enacted by the Board, acting at all times within legal requirements and in accordance with policies of the Board.
11. Represent the school system in community affairs.
12. Perform such official duties as may be prescribed by law or the Board.
13. Develop plans for the maintenance, improvement or expansion of buildings and property needed to provide an adequate educational program.

REFERENCE(S):

CODE OF ALABAMA
[16-9-13 TO -16, 16-9-23](#)

HISTORY:

ADOPTED: JUNE 22, 1998
REVISED: SEPTEMBER 15, 2003; FEBRUARY 22, 2010
FORMERLY: CEB

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OPENING AND CLOSING OF SCHOOLS

3.24

The time set for the official opening and closing of the schools of the St. Clair County School System are fifteen (15) minutes prior to the time students are to report to homeroom/first class and fifteen (15) minutes after the last class period each day. Between these times and throughout the school day, school personnel will be on duty and available to supervise care for students. However, School System personnel should not and are not expected to assume responsibility for students whose parents permit their child(ren) to arrive at school before the time noted above and/or to remain at school after the time noted above.

By presentation of this policy, the Board hereby notifies parent/guardians that school personnel are not available to assume responsibility for students who arrive on a school campus before and remain after the times noted above, except that school personnel shall be on duty to assume responsibility for students transported via School System-owned buses.

REFERENCE(S):

CODE OF ALABAMA

[16-1-1](#), [16-8-8](#)

AAC §290-030-010-06

HISTORY:

ADOPTED: OCTOBER 21, 1996

REVISED: AUGUST 18, 2003; FEBRUARY 22, 2010

FORMERLY: AF

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CARE OF STUDENTS BEFORE AND AFTER SCHOOL

3.24.1

Parents' Responsibilities

Parents/guardians are expected to take responsibility for seeing that their child arrives before the beginning of school and is picked up after the end of school within the time frames noted above. If for any reason parents are not able to comply with the times noted, a conference should be scheduled with the principal to discuss the matter.

Students Not Picked Up Promptly After School

Due to the necessity of having to supervise students closely and the fact that teachers and other school personnel have many responsibilities after the regular school day, parents/guardians must assume the responsibility for picking up their child(ren) promptly after the school day ends. In situations where parents do not abide by the school dismissal schedule and fail to pick up their child(ren) within the specified time frame, the school principal and appropriate personnel shall develop and publish incremental procedures to elicit parent cooperation and compliance, up to and including the instigation of neglect charges against the parent/guardian and notification of law enforcement and/or the Department of Human Services.

Before and After-School Supervision Plan

Each school principal shall develop a plan for supervising students who arrive prior to the time set for the opening of school and for students who remain after the time set for the closing of school. Such plan should incorporate the following minimal requirements:

1. The plan should be written.
2. The plan should direct students arriving early to report immediately to a designated room/location/site, etc. The room/location/site should be properly supervised by an appropriate number of staff members.
3. The plan should direct students remaining on the school premises after school closes for any extended length of time to report to a designated room/location/site, etc.
4. The room/location/site should be supervised by an appropriate number of staff members.

Notification

School principals are hereby directed to give notice to the parents/guardians of all students in their respective school of the content and intent of this policy. The notification shall be given in written form (newsletters, student handbooks, newspaper articles, etc.) at the beginning of each school year. Further, the Board directs that the content and intent of this policy be made a part of the St. Clair County School System's newspaper advertisement at the beginning of each school year.

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Care of Students after School-Sponsored Events

The schools of the St. Clair County School System offer a variety of after-school, extra-curricular activities, which contribute greatly to the total educational experiences of students. Students' involvement in such activities contributes to their physical, mental, social, and emotional growth and development. Events, such as plays, athletic contests, debates, scholars bowl, beauty contests, band presentations, choral groups, etc. are vital components of each school's curriculum. The Board supports and encourages such after-school learning opportunities for students of the School System. However, the Board is also cognizant that such activities necessitate additional work and time on the part of teachers, school administrators, and others to develop and conduct such meaningful extra-curricular events. While the Board encourages parents/guardians to contribute to such school-sponsored events, the Board further encourages parents/guardians to do their part in assisting school personnel by assuming responsibility for their child(ren) promptly after participating in or attending such activities.

Limits of Care: School System's Responsibility

The Board expects that school administrators will assign sponsor and personnel to supervise and monitor before, during, and for up to thirty (30) minutes after all extra-curricular events sponsored by the schools of the School System in order to ensure the safety and well-being of students who must remain on school premises until picked up by their parents/guardians. Further, the Board expects that school administrators will announce to parents/guardians that they are expected to pick up their child(ren) promptly after such events in order to permit school personnel to return to their homes at reasonable hours.

Students Not Picked Up Promptly After School-Sponsored Events

In situations where parents/guardians repeatedly fail to pick up their child(ren) promptly following after-school, extra-curricular activities within the specified time frame, the school principal and appropriate personnel shall develop and publish incremental procedures to elicit parent cooperation and compliance, up to and including the instigation of neglect charges against the parent/guardian and notification of law enforcement and/or the Department of Human Services.

REFERENCE(S):

CODE OF ALABAMA
[16-1-1](#), [16-8-8](#)

HISTORY:

ADOPTED: FEBRUARY 22, 2010
REVISED: _____
FORMERLY: NEW

CHAPTER 3.00 - SCHOOL ADMINISTRATION

EMERGENCIES

3.25

- I. In case of emergency, the Superintendent may close any school or all schools. The members of the St. Clair County Board of Education shall be informed of any event or condition which requires the closing of any school(s) of the system.
- II. In the event of a declared state of emergency, control of pupils shall be retained by school personnel until pupils are released from school or in the case of transported pupils, until the students depart from the school bus.
- III. The school officials shall cooperate with emergency management and Red Cross authorities in the event of a natural or man-made disaster. In the event of a riot or similar condition, the principal shall cooperate with law enforcement.
- IV. The Superintendent or his/her designee shall make public announcements and releases to the media concerning emergency school closings.

REFERENCE(S):

CODE OF ALABAMA
[16-8-8](#), [36-19-10](#), [16-6B-5](#)

HISTORY:

ADOPTED: OCTOBER 21, 1996
REVISED: AUGUST 18, 2003; FEBRUARY 22, 2010
FORMERLY: AFC

CHAPTER 3.00 - SCHOOL ADMINISTRATION

RESPONSIBILITIES OF PRINCIPALS

3.30

The principal is assigned, under supervision of the Superintendent, direct and primary responsibility for his/her school and serves as the administrative and supervisory head of the school. Each principal is responsible for the enforcing of Alabama statutes, State Board of Education rules, St. Clair County Board of Education rules and directives of the Superintendent. Each principal shall carry out all duties as reflected in the Board-adopted job description and state law relating to making advisory recommendations regarding personnel appointment, assignment, evaluation, promotion, transfer and cancellation of contracts.

The principal is the educational leader of the school. He/she should be alert to opportunities to improve the instructional programs, to foster professional growth among the faculty and staff, to work for the best interest of students and faculty, and to maintain good relations with the community.

REFERENCE(S):

CODE OF ALABAMA
[16-8-8](#), [16-24B-4](#)

HISTORY:

ADOPTED: JUNE 22, 1998
REVISED: SEPTEMBER 15, 2003; FEBRUARY 22, 2010
FORMERLY: CS, CDA

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SAFE AND SECURE SCHOOLS

3.40

- I. The St. Clair County Board of Education has as its first obligation to provide a safe, secure, and orderly learning environment in all schools and at all school-sponsored activities.
- II. An orderly environment can only be achieved by developing procedures to control students, personnel, and other persons on school property and attending St. Clair County Board of Education or school-sponsored events or activities. All procedures shall reflect the following provisions:
 - A. No persons other than St. Clair County School System students and employees shall be on a school campus during school hours unless they have been approved by the principal's office.
 - B. A student who is suspended or expelled is not in good standing and is not permitted on the St. Clair County school campus or school grounds.
 - C. Any person on a St. Clair County school campus or school grounds not in accordance with this policy is hereby declared to be a trespasser and shall be asked to leave immediately by any staff member. Each principal shall keep a log of such incidents which shall provide the name of the person asked to leave and other pertinent information. If said person shall again be seen upon the school campus or school grounds, any staff member shall immediately notify a building administrator.
 - D. Individuals who enter St. Clair County School System property, a St. Clair County Board of Education meeting or attend a school-sponsored activity without a legitimate reason and create a disturbance or refuse to leave the property or activity when asked by the Board President, Superintendent or designee, principal or person in charge are subject to criminal penalty as provided in Alabama statutes. The person in charge shall contact appropriate law enforcement officials in cases of disruptive activity or refusal to leave the school property or activity and take appropriate actions to have the offender punished as prescribed by law. The Superintendent shall be notified of any such action at St. Clair County School System schools or school activities.
- III. Emergency Plans
 - A. The Superintendent shall develop and present to the St. Clair County Board of Education for review and approval, appropriate school emergency management and preparedness plans.
 - B. The Superintendent shall establish a uniform format for the development of the schools' emergency management and preparedness plans.

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- C. Each St. Clair County school shall develop and maintain an up-to-date plan based upon the uniform guidelines and including the provisions of Alabama law, State Board of Education rules, and other applicable regulations.

IV. Safety Procedures

- A. School alarms shall be monitored, and malfunctions shall be reported for immediate repair.
- B. Emergency evacuation drills (fire, bomb threat, terrorist, tornado, severe weather, other disaster, and school bus) shall be held in compliance with state requirements. Each St. Clair County School System principal, site administrator or transportation official is responsible for:
 - 1. Developing and posting emergency evacuation routes and procedures;
 - 2. Assigning and training staff members in specific responsibilities to ensure prompt, safe and orderly evacuation and re-entry; and
 - 3. Identifying and reporting hazardous areas requiring corrective measures.

V. Violence Prevention

Training in identification of potentially violent behaviors and the procedures to be implemented shall be provided to personnel of the St. Clair County School System.

VI. Security

- A. The Superintendent shall develop and implement guidelines and procedures for reviewing each school's security provisions.
- B. Each St. Clair County school's emergency plan shall include security provisions including emergency lockdown procedures.
- C. All doors and exits shall remain unlocked from the interior during school hours and shall meet the required codes.
- D. The Superintendent shall require that all state statutes regarding safety, security and discipline are carried out.

REFERENCE(S):

CODE OF ALABAMA
[16-1-24](#), [16-1-24.1](#), [16-6B-5 TO -6](#), [16-8-8](#),
[36-19-10](#), [36-19-11](#)

HISTORY:

ADOPTED: JUNE 21, 1999
REVISED: DECEMBER 15, 2003; FEBRUARY 22, 2010
FORMERLY: EBB

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PROHIBITION OF HARASSMENT

3.43

- I. The St. Clair County Board of Education prohibits harassment against any employee, applicant for employment, student, or student applicant based upon race, color, religion, gender, age, ethnicity, national origin, marital status, disability, political or religious beliefs, or social and family background. This policy also applies to non-employment volunteers who work subject to the control of school authorities.
- II. The Superintendent shall develop procedures which shall be used by persons alleging harassment.
- III. Sexual Harassment by Students – The St. Clair County Board of Education desires to maintain an academic environment in which all students are treated with respect and dignity. A vital element of this atmosphere is the Board's commitment to equal opportunities and the eradication of discriminatory practices including sexual harassment. Sexual harassment is specifically prohibited by state and federal law and instances of harassment may result in both civil and criminal liability on the part of the individual harasser as well as the St. Clair County Board of Education. Sexual harassment's destructive impact wastes human potential, demoralizes students, and perpetuates the tendency toward further unacceptable behavior. For these reasons, the St. Clair County Board of Education forbids harassment against any student on the basis of gender. The Board will not tolerate harassment activity by any of its students.
 - A. Definition – Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, and other inappropriate verbal or physical conduct of a sexual nature, wherever such harassment occurs on school property or at a school-sponsored event, that is aimed at coercing an unwilling person into a sexual relationship whether or not it involves physical contact, or that substantially interferes with a student's academic performance, or creates an intimidating, hostile, or offensive school environment.

Examples of sexual harassment may include but are not limited to the following:

1. Verbal harassment or abuse of a sexual nature;
2. Subtle pressure for sexual activity;
3. Repeated remarks to a person with sexual or demeaning implications, e.g., a person's body, clothes or sexual activity;
4. Unwelcome or inappropriate physical contact such as patting, pinching, or unnecessary touching;
5. Suggesting or demanding sexual involvement accompanied by implied or explicit threats;
6. Display of sexually suggestive objects, pictures, or written materials;
7. Sexual harassment does not refer to occasional compliments or welcomed interactions of a socially acceptable nature.

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- B. Specific Prohibition - It is sexual harassment for a student to subject another student or a school employee to any unwelcome conduct of a sexual nature on school property or at a school-sponsored event. Students who engage in such conduct shall be subject to penalties as described herein.
 - C. Procedures - Any student who alleges sexual harassment by an employee or another student should report the harassment to the building principal, assistant principal(s), guidance counselor(s) or Superintendent's designee. Filing of a complaint or otherwise reporting sexual harassment will not affect the student's status, extracurricular activities, grade or any other assignments. The complaint should be in writing; should state the act or acts, date(s), and names of witnesses; and should be signed by the complainant.
 - 1. The right to confidentiality, both of the complainant and of the accused will be respected, consistent with the Board's legal obligations and with the necessity to investigate allegations of misconduct and take corrective action when this conduct has occurred.
 - 2. In determining whether alleged conduct constitutes sexual harassment, the totality of the circumstances, nature of the conduct, and the context in which the alleged conduct occurred will be investigated. The Superintendent or designee has the responsibility of investigating and resolving complaints of sexual harassment.
 - D. Penalties - A substantiated charge against a student shall subject that student to disciplinary action consistent with the Code of Student Conduct.
- IV. Sexual Harassment by Employees – Definition – Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors and other inappropriate verbal, non-verbal or physical conduct of a sexual nature when:
- A. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or a student's education;
 - B. Submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting such individual;
 - C. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or student's educational performance or creating an intimidating, hostile or offensive work or school environment.
 - D. Examples of sexual harassment may include, but are not limited to, the following:
 - 1. Verbal harassment or abuse of a sexual nature;
 - 2. Subtle pressure for sexual activity;
 - 3. Repeated remarks to a person with sexual or demeaning implications, e.g., a person's body, clothes or sexual activity;

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4. Unwelcome or inappropriate physical contact such as patting, pinching, or unnecessary touching;
 5. Suggesting or demanding sexual involvement accompanied by implied or explicit threats;
 6. Display of sexually suggestive objects, pictures, or written materials.
- E. Sexual harassment does not refer to occasional compliments or welcomed interactions of a socially acceptable nature.
- F. Any suspected child abuse shall be reported in accordance with state law.
- G. Specific Prohibition – Sexual harassment in any form is prohibited. All claims of sexual harassment will be subject to prompt and thorough investigation.
1. It is sexual harassment for an administrator or supervisor to use his/her authority to solicit sexual favors or attention from subordinates, including, but not limited to, incidents when the subordinate's failure to submit will result in adverse treatment, or when the subordinate's acquiescence will result in preferential treatment. Administrators and supervisors who either engage in sexual harassment or tolerate such conduct by other employees shall be subject to penalties.
 2. It is sexual harassment for a non-administrator and non-supervisory employee to subject another such employee to any unwelcome conduct of a sexual nature. Employees who engage in such conduct shall be subject to penalties.
 3. It is sexual harassment for a St. Clair County Board of Education employee to use his or her authority to solicit sexual favors or attention from students. Board employees who either engage in sexual harassment or tolerate such conduct by other employees shall be subject to penalties.
- H. Procedures – It is the responsibility of any employee to promptly report any occurrence of alleged sexual harassment. This policy on sexual harassment shall be communicated to all employees to inform them that a procedure exists for reporting claims of sexual harassment, that management will promptly investigate all alleged incidents of sexual harassment, and appropriate corrective action will be taken. Complaints should be reported to the Superintendent or designee and should be in writing, state the act(s), state the date(s), state the name(s) of witnesses and be signed by the complainant.

Investigations will be conducted with discretion. The right to confidentiality, both of the complainant and of the accused, will be respected, consistent with the Board's legal obligations and with the necessity to investigate allegations of misconduct and take corrective action when this conduct has occurred. Claims found to be factually supported will be promptly acted upon. No employee or student shall be retaliated against, in any manner, for reporting conduct which is

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believed to be a violation of this rule or for participating in an investigation of a possible violation of this rule.

In determining whether alleged conduct constitutes sexual harassment, the totality of the circumstances, nature of the conduct, and the context in which the alleged conduct occurred will be investigated. The Superintendent or designee has the responsibility of investigating and resolving complaints of sexual harassment.

- I. Penalties – Necessary disciplinary action, up to and including termination, may result if sexual harassment occurs. Any employee who makes false allegations of sexual harassment will be subject to appropriate disciplinary action, up to and including termination.

REFERENCE(S):

**CODE OF ALABAMA [16-9-23](#)
TITLE IX OF EDUCATION AMENDMENTS OF 1972
PUBLIC LAW 100-960, PUBLIC LAW 102-143**

HISTORY:

**ADOPTED: JULY 12, 1999
REVISED: DECEMBER 15, 2003; NOVEMBER 7, 2005; FEBRUARY 22, 2010
FORMERLY: GAM**

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EQUAL OPPORTUNITY

3.44

- I. It is the policy of the St. Clair County Board of Education that all students, without regard to status (e.g., homeless, limited or non-English proficient, immigrant, migrant, etc.), will be provided a free and appropriate public education, including equal and appropriate educational opportunities and support services, to enable them to achieve state and local content and achievement standards. Pursuant to such policy, no student shall be improperly excluded from participation in, denied the benefits of, or subjected to discrimination in any program or activity on the basis of gender, age, marital status, race, religion, belief, national origin, ethnic group, disability, or other protected status and will provide equal access to the Boy Scouts and other designated youth groups.
- II. The St. Clair County Board of Education shall comply with the Americans with Disabilities Act of 1990 (ADA), Title IX of Education Amendments of 1972, and all other federal and state laws that make it unlawful to discriminate against a qualified individual with a disability who can perform the essential functions of his/her job with reasonable accommodations.
- III. Persons alleging such discrimination shall use the grievance procedure provided elsewhere in these policies as a remedy.
- IV. The Superintendent shall develop procedures to notify St. Clair County School System employees, applicants for employment, and other affected groups.

REFERENCE(S):

CODE OF ALABAMA
[16-1-30](#), [16-8-8](#), AMERICANS WITH DISABILITIES
ACT OF 1990, TITLE IX OF EDUCATION AMENDMENTS OF 1972,
CIVIL RIGHTS ACT OF 1964 AND AMENDMENTS,
SECTION 504 OF REHABILITATION ACT OF 1973

HISTORY:

ADOPTED: JULY 12, 1999
REVISED: DECEMBER 15, 2003; NOVEMBER 7, 2005; FEBRUARY 22, 2010,
MAY 18, 2015
FORMERLY: JCD

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TOBACCO USE IN SYSTEM FACILITIES

3.45

The St. Clair County Board of Education prohibits the use or possession of tobacco in any form by students, faculty, support personnel, or any other person on school property under the control of the St. Clair County Board of Education. This includes a public school building, St. Clair County Board of Education Building, bus maintenance building, bus, campus, recreational area, athletic field, parking area or other area under the control of the St. Clair County Board of Education.

Parents/guardians and other persons are hereby notified that they are prohibited from use or possession of tobacco in any form on St. Clair County School System property at any time.

School principals and other work site supervisors as may be designated are directed to post signs at the entrance of all school buildings and on the grounds of St. Clair County School System property designating the school property as a tobacco free facility.

St. Clair County Board of Education employees found in violation of this policy are subject to disciplinary actions not limited to: reprimand, suspension pending a hearing, and termination of employment. Students who violate this policy are subject to discipline as described in student handbooks and the Code of Student Conduct.

REFERENCE(S):

CODE OF ALABAMA
[16-8-8](#)

HISTORY:

ADOPTED: JULY 12, 1999
REVISED: DECEMBER 15, 2003; NOVEMBER 7, 2005; FEBRUARY 22, 2010
FORMERLY: GAM

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Suicide Prevention

3.46

Protecting the health and well-being of all students is of utmost importance to the St. Clair County School System. Suicide prevention recommendations of the State Board of Education and the comprehensive counseling and guidance program shall be implemented in all schools. The St. Clair County Board of Education authorizes the Superintendent to implement programs and procedures to include, but not be limited to, measures described below:

1. Students will learn about recognizing and responding to warning signs of suicide in friends, using coping skills, using support systems, and seeking help for themselves and friends.
2. Each school will designate a suicide prevention coordinator to serve as a point of contact for students in crisis and to refer students to appropriate resources.
3. When a student is identified as being at risk, they will be assessed by a school employed mental health professional who will work with the student and help connect them to appropriate local resources.
4. Students will have access to national resources which they can contact for additional support, such as:
 - The National Suicide Prevention Lifeline –
 - 1.800.273.8255 (TALK),
 - www.suicidepreventionlifeline.org
 - The Trevor Lifeline – 1.866.488.7386,
 - www.thetrevorproject.org
5. All students will be expected to help create a school culture of respect and support in which students feel comfortable seeking help for themselves or friends. Students are encouraged to tell any staff member if they, or a friend, are feeling suicidal or in need of help.
6. Students should also know that because of the life or death nature of these matters, confidentiality or privacy concerns are secondary to seeking help for students in crisis.

School personnel responsible for counseling and supervising students will receive training to assist with suicide prevention and to recognize signs of suicidal tendencies and warning signs of suicide. Information will be provided to schools, families, and school personnel about available

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community suicide prevention services. The St. Clair County School System endorses efforts to promote cooperative activities and programs between school personnel and community suicide prevention personnel.

All certified school employees shall receive annual training in suicide awareness and prevention. In addition, employees, families, and students shall be reminded annually of school system policies designed to prevent harassment, violence, threats of violence, intimidation, and bullying.

Any person involved in a cause of action or mission resulting from the implementation of this suicide prevention policy or resulting from any training, or lack thereof, required by this policy, shall be subject to state immunity laws.

REFERENCE(S): CODE OF ALABAMA [16-11-9](#); Alabama Legislative Act 2016-310

HISTORY: **ADOPTED: January 19, 2017**

CHAPTER 3.00 - SCHOOL ADMINISTRATION

PUBLIC INFORMATION

3.50

- I. All public records pursuant to Alabama statutes, except those involving sensitive personnel records, pending criminal investigations, recorded information received by a public officer in confidence, or other records, the disclosure of which would be detrimental to the public's interest, shall be available for inspection or copying at reasonable times during normal office hours of the St. Clair County School System office or other offices in which records are maintained.
- II. The Superintendent shall:
 - A. Keep citizens adequately informed through all channels of communication on policies, programs, problems, and planning of the St. Clair County School System and instruct schools to carry out this policy through their efforts and the office of the Superintendent.
 - B. Seek input from community members.
 - C. Encourage St. Clair County School System staff to cooperate in keeping the public informed of newsworthy events which would be of interest or concern to citizens and which would promote the welfare of the school system, provided that any news release be approved by the principal or supervisor and that any adverse information of a serious nature or any release relating to the system as a whole be approved by the Superintendent.

REFERENCE(S):

CODE OF ALABAMA
[16-8-8](#), [36-12-40](#), [41-13-1](#), AAC §290-1-4-.01

HISTORY:

ADOPTED: JUNE 22, 1998
REVISED: SEPTEMBER 15, 2003; FEBRUARY 22, 2010
FORMERLY: CE, CEB

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COPYING OF PUBLIC RECORDS

3.51

Copies of St. Clair County School System public records may be obtained by making a request to the lawful custodian of the records. Charges for copies of public records will be based upon a fee schedule set by the Superintendent. Copies shall be made by the appropriate staff members and reproduced at a time which does not interfere with the normal work duty.

REFERENCE(S):

CODE OF ALABAMA

[16-8-8](#), [16-1-30](#)

HISTORY:

ADOPTED: JUNE 22, 1998

REVISED: SEPTEMBER 15, 2003; FEBRUARY 22, 2010

FORMERLY: CN, BE

CHAPTER 3.00 - SCHOOL ADMINISTRATION

SCHOOL CEREMONIES AND OBSERVANCES

3.61

Flag Display

The St. Clair County Board of Education requires that all school display both the flags of the United States and the State of Alabama at some suitable place each and every day school is in session.

Pledge of Allegiance

All students must have the opportunity to recite on a voluntary basis the Pledge of Allegiance to the United States flag each day.

Prayer and Religious Expression

The Eleventh Circuit Court of Appeals has ruled that school-sponsored prayer or other religious observances at public school activities is illegal. The St. Clair County Board of Education, in compliance with federal law as it applies to the State of Alabama, allows student-initiated prayer or other religious observances at school activities.

As required by the No Child Left Behind Act of 2001, the Superintendent shall, by October 1 of each year, certify in writing to the state that students of the School System are not prevented by policy or rule from participating in constitutionally protected prayer. The Superintendent shall ensure that the staff, parents/guardians, and students are made aware of the parameters of acceptable religious speech and actions. The Superintendent shall also distribute guidelines to each school concerning religion in the schools.

Moment of Quiet Reflection

St. Clair County School System teachers shall provide students a moment of quiet reflection for one (1) minute every school day.

REFERENCE(S):

CODE OF ALABAMA
[16-1-20.4](#), [16-43-1](#), [16-43-5](#)
NO CHILD LEFT BEHIND ACT OF 2001

HISTORY:

ADOPTED: NOVEMBER 15, 1999
REVISED: DECEMBER 15, 2003; NOVEMBER 7, 2005; FEBRUARY 22, 2010
FORMERLY: IKD, IKDA

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SCHOOL VOLUNTEERS

3.70

The St. Clair County Board of Education recognizes that volunteers can make many valuable contributions to the schools and can be used as effective learning resources. Therefore, the Board endorses a volunteer program in the district, subject to suitable regulations and safeguards. These regulations and safeguards shall include volunteers operating within the written authorization of the Board and/or members of its administrative staff and under the supervision of Board employees. These regulations shall be developed and promulgated by the Superintendent or staff in cooperation with the faculty of each school.

The school principal or designee must conduct an orientation for all school volunteers.

Any volunteer (i.e., a person performing services for a non-profit organization, a non-profit corporation, a hospital, or a governmental entity without compensation, other than reimbursement for actual expenses incurred) shall be immune from civil liability in any action on the basis of any act or omission of a volunteer resulting in damage or injury if:

1. The volunteer was acting in good faith and within the scope of such volunteer's official functions and duties for a non-profit organization, a non-profit corporation, a hospital, or a governmental entity; and
2. The damage or injury was not caused by willful or wanton misconduct by such volunteer.
3. The principal or designee must provide orientation training for all volunteers.

REFERENCE(S):

CODE OF ALABAMA
[16-8-8](#)

HISTORY:

ADOPTED: NOVEMBER 15, 1999
REVISED: DECEMBER, 2003; FEBRUARY 22, 2010
FORMERLY: IFCD

CHAPTER 3.00 - SCHOOL ADMINISTRATION

COMMUNICABLE DISEASES

3.80

It is the intent of the St. Clair County Board of Education, in cooperation with county and state agencies, to carry out laws and regulations designed to protect and promote the health, safety, and general welfare of school children and Board employees.

Communicable/Infectious Diseases or Conditions

Students and/or employees having communicable diseases and/or conditions, including students wishing to enroll or potential employees, will be dealt with on an individual basis. Administrators and supervisors shall observe current Regulations for the Control of Communicable Diseases in the schools of the St. Clair County Schools as required by the State Board of Health. The system's nurse(s) will maintain liaison with the State Board of Health and support the processing of cases.

The Superintendent shall have the authority to exclude a student and/or an employee from attendance when reliable evidence confirms he/she has a communicable disease or condition that is known to be spread by any form of casual contact and is considered a health threat to the school population. Such a student or employee shall be excluded from school for a period of time as may be prescribed by the local health department or physician. The Superintendent may require written documentation from health department officials and/or a physician to allow the student or employee to resume attendance.

Due process will be followed when reliable evidence or information from a qualified source confirms that a student or employee is known to have a communicable disease or infection that is known not to be spread by casual contact (i.e. HIV/AIDS, Hepatitis B, etc.).

Infection Control

All employees are required to consistently follow infection control guidelines in all settings and at all times, including playgrounds and school buses. Schools will operate according to the standards promulgated by the U.S. Occupational Health and Safety Administration for the prevention of bloodborne infections. Equipment and supplies needed to apply the infection control guidelines will be maintained and kept reasonably accessible. The Superintendent's designee shall implement the precautions and investigate, correct, and report on instances of lapse.

Exposure Control Plan and Staff Development

The Superintendent will direct the preparation of procedures for processing cases and an exposure control plan. Procedures will incorporate appropriate considerations of confidentiality. Employee training and communication of school system procedures related to student health education, exposure control, communicable diseases and conditions, and standard precautions shall be implemented by the direction of the Superintendent.

Certificate of Immunization

A certificate of immunization against diseases designated by the state health officer shall be required before a student can be enrolled initially in kindergarten or first grade in the St. Clair

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County School System. If this requirement can not be met according to federal law, the student will be allowed to enroll and all efforts will be made by school employees (including but not limited to the principal, teacher, and school nurse) to help the student meet this requirement.

Confidentiality of Medical Information

All persons privileged with any medical information that pertains to students or employees shall be required to treat all proceedings, discussions, and documents as confidential information. Before any medical information is shared with anyone in the school setting, a “need-to-know” review shall be made. Such a review committee shall include the parent/guardian of the affected student, the student if over age 18, the affected employee or his/her representative.

REFERENCE(S):

CODE OF ALABAMA
[16-8-9, 16-29-1 TO -6](#), AAC §290-1-4-.01

HISTORY:

ADOPTED: FEBRUARY 21, 2000
REVISED: DECEMBER 21, 2003; FEBRUARY 22, 2010
FORMERLY: JGC, JGFG

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THE CURRICULUM

4.10

- I. The St. Clair County School System curriculum shall be determined by
 - A. Alabama State Department of Education Courses of Study;
 - B. Students' needs and interests;
 - C. Regular evaluation of curriculum effectiveness; and
 - D. Alabama statutes, State Board of Education rules, and policies of the St. Clair County Board of Education.
- II. The Superintendent may appoint such committees and special study groups as may be necessary to assist in determining the educational needs of the system.
- III. The Superintendent shall designate appropriate staff members who are responsible for the development and coordination of the curriculum of the system.
- IV. The Superintendent shall cause a program of instruction for all grade levels to be developed and regularly updated.
- V. The responsibility and right of an instructional staff member to present information of a controversial nature is hereby recognized. The teacher shall not present controversial material or issues which are not directly or closely related to the subject area being taught. In presenting controversial materials on an issue, the teacher shall present all sides of the question without bias or prejudice and shall permit each student to arrive at his/her own conclusions.
- VI. When dealing with political issues, the positions of all parties will be presented on a non-partisan basis.
- VII. The Superintendent shall recommend and the Board shall approve standards relating to graduation requirements, dual enrollment, promotion and retention, grading systems, and methods of reporting.
- VIII. All course materials and verbal or visual instruction shall conform to the requisites and intent of Alabama law and the state Constitution. All instructional materials, including teachers' manuals, films, tapes, or other supplementary instructional material, shall be available for inspection by parents/guardians of the children engaged in such classes.
- IX. The Superintendent or designee shall develop procedures to ensure that all aspects of curriculum development are implemented.
- X. There shall be a systematic and comprehensive evaluation of the instructional program and all related areas.

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REFERENCE(S):

CODE OF ALABAMA

[16-8-9](#), [16-8-28](#), [16-9-21](#), [16-35-4](#), [16-35-5](#)

HISTORY:

ADOPTED: NOVEMBER 15, 1999

REVISED: DECEMBER 15, 2003; FEBRUARY 22, 2010

FORMERLY: IC, ID, IJ, IDBAA, IDBA, IDBB,

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SPECIAL EDUCATION

4.11

The St. Clair County Board of Education will provide educational and related services to exceptional students who qualify under state and federal guidelines. Such students are encouraged to take full advantage of or to respond to educational programs and opportunities because of a physical, mental, emotional, social, or learning exceptionality as determined by a multi-disciplinary team which reviews psychological, educational, and/or physical evaluation results provided by qualified specialists. Exceptional students include students with mental retardation, hearing impairments, speech or language impairments, visual impairments, emotional disturbance, orthopedic impairments, autism, traumatic brain injury, other health impairments, or specific learning disabilities and students who are classified as gifted.

- I. Upon recommendation of the Superintendent, the Board shall adopt a plan for the provision of education programs for all St. Clair County School System students with disabilities and for gifted students.
- II. The plan for special programs and procedures for exceptional students shall include screening procedures, pre-referral activities, referral procedures, eligibility criteria, program placement, program dismissal, and descriptions of program organization and operations.
- III. The St. Clair County School System special student education program shall conform to the provisions adopted by the Board and shall function in accordance with the provisions of state and federal law, State Board of Education rules, and other applicable provisions of Board rules.

REFERENCE(S):

CODE OF ALABAMA
[16-8-8](#), [16-13-231](#), [16-39-3](#)
AAC §290-1-4-.01

HISTORY:

ADOPTED: NOVEMBER 15, 1999
REVISED: DECEMBER 15, 2003; FEBRUARY 22, 2010
FORMERLY: IJQ, JQA, JQB, JQC, IDDF, IDDD

CHAPTER 4.00 - CURRICULUM AND INSTRUCTION

AT-RISK AND ALTERNATIVE EDUCATION PROGRAMS

4.12

The Superintendent or designee shall develop, for the St. Clair County Board of Education's approval, a plan for at-risk students addressing drop-out prevention. Components of the plans for academically at-risk students may include but are not limited to High Hopes grants/programs, Childrens' First, Title I, Title VI, Title IV Safe and Drug Free Schools programs, and other state, federal, or local initiatives.

The Board shall also maintain an alternative education program for students who, because of disciplinary problems, cannot be appropriately educated in the regular school environment or who, because of academic difficulty, have been identified as at-risk of academic failure.

The St. Clair County Board of Education maintains a comprehensive career awareness program in middle schools to help students appreciate the value of a high school education and understand the consequences of not acquiring a high school diploma. The Board places strong emphasis on the utilization of school counselors for early identification of and intervention for students deemed to be at-risk.

REFERENCE(S):

CODE OF ALABAMA
[16-1-13](#), [16-1-16](#), [16-13-231](#), AAC §290-1-4-.01

HISTORY:

ADOPTED: NOVEMBER 15, 1999
REVISED: DECEMBER 15, 2003; FEBRUARY 22, 2010
FORMERLY: IDD

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HOMEWORK

4.13

The St. Clair County Board of Education recognizes that homework should be meaningful and reasonable. It should not be a substitute for teaching but should provide reinforcement, practical application, and enrichment of what has been taught. Consideration should be given to the time involved in completing homework assignments. No homework assignment should be made that does not directly support a clearly identified instructional objective.

The Board encourages the use of reasonable homework assignments that both support instructional objectives and expand the scope of instruction limited by the constraints placed on classroom teaching.

Homework assignments should be commensurate with the resources available. Homework should not be used as punishment for disciplinary infractions. Students should receive feedback on homework assignments.

REFERENCE(S):

CODE OF ALABAMA

[16-8-8](#)

HISTORY:

ADOPTED: NOVEMBER 15, 1999

REVISED: DECEMBER 15, 2003; FEBRUARY 22, 2010

FORMERLY: IHB

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SUMMER PROGRAMS

4.14

The St. Clair County Board of Education authorizes summer programs when needed. The Superintendent or designee shall determine the building site(s).

Summer program requirements and extended school year services shall be developed by the Superintendent and approved by the St. Clair County Board of Education.

REFERENCE(S):

CODE OF ALABAMA
[16-8-8](#), AAC§290-030-010-(9)

HISTORY:

ADOPTED: NOVEMBER 15, 1999
REVISED: DECEMBER 15, 2003; FEBRUARY 22, 2010
FORMERLY: IDCA

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STUDENT FEES, FINES AND CHARGES

4.16

- I. The St. Clair County Board of Education shall hold each student responsible for all textbooks and other educational materials issued to him/her. It shall be understood that the parent, guardian or other person having custody of any student to whom textbooks or other materials are issued shall be held liable for any loss, abuse or damage in excess of that which would result from the normal use of such materials.
- II. Fees may only be charged in courses which are not required for graduation.
- III. Principals shall have the authority to waive fees for students with financial limitations who cannot afford the fee.
- IV. The St. Clair County Board of Education maintains that activities for which an admission fee is charged shall be kept to a minimum. The admission charges shall be fixed at amounts permitting the maximum number of pupils to attend, commensurate with the cost of providing such activities.
- V. Concession sales at school activities may be operated by student groups or parent groups as approved by the principal.
- VI. All income from school activities and concession sales shall be deposited in the appropriate account and shall be disbursed in accordance with Board Policy, accreditation standards, and State Department of Education regulations.

REFERENCE(S):

CODE OF ALABAMA
[16-8-7 TO -9, 16-10-6, 16-13-13](#)
LEGISLATIVE ACT 98-230

HISTORY:

ADOPTED: JUNE 21, 1999
REVISED: DECEMBER 15, 2003; FEBRUARY 22, 2010
FORMERLY: JHA

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DUAL ENROLLMENT

4.17

The St. Clair County Board of Education authorizes the establishment of dual enrollment programs allowing certain high school students to enroll in postsecondary institutions in order to dually earn credits for a high school diploma and/or a postsecondary degree at both the high school and participating postsecondary levels. The dual enrollment program shall strictly follow all State Department of Education regulations and will be open to all eligible students.

REFERENCE(S) IMPLEMENTED:

CODE OF ALABAMA
[16-8-8](#), AAC §290-3-1-.02(10)

HISTORY:

ADOPTED: FEBRUARY 22, 2010
REVISED: _____
FORMERLY: NEW

CHAPTER 4.00 - CURRICULUM AND INSTRUCTION

STUDY/WORK RELEASE PROGRAMS

4.18

For School Approved Programs

The Board has authorized cooperative education/special education transition programs in those areas of the curriculum which have gained approval from the State Department of Education (e.g. marketing education, business education, trade and industrial education, etc.) and which conform to the guidelines for such programs. Carnegie units shall be awarded according to the State Department of Education regulations. Release of students to participate in cooperative education /special education transition programs is permissible, provided:

1. Employment is approved and supervised by the appropriate cooperative education/special education transition coordinator.
2. Employment is approved in writing by the student's parent/guardian.
3. Employment does not conflict with student's other schoolwork.
4. Employment is an extension of course work.
5. The student is legally eligible for employment.
6. The student follows all guidelines of the cooperative education/special education transition program while in the program.

The primary objective of student employment should be to contribute to his/her educational development and should in no way limit his/her performance in the regular school program. Employment shall be in accordance with the Child Labor Law. .

Employment After School Hours

No child under nineteen (19) years of age who is enrolled in any public or private primary or secondary school system shall work between 10:00 p.m. and 5:00 a.m. on any night preceding a school day. The Superintendent shall have authority to grant exemptions to the 10:00 p.m. provisions. Students who are enrolled in certified training programs as authorized by the State Department of Education shall be allowed to work past 10:00 p.m.

Employment Certificate

A certificate issued for the employment of a minor before or after school hours on school days or on weekends shall not be valid for the employment of any child under age sixteen (16) for more than three (3) hours on any school day, for more than eight (8) hours on any weekend day, and for more than eighteen (18) hours in any school week.

Employers are responsible for securing employment certificates for student workers.

REFERENCE(S):

CODE OF ALABAMA
[16-3-18](#), [16-37-4](#), 28-8-33 thru -35, 25-8-37
LEGISLATIVE ACT 87-675

HISTORY:

ADOPTED: NOVEMBER 15, 1999
REVISED: DECEMBER 15, 2003; FEBRUARY 22, 2010
FORMERLY: IDCF

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CLASSROOM INSTRUCTIONAL SUPPORT FUNDS

4.20

- I. The distribution of funds for classroom instructional support materials shall be based on projected enrollment, available funds, and Alabama statutes and shall include library enhancement, classroom materials and supplies, professional development, technology, and other classroom instructional support approved by the State Board of Education.
- II. Each St. Clair County School System school shall form a committee to develop a budget for library enhancement, classroom materials and supplies, professional development, technology and any other classroom instructional support funds allocated to the school.
 - A. The composition and procedures used by such committee will follow Alabama statutes and guidelines.
 - B. The proposed budget shall outline common purchases, specify the common items which may be purchased and designate a specific allotment per teacher.
 - C. The proposed budget will be consistent with the plans developed for the school and the St. Clair County School System.
 - D. The proposed budget will be submitted for approval by the teachers at each school prior to the close of the current school year.
- III. All funds must be spent on classroom instructional support purposes consistent with system and state rules. Funds may be spent on instructional and electrical equipment used in the classroom with students.
- IV. Funds should be made available to each teacher before December 1. Unused funds will revert to the system or state.

REFERENCE(S):

CODE OF ALABAMA
[16-1-8.1](#), [16-13-231](#), [16-6B-10](#),
NO CHILD LEFT BEHIND ACT OF 2001

HISTORY:

ADOPTED: FEBRUARY 22, 2010
REVISED: _____
FORMERLY: NEW

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INSTRUCTIONAL MATERIALS AND TEXTBOOK MANAGEMENT

4.21

The Board shall approve all textbooks used in the St. Clair County School System. Local textbook committees shall be appointed by the St. Clair County Board of Education upon recommendation by the Superintendent. The number, size, and composition, which shall include parents, of the committees shall be determined by the Board. The name of each person serving on local textbook committee(s) shall be kept on file by the Superintendent.

The textbook committee(s) of the St. Clair County School System and the Central Office personnel designated by the Superintendent shall endeavor to ensure that the selection and adoption of textbooks for use within the school system shall be in accordance with applicable provisions of Alabama law.

The Superintendent shall develop procedures based on Alabama statutes for purchasing, managing, selling, and discarding textbooks and other instructional materials. Fees for damage or loss of textbooks may be collected and shall be communicated to students and parents/guardians in School System publications.

REFERENCE(S):

CODE OF ALABAMA
[16-36-60 to -70](#)
LEGISLATIVE ACT 98-320

HISTORY:

ADOPTED: NOVEMBER 15, 1999
REVISED: DECEMBER 15, 2003; FEBRUARY 22, 2010
FORMERLY: IFAC, IFAA

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LIBRARY MEDIA CENTERS

4.22

The St. Clair County Board of Education believes that the school library media center is a fundamental part of the educational program. It adheres to the premise that an effective library media program will provide:

1. Equal and maximum access to information resources which extend the limited content of textbooks.
2. Instruction for students in acquiring the research skills necessary for independent learning.
3. Motivation for students to read and enjoy good literature.
4. Encouragement for students to use a variety of media for a lifetime of learning and pleasure.

Each school in the St. Clair County School System shall maintain a library media center under the direction of a state certificated library media specialist in accordance with accreditation standards. The responsibility for coordinating the selection and purchasing of instructional materials rests with the library media specialist with the final responsibility being vested in the Board.

Individual schools' library media programs may vary based on different school characteristics, the school's goals, and student needs. However, some functions will be common in all schools. Those functions include:

1. Equal access to information in the school collection.
2. Provision of supplementary materials to enhance the school curriculum.
3. Integration of information skills instruction with classroom activities.
4. Assistance to teachers in using a variety of media formats to improve instruction.
5. Motivation for students to enjoy good literature and other worthwhile resources.
6. Access to the use of current technologies to improve instructional effectiveness.

The St. Clair County School System library media specialists and teachers should collaborate to ensure that all students have adequate and equal access to the library media center and its collection.

REFERENCE(S):

CODE OF ALABAMA
[16-8-8](#), [16-21-1 TO -3](#)

HISTORY:

ADOPTED: NOVEMBER 15, 1999
REVISED: DECEMBER 15, 2003; FEBRUARY 22, 2010
FORMERLY: IFBC

CHAPTER 4.00 - CURRICULUM AND INSTRUCTION

LIBRARY ENHANCEMENT MATERIALS SELECTION

4.23

I. Objectives of Selection

The primary objective of the St. Clair County School System library media centers is to implement, enrich, and support the educational program of the schools. The centers shall provide a wide range of materials on all levels of difficulty, with diversity of appeal and the representation of different points of view.

II. Criteria for Selection

- A. The standards to determine the propriety of the educational materials shall be pursuant to Alabama statutes.
- B. Educational media materials shall be evaluated and selected to implement, enrich, and support the educational programs of the schools.
- C. Media, *e.g.*, films, videos, software, print texts, from sources other than the system or a school media center collection must be approved by the principal. Request for Use of Educational Media from Outside Sources forms are available at each school site and shall be used to request permission to use such materials. The content of the curriculum shall determine the need for use of media.

III. Funds shall be spent in accordance with the budget adopted for designated local school or system funds.

IV. A media specialist should be consulted in budgeting all library enhancement funds.

REFERENCE(S):

CODE OF ALABAMA
[16-21-1 TO -3](#)

HISTORY:

ADOPTED: NOVEMBER 15, 1999
REVISED: DECEMBER 15, 2003; FEBRUARY 22, 2010
FORMERLY: IFBC

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CHALLENGED MATERIALS

4.30

The following procedures shall be followed when the appropriateness of books or materials is questioned:

- I. School/community citizens may register their concerns with the principal of the school where material is being challenged.
- II. All concerns shall be presented in writing to the school principal. The statement shall include the following information:
 - A. Author, compiler, or editor;
 - B. Publisher;
 - C. Title;
 - D. Reason for objection;
 - E. Page number of each item challenged; and
 - F. Signature, address and telephone number of person making criticism.
- III. These procedures shall be followed for St. Clair County School System school-level reviews:
 - A. A committee of teachers, educational media specialists, parents, and other qualified personnel shall be appointed by the principal to evaluate the challenged materials and to make recommendations for any changes. The principal shall notify the Superintendent or his/her designee when a committee is convened.
 - B. Challenged materials shall not necessarily be removed immediately. Challenged materials shall be available pending a final decision.
 - C. Challenged materials shall be read and evaluated by the committee, considering the specific objections presented by the complainant.
 - D. The complainant shall be informed in writing concerning the committee's recommendations.
- IV. These procedures shall be appropriate for system-level appeals and shall be followed when the complainant disagrees with the decision rendered from the school-level appeal.
 - A. A committee of teachers, educational media specialists, parents, and other qualified personnel shall be appointed by the Superintendent to review the appeal, to evaluate the challenged materials and to make recommendations of any changes. A committee member shall not be selected from the school where the challenged materials originated.

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- B. The Superintendent shall designate a member of his/her staff to be responsible for the organization of this review committee according to School Board policies.
- C. The committee's review shall be treated objectively and in a business-like manner and shall be conducted in the best interests of students, the schools, and the community. Efforts shall be made to meet with citizens who register concerns to consider their objections.
- D. The committee's recommendations shall be submitted to the Superintendent.
- E. The complainant shall be informed, in writing, after the committee's recommendation is received by the Superintendent.
- F. An appeal to the St. Clair County Board of Education may be requested by the complainant when the school and system-level appeals do not satisfactorily resolve the concerns. The Board shall review recommendations of the school and system-level committees and shall render the final decision on the complainant's concern.

REFERENCE(S):

CODE OF ALABAMA

[16-8-8](#)

HISTORY:

ADOPTED: JULY 29, 1998

REVISED: MARCH 18, 2009; FEBRUARY 22, 2010

FORMERLY: IFBE

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CONTROVERSIAL ISSUES

4.31

The St. Clair County Board of Education recognizes that controversial issues are an inherent part of our democratic tradition and that knowledge and understanding of controversial issues are an indispensable part of education for citizenship. Therefore, professional employees shall have the freedom to deal with controversial issues in the public school curriculum provided the following guidelines are observed.

- I. Teachers shall adapt the study of controversial issues to the age, maturity and academic background of pupils.
- II. Teachers shall place major emphasis on **HOW** to think rather than **WHAT** to think.
- III. Pupils shall have access, insofar as possible, to all materials that are relevant and educationally significant to the issues at hand.
- IV. Pupils shall have the opportunity to express their opinions within the limits of decency, good will and respect for the opinions of others.
- V. Teachers shall teach pupils the principles and techniques of the scientific method and shall provide opportunities for practice in applying established facts to specific problems.
- VI. Teachers shall seek to develop in pupils the ideals of truth and honesty.
- VII. Teachers shall seek to create an atmosphere in which differences of opinion can be voiced without fear or hostility but with mutual respect for all viewpoints.
- VIII. Teachers shall seek to develop in pupils a sense of responsibility for their beliefs, opinions and attitudes and shall encourage pupils to base same on research, tested experience and knowledge as recorded in our cultural heritage.
- IX. Teachers shall encourage the suspension of judgment and conclusions until all relevant and significant facts have been assembled, critically examined and checked for accuracy.
- X. Teachers shall take a neutral position in the classroom during the discussion of controversial issues.

REFERENCE(S):

CODE OF ALABAMA
[16-8-28](#)

HISTORY:

ADOPTED: NOVEMBER 15, 1999
REVISED: DECEMBER 15, 2003; FEBRUARY 22, 2010
FORMERLY: IKB, IKC

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ANIMALS ON SCHOOL PREMISES

4.33

The purpose of the St. Clair County Board of Education Animals on School Premises policy is to allow animals in the classroom while providing for the health and safety of school staff, students and animals. The policy identifies five (5) categories of animals and the procedures to be followed in order to bring animals on school premises. It specifies conditions under which animals must be removed from school premises.

CATEGORY	PROCEDURES
Animals Used in Educational Presentations (single event)	<ul style="list-style-type: none">• Faculty/Staff member secures the approval of the principal prior to the event/presentation by following the steps described below: <ol style="list-style-type: none">1. Identify the instructional purpose or social/emotional objective of the presentation/event.2. Provide statement of animal health and temperament or verify that the animal is part of a presentation conducted by an experienced animal handler who engages in demonstrations in a school setting on a regular basis.3. Obtain principal's/designee's approval to proceed.4. Notify parents of upcoming presentation.5. Provide modifications for students who have animal fears or allergies.6. Obtain principal's final approval in writing.
Cold Blooded Animals Not Handled by Children (for 1 semester, renewable) and/or Classroom Animals (for 1 semester, renewable)	<ul style="list-style-type: none">• Faculty/Staff member secures the approval of the principal prior to the event/presentation by following the steps described below: <ol style="list-style-type: none">1. Identify instructional purpose or social/emotional objective.2. Provide statement of animal health and temperament or verify that animal is provided by a certified program or agency.3. Obtain principal's signature of approval to proceed to next steps.4. Notify parents of proposed presence of animal.5. Provide modifications for students who have animal fears or allergies.6. Obtain principal's final signature of approval. <ul style="list-style-type: none">• Faculty/Staff member follows established Health Department/standard precautions procedures for cleaning and disinfecting sinks, cages and surfaces.

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Animals Excluded from School or Classroom Use	<ul style="list-style-type: none">• Poisonous, venomous animals.• Family pets unless all policy requirements are met.
Animals Exempt from Compliance With Policy	<ul style="list-style-type: none">• Trained and certified service animals supporting individuals with disabilities.• Animals used in K-8 Science Curriculum.• Invertebrates used in Grades 9-12 Science Curriculum.

Conditions requiring removal of an animal from school premises:

Injury: Any animal that causes injury to staff or students must be immediately isolated and removed from the school premises until the situation is resolved. An Injury Report must be completed and the appropriate medical care must be administered.

Health Issue: If a student or staff member has an allergic reaction or other health problem because of the presence of an animal, the animal must be immediately removed from the classroom/workspace of the affected individual and removed from school premises until the situation is resolved.

Aggression: Any animal that behaves aggressively must be immediately isolated and removed from the school premises.

Animals may not be transported to and/or from school on school buses or via any other transportation provided by the school district.

REFERENCE(S):

CODE OF ALABAMA
[16-8-8](#)

HISTORY:

ADOPTED: FEBRUARY 22, 2010
REVISED: _____
FORMERLY: NEW

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PUBLIC APPEARANCE OF SCHOOL GROUPS

4.42

- I. Requests for any St. Clair County School System group or organization to make a public appearance on behalf of agencies or entities other than the St. Clair County School System shall be directed to the principal for approval.
- II. The parent/guardian shall be notified prior to any such public appearance of the school group on behalf of agencies or entities other than the St. Clair County School System. Such notice shall state the place to be visited, the date of the public appearance, the time of departure, and the time of return to the school. Any student making a public appearance shall present a note from his/her parent/guardian giving permission for the student to make the public appearance. All documents needed in case of emergency should be provided before the public appearance and should be in the possession of the St. Clair County Board of Education employee in charge of the public appearance.

REFERENCE(S):

CODE OF ALABAMA
[16-8-8](#)

HISTORY:

ADOPTED: FEBRUARY 22, 2010
REVISED: _____
FORMERLY: NEW

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FIELD TRIPS

4.43

Recognizing that educational field trips and trips to various types of contests for instructional purposes help provide desirable learning experiences, the St. Clair County Board of Education delegates to the Superintendent the responsibility for development of administrative criteria governing field trips. Only those field trips, however, that grow out of the instructional program or are otherwise related to the program are to be permitted on school time. Other trips such as those involving band and athletic activities should be confined to non-school time except where the school is engaged in an activity, competition, or contest that requires use of school time.

- I. All local, in state and overnight field trips must be approved in advance by the school principal with prior notification given to the Superintendent. Notification of such travel must be received by the Superintendent at least seven (7) days prior to the anticipated travel date.
- II. All out-of-state field trips must be approved in advance by the principal, the Superintendent, and the Board. Requests for out-of-state and overnight travel must be submitted to the Superintendent at least thirty (30) days prior to the anticipated travel date.
- III. Requests for approval of all field trips must be submitted on field trip request forms. Upon approval of any field trip, the school principal shall be responsible for notifying the Superintendent through the submission of a copy of an approved field trip request form. Such notification shall be made at least seven (7) days in advance of the expected travel date for local and in-state field trips with a thirty (30) day advanced notification required for out-of-state and/or overnight field trips.
- IV. Before any trip as noted above is taken, a completed and signed parental permission form shall be secured from each student planning to go on the field trip. Students who have not submitted a signed parental permission form shall not be allowed to take the trip. Students participating in a series of trips, such as football, basketball, etc., may submit one parental permission form to cover all trips associated with the activity.
- V. St. Clair County School System medication administration procedures and policies shall be followed for students participating in field trips.
- VI. Field Trip Transportation Using School System or Common Carriers: In order to reduce the costs of field trips for students, St. Clair County School System buses should be used for local field trips when possible. Privately owned buses/common carriers may be used for trips extending beyond the normal school day based on prior approval by the Superintendent. Approval for the use of privately owned buses/common carriers must be secured from the principal prior to discussions of the trip with students. Private buses/common carriers should be used only when School System buses are unavailable or impractical. When School System buses are used, the following provisions will apply:

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- A. Field trip buses, when available, shall be operated according to terms and conditions that apply specifically to such buses. Reservations must be made through the principal or designee with the teacher/sponsor preparing the field trip request form for approval by the principal.
 - B. At least one teacher or principal must ride the bus and accept responsibility for seeing that all rules and regulations governing school buses are carried out.
 - C. All field trip bus passengers must be enrolled in school, be an employee of the School System, or be designated as chaperone by the field trip sponsor and approved by the school principal.
 - D. The principal of each school is responsible for handling the scheduling of such trips.
 - E. Mileage and other applicable cost factors (driver, substitute driver, etc.) for each field trip will be computed by the Board based on the current, approved rates with billings submitted to schools on a monthly basis.
 - F. Only adult drivers with a commercial driver's license will be permitted to drive field trip buses with the cost of paying the driver to be borne by the school or class making the trip(s).
 - G. The field trip sponsor should return the School System-owned bus in a clean condition as determined by the Director of Transportation.
 - H. Due to energy regulations, allocations, proration, and other financial problems, the Board may cancel trips, increase prices, or curtail the use of buses. Principals will be notified if changes occur.
- VII. Field Trip Transportation Using Private Vehicles: The Board approves the use of privately-owned vehicles to transport students participating in field trips, excursions, or interscholastic activities where only a small number of students will be attending or participating in a respective activity. Such approval is based on a recognized need for additional standard, cost effective transportation at certain times to support the School System's instructional program and extra-curricular activities. Privately-owned vehicles may be utilized to transport a student or student groups to and from such activities provided:
- A. A small number of students will be involved in the respective field trip, excursion, or interscholastic activity. In such instance, the school principal shall have the discretion to utilize a private vehicle(s) with sufficient passenger capacity(ies) not to exceed the number of approved seat belts to transport the student or student group on such trips.
 - B. Students going on the field trip, excursion, or interscholastic activity present signed parental permission forms noting the use of private vehicles to the field trip sponsor prior to the date of expected travel.

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- C. Said vehicle is owned and/or operated by a member of the professional staff of the School System or an approved adult member of the community.
- D. The trip is covered by the Board's liability insurance or other approved liability insurance.

REFERENCE(S):

CODE OF ALABAMA

[16-8-8](#)

HISTORY:

ADOPTED: MAY 21, 2001

REVISED: DECEMBER 15, 2003; FEBRUARY 22, 2010, MAY 18, 2015

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SCHOOL FUNCTIONS

4.44

All St. Clair County school functions including field trips, extracurricular events, and recreational activities such as picnics, parties, and excursions under the sponsorship of the school shall have a sponsor and an appropriate number of chaperones as determined by the school principal. A sponsor is a professional St. Clair County Board of Education employee who is currently certified by the State Department of Education. Chaperones are volunteers approved by the principal.

REFERENCE(S):

CODE OF ALABAMA
[16-8-8](#)

HISTORY:

ADOPTED: FEBRUARY 22, 2010
REVISED: _____
FORMERLY: NEW

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SERVICE ANIMALS

4.45

The St. Clair County School System does not permit discrimination against individuals with disabilities, including those who require the assistance of a service animal. The school system will comply with federal and State laws regarding the use of service animals.

“Service animal” means any dog individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. In specific cases, the school system may make reasonable modifications of policies, practices, or procedures to permit the use of a miniature horse if the animal has been individually trained to do work or perform tasks for the benefit of an individual with a disability, after consideration of the following factors: the type, size, and weight of the miniature horse and whether the facility can accommodate these features; whether the handler has sufficient control of the miniature horse; whether the miniature horse is housebroken; and whether the miniature horse’s presence in a specific facility compromises legitimate safety requirements that are necessary for safe operation. Requests to permit miniature horses will be handled on a case-by-case basis.

The work or tasks performed by a service animal must be directly related to the individual’s disability. The crime deterrent effects of an animal’s presence, or the provision of emotional support, wellbeing, comfort, or companionship, do not constitute work or tasks for the purposes of defining “service animal.” School system personnel may inquire of the individual with a disability, his/her parents/guardian, or the owner or handler of the animal, the following to determine whether an animal qualifies as a service animal:

- whether the animal is required because of a disability; and
- what specific work or task that the animal has been trained to perform.

Individuals with disabilities will be permitted to be accompanied by their service animals in the areas of the school system’s facilities where they would normally be allowed to go.

Users/Owners of service animals are liable for any harm or injury caused by the service animal to others, including students, staff, and visitors and may be charged for any damage to school property caused by the animal in accordance with school system practice.

Individuals with a disability will not be required to pay an administrative fee or surcharge for service animals to attend events for which a fee is charged; however, individuals may be charged for their own admission for such events.

A service animal must have a harness, leash, or other tether, unless the student is unable because of a disability to use a harness, leash, or other tether, or the use of a harness, leash, or other tether would interfere with the service animal’s safe, effective performance of work or tasks, in which case the service animal must be otherwise under the student’s or handler’s control.

The school system is not responsible for the care or supervision of a service animal, including walking the animal or responding to the animal’s need to relieve itself. The school system is not

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responsible for providing a staff member to walk the service animal or to provide any other care or assistance to the animal. Students with service animals or their handlers are expected to care for and supervise their animal. In the case of a young child or a student with disabilities who is unable to care for or supervise his or her service animal, the parents are responsible for providing care and supervision of the animal themselves or through an appropriate handler.

Issues related to the care and supervision of service animals will be addressed on a case-by-case basis in the discretion of the building administrator. The service animal must be under the control of the student or its handler at all times. The school system may exclude or ask the individual to remove his/her animal from the premises if the animal is out of control and the handler does not take effective action to control it; if the animal is not housebroken; if the presence of the animal poses a direct threat to the health or safety of others; or its presence would require a fundamental alteration to the service, program, or activity of the school system.

The superintendent or his/her designee will develop and disseminate procedures to implement this policy and accommodate individuals with disabilities requesting use of a service animal in school buildings and on school system property and vehicles.

REFERENCE(S):

CODE OF ALABAMA

16-11-9

TITLE II, AMERICAN WITH DISABILITIES ACT, 42 U.S.C.A. §12131-12165

INDIVIDUALS WITH DISABILITIES EDUCATION ACT (IDEA), 20 U.S.C.A. §1400, ET SEQ.

SECTION 504 OF THE REHABILITATION ACT, 29 U.S.C.A. §794

HISTORY:

ADOPTED: AUGUST 4, 2015

REVISED: _____

FORMERLY: NEW

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STUDENT CLUBS AND ORGANIZATIONS

4.50

- I. All St. Clair County School System student clubs and organizations shall be approved by the principal before they can operate within a school.
- II. All student clubs and organizations shall comply with the following:
 - A. All clubs and organizations must clearly establish and adhere to membership criteria that have been approved by the principal.
 - B. The charter and constitution of each student club or organization shall set forth the purposes, qualifications for members, and the rules of conduct and shall be maintained on file for immediate reference by all students and instructional personnel of the school.
 - C. There shall be no type of hazing in any club or organization within the school. Hazing shall be defined as any action or situation which recklessly or intentionally endangers a student's mental or physical health or safety.
 - D. Dues shall be reasonable and not prohibitive.
 - E. All meetings shall be held on St. Clair County Board of Education property, unless waived upon the faculty sponsor's request and principal's approval of special meetings and events.
 - F. A St. Clair County School System faculty sponsor/designated employee shall be present at all meetings and functions.
 - G. All social events shall be adequately chaperoned.
 - H. All monies accruing to any school club or organization shall be accounted for through the school's internal accounting system.
 - I. A student club or organization shall not conduct any activity or act which violates Alabama statutes, St. Clair County Board of Education rules, or the regulations of the local school.
- III. Any school club or organization which engages in an initiation ceremony for its members shall prepare and submit the program of initiation exercises to the faculty sponsor for review and approval by the school principal.
- IV. Secret societies, social clubs, sororities, fraternities, or any similar organizations are prohibited.

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REFERENCE(S):

CODE OF ALABAMA

[16-1-23](#), [16-8-8](#)

HISTORY:

ADOPTED: JUNE 21, 1999

REVISED: DECEMBER 15, 2003; FEBRUARY 22, 2010

FORMERLY: JHC

CHAPTER 4.00 - CURRICULUM AND INSTRUCTION

STUDENT PUBLICATIONS

4.51

St. Clair County School System school principals may approve establishment of a school newspaper or magazine for students.

- I. The principal shall be responsible for supervising the publication of newspapers, magazines, yearbooks, and programs and for ensuring these publications do not impede or otherwise interfere with the educational purpose of the school.
- II. The principal shall not allow advertisements of intoxicants or tobacco products or other products which would be inappropriate for the intended audience.

REFERENCE(S):

CODE OF ALABAMA
[16-8-8](#)

HISTORY:

ADOPTED: FEBRUARY 22, 2010
REVISED: _____
FORMERLY: NEW

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ASSESSMENT PROGRAM AND TEST RESULTS

4.60

- I. The St. Clair County School System shall periodically assess student performance and achievement within each school of the system. The assessment programs must be based upon local goals and objectives that are compatible with the state Courses of Study adopted by the State Board of Education. All schools will participate in the state assessment program designed to measure annual student learning and school performance.
- II. The St. Clair County School System will follow recommendations of the State Board of Education for the provision of test adaptations and modifications of procedures as necessary for students in exceptional education programs and for students who have limited English proficiency.
- III. Test results shall be treated with confidentiality. Results of student evaluations and test data shall be used solely for the purposes of measuring student performance and for improving the instructional program.
- IV. School assessment reports and system accountability reports containing test results for student groups shall be disseminated and/or published as directed by the Alabama State Department of Education.

REFERENCE(S):

CODE OF ALABAMA
[16-8-8](#),
FAMILY EDUCATION RIGHTS AND PRIVACY ACT,
NO CHILD LEFT BEHIND ACT OF 2001
PUBLIC LAW 103-227

HISTORY:

ADOPTED: NOVEMBER 15, 1999
REVISED: DECEMBER 15, 2003; NOVEMBER 7, 2005; FEBRUARY 22, 2010
FORMERLY: II, IIC

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TEST SECURITY

4.61

All mandatory tests administered by or through the State Board of Education and system-administered national norm-referenced achievement tests shall be secured.

- I. St. Clair County School System and school personnel who have access to mandated tests shall be informed of test security laws and procedures and of penalties for breaches of test security.
 - A. The testing coordinator shall instruct school test coordinators and principals on test security measures.
 - B. Principals shall be responsible for informing the faculty of test security measures.
- II. The loss of tests, cheating, or any other breach of test security procedures and laws shall be reported immediately to the testing coordinator. Any unresolved problems in the system shall be reported to the appropriate agency.
- III. The testing coordinator shall oversee the destruction of statewide assessment test materials in a secure manner.

REFERENCE(S):

CODE OF ALABAMA
[16-8-8](#), AAC §290-4-2-.04

HISTORY:

ADOPTED: NOVEMBER 15, 1999
REVISED: DECEMBER 15, 2003; NOVEMBER 7, 2005; FEBRUARY 22, 2010
FORMERLY: II, IIC

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REPORT CARDS AND GRADING SCALE

4.71

The Superintendent shall develop procedures relating to the content and issuance of St. Clair County School System student report cards.

Academic grades on report cards reflect the teacher's most objective assessment of the student's academic achievement. Academic grades shall not be used as a means of maintaining discipline in the classroom. The grade scale used by the St. Clair County School System is as follows:

Grades 1 – 12	
A+	100-98
A	97-94
A-	93-90
B+	89-88
B	87-84
B-	83-80
C+	79-78
C	77-74
C-	73-70
D+	69-68
D	67-64
D-	63-60
F	59 and below

Kindergarten Academic Achievement Key

3=Meets the standard

- Student performance demonstrates an understanding of the knowledge and mastery of the standards expected at this grade level
- Student demonstrates consistent application of standards
- Student independently applies grade level standards

2=Partially meets the standard

- Student performance demonstrates a partial understanding of the knowledge and standards expected at this grade level
- Student is progressing in understanding, however, the standards are not yet mastered
- Student needs assistance to use grade level standards

1=Not meeting the standard

- Student performance does not demonstrate an understanding of the knowledge or standards expected at this grade level
- Student is working below grade level expectations
- Student needs continued support; struggles even with assistance; needs intervention

Conduct grades are grades assigned based on the conduct rating at the local school. Conduct grades are not used as criteria for A and A-B Honor Rolls.

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REFERENCE(S):

CODE OF ALABAMA
16-8-8
16-1-30

HISTORY:

ADOPTED: NOVEMBER 15, 1999
REVISED: DECEMBER 15, 2003; FEBRUARY 22, 2010, AUGUST 4, 2015
FORMERLY: IHAB

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TRANSFERS FROM NON-ACCREDITED OR HOME SCHOOLS

4.80

To allow transfer of credits and/or determine the appropriate class/grade placement of a student transferring to this system from a non-accredited or home school, the following shall be implemented:

- I. Credit for all elective courses shall be accepted without validation.
- II. Uncontested credit for core courses of English, mathematics, science and social studies shall be transferred as follows:
 - A. Using all available records and nationally standardized tests, if available, the principal or his/her designee shall determine the appropriate placement and then notify the student and the parent/guardian.
 - B. Upon agreement by the parent/guardian, the student shall be assigned to the class and/or grade agreed upon.
 - C. For any initial core course the student completes successfully in this system, he/she shall be permitted to transfer in that subject area all previous credits earned at a non-accredited or home school. (Example: Successful completion of eleventh grade English in this system would allow the student to transfer ninth and tenth grade English if completed successfully at the non-accredited or home school).
- III. Contested credit for core courses shall be transferred as follows:

If the parent/guardian disagrees with the placement decision, the principal or designee shall supervise the administration of the school's most recent semester examination or other appropriate assessment for each prerequisite to the core course in which the parent/guardian is requesting enrollment. For each test passed, the student shall be placed in the next level core course and credit for the prerequisite course(s) shall be transferred.
- IV. In the event of the existence of controversial records/transcripts and/or the absence of any official or notarized records/transcripts, the student shall take placement tests consisting of the system school's previous semester tests for core courses.

All transfer students must pass state-required examinations and meet all other requirements for graduation.

REFERENCE(S):

CODE OF ALABAMA
[16-8-8](#), AAC §290-3-1-.05(2) C 7 and 290-3-1-.06 (10) c

HISTORY:

ADOPTED: FEBRUARY 22, 2010
REVISED: _____
FORMERLY: NEW

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CAREER/TECHNICAL COOPERATIVE EDUCATION

4.81

The St. Clair County Board of Education recognizes the importance of the school-community linkage in training individuals for specific occupations; assisting individuals with the transition from school to the world of work; providing an environment for developing proper skills, knowledge, work and safety habits, and pride in achievement. As such, Cooperative Career/Technical Education Programs will be provided to the extent possible to strengthen this linkage. These programs will operate in compliance with general career/technical education policies established by the Board and program standards outlined in current administrative code.

Each cooperative career/technical education program shall provide on-the-job training that:

1. is related to existing employment opportunities which offer promotion and advancement.
2. is related to the student's occupational objective.
3. does not displace other workers who can perform such work.
4. is conducted in accordance with written training agreements and training plans that incorporate methods for solving problems at work and problems at school.

Criteria for Participation

The following criteria must be met prior to a student's participation in Cooperative Career/Technical Education Programs:

1. The student and his/her parent(s)/guardian(s) must select the cooperative career/technical course(s) as an elective.
2. The student's parent(s)/guardian(s) must sign a release form authorizing the school to release his/her child from school to travel to and from the educational job site.
3. All transportation costs must be borne by the student and his/her parent(s)/guardian(s).
4. The student meets prerequisites for the cooperative career/technical course selected as described in the current St. Clair County School System course catalog.

REFERENCE(S):

CODE OF ALABAMA
[16-8-8](#), [16-37-1](#), [16-37-4](#)
ALABAMA CAREER TECHNICAL EDUCATION STANDARDS

HISTORY:

ADOPTED: NOVEMBER 15, 1999
REVISED: DECEMBER 15, 2003; FEBRUARY 22, 2010
FORMERLY: IDCF

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SAFETY IN CAREER/TECHNICAL CLASSES

4.82

In order to ensure safety of students and personnel in St. Clair County School System Career/Technical education classes, all laws, regulations, and guidelines established by local, state, and federal agencies shall be followed.

St. Clair County School System teachers in career/technical classes shall establish safe working conditions and shall promote the development of safety awareness and safe work habits by students. Safety procedures and safe work habits shall be taught and tested in all career/technical classes as specified in the Alabama Course of Study for each content area.

A safety plan shall be posted in each career/technical classroom and shall include methods for encouraging safe procedures in the following areas:

- Continuous supervision of students in the classroom, laboratory, and/or shop environment.
- Ensuring that protection devices are worn by students when appropriate.
- Safe storage of toxic, flammable, or hazardous materials.
- Safe use of electrical devices and avoiding electrical hazards.
- Safety demonstrations, safety instruction, and testing for safety knowledge.
- Periodic inspection of materials, equipment, and tools to ensure safe use.

The goals of safety instruction are to keep students safe while participating in career/technical programs and for transfer of this knowledge to the work place.

REFERENCE(S):

CODE OF ALABAMA
[16-37-1](#), AAC § 290-6-1-.04(6)

HISTORY:

ADOPTED: FEBRUARY 22, 2010
REVISED: _____
FORMERLY: NEW

CHAPTER 4.00 - CURRICULUM AND INSTRUCTION

CAREER/TECHNICAL PROGRAM EQUIPMENT MAINTENANCE, REPAIR, REPLACEMENT AND DISPOSAL

4.83

St. Clair County School System teachers in career/technical classes are expected to keep all machines, equipment, tools, and other items needed for effective instruction in good repair. A program of preventive maintenance of machines, tools, and equipment shall be implemented to prolong the use of the items and to teach proper care and maintenance of equipment. A schedule for the cleaning, greasing, and oiling of equipment, the changing of filters, and other routine maintenance shall be developed by the teacher for all equipment, machines, and tools used in the classroom.

Annual review of needs for repairs, servicing, and other maintenance shall be submitted to designated system personnel. Requests for major repairs or replacement of equipment or tools shall be submitted with estimates of costs for parts, service, or replacements. The teacher using allocated maintenance funds, fees, program funds, or school funds shall pay for routine maintenance and small repairs. Major repairs and appropriate equipment replacement shall be considered in the annual system career/technical budget. The St. Clair County School System shall maintain a reasonable allocation to fund emergency repair of equipment essential to the instructional program.

Principals and system personnel shall conduct periodic inspection of career/technical shops, laboratories, and classrooms to determine that tools, supplies, and equipment are properly maintained and stored and to see that equipment is kept in good repair and operated safely.

Designated central office personnel shall work cooperatively with teachers and school administrators to annually assess the need for updated equipment, supplies, tools, and materials for career/technical classes. Each teacher shall maintain an accurate inventory of equipment, tools, supplies, furnishings, textbooks, and other materials necessary for instruction in career/technical classes. When equipment is unserviceable or obsolete, the teacher shall notify the school principal. The principal shall notify the designated central office personnel in writing of equipment, tools, or other items in need of disposal. Central office personnel will make arrangements for the removal of such items from the school and for the proper disposal of the items according to state and system regulations.

To maintain the optimum classroom learning environment, each teacher shall:

1. Make students aware of the importance of the proper care of tools, equipment, furnishings, and materials at school and in the work place.
2. Maintain tools and equipment daily.
3. Maintain an accurate inventory of tools, supplies, and equipment.
4. Notify the principal of safety hazards and/or problems with heating, cooling, lighting, or ventilation that may interfere with learning.
5. Take appropriate disciplinary actions against persons who abuse facilities and/or equipment.
6. Secure tools, equipment, and work areas before leaving the class, laboratory, or shop area for any time.

CHAPTER 4.00 - CURRICULUM AND INSTRUCTION

REFERENCE(S):

CODE OF ALABAMA
[16-37-1](#), AAC § 290-6-1-.10(1-3)

HISTORY:

ADOPTED: APRIL 17, 2001
REVISED: MAY 22, 2006; FEBRUARY 22, 2010
FORMERLY: IFBHA

CHAPTER 4.00 - CURRICULUM AND INSTRUCTION

LIVE WORK IN CAREER/TECHNICAL PROGRAMS

4.84

The St. Clair County Board of Education recognizes live work as being a valuable tool for students in career/technical programs to assist students in developing workplace competencies as a tool for positive community relations. Live work experiences are authorized by the St. Clair County Board of Education in career/technical classes when the following guidelines are followed.

Live work is defined as work performed by students as part of the instructional training program. This work may be performed by students at a job site or at school. All live work projects must be pre-approved by the teacher in writing and coordinated with the school principal. Live work projects are not to be performed in competition with private enterprise. The career/technical education programs assume no responsibility for the results of the work being performed by students.

The person or organization for which the live work project is performed shall assume all costs of materials, supplies, and parts associated with the work performed by students. The career/technical teacher is responsible for documenting the live work through a work order, the invoicing of the person/organization for whom the work is performed, and the collection of all charges associated with the live work projects performed by students. The St. Clair County Board of Education, the school, nor school employees shall receive economic benefit from career/technical education live work projects.

REFERENCE(S):

CODE OF ALABAMA
[16-37-1](#), AAC§290-6-1-.04(5)

HISTORY:

ADOPTED: JUNE 17, 2002
REVISED: DECEMBER 15, 2003; FEBRUARY 22, 2010
FORMERLY: IFBH

CHAPTER 4.00 - CURRICULUM AND INSTRUCTION

PLACEMENT AND FOLLOW-UP OF CAREER/TECHNICAL GRADUATES

4.85

Each St. Clair County School System career/technical teacher is responsible for assisting graduates in job placement or entry into post-secondary education. Active files will be maintained in each school of opportunities for employment and graduates who are seeking employment. The principal shall designate school personnel to serve as a placement coordinator to maintain records of student placement and to serve as a liaison with businesses and industry representatives when career/technical teachers are not available.

School counselors will maintain active files available to students on colleges, junior colleges, technical schools and other post-secondary training possibilities. In addition, scholarship information will be made available to students.

Each career/technical teacher is responsible for the implementation of a follow-up system to determine employment and/or post-secondary education placement of graduates. A purpose of the follow-up of graduates is to solicit feedback regarding the appropriateness and effectiveness of career/technical programs.

Formal follow-up reports of graduates shall be completed according to schedules established by the Alabama State Department of Education. In addition, career/technical teachers should use informal contacts with employers of graduates to gain information and suggestions for improving instruction in career/technical classes.

REFERENCE(S):

CODE OF ALABAMA
16-37-1, AAC 290-6-1-.06(2)

HISTORY:

ADOPTED: FEBRUARY 22, 2010
REVISED: _____
FORMERLY: NEW

CHAPTER 4.00 - CURRICULUM AND INSTRUCTION

TITLE I PROGRAM

4.87

Title I services will be offered in schools within the School System that qualify according to state and federal guidelines and legislation. Eligible students are those whom the school identifies as failing or most at risk of failing to meet the state's challenging student performance standards and having greatest academic need for special assistance. The Board requires that the following criteria be met for all qualified Title I programs (Schoolwide or Targeted Assistance) within the School System:

- Improve teaching so that Title I students will meet challenging state content performance standards.
- Implement effective instructional strategies that increase the amount and quality of learning time for at-risk students and that deliver an enriched and accelerated curricula.
- Ensure that school-based planning take place.
- Promote effective parent participation.

Title I Schoolwide programs use their funds to upgrade the entire program of the school. Schools are encouraged to use research-based school reform strategies that provide an accelerated and enriched curriculum and increase the amount and quality of learning time. The programs must be integrated with other resources and initiatives. The intent is still to assist disadvantaged children, but this goal will be achieved by upgrading the entire education environment.

Title I Targeted assistance programs will target only individually identified students and must use their funds only for programs that provide services for those identified as in greatest need of assistance. However, these targeted assistance programs must meet the same requirements of schoolwide programs such as emphasizing accelerated curricula and extended learning times; coordinating their activities with other school reform activities; and providing adequate professional development for teachers and others serving Title I students.

Title I Teachers

Teachers paid from Title I funds are employees of the Board and are subject to the same regulations as other teachers.

REFERENCE(S):

IMPROVING AMERICA'S SCHOOLS ACT OF 1994
NO CHILD LEFT BEHIND ACT OF 2001

HISTORY:

ADOPTED: FEBRUARY 22, 2010
REVISED: _____
FORMERLY: NEW

CHAPTER 4.00 - CURRICULUM AND INSTRUCTION

HOMEBOUND INSTRUCTION

4.89

The Superintendent is responsible for appointing a qualified person(s) to provide homebound instruction for eligible students.

Procedures, forms, and regulations for implementing the homebound instruction program of the St. Clair County School system shall be developed at the direction of the Superintendent by designated personnel and shall be disseminated to appropriate employees, parents, students, and agencies as needed.

REFERENCE(S):

**CODE OF ALABAMA
16-8-8
AAC §290-060-010 (15) (k)**

HISTORY:

**ADOPTED: FEBRUARY 22, 2010
REVISED: _____
FORMERLY: NEW**

CHAPTER 4.00 - CURRICULUM AND INSTRUCTION

REPRODUCTION OF COPYRIGHTED MATERIALS

4.90

The following guidelines shall govern the reproduction of copyrighted materials in the St. Clair County School System:

1. Board employees may reproduce copyrighted materials under the provisions of the copyright laws currently in force under Title 17 of the United States Code 106.
2. Any reproduction of copyrighted materials will be undertaken either with the written permission of the copyright holder or within the bounds of "Fair Use" guidelines provided in the Copyright Act. Otherwise, the individual responsible for reproduction may be liable for infringing the copyright under existing laws.
3. The ethical and practical problems caused by the unauthorized copying of any copyrighted materials (printed or video) will be taught to educators and students in all schools of the School System.
4. The Board in recognizing the importance of the Copyright Law of the United States (Title 17, United States Code) hereby notifies all employees that a willful infringement of the law may result in disciplinary action. In the case of a court action for damages, a finding of willful infringement would preclude the Board paying any judgment rendered against the employee and paying any attorney's fees or costs which the employee would incur in conjunction with a lawsuit and may render the employee liable to the Board for any damages which the Board is liable to pay.

REFERENCE(S):

CODE OF ALABAMA
[16-8-8](#), TITLE 17 US CODE 106

HISTORY:

ADOPTED: FEBRUARY 22, 2010
REVISED: _____
FORMERLY: NEW

CHAPTER 4.00 - CURRICULUM AND INSTRUCTION

PROGRAM FOR LIMITED ENGLISH PROFICIENT STUDENTS

4.93

St. Clair County School District within thirty (30) days of the beginning of the school year will inform a parent of identification of a student for participation in the limited English proficient program. The notification will include the following information:

1. The reason for the identification of the student as limited English proficient and the need for placement in language instruction.
2. The child's level of English proficiency and the method used for assessment as well as the status of the child's academic achievement.
3. The method of instruction to be used in the language program and how the class differs in content, goals and method from the regular English class
4. The way the program will meet the education needs of the child and build on strengths.
5. The way the program will help their child learn English and meet age appropriate academic achievement standards for grade promotion and graduation.
6. Specific exit requirements from the program and transition back into the regular English class.
7. Services for a child with disabilities to meet objectives of the individualized education program.
8. The right of parents to have their child removed from a special language program.
9. Options parents have for other kinds of service if they decline enrollment in the program for limited English proficient students.

Parents will also be notified within fifteen (15) days if the system fails to make progress on the annual measurement achievement objectives. All information provided will be in a uniform and understandable format and to the extent practical in a language that parents can understand. The system will implement a parenting program that helps parents understand how they can be involved in their child's education and be active participants in assisting their children to obtain English proficiency. The parenting program will also inform parents of the state's challenging standards and the opportunity to meet regularly to make their recommendations for assisting students.

REFERENCE(S):

NO CHILD LEFT BEHIND ACT OF 2001, SECTION 112

HISTORY:

ADOPTED: SEPTEMBER 10, 2001
REVISED: DECEMBER 15, 2003; NOVEMBER 7, 2005; FEBRUARY 22, 2010
FORMERLY: IDdfa

CHAPTER 5.00 – STUDENTS

ADMITTANCE/ENROLLMENT REQUIREMENTS

5.10

- I. Any student who initially enrolls in the St. Clair County School System shall be required to present the following documents:
 - A. An official birth certificate;
 - B. Immunization as required for the prevention of those communicable diseases designated by the State Health Officer;
 - C. Proof of residency (copy of power bill, telephone bill, rent receipt, etc.) of the parent(s), legal custodian(s), and/or legal guardian(s); and,
 - D. Proof of guardianship or custody when warranted.

Exceptions may be granted as provided in Alabama statutes and federal law.

- II. The school principal shall determine grade placement of students from a private or non-public school or from home education based on state regulations and St. Clair County Board of Education rules regarding transfer of credit as well as other factors including test data, age, and previous school records.
- III. Admission may be denied a resident student who is over seventeen (17) years of age and who has repeatedly been dismissed from previous schools for violation of the rules of the school with the exception of students who have current IEPs.
- IV. When a student facing some type of disciplinary action is withdrawn from school prior to receiving the punishment, said student (and his/her parent/legal guardian) should be informed that prior to admission/readmission to any St. Clair County school, the disciplinary action would have to be completed. This includes any suspension, work assignment, or referral to the Superintendent or Board of Education for a hearing.
- V. Resident Students
 - A. The Board defines resident students as students whose parents or legal guardians live within the jurisdiction of the St. Clair County School System. All resident students of the school district shall be entitled to be admitted, subject to policy limitations and judicial constraints, to the St. Clair County Schools.
 - B. Children of employees of the St. Clair County Board of Education shall be allowed admission as resident students as long as their parents remain employed by the

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St Clair County Board of Education. Children of employees may attend the school in the zone of their residence or in the zone in which their parent is employed.

- VI. All homeless, migratory, immigrant, and limited English proficient children shall have equal access to the same free appropriate public education, including public preschool education, provided to other children and youth. Such children will be provided the opportunity to participate in the same state educational programs and to meet the same state student performance standards as all other children without being isolated or stigmatized.

Students who live in the attendance areas of St. Clair County School System and who are homeless, migratory, non English speaking, immigrant, disabled or Foster Care will have access to a free, appropriate education. Students will not be prohibited from school attendance due to any of the following:

- A. Residency requirements
- B. Lack of social security number
- C. Lack of birth certificate
- D. Lack of school records or transcripts
- E. Lack of immunizations
- F. Legal custody requirements
- G. Transportation
- H. Language barriers
- I. Disabilities

Dispute Resolution - Homeless students will continue in the school of origin for the duration of homelessness. Students may enroll in any public school that non-homeless students, who live in the attendance area in which the students reside, are actually eligible to attend.

If the school enrollment decision is contrary to the wishes of the student's parent/guardian, the school will provide the parent, guardian, or unaccompanied youth with a written explanation of the decision, a statement of the right to appeal, and procedure for appealing the placement decision. The principal of this school will notify

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the Board's Homeless Liaison of the dispute and take steps to resolve the dispute. When a dispute arises regarding school placement, the system will immediately enroll the homeless student in the school in which enrollment is sought by the parent, guardian, or unaccompanied youth, pending resolution of the dispute. The Board's Homeless Liaison will expeditiously take steps to resolve the dispute. If the dispute cannot be settled by the homeless liaison, the liaison will assist the complainant in seeking technical assistance from an appropriate service agency.

VII. St. Clair County Schools may admit foreign exchange students in grades 9-12 only.

REFERENCE(S):

CODE OF ALABAMA

[16-28-4, 16-30-1 TO -4,](#)

[42 U.S.C. §1432\(a\)\(3\)\(E\)](#)

NO CHILD LEFT BEHIND ACT OF 2001,

TITLE VII-B OF THE MCKINNEY-VENTO HOMELESS ASSISTANCE ACT OF 2001

HISTORY:

ADOPTED: JUNE 23, 2003

REVISED: DECEMBER 15, 2003; FEBRUARY 23, 2004; FEBRUARY 22, 2010;

AUGUST 4, 2015; JANUARY 25, 2016; FEBRUARY 27, 2017

FORMERLY: JBC, JBCA. JBCBA

CHAPTER 5.00 – STUDENTS

KINDERGARTEN ADMISSION

5.11

Any child shall be eligible for admission to kindergarten if he/she has attained the age of five (5) years on or before September 1 of the school year.* However, a child who transfers from another state shall be admitted under the same age requirements as established in the state where he/she previously resided. Before admitting a child to kindergarten, the principal shall require evidence of

- I. The child's date of birth documented in the manner provided by Alabama statutes; and
- II. An up-to-date immunization record.

*An opinion of the Attorney General states in effect that under the common law one's age is computed by including the day of birth so that a given age is obtained the day before the birthday anniversary. Therefore, a child whose sixth birthday falls on September 2 is entitled to attend the public elementary schools at the opening of school for that school year. A child whose fifth birthday falls on September 2 is entitled to attend kindergarten.

REFERENCE(S):

CODE OF ALABAMA
[16-28-3 TO -4](#)

HISTORY:

ADOPTED: JUNE 17, 1998
REVISED: MARCH 18, 2009; FEBRUARY 22, 2010
FORMERLY: JBC, IDG

CHAPTER 5.00 – STUDENTS

FIRST GRADE ADMISSION

5.12

For admission to first grade, a student shall be six (6) years old on or before September 1 of the school year.*

Previous attendance in an out-of-state school into which a student was admitted on the basis of age requirement established by the state of residency shall be accepted as meeting the age requirement.

*An opinion of the Attorney General states in effect that under the common law one's age is computed by including the day of birth so that a given age is obtained the day before the birthday anniversary. Therefore, a child whose sixth birthday falls on September 2 is entitled to attend the public elementary schools at the opening of school for that school year. A child whose fifth birthday falls on September 2 is entitled to attend kindergarten.

REFERENCE(S):

CODE OF ALABAMA
[16-28-3 TO -4](#)

HISTORY:

ADOPTED: JUNE 17, 1998
REVISED: MARCH 18, 2009; FEBRUARY 22, 2010
FORMERLY: JBC, IDG

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OFFICE OF SCHOOL READINESS PRE-K CLASSROOM GRANT REGISTRATION 5.13

Resident Pre-K Students-school age children who reside within the St. Clair County School District as well as those whose parent or legal guardian is employed with the St. Clair County Board of Education may be registered for the random selection drawing for the school in which they are zoned to attend. For example: Pre-K students zoned to attend School "A" will only register for School "A" Pre-K random selection drawing. After the random selection is held, Pre-K students living inside and outside the St. Clair County School District may register for any available student slots.

REFERENCE(S):

HISTORY: NEW

ADOPTED: March 18, 2019

CHAPTER 5.00 - STUDENTS

STUDENT RIGHTS AND RESPONSIBILITIES

5.17

The St. Clair County Board of Education possesses the responsibility to offer an education which shall be provided in an orderly, healthy atmosphere, both physical and emotional, and in which treatment of students is both firm and fair in all matters pertaining to school life.

Every student shall comply with all rules and regulations of both the State and the Board pertaining to pupil behavior. Codes of student conduct shall be based on maintaining within each school a proper atmosphere for learning. Codes of conduct shall be consistent with the policies of the Board, which in turn, shall be in full compliance with State and Federal statutory provisions.

REFERENCE(S):

CODE OF ALABAMA

[16-28A-3](#)

TITLE IX, SECTION 504, OF THE REHABILITATION ACT

HISTORY:

ADOPTED: JUNE 17, 1998

REVISED: MARCH 18, 2009; FEBRUARY 22, 2010

FORMERLY: JAA

CHAPTER 5.00 - CURRICULUM AND INSTRUCTION

GRADUATION REQUIREMENTS

5.20

All students entering the 9th grade will be required to complete course requirements and the minimum Carnegie units as specified by the Alabama State Board of Education. The St. Clair County Board of Education shall direct the Superintendent to produce a widely-disseminated publication which describes requirements for the diploma, certificates, and endorsements awarded by the St. Clair County Board of Education.

Publications describing graduation requirements for St. Clair County students shall describe types of endorsements, core course requirements, elective course offerings, and the process for earning weighted credit.

STATUTORY AUTHORITY:

**CODE OF ALABAMA
16-1-30**

LAW(S) IMPLEMENTED:

**CODE OF ALABAMA
16-8-8, 16-26-1**

ALABAMA ADMINISTRATIVE PROCEDURE ACT:

§290-030-010-.06(11)(k)1

HISTORY:

**ADOPTED: NOVEMBER 15, 1999
REVISED: DECEMBER 15, 2003; FEBRUARY 22, 2010
REVISED: JULY 1, 2010, AUGUST 4, 2015**

FORMERLY: IHF

CHAPTER 5.00 – STUDENTS

PARTICIPATION IN GRADUATION CEREMONIES

5.21

The St. Clair County Board of Education authorizes local high school principals and appropriate staff members to design and implement graduation ceremony exercises for their respective schools. In all cases, eligibility criteria for participation in graduation exercises (marching) shall encompass the following provisions:

1. Students who have met the requirements for the Alabama High School Diploma are eligible to participate in the graduation ceremony (marching).
2. Special education students who have not met the requirements for a diploma but have met the requirements of their IEPs shall be permitted to participate in the graduation ceremony and will be awarded the Graduation Certificate.
3. Beginning with ninth graders entering in 2011 (Class of 2014-2015), non-special education students must be eligible to receive a diploma in order to participate in graduation ceremonies (march).
4. Participation in the graduation ceremony is a privilege that may be revoked by the school administrator and the Superintendent if deemed necessary.

REFERENCE(S):
ALABAMA

CODE OF

[16-8-8](#)

HISTORY:

ADOPTED: JUNE 17, 1998
REVISED: FEBRUARY 22, 2010, JULY 1, 2010, AUGUST 4, 2015

FORMERLY: IHF, JFD

CHAPTER 5.0 – STUDENTS

CLASS RANKINGS AND WEIGHTED CREDIT

5.22

The St. Clair County Board of Education maintains that high schools should keep accurate records concerning class ranking of each student. This is especially important for 12th graders since colleges and scholarship committees consider rankings in their acceptance process.

Confidentiality of all records shall be respected as specified by law.

Class rankings for senior students shall be determined on a four (4) point scale as follows:

A=4 points B=3 points C=2 points D=1 point (Only core academic classes will be weighted)

1 extra quality point will be awarded to Advanced Placement courses and Dual Enrollment core courses with a grade of A, B, or C.

.5 extra quality point or 4.5 for an A, 3.5 for a B, etc... will be awarded to Pre-Advanced Placement courses, Honors classes, and math courses meeting or exceeding requirements for Algebra II with Trigonometry, Pre-Calculus and Physics.

Final class rankings shall be calculated at the end of the second semester of the senior year. Calculations will be carried out four decimal places with no “rounding”.

REFERENCE(S):

CODE OF ALABAMA

[16-8-8](#)

HISTORY:

ADOPTED: NOVEMBER 15, 1999

REVISED: DECEMBER 15, 2003; FEBRUARY 22, 2010

REVISED: JULY 1, 2010, AUGUST 4, 2015

FORMERLY: IHC

CHAPTER 5.00 - STUDENTS

HONOR GRADUATES

5.23

The following criteria shall determine honor graduates of St. Clair County high schools:

1. A student must be enrolled in a particular school for the entire senior year to be designated an honor graduate.
2. All students with a grade point average (GPA) of 4.0 or higher and who have earned the highest diploma offered at a particular school shall be designated honor graduates. GPA for the determination of honor graduates shall be calculated at the end of second semester of the senior year. GPA calculations shall be carried to the fourth decimal place with no "rounding".
3. In the event that no student in the graduating class has a GPA of 4.0 or higher, the top 10% of the class with GPAs of 3.5 or higher shall be designated as honor graduates.
4. The local school will determine how honor graduates will be recognized at the graduation ceremony.
5. The two (2) honor graduates with the highest numerical averages (in academic core courses including foreign language) shall each deliver an address at commencement. In the event that one or both students decline the opportunity to speak, the principal shall appoint another honor graduate to speak or no one at all.

REFERENCE(S):

**CODE OF ALABAMA
16-8-8**

HISTORY:

**ADOPTED: FEBRUARY 22, 2010
REVISED: JULY 1, 2010
FORMERLY: NEW**

VIRTUAL EDUCATION SCHOOL OPTION**5.25**

The St. Clair County Board of Education offers a free non-traditional public education provided through the Virtual (k12) Preparatory Academy. Courses are developed and taught by highly qualified, certified teachers or facilitated through high-quality online curriculum aligned to the Alabama State Department of Education (ALSDE), Course of Study and College and Career Readiness Standards. All St. Clair County Schools are accredited through the AdvancED accreditation process.

Effective with school year 2018-19, St. Clair County resident students and non-resident students within the state of Alabama in grades K-12 may apply to participate in the virtual school education option (Virtual (k12) Preparatory Academy) according to the following policies and rules:

- I. **Virtual School Coordinator**—The Superintendent shall appoint a Virtual School Coordinator who is authorized to develop and oversee procedures deemed necessary to implement the virtual school policy. This may include, but is not limited to, eligibility, admissions, and courses or program options.
- II. **Virtual School Review Team**—The Virtual School Coordinator shall establish through appointment a Virtual School Review Team (VSRT) which shall have authority to determine initial and continued eligibility. The VSRT will continuously evaluate the Personal Learning Plan (PLP) outcomes to determine ongoing participation in the virtual school.
- III. **Scope and Delivery of Services** – Virtual education includes offerings within the traditional school setting with direct access to instructors, online instruction with virtual access to instructors and coursework, or a blended combination to students in grades K-12. Virtual education course offerings align with the Alabama State Department of Education Course of Study and CCRS standards. Students enrolled in the Virtual (k12) Preparatory Academy are subject to the same graduation requirements as students enrolled in other St. Clair County Schools. Such courses will be delivered through district approved Learning Management Systems (LMS) and other innovative instructional technologies. Each student and his or her parent or guardian, along with the VSRT, will develop a PLP to address the individual needs of the student.
- IV. **Student Eligibility Criteria** - Eligibility of St. Clair County resident and other resident students within the state of Alabama will be determined on a case-by-case basis following application requirements to the VSRT. Once eligibility has been determined, the student and parent/guardian must participate in a virtual education orientation conducted by a member of the VSRT. Full-time virtual school students must enroll in a minimum number of a combination of core courses and electives to meet ALSDE promotion/graduation standards, including completion of pre-requisite courses. The school system reserves the right to develop specific eligibility criteria for virtual courses and/or programs. Students may be transitioned back to a traditional school setting if: 1) the student's participation in the virtual program is impeding the student's academic progress; 2) the student fails to meet virtual

course and/or program attendance requirements; 3) the student violates school system policies, procedures, rules or regulations, including, but not limited to, the school system's rules governing the use of its technology resources; or 4) the student fails to meet academic progress criteria as defined in their Personalized Learning Plan (PLP). A student enrolled in the Virtual (k12) Preparatory Academy must have access to the internet and to a computer/device outside of school. Transportation to and from the Virtual (k12) Preparatory Academy classes, programs and/or activities shall be the responsibility of the student's parent(s)/guardian(s), except as otherwise specifically provided.

- V. **Collaborative Enrollment** - A collaborative student is one enrolled in a traditional St. Clair County School as a full-time student in grades 8-12 who may be considered for enrollment in a limited number of virtual courses. Eligibility criteria and course location will be determined and reviewed by the VSRT and the local school's registrar.

- VI. **Monitoring Performance and Testing Requirements** -Individual student performance will be monitored pursuant to the school system' s traditional academic credit requirements and grade scale. Students utilizing the virtual school option will be subject to all state testing and accountability requirements and will be subject to the same rules and regulations regarding the administration of such tests that are applicable to students enrolled in a traditional academic program. The Virtual School Coordinator is hereby authorized to take whatever action as may be necessary to facilitate the state testing and accountability requirements applicable to virtual school students.

- VII. **Attendance** – Student attendance is determined by traditional requirements, non-traditional requirements, or a combination of the two. Traditional attendance is measured by the physical presence of the student in the virtual school facility. Non-traditional attendance is measured by the progress and completion of lessons/assignments in the LMS, or a combination of traditional attendance and non-traditional attendance as outlined in the PLP. Students participating in the Virtual (k12) Preparatory Academy are required to communicate weekly with the virtual course facilitator in order to remain enrolled. The PLP will establish specific attendance requirements and may only be amended by the VSRT. A student's failure to comply with such requirements may result in administrative action including, but not limited to, probation, truancy referral, or removal from the course or program. A student's parent(s)/guardian(s) are responsible for the student's attendance in the Virtual (k12) Preparatory Academy or another public school, unless otherwise exempt by law. Failure to meet attendance requirements will result in sanctions as provided under Alabama's Compulsory School Attendance Law.

- VIII. **Extracurricular Activities** – All students of the Virtual (k12) Preparatory Academy are eligible to participate in extracurricular activities in accordance with the rules set forth herein, other than athletic activities governed by the Alabama High School Athletic Association (AHSAA), which are governed by the rules set forth below. Virtual (k12) Preparatory Academy students who reside in St. Clair County must meet the same extracurricular-activity eligibility requirements as other students enrolled in a traditional academic program. Students of the Virtual (k12) Preparatory Academy who reside in the attendance zone of the St. Clair County School System shall be eligible to participate in extracurricular activities offered at the campus of the Virtual (k12) Preparatory Academy and at the campus of the

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traditional St. Clair County school for which the eligible student is zoned to attend based on his or her residence, except as otherwise provided by the VSRT. Students of the Virtual (k12) Preparatory Academy who reside in St. Clair County but outside the attendance zone of the St. Clair County School System shall be eligible to participate in extracurricular activities offered at the campus of the Virtual (k12) Preparatory Academy and at the campus of the traditional St. Clair County school located closest to the eligible student's residence, except as otherwise provided by the VSRT. Students of the Virtual (k12) Preparatory Academy who reside outside of St. Clair County are not eligible to participate in extracurricular activities offered at traditional St. Clair County schools but shall be eligible to participate in any extracurricular activities offered at the campus of the Virtual (k12) Preparatory Academy. Participation in extracurricular activities shall be determined in accordance with applicable state laws and local school-system policies.

- IX. **Athletic Activities** – In accordance with the rules set forth by the AHSAA, only collaborative students of the Virtual (k12) Preparatory Academy who reside in the attendance zone of the St. Clair County School System and who are enrolled in a traditional St. Clair County school as full-time students are eligible to participate in athletic activities governed by the AHSAA. Eligible collaborative students shall participate in athletic activities at the traditional St. Clair County school for which they are zoned, enrolled, and attend. Full-time students of the Virtual (k12) Preparatory Academy who are not collaborative students and who are not enrolled in a traditional St. Clair County school are not eligible to participate in athletic activities governed by the AHSAA. Participation in athletic activities shall be determined in accordance with applicable state laws, rules of the AHSAA, and local school- system policies.

REFERENCE(S):

**CODE OF ALABAMA
16-46A-1; LEGISLATIVE ACT 2015-89**

HISTORY:

ADOPTED: JANUARY 25, 2016

REVISED: MAY 14, 2018

FORMERLY: NEW

CHAPTER 5.00 - STUDENTS

STUDENT PROMOTION AND RETENTION

5.26

All students must comply with the St. Clair County School System attendance policy to be promoted to the next grade. No student should be recommended for retention unless their case has been presented to the school's problem solving team and intervention strategies have been implemented. When a student enrolls after the beginning of the final quarter of the school year promotion/retention decisions will be made on a case-by-case basis by the principal and teacher(s). Promotion/retention decisions and grade placement determinations for special education students follow the student's IEP.

Grades K-4

To be promoted to the next grade, a student in grades K through 4 must pass reading and mathematics to grade level standards. The process of making decisions as to promotion and retention of students in grades K through four (4) should take into consideration a variety of factors including age, maturity, motor coordination, capacity for learning, and academic progress. The determination process should involve the principal and teacher(s) with the authority for determining promotion and retention resting entirely with the teacher(s) and principal.

If a student needs to be retained based on the teacher's professional judgment of the student's academic performance and/or other factors, the parent(s) or guardian(s) of that student should be informed as early in the school year as possible. In all cases, the decision of whether a student should be promoted or retained shall be made on the basis of which grade placement provides the student a better chance of progressing in his/her educational development.

Grades 5-8

Students enrolled in grades five (5) through eight (8) must pass reading, language and math plus one (1) additional core courses each year in order to be promoted to the next higher grade. Students who do not pass required core courses each year will be retained at their current grade level for the next school year unless they successfully meet the requirements in an approved summer school program.

Placement

If a student is retained twice in any grade, he/she may be placed in the next higher grade level upon teacher recommendation(s) and the approval of the principal. A possible referral for evaluation for special education would be recommended.

Grades 9-12

For students to be permitted to move to the next higher grade level, the following standards must be met:

Tenth Grade – students who have earned six (6) Carnegie units will be classified as tenth graders.

Eleventh Grade - students who have earned twelve (12) Carnegie units will be classified as eleventh graders.

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Twelfth Grade – students who have earned seventeen (17) Carnegie units will be classified as twelfth graders.

Summer School Options

A student who does not pass coursework in a logical and sequential order should be strongly encouraged to attend an approved summer school to earn the required Carnegie unit(s) necessary for orderly progression through the courses required for graduation.

Special Education Students

Promotion of any student in a special education program, with the exception of gifted students, is based on his/her accomplishments of goals stated in the IEP in conjunction with all other regular program requirements. However, a special education student (except gifted) may not be placed at any grade level unless the student has attended school for a commensurate number of years equal to the proposed grade placement; i.e., for a special education student to be placed at the sixth (6th) grade level, he/she must have been enrolled in school for at least five (5) years.

REFERENCE(S):

CODE OF ALABAMA
[16-8-35](#)

HISTORY:

ADOPTED: NOVEMBER 15, 1999
REVISED: DECEMBER 15, 2003; JUNE 8, 2005; FEBRUARY 22, 2010
REVISED: JULY 1, 2010, AUGUST 4, 2015
FORMERLY: IHE

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STUDENT HARASSMENT PREVENTION

5.28

- I. No student shall engaged in or be subjected to harassment, violence, threats of violence, or intimidation by any other student that is based on any of the specific characteristics that have been identified by the St. Clair County Board of Education in this policy. Students who violate this policy are subject to disciplinary sanctions.
- II. Definitions
 - A. The term “harassment” as used in this policy means a continuous pattern of intentional behavior that takes place on school property, on a school bus, or at a school-sponsored function including, but not limited to, written, electronic, verbal, or physical acts that are reasonably perceived as being motivated by any characteristic of a student or by the association of a student with an individual who has a particular characteristic, if the characteristic falls into one of the characteristics set forth in Section III B below. To constitute harassment, a pattern of behavior may do any of the following:
 - Place a student in reasonable fear of harm to his or her person or damage to his or her property.
 - Have the effect of substantially interfering with the educational performance, opportunities, or benefits of a student.
 - Have the effect of substantially disrupting or interfering with the orderly operation of the school.
 - Have the effect of creating a hostile environment in the school, on school property, on a school bus, or at a school-sponsored function.
 - Have the effect of being sufficiently severe, persistent, or pervasive enough to create an intimidating, threatening, or abusive educational environment for a student.
 - B. The term “violence” as used in this policy means the infliction of physical force by a student with the intent to cause injury to another student or damage to the property of another student.
 - C. The term “threat of violence” as used in this policy means an expression of intention to inflict injury or damage that is made by a student and directed to another student.
 - D. The term “intimidation” as used in this policy means a threat or other action that is intended to cause fear or apprehension in a student, especially for the purpose of coercing or deterring the student from participating in or taking advantage of any school program, benefit, activity or opportunity for which the student is or would be eligible.

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- E. The term “student” as used in this policy means a student who is enrolled in the St. Clair County School System.

III. 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:
- The student’s race;
 - The student’s sex;
 - The student’s religion;
 - The student’s national origin; or
 - The student’s disability.

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

V. 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’s and or counselor’s office. The complaint must be signed by the student alleging the violation or by the student’s parent or legal guardian and delivered to the principal or the principal’s designee either by mail or personal delivery. At the request of the complaining student or the student’s parent or legal guardian, incidental or minor violations of the policy may be presented and resolved informally.
- B. Upon receipt of the complaint, the principal or the principal’s designee will, in his/her sole discretion, determine if the complaint alleges a serious violation of this policy. If the principal or the principal’s designee determines that the complaint alleges a serious violation, the principal or the designee will undertake an investigation of the complaint in a reasonably prompt time period taking into account the circumstances of the complaint. If the investigation establishes a

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violation, appropriate disciplinary sanctions will be imposed on the offending student(s). Other measures that are reasonably calculated to prevent a recurrence of the violation(s) may also be imposed by the principal or the school system.

- C. Acts of reprisal or retaliation against any student who has reported a violation of this policy or sought relief provided by this policy are prohibited, and are themselves a violation of this policy. Any confirmed acts of reprisal or retaliation will be subject to disciplinary sanctions that may include any sanction, penalty, or consequence that is available to school officials under the Code of Student Conduct. A student who deliberately, recklessly, and falsely accuses another student of a violation of this policy is 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.
- VI. This policy and any procedures, rules, and forms developed and approved to implement the policy will be published, disseminated, and made available to students, parents and legal guardians, and employees by such means and methods as are customarily used for such purposes, including publication on the St. Clair County School System web site.

REFERENCE(S):

**CODE OF ALABAMA
16-8-8, LEGISLATIVE ACT 2009-571**

HISTORY:

**ADOPTED: FEBRUARY 22, 2010
REVISION DATE(S): _____
FORMERLY: NEW**

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DUE PROCESS

5.29

The Board recognizes that observance of applicable substantive due process entails two basic considerations: (1) any objective sought relative to student governance must be legally defensible, e.g., based upon a rational or compelling state interest; and (2) the means taken to accomplish such objective must be within the constitutional limitations applicable to the in loco parentis position of school officials within the School District. To assure compliance with these two substantive aspects, the Board has approved the following guidelines as applicable to all policies, rules, and regulations.

1. Each local school policy, rule, or regulation shall specify its purpose as it relates to accomplishment of a legally defensible objective.
2. Each local regulation shall be based on a Board policy.
3. All policies, rules, and regulations at any level shall be consistent with local, county, or city ordinances, statutes of the State of Alabama, and administrative regulations of duly authorized agencies; e.g. State Board or State Department of Education.
4. Both policies of the Board and regulations designated by local school administrators shall be specific and precise.
5. No Board policies or local school codes of conduct shall deny any student his/her constitutional rights.
6. Discharge of administrative responsibilities and exercise of authority shall recognize applicable legal parameters placed upon the in loco parentis position of school officials.
7. Authority exercised by administrators, teachers or school officials, shall be capable of withstanding close judicial scrutiny and be free from arbitrary, capricious, discriminatory, or otherwise illegal practices.
8. Students, parents, citizens, teachers, and administrators should be participants in developing local school codes of conduct.

Procedural due process within the School District shall relate primarily to the area of discipline and disciplinary measures, e.g., short-term suspension, long-term suspension, and expulsion.

The degree of procedural due process afforded in each of the above situations shall be dependent upon: (1) the gravity of the offense a student is alleged to have committed; and (2) the severity of the contemplated penalty.

Before being punished for violation of Board policies or school regulations, a student shall have the right of the following minimum due process procedures:

1. The student shall be given oral or written notice of the charges against him;

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2. The evidence against the student shall be explained to him; and
3. The student shall be given an opportunity to present his own version of the facts concerning the charges.

When a student is facing possible long-term suspension (more than 10 days) or expulsion, the Board shall afford the student the following:

1. The right to an administrative hearing;
2. The right to be represented by an attorney and to present evidence on his/her behalf;
3. The opportunity to question witnesses;
4. A written record at the hearing and a written record of the decision; and,
5. The right of appeal to the St. Clair County Board of Education.

A school may not unilaterally expel or cease the provision of educational services to a student with a disability whose education is governed by an individualized education plan (IEP).

REFERENCE(S):

CODE OF ALABAMA
[16-28A-1](#), [16-28A-3](#)

HISTORY:

ADOPTED: JUNE 21, 1999
REVISED: DECEMBER 15, 2003; FEBRUARY 22, 2010
FORMERLY: JCAA

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STUDENT CONDUCT AND SUPERVISION

5.30

All students enrolled in the St. Clair County School System shall be subject to federal and state laws, regulations of the State Board of Education, the rules and policies of the St. Clair County Board of Education, and the Code of Student Conduct and shall be under the control and direction of the principal or designee during the time they are transported to or from school at public expense, during the time they are attending school or a school-sponsored activity, and during the time they are on St. Clair County Board of Education premises for school attendance and authorized activities.

- I. The principal or the principal's designated representative shall ensure that students are properly supervised while at school and during any school-sponsored activity.
- II. The teacher, other members of the instructional staff, bus driver, or other assigned supervisory staff shall assume such authority for the control and supervision of students as may be assigned by the principal or the principal's designated representative and shall keep good order in the classroom or other places where in charge of students.
- III. The St. Clair County Board of Education's authority and responsibility do not extend to students while they are being transported by private vehicles not affiliated with a school-sponsored activity or on school property.
- IV. The Code of Student Conduct and any revisions shall be approved and adopted by the St. Clair County Board of Education. The Code of Student Conduct shall:
 - A. Be developed with input from St. Clair County Board of Education members, appropriate grade level teachers, school personnel, school administrators, students, and parents.
 - B. State grounds for disciplinary action procedures and the rights of students.
 - C. Be distributed to all St. Clair County School System teachers, school personnel, students, and students' parent(s)/legal guardian(s) at the beginning of each school year or upon enrollment.
 - D. Be filed in the Superintendent's office and in the office of the school principal.
- V. The Code of Student Conduct shall be discussed with students, parents and teachers at the beginning of each year.
- VI. The principal shall use the Code of Student Conduct to familiarize students with St. Clair County Board of Education rules relating to students' rights, responsibilities, and conduct at the beginning of each school year and whenever he or she deems it necessary.

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REFERENCE(S):

CODE OF ALABAMA

[16-1-14](#), [16-1-24.1](#), [16-6B-5](#), [16-28-2](#), [16-28-12](#), [16-28A-3](#)

HISTORY:

ADOPTED: JUNE 21, 1999

REVISED: MAY 22, 2006; FEBRUARY 22, 2010

FORMERLY: JD

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CORPORAL PUNISHMENT

5.30.1

Each teacher is held responsible for the discipline within his/her room or class. The St. Clair County Board of Education permits the use of corporal punishment (paddling) as a last resort and under the following conditions:

- I. The student has been notified of the offense for which he/she is to receive corporal punishment, and the student has been given an opportunity to explain his/her actions;
- II. The punishment is administered by the teacher responsible for the student at the time of his/her misconduct, the school principal or his/her designee and witnessed by a certified school employee;
- III. The punishment is administered out of view of any other students;
- IV. The use of corporal punishment shall at all times be reasonable and proper and must not be severe enough to cause bodily injury to the student;
- V. All cases of corporal punishment shall be documented by both the person administering the punishment and the witness;
- VI. Documentation shall be filed in the principal's office;
- VII. Parents/guardians shall be notified that their child has received corporal punishment; and;
- VIII. Corporal punishment shall consist of no more than three (3) licks administered to the buttocks with a smooth surface paddle free of holes and/or cracks.

Discipline of a student with disabilities shall be determined on a case-by-case basis in accordance with the requirements of the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act, and the student's IEP.

REFERENCE(S):

CODE OF ALABAMA
[16-1-14](#)

HISTORY:

ADOPTED: JUNE 21, 1999
REVISED: DECEMBER 15, 2003; FEBRUARY 22, 2010
FORMERLY: JDA

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PHYSICAL RESTRAINT AND SECLUSION

5.30.2

A. Policy Purpose

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

B. Definitions

1. **Physical restraint** is direct physical contact from an adult that prevents or significantly restricts a student's movement. The term physical restraint does not include mechanical restraint or chemical restraint. Additionally, physical restraint does not include: providing limited physical contact and/or redirection to a student in order to promote safety or to prevent self-injurious behavior; providing physical guidance or prompting to a student when teaching a skill; redirecting attention; providing guidance to a location; providing comfort; or providing limited physical contact as reasonably needed to prevent imminent destruction to school or another person's property.
2. **Chemical restraint** is any medication that is used to control violent physical behavior or to restrict the student's freedom of movement that is not a prescribed treatment for a medical or psychiatric condition of the student.
3. **Mechanical restraint** is the use of any device or material attached to or adjacent to a student's body that is intended to restrict the normal freedom of movement and which cannot be easily removed by the student. The term does not include an adaptive or protective device recommended by a physician or therapist when used as recommended by the physician or therapist to promote normative body positioning and physical functioning, and/or to prevent self injurious behavior. The term also does not include seatbelts and other safety equipment when used to secure students during transportation.

4. **Seclusion** is a procedure that isolates and confines the student in a separate, locked area until he or she is no longer an immediate danger to himself/herself or others. Seclusion occurs in a specifically constructed or designated room or space that is physically isolated from common areas and from which the student is physically prevented from leaving. Seclusion does not include situations in which a staff member trained in the use of de-escalation techniques or restraint is physically present in the same unlocked room as the student, time-out as defined herein, in-school suspension, detention, or a student-requested break in a different location in the room or in a separate room.
5. **Time-out** is a behavioral intervention in which the student is temporarily removed from the learning activity. Time-out is appropriately used and is not seclusion when:
 - (a) The non-locking setting used for time-out is appropriately lighted, ventilated, and heated or cooled.
 - (b) The duration of the time-out is reasonable in light of the purpose of the time-out and the age of the child; however, each time-out should not exceed 45 minutes.
 - (c) The student is reasonably monitored by an attending adult who is in reasonable physical proximity of the student and has sight of the student while in time-out.
 - (d) The time-out space is free of objects that unreasonably expose the student or others to harm.

C. Prohibitions

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

4. The use of mechanical restraint is prohibited in the St. Clair County School System and its educational programs.
5. The use of seclusion is prohibited in the St. Clair County School System and its educational programs.

D. Requirements

1. Each local school's principal or his/her designee and each educational program of the School System that utilize physical restraint under this policy will provide staff with guidelines and procedural information regarding physical restraint and will arrange for the appropriate training of those designated staff members that may be called upon to physically restrain a student. This training of designated staff members shall be provided as a part of a program which addresses prevention and de-escalation techniques as well as positive behavioral intervention strategies. The training of designated staff members will be based on evidence-based techniques and strategies when possible. Each local school's principal or his/her designee or program coordinator shall be responsible for providing periodic reviews.
2. Each local school's principal or his/her designee and each educational program that utilize physical restraint will maintain written or electronic documentation on training provided at the local school regarding physical restraint and the list of participants in each training session. Records of such training will be made available to the Alabama Department of Education or any member of the public upon request.
3. Each local school's principal or his/her designee and each educational program that utilize physical restraint is responsible for generating and maintaining incident and debriefing reports of the use of restraint as well as reports of any prohibited use of seclusion and chemical, mechanical, or physical restraint at the local school and for gathering/reporting data to the St. Clair County Board of Education and to the Alabama Department of Education annually. The use of physical restraint will be monitored by each local school's principal or his/her designee or program's coordinator on an on-going basis to ensure fidelity of implementation. Follow-up training will be provided following any situations in which procedures are not being followed.
4. Each local school's principal or his/her designee and each educational program that utilize physical restraint shall ensure that following an incident of restraint or seclusion of an student, all school personnel involved in the incident and appropriate administrative staff participate in a debriefing session for the purpose of planning to prevent or reduce the reoccurrence of the use of restraint. The debriefing session shall occur no later than five school days following the imposition of physical restraint or seclusion.

5. Each local school's principal or his/her designee and each educational program that utilize physical restraint will provide written notification to a student's parent or legal guardian when physical restraint is used on a student within a reasonable time following the restraint not to exceed one school day from the use of restraint.
6. Each local school's principal or his/her designee and each educational program shall immediately notify a student's parents or legal guardian when the student is injured in a restraint and/or is removed from his/her school or program setting by emergency, medical, or law enforcement personnel. Regardless of the method of notification used, written documentation of the notification shall be maintained.
7. Each student's parent or legal guardian will be provided information regarding the school or program's policies governing the use of physical restraint. This information will be provided to parents at the beginning of each school year or upon the student's enrollment if the student enrolls after school has started. To effectuate this requirement, the School System's website and student handbook/code of conduct will contain the following statement:

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

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

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

E. Clarifications

1. Nothing in this policy shall be construed to interfere with the School System's or school personnel's authority to utilize time-out as defined herein or to utilize any

other classroom management technique or approach, including a student's removal from the classroom that is not specifically addressed as part of this policy.

2. Nothing in this policy modifies the rights of school personnel to use reasonable force as permitted under the Code of Alabama, 1975, §16-1-14 or modifies the rules and procedures governing discipline under the Code of Alabama, 1975, §16-28-12.
3. Nothing in this policy shall be construed to prohibit the School System or school personnel from taking reasonable action to diffuse or break up a student fight or altercation.
4. Nothing in this policy shall be construed to prohibit the School System or school personnel from taking reasonable action to obtain possession of a weapon or other dangerous objects on a student or within the control of a student.
5. Nothing in this policy shall be construed to eliminate or restrict the ability of school personnel to use his or her discretion in the use of physical restraint as provided in this policy to protect students or others from imminent harm or bodily injury.
6. Nothing in this policy shall be construed to create a criminal offense or a private cause of action against any local board of education or program or its agents or employees.
7. Nothing in this policy shall be construed to interfere with the duties of law enforcement or emergency medical personnel or to interfere with the rights of the School System or school personnel to seek assistance from law enforcement and/or emergency medical personnel.

REFERENCE(S):

**CODE OF ALABAMA
16-28-12, 16-1-14, AAC§290-3-1-.02(1)(F)**

HISTORY:

**ADOPTED: _____
REVISED: November 19, 2012
FORMERLY: NEW**

CHAPTER 5.00 - STUDENTS

INTERROGATIONS AND SEARCHES

5.31

I. Search and Seizure

To maintain order and discipline in the schools and to protect the safety and welfare of students and school personnel, school authorities may search a student, student lockers, student desks, or student automobiles under the circumstances outlined below and may seize any illegal, unauthorized, or contraband materials discovered in the search.

As used in this policy, the term "unauthorized" means any item dangerous to the health or safety of students or school personnel, or disruptive of any lawful function, mission or process of the school, or any item described as unauthorized in school rules available beforehand to the student.

A student's failure to permit searches and seizures as provided in this policy will be considered grounds for disciplinary action.

All searches by school employees shall be reasonably related to the objectives of the search and not excessively intrusive in light of the student's age and sex and the nature of the infraction.

II. Personal Searches

A student's person and/or personal effects (e.g. purse, book bag, etc.) may be searched whenever a school official has reasonable suspicion to believe that the student is in possession of illegal, unauthorized, or contraband materials.

Whenever reasonable suspicion exists that the student possesses illegal, unauthorized, or contraband materials, including, but not limited to, drugs or other items deleterious to the safety and welfare of the school community, the designated school official of the same sex as the student and only in the presence of a school employee of the same sex as the student or in the presence of an adult who is the same sex as the student and who is designated by the Principal or his/her designee or his/her superior may conduct in private a pat down of the student suspected of possessing the deleterious item. The search of a student's person shall be with the knowledge, and under the supervision, of the principal or his/her designee.

III. Searches of Lockers, Desks, and Other School Property

Students may be assigned lockers and desks for storing and securing their books, school supplies, and personal effects. Lockers, desks, and storage areas are the property of the school district and are subject to search at any time at the discretion of school officials. Students shall have no right nor expectation of privacy in connection with the use of a locker, desk, or other storage area assigned to the student by the school.

Principals of each school where lockers or storage areas are issued shall insure that at the time lockers and storage areas are made available to students, it is clearly specified

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in writing that lockers and storage areas are subject to inspection and search by school officials at any time. Each school shall maintain duplicate keys or records of all locker combinations and avoid any practices which lead students to believe that lockers and storage areas are under their exclusive control. School officials may search lockers, desks, and storage areas at any time without a search warrant, without notice, without student consent, and without the need for reasonable suspicion.

No student may use a locker, desk, or storage area as a depository for any substance or object which is prohibited by law or school rules or which poses a threat to the health, safety, or welfare of the occupants of the school building or the building itself.

IV. Motor Vehicle Searches

Students are permitted to park on school premises as a matter of privilege, not of right. The school retains authority to conduct routine patrols of student parking lots and inspections of the exteriors of student automobiles on school property or at the parking provided for any school event. The interiors of student vehicles may be inspected whenever a school authority has reasonable suspicion to believe that any illegal, unauthorized, or contraband materials are contained inside. Such patrols and inspections may be conducted without notice, without student consent, and without a search warrant.

Students shall not be allowed to park automobiles on campus until such time that the *"Acknowledgement Concerning Use of Student Parking Lots"* form has been properly completed and returned to the school. Such forms shall be maintained on file at the school.

V. Search Results

In the event a search of a student's person, his/her personal possessions, vehicle, locker, desk, or assigned storage area reveals the student is concealing material, the possession of which is prohibited by federal, state or local law, local law enforcement authorities may be notified so that they may take appropriate action.

VI. Detection of Illegal Drugs

The Board authorizes law enforcement agencies to make periodic, unannounced visits to any of its schools for the purpose of detecting the presence of illegal drugs. Such visits are unannounced to anyone except the Superintendent and building Principal.

VI. Interrogation

The principal of each school in the St. Clair County School System, or his/her authorized representative, possesses the authority to conduct reasonable interrogations of students in order to investigate properly and punish student misconduct.

A student enrolled in the St. Clair County School System shall not be interrogated by any non-school authority without the knowledge of the school principal or the assistant principal. When law enforcement officers make it known that they wish to talk to a student while under the supervision of the school, the student will be informed by the principal or assistant principal that the student has three choices:

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- He/she may converse by telephone with his/her parent/guardian.
- He/she may decline to talk to the officers until his/her parent/guardian is present.
- He/she may talk with the officers either in or outside the presence of a school official.

School officials will make every reasonable effort in every case to notify the parent/guardian. In those instances where a parent/guardian cannot be present within a reasonable period of time, school officials must allow interviews by law enforcement officials to proceed in the absence of the parent/guardian. Other non-school persons, with the exception of parent/guardian, shall not interview students during school hours.

No student shall be removed from the school without a warrant or petition being officially served.

VII. Notice.

The content of this policy shall be communicated to all students and staff at the beginning of each year.

REFERENCE(S):

CODE OF ALABAMA
[16-1-14](#), AAC 290-030-010-06

HISTORY:

ADOPTED: MAY 15, 2000
REVISED: SEPTEMBER 24, 2001; DECEMBER 15, 2003;
FEBRUARY 22, 2010; AUGUST 1, 2017
FORMERLY: JCAB

CHAPTER 5.00 – STUDENTS

USE OF VIDEO SURVEILLANCE EQUIPMENT

5.31.1

To provide and maintain a safe and secure environment for students, staff, and authorized visitors, the St. Clair County Board of Education may use surveillance equipment on properties owned and/or maintained by the school system. Properties include buildings and grounds as well as vehicles owned and/or operated by the St. Clair County School System.

Equipment shall not be used where there is an expectation of privacy, i.e. bathrooms, gym/locker rooms, and private offices. Training shall be provided for authorized persons in the use, maintenance and storage of equipment and tapes and on applicable laws related to the use of surveillance equipment. Equipment may be used in classrooms with the written request of the teacher.

Individual schools shall establish a system for maintenance and storage of equipment and tapes. Equipment and tapes shall be stored in secure places with access by authorized persons only.

All St. Clair County School System personnel, students, and parents shall be informed that they are subject to being videotaped while in school buildings, on school grounds, at school events, and on system owned/maintained vehicles. Any information obtained through the use of surveillance equipment shall be used only for school safety, disciplinary matters, law enforcement, or other lawful purposes.

REFERENCE(S):

CODE OF ALABAMA
[16-8-8](#), [16-1-24.1](#)

HISTORY:

ADOPTED: FEBRUARY 22, 2010
REVISED: _____
FORMERLY: NEW

CHAPTER 5.00 – STUDENTS

USE OF METAL DETECTORS

5.31.2

In order to provide and maintain a safe and secure environment for students, school personnel and authorized visitors, the St. Clair County Board of Education may employ the use of hand-held metal detectors. Prior to implementing the use of metal detectors, training shall be provided for authorized persons regarding the use, maintenance and storage of said equipment and on laws and procedures for conducting searches.

In implementing the use of metal detectors, the following guidelines will be followed:

1. All metal detector searches shall be conducted by school board employees only.
2. Any information obtained through the use of metal detectors will be used only for school disciplinary or law enforcement purposes.
3. The metal detectors will be used by authorized personnel at any time there is reasonable suspicion that the student being searched has violated or is violating a particular disciplinary rule or public law relating to the possession of weapons. Any search of a student's person as a result of activation of the detector will be conducted in accordance with the Board's policy on student searches (Policy 5.31).

REFERENCE(S):

CODE OF ALABAMA
[16-1-24.1](#)

HISTORY:

ADOPTED: FEBRUARY 22, 2010
REVISED: _____
FORMERLY: NEW

CHAPTER 5.00 – STUDENTS

UNANNOUNCED VISITS BY LAW ENFORCEMENT

5.31.3

To provide and maintain a safe and secure environment for students, staff, and visitors, the St. Clair County Board of Education supports the requirement of the Alabama Administrative Code, §290-030-010-.06, to permit law enforcement agencies to make periodic, unannounced visits to any school within the school system. Such visits shall be for the purpose of detecting the presence of illegal drugs or warrants. Such visits shall be unannounced except to the superintendent of schools and principals of the individual schools that are subject to the visitation.

In accordance with the Code of Alabama, 16-1-24.1, the possession of illegal drugs, alcohol, or weapons will result in immediate suspension from school and possible criminal charges being brought against the student(s).

REFERENCE(S):

CODE OF ALABAMA
[16-1-24.1](#), AAC §290-030-010-.06

HISTORY:

ADOPTED: FEBRUARY 22, 2010
REVISED: _____
FORMERLY: NEW

CHAPTER 5.00 – STUDENTS

USE OF CANINE LAW ENFORCEMENT

5.31.4

In order to maintain drug-free schools and deal with problems associated with drug use and drug trafficking, the St. Clair County Board of Education allows law enforcement officials to make periodic, unannounced visits to any public school in the school system to detect the presence of illegal drugs or weapons. The superintendent and the principal shall be given prior notice.

In implementing the use of drug-sniffing dogs, these guidelines will be followed:

1. Although reasonable cause is not necessary under law in using dogs to sniff unoccupied automobiles, buses, and lockers, principals will use reasonable care in the search process.
2. Only the principal or designee with approval from the superintendent or designee shall implement the use of drug-sniffing dogs in schools.
3. In the search for drugs, drug-sniffing dogs will be handled by trained dog-handlers under the supervision of the principal or designee and an appropriate law enforcement official.
4. Dogs will not be allowed to sniff students or employees.
5. Dogs will not be brought into the school while large numbers of students are occupying the halls or other gathering places such as lobbies, buses, cafeterias, restrooms, and auditoriums.

REFERENCE(S):

CODE OF ALABAMA
[16-1-14](#)

HISTORY:

ADOPTED: FEBRUARY 22, 2010
REVISED: _____
FORMERLY: NEW

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DEADLY WEAPONS

5.32

Possession of a deadly weapon on school property or on a school bus with the intention to do bodily harm is a Class C felony. All persons, other than authorized law enforcement personnel, are prohibited from bringing or possessing any deadly weapon or dangerous instrument on school property, and specific penalties for students and school personnel who violate this policy, notwithstanding any criminal penalties, may also be imposed.

The St. Clair County Board of Education authorizes the Superintendent or designee to immediately and automatically suspend any student found in possession of a deadly weapon. A deadly weapon shall be defined as anything manifestly designed, made or adapted for the purpose of inflicting death or serious physical injury. Deadly weapons are not to be carried by students on school grounds, on school buses and/or at any school-sponsored event, during or after regular school hours.

A student determined to have brought to school or have in his/her possession a firearm defined in Section 921 Title 18 of the U.S. Code in a school building, on school grounds, or at other school-sponsored functions shall be expelled for a period of one (1) year. The Board and the Superintendent may modify the expulsion requirement on a case-by-case basis.

The St. Clair County Board of Education directs the Superintendent to provide the State Department of Education a description of the circumstances surrounding each expulsion pursuant to this policy. This description shall include:

- The name of the school concerned.
- The number of students expelled.
- The types of weapons concerned.

No person found guilty of violating a weapons policy may be readmitted to the public schools of this state without psychiatric or psychological counseling and an accompanying report in writing to the Board that the person does not represent a threat to the safety of any student or employee of the school system.

Discipline of St. Clair County School System students with disabilities who violate this deadly weapons policy shall be determined on a case-by-case basis in accordance with the requirements of the Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act.

Any person who violates the provisions of this policy may be arrested on the appropriate warrant signed by the principal or appropriate school authority.

If pursuant to a St. Clair County Board of Education hearing, any person is found guilty of violating this policy, such person shall not be admitted to school until any criminal charges or offenses arising from such conduct have been disposed of by proper authorities and such

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violator(s) have satisfied all other requirements imposed by the Board as a condition for readmission.

REFERENCE(S):

**CODE OF ALABAMA
16-1-24.3, 16-28-6, 16-28-40
LEGISLATIVE ACTS 94-820 and 94-817**

HISTORY:

**ADOPTED: JUNE 21, 1999
REVISED: DECEMBER 15, 2003; FEBRUARY 22, 2010
FORMERLY: JCD**

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EXPULSION

5.33

The St. Clair County Board of Education has the authority to expel a student from school if an offense is serious enough to warrant such action. If a student is suspended and recommended for expulsion, the local school principal shall:

- 1) Notify, in writing, with a copy to the Superintendent, the student and parent/legal guardian of the action taken and the additional disciplinary action recommended and the cause or causes for such action and recommendation.
- 2) Furnish (within three days) to the student written notice of the due process hearing at the Central Office. The notice shall contain:
 - a. Date, time and place of hearing;
 - b. A statement of facts alleged against the student and proposed disciplinary action;
 - c. The student's right to be represented by an advocate of his/her choice, including legal counsel; and
 - d. The student's right to present evidence, call witnesses and cross-examine adverse witnesses.
- 3) Prior to expulsion, the Board will consider whether the affected student is an appropriate candidate for assignment to the Board's Alternative Education Program.

The Superintendent may extend the suspension of the student pending the decision of the Board to expel said student. Before making the decision to extend such suspension, a brief but adequate opportunity shall be provided for the student to explain or present his/her side of the situation to the Superintendent. If the Board does not render a decision within a reasonable time, the student shall be readmitted to school until such time as the Board reaches a decision.

The Board hearing relative to expulsion, as well as preliminary steps concerning said hearing, shall fully comply with the applicable due process criteria.

The Superintendent shall notify, in writing, the parent or legal guardian of action taken by the Board.

Provisions for the expulsion of exceptional education students shall be described and set forth in the Code of Student Conduct. However, the dismissal of an exceptional education student shall not result in a complete cessation of educational services. The St. Clair County School System is responsible for providing the dismissed student's education during the expulsion in accordance with a revised individual education plan (IEP).

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REFERENCE(S):

CODE OF ALABAMA
[16-1-14](#)

HISTORY:

ADOPTED: JUNE 21, 1999
REVISED: DECEMBER 15, 2003; FEBRUARY 22, 2010
FORMERLY: JDE

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STUDENT GRIEVANCES

5.33.1

Whenever a St. Clair County School System student believes that he/she has a complaint, every effort is to be made to arrive at a satisfactory resolution of the problem on an informal basis. When this cannot be done, students can resort to the more formal procedures as provided herein.

I. Definitions

- A. *Complaint* shall mean any alleged violation, misinterpretation or any inequitable application of any published policy, rule or regulation of the school system. *Complaint* shall not apply to any matter in which the method of review is prescribed by law. *Complaints* are objections to a specific act or condition.
- B. *Complainant* shall mean any student or group of students, directly affected by the alleged misinterpretation or violation, filing a complaint.
- C. *Faculty/Staff and Administration* shall mean the employees of the St. Clair County Board of Education or representatives under the direct supervision of an employee of the school board.
- D. *Day* shall mean a school/academic day.

II. Time Limits – The number of days indicated at each level is to be considered the maximum. Time limits may be extended by mutual agreement between the parties.

III. Released Time – The complaint procedure will normally be carried out during non-instructional time. If, however, the Board elects to carry out provisions during instructional time, the complainant shall not lose academic credit.

IV. Complaint Procedure

- A. **Informal Discussion** – If a student believes there is a basis for complaint, he/she shall discuss the complaint with his/her principal or the designee of the principal (except in cases of discrimination or harassment involving the principal or the designee), in which case the complainant shall report to the Equity Coordinator or other person designated by the Superintendent within five (5) days of the occurrence of the alleged violation except in cases involving harassment or discrimination in which thirty (30) days will be allowed.
- B. **Level One** – If the complainant is not satisfied with the informal resolution he/she may, within five (5) days, file a formal complaint in writing and deliver it to his/her principal or designee. The principal or designee shall communicate his/her answer in writing to the complainant within five (5) days of receiving the written complaint. Class complaints involving more than one (1) principal or designee and complaints involving an administrator above the building level may be filed by the complainant at level two.

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- C. Level Two – If the complainant is not satisfied with the resolution at level one, he/she may, within five (5) days of the answer, file a copy of the complaint with the Superintendent. The Superintendent shall indicate his/her disposition in writing to the complainant within five (5) days.
- D. Board Appeal – If the complainant is not satisfied with the resolution by the Superintendent, he/she shall have the right to appeal the Superintendent's decision to the St. Clair County Board of Education, provided request for placement on Board agenda is filed within five (5) days.
- V. Confidentiality will be provided to the extent possible to any student or affected party who alleges discrimination or harassment.

REFERENCE(S):

**CODE OF ALABAMA
16-1-30, 16-12-3(c)**

HISTORY:

**ADOPTED: JULY 12, 1999
REVISED: DECEMBER 15, 2003; NOVEMBER 7, 2005; FEBRUARY 22, 2010
FORMERLY: GAM**

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STUDENT CHECK-OUT

5.34

- I. No student shall be permitted to leave the St. Clair County school grounds during the school day for school business/activities without the principal's/designee's prior approval or consent from the student's parent(s)/legal guardian provided an acceptable reason is established.
- II. The principal or the designee shall establish definitely the identity and authority of any person who requests the release of a student from school. If the person requesting the release of the student is a person other than the parent/guardian having custody of the child, the principal or designee concerned shall not release the child without the verified authorization of the parent/guardian who has custody of the child.

REFERENCE(S):

CODE OF ALABAMA
16-8-8, 16-28-12 TO -28

HISTORY:

ADOPTED: FEBRUARY 22, 2010
REVISED: _____
FORMERLY: NEW

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STUDENT ATTENDANCE AND ABSENCES

5.40

Alabama law requires all children between the ages of six (6) and seventeen (17) to attend school. The law further provides that a parent, guardian, or other person having control or charge of a school-age child is responsible for that child's regular attendance and proper conduct. Parents and guardians are responsible for enrolling their children in school and ensuring that the children attend school and obey behavior policies adopted by the Board. Parents failing to enroll students and ensuring their proper behavior and attendance are subject to fines and imprisonment under state law.

Excused/Unexcused Absences

If any child fails to attend school without a legal excuse for more than three (3) days, that child and the person having custody of that child, shall be referred to Early Warning. The child and the person having custody of that child will be referred to juvenile court if the problem is not resolved in Early Warning. Absences are excused for the following reasons:

1. Illness
2. Death in the immediate family
3. Inclement weather which would be dangerous to the life and health of the child as determined by the principal and/or Superintendent
4. Legal quarantine
5. Emergency conditions as determined by the principal and/or Superintendent
6. Prior permission of the principal with the consent of the parent or legal guardian.

Schoolwork missed due to excused absences may be made up and a grade shall be awarded. Students shall have two (2) days for each day of excused absence to complete and return make-up work. It is the responsibility of the student to request and return make-up work.

Early Warning Program

The Early Warning Program has been adopted by the St. Clair County School System for dealing with students who are truant. Students having unexcused tardies or absences shall be referred to the Early Warning Program in accordance with its established guidelines. Additional information about the Early Warning Program is provided in Policy 5.43 Truancy.

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REFERENCE(S): **CODE OF ALABAMA**
16-28-2.2, 16-28-12 TO -15, LEGISLATIVE ACTS 2009-564 and 2012-295

HISTORY: **ADOPTED: JUNE 21, 1999**
REVISED: DECEMBER 15, 2003; SEPTEMBER 17, 2012
FORMERLY: JB, JBA

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COMPULSORY SCHOOL ATTENDANCE AGE

5.41

Every student residing in the area served by the St. Clair County School System between the ages of six (6) and seventeen (17) years shall be required to attend a state-approved school for the entire length of the school term in every scholastic year. Every student must attend the entire length of each school term through the day preceding the seventeenth (17th) birthday. Students of school age not known to be enrolled in school shall be reported to proper authorities. An accurate record of attendance for each student shall be maintained by the classroom or homeroom teacher or other designated person.

Each student, regardless of age, must abide by the Compulsory Attendance Policy to attend St. Clair County Schools.

REFERENCE(S):

CODE OF ALABAMA
16-28-3, 16-28-4,
LEGISLATIVE ACT 2012-295

HISTORY:

ADOPTED: JUNE 17, 1998
REVISED: MARCH 18, 2009; SEPTEMBER 17, 2012
FORMERLY: JBA

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REVOCATION OF DRIVER'S LICENSE OR LEARNER'S PERMIT 5.42

In order to qualify for and maintain an Alabama Driver's License or Learner's Permit, a student between the ages of seventeen (17) and nineteen (19) must be either enrolled in a public school, enrolled in a GED program, enrolled in a job-training program approved by the State Superintendent of Education, or exempted for circumstances beyond the control of the student as defined by the State Department of Education guidelines.

The St. Clair County Board of Education will verify the enrollment status of a student upon request.

The St. Clair County Board of Education will notify the Department of Public Safety when a student has more than ten (10) consecutive or fifteen (15) cumulative days of unexcused absences during a single term.

A student may appeal the Board's determination of his enrollment status by providing written notification to the appropriate school principal of the intent to appeal. The notice must state the reasons for the appeal and be filed within fifteen (15) days of the Board's issuance of enrollment status. Except as stated herein, the Board will treat the appeal procedurally the same as the process for long-term suspension or expulsion of a student.

REFERENCE(S):

**CODE OF ALABAMA
16-28-40 to -45, LEGISLATIVE ACTS 93-368 AND 94-820**

HISTORY:

**ADOPTED: JUNE 21, 1999
REVISED: DECEMBER 15, 2003; FEBRUARY 22, 2010
FORMERLY: JB**

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TRUANCY

5.43

A parent, guardian or other person having charge of any child officially enrolled in Alabama public schools shall explain in writing the cause of any and every absence of the child no later than three (3) school days following the child's return to school. Failure to furnish such explanation shall be evidence of the child being truant each day he/she is absent. The child shall also be deemed truant for any absence determined by the principal to be unexcused based on the current State Department of Education attendance manual.

State law requires parent/guardians who enroll a student in school to be responsible for the child's regular attendance and proper conduct. The St. Clair County Board of Education, in cooperation with the Pell City School System, The St. Clair County District Attorney's Office, and the St. Clair County Juvenile Probation Office, adheres to procedures published annually in the Code of Student Conduct to reduce truancy and to promote school attendance. In addition, the St. Clair County School System actively participates in the Early Warning Program.

The Early Warning Program consists of the following:

- Notification sent to parents/guardians concerning student absences and/or misconduct
- Student and parent/guardian conferences with an administrator and/or counselor when warranted
- Referral to Early Warning for a Juvenile Court Officer and/or District Attorney to discuss with parents/guardians and the student the importance of appropriate conduct and school attendance
- In-school conferences with a court representative, parents/guardians, administrator, counselor, student and other(s) as identified by the principal
- Issuance of CHINS (Child in Need of Supervision) petition and/or warrant for the parents/guardians

A student receives a referral to the Early Warning Program under these conditions:

- Upon three (3) unexcused absences (No note was received or the absence was unexcused.)
- Upon exceeding ten (10) absences with parent excuses for grades K-8 (The parents/guardians have sent a written explanation of the absence; notes were not provided by a physician, attorney, or other official.)
- Upon exceeding five (5) absences with parent excuses for grades 9-12 (The parents/guardians have sent a written explanation of the absence; notes were not provided by a physician, attorney, or other official.)

Excessive absences as described in the St. Clair County Code of Student Conduct may result in a loss of academic credit and/or retention for the succeeding school year.

REFERENCE(S):

CODE OF ALABAMA
16-28-14, 16-28-15, 16-28-17

HISTORY:

ADOPTED: JULY 15, 1999
REVISED: SEPTEMBER 15, 2003; FEBRUARY 22, 2010
FORMERLY: JBDC

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ALCOHOL, ILLEGAL DRUGS AT SYSTEM ACTIVITIES

5.45

It shall be the policy of the St. Clair County Board of Education that the school principal or authorized official of the school shall automatically suspend any student found in possession of, or in the act of using:

- Alcohol, marijuana; or
- Drugs or controlled substances (e.g., stimulants, depressants, hallucinogens, or opiates) for which the student has no prescription from a duly recognized physician.

The appropriate law enforcement agency must also be notified. Also, the school principal or authorized official of the school shall automatically suspend any student who is caught selling alcohol and/or harmful drugs to others.

The above policies apply when the act(s) take place at school, on school grounds, on school buses and/or at any school-sponsored event, during or after regular school hours. Recommendation of expulsion may be made if the situation seems to be sufficiently grave.

The principal shall immediately notify the parent/guardian of the student by telephone. If the parent/guardian cannot be reached by phone, the principal shall then notify them of the action by sending a letter within twenty-four hours. Care shall be given to afford due process to all students.

Persons, firms, corporations, or associations who knowingly sell, give, or otherwise dispense any alcoholic beverage to a school student under the age of eighteen (18) years or who have sold alcoholic beverages on school premises shall be liable for prosecution according to state law.

REFERENCE(s):

CODE OF ALABAMA

[16-1-2](#), [16-1-10](#), [16-1-14](#)

HISTORY:

ADOPTED: JUNE 21, 1999

REVISED: DECEMBER 15, 2003: FEBRUARY 22, 2010

FORMERLY: JCD

PREVENTION OF CHILD ABUSE AND NEGLECT

5.46

It is unlawful for any person to knowingly or recklessly distribute to a minor, possess with intent to distribute to a minor, or offer or agree to distribute to a minor any material that is harmful to minors. A person who distributes such material to a minor shall be guilty of a Class A misdemeanor. If the person who knowingly or recklessly distributes harmful material to a minor is an employee of a K-12 public or private schools and the minor receiving the material is enrolled at the school where the person is employed, the person shall be guilty of a Class C felony.

All hospitals, clinics, sanitariums, doctors, physicians, surgeons, medical examiners, coroners, dentists, osteopaths, optometrists, chiropractors, podiatrists, physical therapists, nurses, public and private K-12 employees, school teachers and officials, peace officers, law enforcement officials, pharmacists, social workers, day care workers or employees, mental health professionals, employees of public and private institutions of postsecondary and higher education, members of the clergy, or any other person called upon to render aid or medical assistance to any child, when the child is known or suspected to be a victim of child abuse or neglect, shall be required to report orally, either by telephone or direct communication, immediately, followed by a written report, to any duly constituted authority.

School system employees are to receive information and annual training regarding responsibilities for reporting suspected child abuse and neglect. Students in grades Pre-K through 12 shall receive instruction through age-appropriate curriculum about abuse prevention, reporting, and safety.

REFERENCE(S):

ALABAMA LEGISLATIVE ACT 2015-456

HISTORY:

ADOPTED: APRIL 18, 2016

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STUDENT INJURY

5.60

The St. Clair County Board of Education instructs the school principal to make a written report to the Superintendent concerning every accident requiring the services of a doctor, which occurs on school property or during school-related activities. This report shall be given to the Superintendent within twenty four (24) hours after the accident. In the event of an athletic injury requiring medical attention, the school principal is to use his/her own judgment concerning whether the Superintendent is to be advised. If the injury is of a serious or permanent nature, the principal shall report the matter to the Superintendent.

REFERENCE(S):

CODE OF ALABAMA
[16-8-8](#), [16-9-13](#)

HISTORY:

ADOPTED: FEBRUARY 22, 2010
REVISED: _____
FORMERLY: NEW

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ADMINISTRATION OF MEDICATION

5.62

- I. Each St. Clair County School System school principal along with the school nurse shall designate a staff member(s) to administer medications. The staff member(s) shall be trained annually by the school nurse.
- II. Administration of prescription medications during school hours is discouraged unless a physician determines that a student's health needs require medication during school hours. Administration of non-prescription medication during school hours is discouraged unless necessary for a student's illness.
- III. Instructions on using a prescription shall be provided by a physician and described on the medication container provided by the physician or pharmacist. Written instructions on using non-prescription medication shall be provided by the student's parent(s)/legal guardian.
- IV. All medications shall be delivered to the office/clinic by a parent/guardian with the following information provided:
 - A. Diagnosis
 - B. Reason for giving medication
 - C. Name and purpose of medication
 - D. Time the medication is to be given
 - E. Specific instructions on the administration of the medication
 - F. Approximate duration of medication
 - G. Beginning date – Ending date
 - H. Allergies
 - I. Side effects
 - J. A note signed by the student's parent(s)/legal guardian to grant permission for administering the prescription medication

Medication shall be counted with two (2) persons signing.
- V. First dosage of any new medication shall not be administered during school hours because of the possibility of an allergic reaction.

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- VI. Prescription medication which is kept at school shall be stored in a secure place under lock and key with the student's name attached. Only authorized St. Clair County School System staff members that administer said medication shall have access to it.
- VII. A record shall be maintained on each student who receives a prescription medication during school hours, including the time each dose of prescription medication was administered.

REFERENCE(S):

**CODE OF ALABAMA
16-8-8, ALABAMA BOARD OF NURSES GUIDELINES**

HISTORY:

**ADOPTED: FEBRUARY 22, 2010
REVISED: _____
FORMERLY: NEW**

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EYE PROTECTION DEVICES

5.64

Some instructional programs require the use of eye protection devices. The principal shall direct such teachers to continuously follow procedures without exceptions.

- I. The St. Clair County Board of Education shall provide protective devices for Board employees, students, and visitors during activities that require eye protection.
- II. The student shall be required to wear the eye protection device as directed by the teacher when engaged in activities where eye protection is needed. The student's failure or refusal to wear the device shall be cause for his/her suspension or dismissal from the course.
- III. Any St. Clair County School System teacher who fails to carry out the provisions of this policy shall be charged with willful neglect of duty and shall be reported to the Superintendent or designee for such action as deemed appropriate.

REFERENCE(S):

**CODE OF ALABAMA
16-1-7, 16-8-8**

HISTORY:

**ADOPTED: FEBRUARY 22, 2010
REVISED: _____
FORMERLY: NEW**

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AUTOMATED EXTERNAL DEFIBRILLATOR (AED) USE

5.68

An automated external defibrillator (AED) is used to treat victims who experience sudden cardiac arrest (SCA). It is only applied to victims who are unconscious, not breathing and showing no signs of circulation, such as normal breathing, coughing, or movement. The AED will analyze the heart rhythm and advise the operator if a shock-able rhythm is detected. If a shock-able rhythm is detected, the AED will charge to the appropriate energy level and advise the operator to deliver a shock.

- I. An AED will be maintained on the premises of each school in the St. Clair County School System. The AED shall be used in emergency situations warranting its use by individuals specifically trained in the use of the device. The lead school nurse will be responsible for coordinating the AED program, communicating with appropriate local physicians and/or emergency medical service providers, and for advising the Superintendent in developing, implementing, and publishing procedures and guidelines for AED use in school system facilities.
- II. Authorized personnel who have successfully completed appropriate training and/or any volunteer responder who has successfully completed an approved CPR/AED training program and has a current course completion card are authorized AED users. Signage and/or publications in school buildings shall identify the location of AEDs and the names/locations of AED/CPR-trained staff members.
- III. School system office personnel are responsible for receiving emergency medical calls from internal locations, contacting the EMS (911) if required, and deploying the school nurse and/or AED/CPR-trained staff members to the location of the emergency.
- IV. Initial training in first aid/CPR/AED use will be conducted through the American Red Cross or American Heart Association. Designated staff members will renew CPR/AED training annually and first aid training every three (3) years. Training records will be kept by the lead school nurse.

REFERENCE(S):

**CODE OF ALABAMA
16-8-9, LEGISLATIVE ACT 2009-754**

HISTORY:

**ADOPTED: FEBRUARY 22, 2010
REVISED: _____
FORMERLY: NEW**

ANAPHYLAXIS PREPAREDNESS PROGRAM**5.69**

Anaphylaxis is a severe, life-threatening allergic reaction that can develop within minutes of exposure to an allergen. It can occur the first time an individual is exposed to the allergen. St. Clair County Schools finds that an Anaphylaxis Preparedness Program is important to the safety and well-being of its students who are at risk of anaphylaxis as well as staff and visitors to St. Clair County Schools.

Anaphylaxis Preparedness Program

It is not possible to achieve a completely allergen-free environment in any school that is open to the general community. Consequently, St. Clair County Schools will promote an allergen- aware school environment through three (3) levels of anaphylaxis prevention: **Level I Primary-** Education; **Level II - Secondary-** Prompt detection and response; and **Level III Tertiary-** Student specific Interventions. With the support of St. Clair County Schools' administrators and principals, its licensed school nurses will have primary responsibility for initiating levels of anaphylaxis prevention on behalf of St. Clair County Schools, as follows:

- **Level I - Primary Prevention** will include education programs that address food allergies and anaphylaxis through appropriate classroom and individual instruction for faculty, staff and students.
- **Level II - Secondary Prevention** will include appropriate efforts to identify and assist with management of chronic illness related to allergens. Upon identification, appropriate interventions will be made a part of a student's Individualized Healthcare Plan (IHP). Appropriate school personnel will be provided instruction and a copy of a student's IHP on a need-to-know basis.
- **Level III - Tertiary Prevention** will include development of a planned response to anaphylaxis in St. Clair County Schools. School nurses will be responsible for collaborating with a physician (who for purposes of this policy shall be deemed to be an agent of St. Clair County Schools) to develop and maintain an appropriate protocol for emergency response. The protocol will include the following:
 - (a) An anaphylaxis training program for school nurses and/or a reasonably adequate number of unlicensed school personnel, conducted by a nationally recognized organization experienced in training laypersons in emergency health treatment, or such other medication administration program approved by the State Department of Education and the State Board of Nursing. This training may be conducted in person or online and at a minimum should cover:
 - (1) Techniques on how to recognize symptoms of severe allergic reactions, including anaphylaxis,
 - (2) Standards and procedures for storage and administration of an auto-injectable epinephrine, and
 - (3) Emergency follow-up procedures.

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- (b) Maintenance of at least two (2) doses of auto-injectable epinephrine (hereinafter called 'unassigned or stock epinephrine') in each school, to be administered by a school nurse or unlicensed school personnel who is authorized and trained in the administration of epinephrine to any student, staff member or school visitor believed to be having an anaphylactic reaction on school premises. (This is an objective goal. This goal shall not be interpreted as a requirement imposed on St. Clair County Schools unless funding is provided by the State of Alabama for maintaining supplies of stock epinephrine at this level. See Ala. Code §16-1-48(e).
- (c) Supplies of unassigned or stock epinephrine maintained under this policy shall be stored, and expired stock epinephrine shall be replaced according to generally accepted standards and this policy.
- (d) St. Clair County Schools will designate an authorized medical director (who shall be deemed for purposes of this policy to be an agent of St. Clair County Schools) to prescribe non-student specific epinephrine for the school system to be administered to any student, staff member or school visitor believed to be having an anaphylactic reaction on school grounds. Standing orders must be renewed annually and with any change in prescriber. The medical director will also provide oversight for the St. Clair County Anaphylaxis Preparedness Program.
- (e) School nurses and/or administrators should maintain documentation of faculty and staff training, dates when stock epinephrine is obtained, used, and replaced after expiration, student IHP's related to anaphylaxis risk or prevention, and any anaphylaxis interventions undertaken by school nurses or trained personnel. These records should be maintained in accordance with record retention policies applicable to similar school records.

Parental Responsibility

Parents of students with known life threatening allergies and/or who may be at risk for anaphylaxis are expected to provide the school with written instructions from the student's health care provider for anaphylaxis preparedness and prevention and all necessary medications for implementing the student specific order on an annual basis. This information should be recorded in the student's IHP.

Policy Limitations

This anaphylaxis policy is not intended to replace student specific orders or parent provided individual medications. In the event that the student with a known diagnosis of anaphylaxis and a current prescription of an auto-injectable epinephrine (but not supplied to the school), utilizes the school stock epinephrine, the family shall be responsible for replacing the school supply of epinephrine, no later than the end of the following business day. This policy does not extend to activities off school grounds (including transportation to and from school, field trips, etc.) or outside of the academic day (sporting events, extra-curricular activities, etc.).

CHAPTER 5.0 -- STUDENTS

Immunity

Alabama Code §16-1-48(d) provides immunity for a school that possesses and makes available auto-injectable epinephrine, and any of its employees, agents, trainers or other trained personnel, from suit and civil liability resulting from any act or omission in rendering of services, care, assistance, training or supervision, or any failure to act or provide for or arrange for treatment, care, assistance, training or supervision by any school. Neither this policy nor any act or omission of, nor assumption of any duty by any such person shall be construed to waive or abrogate the immunity provided by the statute.

REFERENCE(S):

**CODE OF ALABAMA
16-1-48(D)**

HISTORY:

**ADOPTED: AUGUST 4, 2015
REVISED: _____
FORMERLY: NEW**

CHAPTER 5.00 – STUDENTS

DATA COLLECTION AND STUDENT RECORDS

5.70

St. Clair County Board of Education rules and procedures for maintaining student records and data shall be consistent with Alabama statutes, State Board of Education rules, and federal laws relating to Family Educational Rights and Privacy Acts (FERPA) and Privacy Rights of Parents and Students.

The Superintendent shall be responsible for interpreting this rule and the school principal shall be responsible for controlling and supervising student records, following all rules on student records, and interpreting rules on student records to the school staff, students, and the community. Data shall be protected from unauthorized use at all times.

Student records and data shall be securely stored and protected, and shall be submitted to the Alabama State Department of Education, to law enforcement, to parents/guardians, and/or to students according to established Alabama statutes. See Policies 5.71 Directory Information and Policy 8.80 Records Retention and Disposal for additional information about student records and information.

Publications from the office of the Superintendent describing FERPA rights and regulations shall be disseminated annually

REFERENCE(S):

CODE OF ALABAMA
63-1-3, 16-1-4
FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT

HISTORY:

ADOPTED: NOVEMBER 7, 2005
REVISED: DECEMBER 15, 2003, FEBRUARY 22, 2010, AUGUST 4, 2015
FORMERLY: JRA

CHAPTER 5.00 – STUDENTS

DIRECTORY INFORMATION

5.71

Students' parent(s)/legal guardian(s) shall be notified annually that the St. Clair County Board of Education may release "directory information" to the general public.

- I. Directory information may include, but not limited to, the following data about a student:
 - A. Name;
 - B. Address;
 - C. Telephone number, if listed;
 - D. Email address, if provided;
 - E. Photographs, yearbook information;
 - F. Date and place of birth;
 - G. Major field of study;
 - H. Participation in officially recognized activities and sports;
 - I. Weight and height, if an athletic team member;
 - J. Name of the most recent school or program attended;
 - K. Dates of attendance at schools in the system and awards received.
 - L. Diploma Endorsements
 - M. Grade Level Completed
 - N. Class Placement
 - O. Parent Name
- II. Information described herein may be published routinely by the St. Clair County Board of Education in conjunction with press releases about school activities, honor roll announcements, graduation programs, honor roll or recognition lists, athletic events, and other school-related activities.

CHAPTER 5.00 – STUDENTS

- III. Directory information shall not be published when the student's parent(s)/legal guardian submits written notification to the principal prior to September 1, or within ten (10) school days after the student enrolls. Failure to advise the student's principal shall be deemed a waiver of any right to preclude release of such directory information.
- IV. Directory information, which is information that is generally not considered harmful or an invasion of privacy if released, can also be disclosed to outside organizations without a parent's/guardian's written consent. Outside organizations include, but are not limited to, companies that manufacture class rings or publish yearbooks. In addition federal legislation requires school districts receiving federal funds to provide military recruiters, upon request, with three directory information categories of data – names, addresses, and telephone listings—unless parents have advised the St. Clair County Board of Education otherwise as described in paragraph III above.

STATUTORY AUTHORITY:

**CODE OF ALABAMA
16-1-30**

LAW(S) IMPLEMENTED:

**CODE OF ALABAMA
FAMILY EDUCATIONAL RIGHTS AND PRIVACY
ACT OF 1974, SECTION 99.37, 16-8-8,
20 USC 7908, PL 107-110, 10 USC 503, PL 107-107**

ALABAMA ADMINISTRATIVE PROCEDURE ACT:

HISTORY:

ADOPTED: AUGUST 4, 2015

CHAPTER 5.00 – STUDENTS

PARENTAL NOTIFICATION

5.72

In accordance with Title I of the No Child Left Behind (NCLB) Act of 2001, parents through the Right-to-Know provision, may request information regarding the professional qualifications of their child's classroom teacher(s) or the qualification of paraprofessionals providing services to their child. Additionally, parents may request information about their child's level of achievement on any state academic assessments. This Right-to-Know applies to any and all schools receiving Title I funds. For that information, send written requests to the school principal or the system Human Resource Coordinator.

REFERENCE(S):

**CODE OF ALABAMA
16-8-8,
NO CHILD LEFT BEHIND ACT OF 2001**

HISTORY:

**ADOPTED: NOVEMBER 7, 2005
REVISED: FEBRUARY 22, 2010
FORMERLY: JFA**

CHAPTER 5.00 STUDENTS

PARENT INVOLVEMENT

5.73

The St. Clair County School System recognizes the value of parental involvement and acknowledges the powerful influence of parents in their child's school success. Parental participation is encouraged and supported in the learning process and educational experience of all students. Studies demonstrate that when parents are involved in their children's education, the attitudes, behaviors, and achievement of students are positively enhanced.

Although parents and families are diverse in culture, language and needs, they share the school's commitment to the educational success of their children. The St. Clair County School System, in collaboration with parents, will work towards establishing programs and practices that enhance parental and family involvement and reflect specific needs of the students and their families.

Professional development opportunities for teachers, administrators, and other school employees shall be offered to enhance the ability of schools to effectively serve all students, parents, and families. Administrative leadership is recognized as important in setting expectations and creating a climate conducive to parental participation.

To this end, the St. Clair County School System supports working towards the development, implementation and regular evaluation of parental involvement programs and policies, which will involve parents and families in the decisions and practices for all grade levels in a variety of roles. The parental involvement programs to be developed shall be comprehensive and coordinated.

The parental involvement policy of the St. Clair County School System embodies the following beliefs:

- Parents play an integral role in their child's learning.
- Communication between home and school is regular, two-way, varied, and meaningful.
- Parents are partners in the decisions that affect children and families. Parents are encouraged to serve on advisory committees that promote parent input into the process of program review, planning, and improvement.
- School shall assist parents in helping their child meet challenging state and local student content and achievement standards.
- Schools are inviting and actively seek support and assistance for school programs.
- Positive parenting is promoted and supported through programs and practices designed to strengthen parenting

Parents shall be notified of this policy and parent involvement activities in the St. Clair County School System. It shall be reviewed periodically with the participation of parents in the evaluation of its effectiveness and shall be revised and/or amended as needed to improve parent involvement and student achievement.

REFERENCE(S):

CODE OF ALABAMA

16-8-8,

NO CHILD LEFT BEHIND ACT of 2001

HISTORY:

ADOPTED: SEPTEMBER 10, 2001

REVISED: DECEMBER 15, 2003; NOVEMBER 7, 2005;

FEBRUARY 22, 2010

FORMERLY: FAB, IDDHA

CHAPTER 5.00 - STUDENTS

CO- CURRICULAR AND EXTRACURRICULAR ACTIVITIES

5.80

The St. Clair County Board of Education requires that all co-curricular and extra-curricular activities within a school be teacher and school sponsored. A special effort should be made to provide each student the opportunity to participate in worthwhile co-curricular and extra-curricular activities. Each staff member is expected to assume a reasonable share of the various responsibilities pertaining to the sponsorship of co-curricular and extra-curricular activities.

All school sponsored activities such as clubs, newspaper and annual staffs, student councils, bands, cheerleading squads, and athletic teams are classified as extracurricular and subject to the requirements of this policy.

Eligibility

1. To participate in extracurricular and/or co-curricular activities, a student must meet the requirements of the "Academics First" policy as set forth in the *Administrative Code of the State Board of Education*. Students ineligible for extracurricular or co-curricular activities according to the "Academic First" requirements are also ineligible to participate in practice sessions, meetings, or preparatory events associated with extracurricular or co-curricular activities.
2. A student suspended from school for violation of the *St. Clair County Code of Student Conduct* is also suspended from all school sponsored extra-curricular activities and out-of-school practice sessions until that suspension has been lifted.
3. Participation in co-curricular and/or extracurricular activities is limited to students that are currently enrolled in the St. Clair County School System.

REFERENCE(S):

CODE OF ALABAMA
16-8-8, 16-12-3, AAC290-3-1-.02(17)

HISTORY:

ADOPTED: NOVEMBER 15, 1999
REVISED: MAY 24, 2004; FEBRUARY 22, 2010
FORMERLY: JH

CHAPTER 5.00 – STUDENTS

ATHLETICS

5.81

- I. All St. Clair County School System schools, grades 7-12, shall be members of the Alabama High School Athletic Association (AHSAA) and shall be governed by the rules and regulations adopted by AHSAA. Students who participate in athletics shall meet eligibility requirements established by AHSAA, the St. Clair County Board of Education and the Alabama Administrative Code. Membership dues will be paid from the internal accounts of each respective school.
- II. Students practicing or participating in any type of interscholastic athletics shall provide proof of accident insurance covering medical expenses of any injury sustained in a sport. The principal shall be responsible for obtaining proof, as evidenced by a signed statement from the student's parent(s)/legal guardian, of the student's insurance prior to practice or participation in interscholastic athletics. Such insurance may be made available to the parent(s)/legal guardian through the school or the parent(s)/legal guardian may submit evidence that insurance has been provided through another source.
- III. No student shall engage in practice or participate in any interscholastic game without the written permission of the student's parent(s)/legal guardian and a current physical examination as required by the Alabama High School Athletic Association being on file.
- IV. Pursuant to Alabama statutes, licensed medical personnel who act as volunteers for school events and agree to render emergency care or treatment shall be immune from civil liability for treatment of a participant in any school-sponsored athletic event, provided such treatment was rendered in accordance with acceptable standards of practice and was not objected to by the participant.
- V. All athletic programs of the St. Clair County Schools shall abide by AHSAA rules and legislative acts regarding athletes who sustain concussions, including annually providing information to parents and students regarding concussions, training coaches annually, and holding students suspected of having a concussion out of competition.
- VI. All students shall be subject to all St. Clair County Board of Education rules and to the Code of Student Conduct while attending athletic events and practices.

REFERENCE(S):

**CODE OF ALABAMA
16-8-8,**

LEGISLATIVE ACT 2011-541; AHSAA GUIDELINES

HISTORY:

**ADOPTED: NOVEMBER 15, 1999
REVISED: DECEMBER 15, 2003; FEBRUARY 22, 2010; OCTOBER 22, 2012
FORMERLY: IDFA**

CHAPTER 5.00 – STUDENTS

STUDENT DRUG TESTING

5.83

The St. Clair County Board of Education promotes a safe and drug-free learning environment for its students. It is important that every student understand the dangers of alcohol, tobacco and drug use. Participation in extracurricular activities is a privilege and not a right; therefore, students enrolled in grades 7-12 of the St. Clair County School System who are participating in extracurricular activities may be required to submit to random, unannounced screenings for alcohol and drug use. The Board reserves the right to depart from this policy where it deems appropriate except where prohibited by law. Students will be notified of any changes to practices related to this policy.

Random, unannounced drug and alcohol testing applies to

- Students participating in athletics, cheerleading and band
- Students participating in school sponsored competitive extracurricular activities
- Students who drive vehicles on school property

This policy does not circumvent or replace the St. Clair County School System Code of Conduct rules pertaining to the use, possession, distribution, or manufacturing of drugs or alcohol or other controlled substances on or away from Board property or at school-sponsored events. Violations of policies and rules will follow normal Board procedures and will be subject to published consequences.

Such drug and alcohol testing to be implemented by this policy shall be of the type demonstrated to be accurate methods for determining the presence or absence of alcohol or drugs in a person. For the purposes of this testing, breath, oral fluid, hair or urine may be used as deemed appropriate.

REFERENCES:

**CODE OF ALABAMA
16-8-8**

HISTORY:

**ADOPTED: JANUARY 29, 2009
REVISED: JULY 18, 2013; AUGUST 18, 2014
FORMERLY: 5.83**

CHAPTER 5.00 - STUDENTS

ACCEPTABLE USE OF COMPUTER TECHNOLOGY AND RELATED RESOURCES

5.90

To facilitate achieving a quality education for its students, it is the policy of the St. Clair County Board of Education to provide all students and employees with opportunities to access a variety of technological resources. A large and varied technological environment requires that technology use by employees and students be legal, ethical, and safe. Technology use must be consistent with the educational vision, mission, and goals of the Board.

- I. Copyright Law: It is the obligation and intent of the Board to comply with the copyright laws of the United States. St. Clair County School system employees and students shall use technology resources in accordance with Board policies and procedures, as well as local, state, and federal laws and guidelines governing the use of technology and its component parts.
- II. Electronic Mail: The Board provides access to electronic mail for students as requested by teachers for special projects and for employees whose normal work activity requires access. That access is intended to support only educational, instructional, extracurricular, or normal administrative activity.
 - A. Board policies and procedures shall apply to the use of electronic mail. The Board cannot guarantee the privacy, security, or confidentiality of any information sent or received via electronic mail. The Board will use a filtering device to screen e-mail for spam and inappropriate content. Contents of electronic mail cannot be considered private. All contents of electronic mail are the property of the Board.
 - B. To ensure the safety and security of minors when using electronic mail, locally housed chat rooms (others are prohibited), and other forms of direct communication, only Board housed and monitored sources will be used. All other communicative sources will be blocked.
- III. The Internet: The intent of the St. Clair County Board of Education is to provide access to resources available via the Internet with the understanding that faculty, staff, and students will access and use only information that is appropriate, beneficial, and/or required for his/her various curricular or extracurricular activities or staff duties. Teachers will screen resources that will be used in the classroom for content prior to their introduction. Board policies and procedures shall apply to the use of the Internet.
 - A. Internet access is provided to allow students, faculty, and staff to conduct research. Users will gain access to the Internet by agreeing to conduct themselves in a considerate and responsible manner. Students must provide written permission from legal custodial parents, a signed copy of permission to use Internet resources for each student in the household. Students will not be allowed to conduct independent research on the Internet until receipt of the signed form.

CHAPTER 5.00 - STUDENTS

- B. The Board provides technology protection measures that include blocking or filtering Internet access to visual depictions and text that are obscene, pornographic, or harmful to minors. These measures cannot be considered 100% effective. Teachers must preview required web sites and observe students using the Internet. Sites that are deemed inappropriate or a disruption of the learning atmosphere should be reported to the Director of Technology. Teachers may also request that sites be opened for periods of research.
 - C. Network users are prohibited from accessing external networks or alternate Internet service providers within the St. Clair County School's internal network unless expressly authorized by the Superintendent or Superintendent's designee and properly protected by a firewall, other appropriate security device(s), and appropriate filtering software.
 - D. All school rules and guidelines for appropriate technology use shall apply to use of the Internet. Because communications on the Internet are often public in nature, all users must engage in appropriate and responsible communications with particular regard to avoiding disruption of the educational environment.
 - E. Student posting of personal information of any kind about themselves or others is prohibited. Personal information includes home and/or school addresses, work addresses, home and/or school phone numbers, names, social security numbers, pictures, etc. The Board cannot guarantee the privacy, security, or confidentiality of any information sent or received via the Internet.
 - F. Appropriate classroom instruction including information about appropriate online behavior, safe use of internet and online resources, cyberbullying awareness and response, and the safe use of social networking and interactive websites shall be provided to all students.
- IV. District, School, and School-Sponsored Activity Web Sites: Because any school system web sites can be globally available and represent the community at large, the designated school system webmaster will review all web sites and/or new features and links before adding them to the system web server. Review includes coordination with and approval of the school principal and Superintendent. Only the designated school system webmaster may place web sites, features, or links on the web server, and only computers on the St. Clair County School System networks may be used for the task. The webmaster may reject all or part of proposed home pages and/or new features and links for technical reasons.
- A. The legal and ethical practices and responsibilities of appropriate use of technology resources shall be taught to all students and employees in the system (i.e. during lab orientation, network orientation, faculty meetings, etc).
 - B. Individuals are expected to report any violations of this policy and/or problems with the security of any technology resources to the Principal and/or Technology Coordinator.
 - C. All Board technology resources, regardless of purchase date, location, or fund sources (including donations), are subject to this policy.
 - D. Students who misuse the school system's technology will be subject to denial of computer usage, monetary charges, detention, suspension, and/or expulsion.
 - E. Employees who misuse the school system's technology may be subject to denial of computer usage, monetary charges, reprimands, and/or loss of employment.

CHAPTER 5.00 - STUDENTS

- F. Violation of civil and/or criminal law relating to technology and its use will result in the notification of law enforcement officials.

REFERENCE(S):

CODE OF ALABAMA
16-8-8, 16-13-231
CHILDREN'S INTERNET PROTECTION ACT (Public Law 106-554)

HISTORY:

ADOPTED: NOVEMBER 15, 1999
REVISED: DECEMBER 15, 2003; SEPTEMBER 17, 2012
FORMERLY: IFGB, IFBGA

CHAPTER 5.00 - STUDENTS

CELL PHONE USE

5.91

The St. Clair County Board of Education may permit any student to carry a pocket pager, cellular telephone, or other electronic communication device while on school property and may permit any student to use a pocket pager, cellular telephone, or other electronic communication device, when such use is expressly and specifically permitted by the school administrator, teacher, or employee who is acting in a supervisory capacity at the time of the use.

Any student found in violation of this policy may be subject to suspension or other disciplinary action by the school administration and/or the St. Clair County Board of Education.

REFERENCE(S):

**CODE OF ALABAMA
16-1-27; LEGISLATIVE ACT 89-953;
P.1880, §1, LEGISLATIVE ACT 2006-530, §1**

HISTORY:

**ADOPTED: MARCH 18, 2009
REVISED: FEBRUARY 22, 2010
FORMERLY: NEW**

CHAPTER 6.00 – HUMAN RESOURCES

EQUAL OPPORTUNITY FOR EMPLOYMENT

6.10

- I. The St. Clair County Board of Education recognizes that an effective educational program depends on the quality of the personnel employed in the system. Therefore, every effort shall be made to employ the most qualified personnel available. Applicants for position will be selected on the basis of their qualifications, merit, and ability. No person shall be denied employment, re-employment, advancement, or evaluations, nor shall be subjected to discrimination on the basis of sex, age, marital status, race, religion, national origin, ethnic group or disability.
- II. All personnel shall be appointed or re-appointed as prescribed by federal law, Alabama law and in conformance with applicable State Board of Education and St. Clair County Board of Education rules.
- III. The Superintendent is directed to develop appropriate employment procedures governing the recruitment, screening, selection, appointment and employment of all St. Clair County School System personnel. Employment qualifications and other criteria will be listed in job descriptions for each position within the school system.

REFERENCE(S):

CODE OF ALABAMA
[16-8-23](#), [16-9-23](#), [16-9-24](#)
CIVIL RIGHTS ACT OF 1964 AND AMENDMENTS;
SECTION 504 OF THE REHABILITATION ACT OF 1973,
AMERICANS WITH DISABILITIES ACT OF 1993,
TITLE IX OF EDUCATION AMENDMENTS OF 1971

HISTORY:

ADOPTED: JUNE 22, 1998
REVISED: SEPTEMBER 15, 2003; FEBRUARY 22, 2010
FORMERLY: CGD

CHAPTER 6.00 – HUMAN RESOURCES

EMPLOYMENT STATUS AND TIME SCHEDULES

6.11

- I. Full Time - A regular full time certified employee is a person who is employed for the school term or for the school fiscal year to render the minimum number of hours each day as established by the St. Clair County Board of Education for that position or job. A full time support employee includes adult bus drivers and those employees working twenty (20) or more hours per week.
- II. Part-time - A part-time certified employee is a person who is employed to render less than the number of hours each day as established by the St. Clair County Board of Education for a regular full time employee. A part-time support employee is a person employed less than twenty (20) hours per week.
- III. Temporary - A temporary employee is a person whose employment is expected to be for a limited time to fill a vacancy for which a permanent employee is not available or to perform some work of a temporary nature. Such employment will cease at the close of the school term or school fiscal year or when the temporary work has been completed. A temporary employee may work any number of hours up to 40 hours per week.
- IV. Time Schedules for Certified Personnel – Time schedules for certified personnel may be designated by the Superintendent and/or the immediate supervisor of said personnel. All administrative and supervisory personnel shall normally observe an eight (8) hour work day, unless otherwise assigned by the Superintendent. Local school administrators shall be on duty no less than thirty (30) minutes prior to the time fixed for school to open and thirty (30) minutes after the close of school. Certified teaching personnel are generally required to be on duty 15 minutes before the time set for the opening of their respective school and 15 minutes after the close of the school day, Monday through Friday, and the necessary time to transact faculty meetings, school business, and safe orderly dismissal of students, etc.
- V. Time Schedules for Non-Certified Personnel – Time schedules for non-certified personnel may be designated by the Superintendent or the immediate supervisor of said personnel. In all cases, the Superintendent and/or supervisor in charge shall have the right to establish time schedules to encompass said employee's workday. Said work schedules shall be in compliance with the Fair Labor Standards Act.

REFERENCE(S):

CODE OF ALABAMA
[16-8-9](#), [36-25-1](#), [36-26-100](#)
FAIR LABOR STANDARDS ACT

HISTORY:

ADOPTED: JUNE 22, 1998
REVISED: SEPTEMBER 15, 2003; FEBRUARY 22, 2010
FORMERLY: CGPB, CGPC

CHAPTER 6.00 – HUMAN RESOURCES

POSTING VACANT POSITIONS and RECRUITMENT

6.12

- I. The St. Clair County Board of Education shall post a notice of vacancy for each vacant personnel position. The notice shall be posted in a conspicuous place at each school campus and worksite at least fourteen (14) calendar days before the position is to be filled. The notice shall include, but not necessarily be limited to, all of the following:
 - A. Job description and title
 - B. Required qualifications
 - C. A statement of reference to the approved salary schedule.
 - D. Information on where to submit an application
 - E. Information on any deadlines for applying
 - F. Other relevant information
- II. In accordance with Attorney General Opinion 2002-069, November 21, 2001, the following are exceptions to posting vacancies:
 - A. There is no vacancy when two (2) teachers trade positions; and
 - B. Where a lateral transfer occurs and the positions are neither newly created nor supervisory or managerial in nature, and there has been no increase or decrease in salary.
- III. If a personnel vacancy occurs during the time when schools are in session, the vacancy notice shall be posted not less than seven (7) calendar days before the position is to be filled. All vacancies involving jobs which are supervisory, managerial, or otherwise newly created positions shall nevertheless require posting notices of at least fourteen (14) calendar days. If the vacancy is to be filled on a temporary emergency basis through an involuntary transfer within fifteen (15) days before or after the first day of school (AL Code § 16-24B-7), the notice must be posted at least five (5) working days.
- IV. Nothing in this policy shall prohibit the immediate employment or transfer of St. Clair County School System personnel needed to ensure the welfare and safety of students, personnel or others on a temporary emergency basis as provided by law.
- V. It shall be the duty of the Superintendent to ensure that all certified and non-certified employees satisfactorily meet all requirements of State Law and State Board of Education rules and regulations.

CHAPTER 6.00 – HUMAN RESOURCES

- VI. The Superintendent shall establish and maintain a plan for actively recruiting promising personnel for employment by the St. Clair County School System. The recruitment program may include, but shall not be limited to, the following:
- A. Interview prospective employees prior to graduation at area colleges;
 - B. Advertise and/or disseminate information about job vacancies; and,
 - C. Review files obtained by college placement bureaus and the Alabama State Department of Education.

REFERENCE(S):

CODE OF ALABAMA
[16-8-9](#), [16-9-23](#), [16-9-24](#), [16-23-6](#), [16-24B-7](#),
LEGISLATIVE ACT 98-147

HISTORY:

ADOPTED: JUNE 22, 1998
REVISED: JULY 12, 1999; SEPTEMBER 15, 2003; FEBRUARY 22, 2010
FORMERLY: GBB, GBC, CGD

CHAPTER 6.00 – HUMAN RESOURCES

JOB DESCRIPTIONS

6.13

- I. The St. Clair County Board of Education must approve a job description prior to the establishment of any new position.
- II. Each job description shall contain the minimal qualifications, required skills, essential performance responsibilities, physical requirements of the position and other information as deemed necessary.
- III. The Superintendent shall maintain comprehensive, up-to-date job descriptions for all St. Clair County School System positions. It shall also be the responsibility of the Superintendent or his/her designee to familiarize the personnel with their duties and responsibilities as defined by the job description.

REFERENCE(S):

CODE OF ALABAMA
[16-8-8 TO -10](#), [16-9-23](#), [16-9-24](#)

HISTORY:

ADOPTED: JUNE 22, 1998
REVISED: SEPTEMBER 15, 2003; FEBRUARY 22, 2010
FORMERLY: CGB, CGBA

CHAPTER 6.00 – HUMAN RESOURCES

CONFLICTS OF INTEREST

6.14

Generally, a conflict of interest exists when a board member, board employee, or agent of the board participates in a matter that is likely to have a direct effect on his or her personal and financial interests. A financial interest may include, but is not limited to, stock ownership, partnership, trustee relationship, employment, potential employment, or a business relationship with an applicant, vendor, or entity. A board member, board employee, or agent of the board may not participate in his or her official capacity in a matter that is likely to have direct and predictable effects on his or her financial interests.

A board member, board employee, or agent of the board will abide by the Federal and state laws and regulations that address conflict of interest standards. In general, the Federal rules provide that:

No employee, officer, or agent of the board shall participate in selection, or in the award or administration of a contract supported by Federal funds if he or she has a real or apparent conflict of interest. Such a conflict would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs, or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from the firm considered for a contract. The board's officers, employees, or agents will neither solicit nor accept gratuities, favors or anything of monetary value from contractors, potential contractors, or parties to subcontracts.

The board's conflict of interest policies include adherence to the Alabama Ethics Law, which defines conflict of interest as:

A conflict on the part of a public official or public employee between his or her private interests and the official responsibilities inherent in an office of public trust. A conflict of interest involves any action, inaction, or decision by a public official or public employee in the discharge of his or her official duties which would materially affect his or her financial interest or those of his or her family members or any business with which the person is associated in a manner different from the manner it affects the other members of the class to which he or she belongs.

A board member, board employee, or agent of the board may not review applications, proposals, or participate in the evaluation or selection process where his or her participation in the review process would create the appearance that he or she is: (a) giving preferential treatment; (b) losing independence and impartiality; (c) making decisions outside official and appropriate channels; or (d) harming the public's confidence in the integrity of the board.

Situations and circumstances presenting an actual conflict of interest or the appearance of a conflict of interest should be brought to the immediate attention of the superintendent. A board employee, board member, or agent of the board who has knowledge of a possible conflict of interest should identify the conflict and notify the superintendent. The superintendent will document his or her actions related to the reported conflict of interest. Resolution can consist of

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disqualification, recusal, waiver, or other appropriate measures. Appropriate measures may include reporting a conflict of interest to the State Ethics Commission, the Alabama State Board of Education, or the appropriate federal agency.

REFERENCE(S):

CODE OF ALABAMA

[16-9-13](#), [36-25-1](#), [36-25-2](#), [36-25-5](#), [36-25-8](#)

HISTORY:

ADOPTED: JUNE 22, 1998

REVISED: JULY 12, 1999; SEPTEMBER 15, 2003; December 15, 2003;

FEBRUARY 22, 2010; September 19, 2016

FORMERLY: CGPE, GAG, GAI

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Gifts

6.14.1

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

Employees may accept gifts or gift cards purchased from pooled donations within a class, team, or other school organization for the employees personal use provided that the amount that each person gives complies with the Alabama Ethics Law

REFERENCE(S):

CODE OF ALABAMA
[16-9-13](#), [36-25-1](#), [36-25-2](#), [36-25-5](#), [36-25-8](#)

HISTORY:

ADOPTED: JUNE 22, 1998
REVISED: JULY 12, 1999; SEPTEMBER 15, 2003;
DECEMBER 15, 2003; FEBRUARY 22, 2010
January 28, 2013
FORMERLY: CGPE, GAG, GAI

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USE OF SYSTEM-OWNED EQUIPMENT AND MATERIALS

6.14.2

All equipment and materials owned by or purchased in the name of the St. Clair County School System shall be used exclusively for educational purposes as defined by the Board. Employees are authorized to use such equipment and materials while performing assigned job-related duties at their respective work sites/classrooms during regular work hours.

Use of Equipment Away From School Work Sites/Classrooms

The use of School System-owned equipment away from work sites/classrooms shall be limited to items that are directly related to completing instructional/teaching-oriented work assignments.

Fixed Asset Equipment and Certain Electronic Equipment

Under no circumstances are School System employees authorized to take equipment shown on the Fixed Asset Inventory List or electronic equipment with a per unit cost of \$50.00 or more away from their work sites/classrooms without the prior written approval of their immediate supervisor/principal. When an employee is approved to use such equipment away from the work site/classroom, the equipment must be checked out by serial number or other appropriate identification and returned to the work site/classroom on a daily basis. However, when the schools are not in session, the principal may approve the use of such equipment away from the classroom/work site for longer periods of time.

Non-Fixed Asset Equipment and Certain Electronic Equipment

Employees may be authorized to take School System equipment not shown on the Fixed Asset Inventory List or electronic equipment with a per unit cost of \$50.00 or less away from their classrooms /work sites to complete school related tasks with the verbal approval of the principal.

Use of School System-Owned Equipment for Personal Gain

Under no circumstances shall an employee lend, rent, or lease School System-owned equipment or system-owned vehicle to a non-employee or use such equipment or vehicle for personal gain.

REFERENCE(S):

CODE OF ALABAMA
[16-8-9](#), [36-25-5](#)

HISTORY:

ADOPTED: FEBRUARY 22, 2010
REVISED: _____
FORMERLY: NEW

CHAPTER 6.00 – HUMAN RESOURCES

TUTORING FOR PAY BY CERTIFIED PERSONNEL

6.14.3

St. Clair County School System certified personnel shall not receive pay or its equivalent for out-of-school tutoring of students currently enrolled in their classes when the out-of-school tutoring is in subject areas taught the students during the regular school day. However, certified personnel may engage in out-of school tutoring of students in their classes when such tutoring is sponsored, organized, and paid for by the School System or other state-accredited educational institutions. Tutoring for any form of remuneration shall not be done during the regular school hours.

Use of School System Facilities, Equipment, Materials, or Supplies for Tutoring

Certified personnel shall not under any circumstances use School System consumable materials or supplies for private tutoring for personal gain. Use of facilities, materials, or supplies must be approved by the principal.

REFERENCE(S):

CODE OF ALABAMA
[36-25-5](#)

HISTORY:

ADOPTED: JULY 12, 1999
REVISED: DECEMBER 15, 2003; FEBRUARY 22, 2010
FORMERLY: GAI, KDC

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NEPOTISM

6.15

- I. Two or more close relatives may not work in the same administrative unit except by special permission of the Superintendent.
- II. Close relatives are defined as mother, father, son, daughter, brother, sister and spouse and in-laws of the same. This includes any other individual who by marriage assumes one of the relationships listed herein, such as step-father, step-mother, step-child, etc.
- III. All personnel employed as of the adoption date of this policy who are in violation of this provision are exempted from this policy.

REFERENCE(S):

CODE OF ALABAMA
[16-1-30](#), [41-1-5](#)

HISTORY:

ADOPTED: FEBRUARY 22, 2010
REVISED: _____
FORMERLY: NEW

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EMPLOYMENT REQUIREMENTS

6.16

Any person desiring employment, as defined by Policy 6.11, shall file a completed application on the form provided by the Superintendent.

- I. Qualifications
 - A. Must be of good moral character;
 - B. Must be at least twenty-one (21) years of age unless otherwise approved by the Superintendent.
- II. Certificate requirements - Each applicant for an instructional or a certified administrative position shall hold an Alabama Teacher's Certificate and all career/technical personnel shall meet the State Department of Education requirements and have the proper license to perform services.
 - A. To be considered for a position, an applicant shall be properly qualified for that position in accordance with state law, regulations of the State Department of Education and the approved job description. If it appears that the applicant is eligible for proper certification, appointment may be made subject to the conditions set forth in the contract of employment.
 - B. Any person not holding a valid Teacher's Certificate at the time of employment shall be required, upon initial employment to make application to the State Department of Education for such a certificate, through the personnel office of the St. Clair County School System. When such certificate is received, it must be filed with the office of the Superintendent. If the State Department of Education declines to issue a certificate, the person's employment shall be terminated. Failure to file for such certificate, except for good cause as determined by the Superintendent, shall result in the termination of employment.
- III. Criminal background checks by means of fingerprinting for prospective and current employees who have unsupervised access to students shall be conducted consistent with requirements of law.
- IV. All potential employees of the School System shall verify their identity and employment status to the Superintendent. The Superintendent shall maintain a file on all of the School System's employees hired after November 6, 1986, proving that each employee has verified his or her identity, employment status, U.S. citizenship, or legal alien status to the Superintendent's satisfaction. Evidence to be used to verify identity, employment status, U.S. citizenship, or legal alien status should include at least two of the following documents, one of which contains a current photo of the employee: U.S. birth certificate, social security card, and a current driver's license; a state or military identification card; or one of the following: U.S. passport, certificate of U.S. citizenship, certificate of naturalization, unexpired foreign passport, or resident alien card.

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- V. The St. Clair County School System shall ensure that all aspects of the recruitment and selection process are job-related and are consistent with business necessity to ensure equal employment opportunity. Neither the system nor its agents shall engage in any discrimination with respect to employment in violation of any state or federal laws. Applicants shall be informed of the complaint procedure that may be used should they allege discrimination.

REFERENCE(S):

CODE OF ALABAMA
[16-22A-5](#), [16-22A-6](#), [16-23-1](#)
NO CHILD LEFT BEHIND ACT OF 2001

HISTORY:

ADOPTED: JUNE 22, 1998
REVISED: SEPTEMBER 15, 2003; NOVEMBER 7, 2005; FEBRUARY 22, 2010
FORMERLY: CGBA, CGD, GBBA, GAKA

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MEDICAL EXAMINATIONS

6.16.1

The Superintendent may require a physical, psychological, and/or psychiatric examination by a physician or counselor licensed in the state of Alabama when in the Superintendent's judgment such an examination is relevant to the teaching performance or employment status of a St. Clair County Board of Education employee. The Superintendent shall select the physician(s), psychologist(s), or psychiatrist(s) and the Board shall pay all costs incurred in the examination(s). The employee shall allow the report of the physician(s), psychologist(s), or psychiatrist(s), to be submitted to the Superintendent with a copy being forwarded to the employee.

Employees shall provide documentation of satisfactory medical examinations from licensed health professionals as required by state health department requirements to prevent the spread of communicable conditions.

REFERENCE(S):

CODE OF ALABAMA
[16-1-18.1](#), [16-8-8](#), [16-22-3](#)

HISTORY:

ADOPTED: JULY 12, 1999
REVISED: DECEMBER 15, 2003; MAY 24, 2004; FEBRUARY 22, 2010
FORMERLY: GBRA

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USE OF FEDERAL FUNDS FOR TEACHERS TO BECOME HIGHLY QUALIFIED

6.17

- I. The No Child Left Behind Act of 2001 requires that all public elementary, middle, and secondary teachers of core academic subjects meet the federal definition of “highly qualified” no later than the end of the 2005-2006 school year. It is a professional development priority to assist teachers to become “highly qualified.”
- II. Title I federal funds may be used to assist teachers in Title I schools to attain the “highly qualified” status. Funds must be used according to the specified priorities.
 - A. Priority 1 – Teachers in Title I funded programs
 - B. Priority 2 – Paraprofessionals in Title I funded programs
 - C. Priority 3 – Other teachers in core courses in Title I schools
- III. Title II funds (professional development) may be expended to assist teachers of core courses in non-Title I schools to become “highly qualified.”
- IV. A teacher who has satisfactorily completed coursework to meet the “highly qualified” status may submit receipt(s) and transcript(s) to the central office for reimbursement of tuition costs. Reimbursement is limited to those courses which enable a teacher to become “highly qualified” and is contingent on the availability of federal funds budgeted for this purpose.
- V. Federal funds which are designated to be used to assist teachers to become “highly qualified” may be used to reimburse teachers for the fee of the Praxis II test.

REFERENCE(S):

CODE OF ALABAMA
[16-8-8](#), [16-23-2](#),
NO CHILD LEFT BEHIND ACT OF 2001

HISTORY:

ADOPTED: FEBRUARY 22, 2010
REVISED: _____
FORMERLY: NEW

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EXTRA DUTIES AND STAFF MEETINGS

6.18

Extra work-related duties associated with the school's curriculum may be assigned to and/or requested of certified personnel employed by the St. Clair County School System. When extra duties related to the curriculum are assigned to said personnel, the following provisions shall apply:

1. Extra duties shall not be assigned during regular school hours that require certified teaching personnel to be removed, on a continuing basis, from teaching responsibilities.
2. The Board requires that all duties assigned be reasonable and in support of accomplishing the overall educational objectives of the Board or school.
3. Extra duties that are assigned shall be made on a fair and equitable basis, taking into consideration the nature of the activity and the teacher involved.

The curriculum is defined as any activity that occurs in the name of the school (school plays, athletic contests, math team competition, social events, etc.).

An administrator and/or supervisor may call staff meetings when he/she feels such meetings are warranted. Attendance by employees may be required. Such compulsory attendance should be stated within the notice announcing the meeting. Meetings requiring employee attendance should be planned and announced as far in advance as possible in order to allow employees to appropriately plan their individual schedules.

REFERENCE(S):

CODE OF ALABAMA
[16-8-8](#), [16-8-9](#)

HISTORY:

ADOPTED: JULY 12, 1999
REVISED: DECEMBER 15, 2003; FEBRUARY 22, 2010
FORMERLY: GBRD

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SUBSTITUTE TEACHERS

6.20

- I. An approved list of St. Clair County School System substitute teachers shall be provided to the schools. The principal or his/her designee shall secure all substitute teachers from this approved list.
- II. Applicants who seek employment as substitute teachers shall meet the following minimum qualifications and provide the appropriate materials as required:
 - A. Be at least twenty-one (21) years of age unless otherwise approved by the Superintendent;
 - B. Hold a valid teacher's certificate or valid substitute teacher's license;
 - C. Attend required substitute teacher training.
- III. The compensation for substitute teachers shall be for services rendered in accordance with the salary schedule adopted by the St. Clair County Board of Education.

REFERENCE(S):

CODE OF ALABAMA
[16-23-2](#), [16-25-26](#), [16-8-8](#)

HISTORY:

ADOPTED: NOVEMBER 18, 2000
REVISED: DECEMBER 15, 2003; FEBRUARY 22, 2010
FORMERLY: GBRJ

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NON-PROBATIONARY STATUS/TENURE

6.21

- I. Teaching Personnel – Except as otherwise provided by Ala. Code § 16-23-3, which applies to individuals with alternative or provisional teaching certificates, a teacher shall attain tenure upon the completion of three (3) complete, consecutive school years of full-time employment as a teacher with the St. Clair County School System unless the Board of Education approves and issues written notice of termination to the teacher on or before the last day of the teacher's third consecutive, complete school year of employment. For purposes of determining tenure, a probationary teacher whose employment or reemployment is effective prior to October 1 of the school year and who completes the school year shall be deemed to have served a complete school year.
- II. Non-certified Personnel – A probationary classified employee attains nonprobationary status upon the completion of three complete, consecutive school years of full-time employment with the St. Clair County School System unless the Board of Education approves and issues written notice of termination to the employee on or before the fifteenth (15th) day of June immediately following the employee's third consecutive complete school year of employment. For purposes of determining nonprobationary status, a probationary classified employee whose employment or reemployment is effective prior to October 1 of the school year and who completes the school year shall be deemed to have served a complete school year.
- III. All of the following additional terms, conditions, and limitations apply to the attainment and retention of tenure or nonprobationary status:
 - A. Only complete school years of service as defined above, including any leave that is credited to the employee for such purposes under board policy or applicable law, may be credited to the attainment of tenure or nonprobationary status.
 - B. Neither tenure nor nonprobationary status may be attained in or by virtue of employment in temporary, part-time, substitute, summer school, occasional, seasonal, supplemental, irregular, or like forms of employment, or in positions that are created to serve experimental, pilot, temporary, or like special programs, projects, or purposes, the funding and duration of which are finite.
 - C. Employees of the St. Clair County Schools do not earn tenure or nonprobationary status in a specific position, rank, work site or location, assignment, title, or rate of compensation.
 - D. Service performed as a teacher may not be converted to, recognized, or otherwise credited to the employee for the purpose of attaining nonprobationary status as a classified employee. Service performed in the capacity of a classified employee may not be converted to, recognized, or otherwise credited to the employee for the purpose of attaining tenure as a teacher, whether or not the classified employee holds a certificate issued by the State Department of Education.

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- E. Neither tenured status nor time in probationary service shall be transferable from another Alabama school system to the St. Clair County School System, except that employees who become employees of the St. Clair County School System by virtue of annexation, school district formation, consolidation, or a similar reorganization over which the employee has no control shall retain tenure or nonprobationary status and service credit attained by virtue of employment with the predecessor employer.

REFERENCE(S):

CODE OF ALABAMA
16-24C-4

HISTORY:

ADOPTED: JUNE 22, 1998
REVISED: DECEMBER 15, 2003; FEBRUARY 22, 2010; FEBRUARY 27, 2012
FORMERLY: GBG, CGK, CGG

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VIOLATION OF LAW

6.30

- I. Anyone known to be violating a local, state, and/or federal law on St. Clair County Board of Education property or at a school function will be subject to referral for prosecution to the appropriate law enforcement agency. The referral process will be subject to state statutes and St. Clair County Board of Education rules.
- II. St. Clair County School System employees in violation of this policy may be subject to termination or other disciplinary action.

REFERENCE(S):

CODE OF ALABAMA
[16-1-24](#), [16-1-24.1](#), [16-8-9](#)

HISTORY:

ADOPTED: FEBRUARY 22, 2010
REVISED: _____
FORMERLY: NEW

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POSSESSION OF DEADLY WEAPONS

6.30.1

Possession of a deadly weapon on St. Clair County School System property or on a school bus with the intention to do bodily harm is a Class C felony.

The St. Clair County Board of Education authorizes the Superintendent or designee to immediately and automatically suspend, terminate, or separate from service in accordance with Board policy any employee found in possession of a deadly weapon. A deadly weapon shall be defined as anything manifestly designed, made or adapted for the purpose of inflicting death or serious physical injury. Deadly weapons are not to be carried by any employee on school grounds, on school buses and/or at any school-sponsored event, during or after regular school hours.

Any St. Clair County School System employee determined to have brought to school or have in his/her possession a firearm defined in Section 921, Title 18 of the U.S. Code, in a school building, on school grounds, or at other school-sponsored functions shall be subject to suspension, termination and/or separation from service in accordance with Board policy.

Parents/guardians and other persons are hereby notified that they are prohibited from bringing firearms or other weapons on school system property at any time.

Resource police officers and/or regular law enforcement members employed by the City or County by joint arrangement with the St. Clair County Board of Education or retained for services under contract exclusively by the Board are excluded from provisions of this policy.

REFERENCE(S):

CODE OF ALABAMA

[16-1-24.1](#)

HISTORY:

ADOPTED: JULY 12, 1999

REVISED: DECEMBER 15, 2003; FEBRUARY 22, 2010

FORMERLY: GAM

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POLITICAL ACTIVITIES

6.32

- I. St. Clair County Board of Education employees shall not solicit support for any political candidate or issue during regular work hours.
- II. Assemblies, school classes, materials, and/or equipment shall not be used for partisan or political purposes.
- III. A St. Clair County Board of Education employee who offers himself/herself as a candidate for public office shall conduct his/her campaign so as not to interfere with his/her responsibilities.
 - A. Such candidate shall adhere strictly to Alabama laws governing political activity on the part of public officials and public employees.
 - B. A successful candidate for an office requiring a part-time responsibility shall report immediately to the Superintendent after the election and thereafter, when deemed necessary by the Superintendent or the St. Clair County Board of Education, to evaluate the compatibility of the dual responsibility and the amount of time the employee will be absent. Under no circumstances will a St. Clair County School System employee who has been elected to public office be allowed to perform duties related to the public office while performing his/her duties for the school system.

REFERENCE(S):

CODE OF ALABAMA
[17-17-4 and -5](#), [36-26-38](#), [16-8-8 TO -9](#)

HISTORY:

ADOPTED: JULY 12, 1999
REVISED: DECEMBER 15, 2003; FEBRUARY 22, 2010
FORMERLY: GAG

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PROFESSIONAL ORGANIZATIONS

6.33

Certified and non-certified personnel of the School System shall respect each other's rights to choose for themselves the professional organizations with which they affiliate. Membership in professional organizations shall be on a voluntary basis. Administrators of the School System or local schools shall not take punitive action against employees because of their membership in professional organizations or because of their failure to affiliate with said organizations.

REFERENCE(S):

CODE OF ALABAMA
[36-26-100 to -108](#)

HISTORY:

ADOPTED: FEBRUARY 22, 2010
REVISED: _____
FORMERLY: NEW

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EMPLOYEE GRIEVANCES

6.41

The St. Clair County Board of Education is committed to the task of maintaining the highest possible level of professional relations among members of the staff of the school system and of maintaining good morale among employees. Grievances and problems which may arise from time to time should be resolved at the lowest possible level that provides equitable and satisfactory solutions. The goal is to encourage the best possible relations among employees and to enhance morale. Persons who may become concerned in grievance matters are urged to work together constructively in a sincere effort to resolve their disagreements.

Whenever a St. Clair County School System employee believes that he/she has a complaint, every effort is to be made to arrive at a satisfactory resolution of the problem on an informal basis. When this cannot be done, employees can resort to the more formal procedures as provided herein.

Definitions

- I. Grievance – A *grievance* is a complaint by an employee based upon an alleged violation, misinterpretation or inequitable application of any published policy, rule or regulation of the school system. The term *grievance* should not apply to any matter in which the method of review is prescribed by law. *Grievances* are objections to a specific act or condition. Dismissals, terminations, transfers and any other procedures already established by law, as well as performance appraisals, including assessments, observations and evaluations, are not subject to the grievance procedures herein described.
- II. Employee – The term *employee* is considered to apply to anyone employed on a full time or part-time basis by the St. Clair County Board of Education, with the exception of the Superintendent.
- III. Supervisor – This term refers to that individual assigned to direct the work efforts of a person or group of persons within an organizational element and who has both the authority over and responsibility for management in respect to the functions of a defined organizational element. In a school, the principal would be the supervisor unless the job description states otherwise.
- IV. Organizational Element – The term *organizational element* is any identifiable segment of the system that is clearly under the supervision of a single individual. This would include a school, a center and any support function.
- V. Representative – The term *representative* refers to any person chosen, if desired, by the aggrieved party to serve as the liaison supervisor.
- VI. Complaint – The term *complaint* shall mean any alleged violation, misinterpretation or any inequitable application of any published policy, rule or regulation of the school system. *Complaint* shall not apply to any matter in which the method of review is prescribed by law. *Complaints* are objections to a specific act or condition. Dismissals,

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termination, transfers and any other procedure already instituted by law, as well as performance appraisals, including assessments, observations and evaluations, are not subject to the grievance procedure herein described.

- VII. Complainant – The term *complainant* shall mean any employee or group of employees, directly affected by the alleged misinterpretation or violation, filing a complaint.
- VIII. Employer – The term *employer* shall mean the St. Clair County Board of Education or its representatives.
- IX. Day – *The term day* shall mean a working day.
- X. Time Limits – The number of days indicated at each level is to be considered the maximum. Time limits may be extended by mutual agreement between the parties.
- XI. Released Time – The complaint procedure will normally be carried out during non-work time. If, however, the Board elects to carry out provisions during work time, the complainant shall lose no pay.
- XII. Complaint Procedure
 - A. Informal Discussion – If an employee believes there is a basis for complaint, he/she shall discuss the complaint with his/her immediate supervisor (except in cases of discrimination or harassment involving the supervisor, in which case the complainant shall report to the Equity Coordinator or other person designated by the Superintendent) within five (5) days of the occurrence of the alleged violation except in cases involving harassment or discrimination in which thirty (30) days will be allowed.
 - B. Level One – If the complainant is not satisfied with the informal resolution, he/she may, within ten (10) days, file a formal complaint in writing and deliver it to his/her immediate supervisor or alternate. The supervisor or alternate shall communicate his/her answer in writing to the complainant. Class complaints involving more than one (1) supervisor and complaints involving an administrator above the building level may be filed by the complainant at level two.
 - C. Level Two – If the complainant is not satisfied with the resolution at level one, he/she may, within ten (10) days of the answer, file a copy of the complaint with the Superintendent. The Superintendent shall indicate his/her disposition in writing to the complainant.
 - D. Board Appeal – If the complainant is not satisfied with the resolution by the Superintendent, he/she shall have the right to appeal the Superintendent's decision to the St. Clair County Board of Education, provided request for placement on Board agenda is filed within ten (10) days.
- XIII. Confidentiality will be provided to the extent possible to any employee, student or affected party who alleges discrimination or harassment.

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REFERENCE(S):

CODE OF ALABAMA
[16-8-8 TO -9](#), [16-9-23](#), [16-23-1](#),
TITLE VII OF CIVIL RIGHTS ACT OF 1964, TITLE IX OF
EDUCATION AMENDMENTS OF 1972

HISTORY:

ADOPTED: JULY 12, 1999
REVISED: DECEMBER 15, 2003; NOVEMBER 7, 2005; FEBRUARY 22, 2010
FORMERLY: GAM

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DUAL EMPLOYMENT

6.43

It shall be the policy of the St. Clair County Board of Education to hire support employees in only one full time support position. This includes bus driver positions. Notwithstanding, the support employees who currently hold two jobs shall not be affected by this policy.

REFERENCE(S):

CODE OF ALABAMA
[16-8-8](#), FAIR LABOR STANDARDS ACT

HISTORY:

ADOPTED: AUGUST 8, 2008
REVISED: FEBRUARY 22, 2010
FORMERLY: GD

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SALARY SUPPLEMENTS

6.45

Pursuant to the Alabama Ethics Law, certificated personnel are permitted to receive salary supplements from local booster clubs or other approved organizations but only in accordance with the following guidelines:

Teachers, coaches, band directors and other certificated employees of the St. Clair County Schools may receive a salary supplement paid by a booster club or other organization only if the employee has first entered an employment contract with the Board that expressly authorizes receipt of such supplements. Only officially recognized, school-affiliated booster clubs, or similar organizations as approved by the Superintendent, may provide salary supplements to employees of St. Clair County Schools under this policy.

At least thirty (30) days prior to the payment of any supplement, an organization must submit notice to the Superintendent of the organization's intent to pay a supplement and the amount of the proposed supplement. All supplements are subject to the Superintendent's approval based upon the criteria stated in this policy. For the supplement to be approved, the following determinations must be made: (1) that the organization proposing to pay the supplement is a qualified, school-affiliated organization as required under this provision; (2) that the employee is employed under a contract authorizing receipt of such supplements; (3) that the supplement does not exceed the limits set forth below; and (4) that the supplement is otherwise consistent with the law and Board policy and practice. Upon approval by the Superintendent, the supplement shall be forwarded to the central office for payment to the employee.

All supplements under this policy are subject to the following limitations. No school employee may receive supplement(s) from a booster club or other organization that, when added to the salary and other compensation paid to the employee by the St. Clair County Board of Education, would cause the employee to receive an amount equal to or in excess of the compensation received by the school principal for the contract year. Stated differently, total supplements received by a school employee during a contract year from booster clubs and/or other approved organizations shall be less than the difference between the total compensation paid to the school principal and the compensation paid to the employee by the St. Clair County Board of Education.

Neither this policy nor the employment contract permitting the employee to receive a supplement from a booster club or other organization should be construed as an agreement, promise, commitment, or guarantee by the Board regarding the payment of any such supplement. Salary supplements by booster clubs and other groups are paid from the funds of the organization(s) and solely at the discretion of the organization(s).

The St. Clair County Board of Education and its schools are in no way responsible, obligated, or liable for any such supplemental payment(s) to school employees.

Supplements paid hereunder shall not be construed as earnable compensation for purposes of determining contributions to the retirement system and shall not be counted in determining the average annual compensation of an employee for retirement purposes or for otherwise determining the retirement benefits to which an employee is entitled.

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REFERENCE(S):

CODE OF ALABAMA
[16-8-8](#), [16-13A-1](#), [36-25-1](#)

HISTORY:

ADOPTED: JULY 21, 2008
REVISED: FEBRUARY 22, 2010
FORMERLY: GBEE

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SUSPENSION, TERMINATION, SEPARATION

6.50

- I. Tenured teachers and nonprobationary classified employees may be terminated at any time because of the following reasons:
 - A. A justifiable decrease in the number of positions
 - B. Incompetency
 - C. Insubordination
 - D. Neglect of duty
 - E. Immorality
 - F. Failure to perform duties in a satisfactory manner
 - G. Other good and just cause.
- II. The Board of Education may cancel the contract of a contract principal for cause at any time for any of the following reasons:
 - A. Immorality.
 - B. Insubordination.
 - C. Neglect of duty.
 - D. Conviction of a felony or a crime involving moral turpitude.
 - E. Failure to fulfill the duties and responsibilities imposed upon principals by the Alabama code.
 - F. Willful failure to comply with Board policy.
 - G. A justifiable decrease in the number of positions due to decreased enrollment or decreased funding.
 - H. Failure to maintain his or her certificate in a current status.
 - I. Incompetency.
 - J. Failure to perform duties in a satisfactory manner
 - K. Other good and just cause.
- III. Notification to the St. Clair County School System employee of the proposed termination and his/her hearing rights will be governed by applicable state law.
- IV. An employee may be suspended for cause with or without pay on the written recommendation of the Superintendent and the approval of the Board. The suspension of a tenured teacher or a nonprobationary employee for no more than 20 work days without pay may not be appealed by the employee. Adequate notice of the reason or reasons for the proposed suspension and an opportunity to present evidence and argument, either in person or in writing, to the Board with respect to the proposed action shall be afforded the employee before the imposition of the suspension. Suspensions of tenured teachers or nonprobationary classified employees without pay in excess of 20 work days are subject to the notice, hearing, and review requirements and procedures that apply to terminations of tenured teachers and nonprobationary classified employees under applicable Alabama law.

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- V. The St. Clair County Board of Education may end its employment relationship with employees who have not earned tenure or non-probationary status by providing the appropriate notice required under state law or contract.
- VI. The St. Clair County Board of Education may non-renew its employment with principals serving as non-probationary contract principals by providing a reason why their contract will not be renewed and notice as provided in state law. Upon completion of the probationary period, a probationary principal may be terminated for any reason, or without a stated reason, upon the recommendation of the Superintendent and approval by the Board.

REFERENCE(S):

CODE OF ALABAMA
16-24C-6; 16-24B-3; 16-24C-5;

HISTORY:

ADOPTED: JUNE 22, 1998
REVISED: JULY 12, 1999; SEPTEMBER 15, 2003; DECEMBER 15, 2003;
FEBRUARY 22, 2010; February 27, 2012

FORMERLY: GBK, CGM

CHAPTER 6.00 – HUMAN RESOURCES

PERFORMANCE ASSESSMENT

6.60

- I. The St. Clair County Board of Education shall evaluate and assess the performance of the Superintendent per his/her contract and State Department of Education guidelines.
- II. The Board will use the state-approved personnel evaluation program for the evaluation of all certified personnel as required by the state.
 - A. The Superintendent will develop a plan for implementation of the evaluation program, consistent with state guidelines, that ensures all St. Clair County School System personnel serving as evaluators will undergo the required state training and be certified under the program.
 - B. Evaluation results shall be used to develop system and individual employee professional development plans.
- III. Other Personnel – The Superintendent shall develop or select personnel performance assessment systems for all other staff.

REFERENCE(S):

CODE OF ALABAMA
[16-8-8](#), [16-8-9](#), [16-9-31](#), [36-26-101](#)

HISTORY:

ADOPTED: JULY 12, 1999
REVISED: DECEMBER 15, 2003; NOVEMBER 7, 2005; _FEBRUARY 22, 2010
FORMERLY: GBI

CHAPTER 6.00 – HUMAN RESOURCES

NOTIFICATION OF ABSENCE

6.70

- I. The principal or designee shall notify and submit the appropriate leave form to the Superintendent when he/she plans to be away from school for a half-day or longer. The principal shall designate a responsible member of the administrative or instructional staff to be in charge during his/her absence.
- II. A St. Clair County School System employee who is absent from duty for any reason shall notify the principal or his/her immediate supervisor as early as possible. Such notification shall be given in advance unless conditions beyond the control of the employee make such advance notification impossible.
- III. Any St. Clair County School System employee who is willfully absent from duty without leave may be subject to dismissal from employment and shall forfeit compensation for the time of the absence.

REFERENCE(S):

CODE OF ALABAMA

[16-1-18.1](#), [16-1-30](#)

HISTORY:

ADOPTED: JULY 12, 1999

REVISED: DECEMBER 15, 2003; FEBRUARY 22, 2010

FORMERLY: CGPB

CHAPTER 6.00 – HUMAN RESOURCES

ANNUAL LEAVE OF ABSENCE

6.70.1

- I. A leave of absence is permission granted by the St. Clair County Board of Education or allowed under its adopted policies for an employee to be absent from duty for a specified period of time with the right to return to employment upon the expiration of leave. Any absence of a member of the staff from duty shall be covered by leave duly authorized and granted. Leave shall be officially granted in advance and shall be used for the purposes set forth in the leave application. Leave for sickness or other emergencies may be deemed to be granted in advance if prompt report is made to the proper authority.
- II. Leave may be with or without pay as provided by law, regulations of the State Board of Education, and these rules. For any absence that is without pay, the deduction for each day of absence shall be determined by dividing the annual salary by the number of days/hours for the employment period.
- III. A leave shall not be granted to any St. Clair County School System employee to accept other employment. Accepting employment while on a leave of absence may cancel the leave. The person on leave may be notified that he/she must return to work with the St. Clair County Board of Education immediately, resign, or be terminated.
- IV. All requests for a leave of absence must be submitted to the Superintendent, in writing, with the additional approval and signature of the employee's direct supervisor. Requests must be received by the Superintendent at least one (1) week prior to a monthly Board meeting. Upon the recommendation of the Superintendent, the Board may grant a leave of absence. Limitations of the leave shall be specified in the action taken by the Board.
- V. A St. Clair County School System employee having leave for the year or for the remaining part thereof and who plans to return to duty the next school fiscal year shall send a copy of such notice to the administrative supervisor by May 1st of that fiscal year.
- VI. A leave of absence grants the employee the right to return to the system in a similar role, but does not guarantee the reappointment to the specific job held prior to the leave. Alabama teachers' tenure laws cover the specific aspects of leaves of absences and shall be followed in the St. Clair County School System.
- VII. A leave of absence is limited to one (1) year.

REFERENCE(S):

CODE OF ALABAMA
[16-1-18.1](#), [16-8-25](#), [16-24-13](#)

HISTORY:

ADOPTED: AUGUST 6, 1999
REVISED: DECEMBER 15, 2003; FEBRUARY 22, 2010
FORMERLY: CGPF, GBRI

CHAPTER 6.00 – HUMAN RESOURCES

INTERMITTENT LEAVE

6.70.10

If medically necessary for a serious health condition of the employee or the employee's spouse, child, or parent, leave may be taken on an intermittent or reduced leave schedule subject to certain conditions which pertain to instructional employees (those whose principal responsibility is to teach or instruct students).

When instructional employees seek intermittent leave in connection with a family or personal illness and when such leave would constitute at least twenty (20) percent of the total number of working days in the period during which the leave would extend, the Board may require the employee to take leave in a block (not intermittently) for the entire period or to transfer to an available alternative position with the school system, that is equivalent in pay, for which the employee is qualified and which better accommodates the intermittent situation. If an employee requests partial days for intermittent leave, the Board may require that the leave increment be held to the smallest increment payroll recognizes.

Notification

Except where circumstances are such that reasonable advance planning is not possible, employees must provide the Superintendent at least thirty (30) days written notice of the date when leave is to begin. With respect to foreseeable family or employee illness, the employee shall make a reasonable effort to schedule treatment – including intermittent and reduced hour leave – so as not to disrupt unduly the operations of the St. Clair County School System.

Certification

The Board requires that a request for leave based on the serious health condition of the employee, the employee's son, daughter, spouse, or parent be supported by a certification issued by the appropriate health care provider. The certification shall state:

- A. The date the serious health condition began
- B. The probable duration of the condition
- C. The necessity for the employee's leave
- D. That the employee is unable to perform the employee's job functions

The Board reserves the right, at its own expense, to designate a second health care provider (other than a St. Clair County School System employee), to provide a second opinion. If the first and second opinion conflict, the Board can require, at its own expense, a third opinion by a health care provider approved by the Board and the employee. This opinion shall be binding. Upon the employee's return to work, the Board may require the employee to provide certification by the employee's health care provider that the employee is able to resume work.

Benefits

Benefits accrued by the employee before leave is taken will not be altered by the employee's absence under this policy. The employee is entitled to continuation of health benefits during the leave period under the same conditions these benefits would have been provided if no leave had been taken. If an employee fails to return to work after the leave period expires, the Board may recover the health benefits premiums paid by the employer for the employee's benefit during the leave period.

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Restoration

Upon return, the employee is entitled to restoration to an equivalent position, with equivalent pay, benefits, and conditions of employment. The Board may deny position restoration to an employee whose salary is in the highest ten percent of the employees employed by the Board if such denial is necessary to prevent substantial and grievous economic injury to the Board's operations.

Because the end of the semester is a critical time for both teachers and students, the following conditions apply to requests from instructional employees seeking to return from leave within the last three weeks of the semester:

- A. If the employee begins any category of Family and Medical Leave five or more weeks prior to the end of the semester and the leave is for more than three weeks, the St. Clair County Board of Education may require the employee seeking to return within the last three weeks to wait until the next semester.
- B. If the employee begins any category of Family and Medical Leave except personal sick leave less than five weeks before the end of the semester and the period of leave is greater than two weeks, the St. Clair County Board of Education may require the employee seeking to return within the last two weeks to wait until the next semester.
- C. If the employee begins any category of Family and Medical Leave except personal sick leave three or fewer weeks before the end of the semester and the period of leave is greater than five working days, the St. Clair County Board of Education may require the employee to wait until the next semester.

When an instructional employee's leave falls within one of the three categories above, the required additional leave (for example, the last two weeks of the semester in Category A) is considered part of the available twelve-week unpaid leave period per year.

Return to Work

Prior to returning to work following medical leave, an employee should submit a statement from his/her health care provider to the Superintendent certifying that he/she is able to perform the essential functions of his/her job without restrictions. A position description containing the essential functions can be obtained from the immediate supervisor or the personnel office. The health care provider should review the essential functions of the job and certify a release to return to work. An employee that is unable to return to work following leave due to medical limitations should discuss those limitations with the Superintendent and the employee's Supervisor as soon as possible.

REFERENCE(S):

CODE OF ALABAMA

[16-24-13](#)

HISTORY:

ADOPTED: AUGUST 6, 1999

REVISED: SEPTEMBER 24, 2001; DECEMBER 15, 2003; FEBRUARY 22, 2010

FORMERLY: GBRI

CHAPTER 6.00 – HUMAN RESOURCES

VACATION LEAVE

6.70.2

All twelve month staff shall earn vacation days at the rate of one (1) day per month beginning July 1 and ending June 30 of each year until a maximum of thirty (30) days per year has been earned.

Vacation days may not be used before they are earned. Vacation time may not extend beyond the termination of an employee's contract. No compensation will be paid in lieu of vacation time upon the resignation or retirement of an employee.

The St. Clair County Board of Education shall have the authority, under such rules and regulations as may be promulgated from time to time by the State Board of Education, to provide for vacation leave for twelve (12) month employees of the Board. Vacation leave must be scheduled and approved by the employee's supervisor and Superintendent. When school is in session, vacation leave will not be allowed during peak employment times of a specific job classification (except in cases of unusual circumstances).

All vacation leave dates must be approved in advance by principals/work site supervisors and the Superintendent.

REFERENCE(S):

CODE OF ALABAMA
[16-8-8](#), [16-9-23](#)

HISTORY:

ADOPTED: JUNE 22, 1998
REVISED: JULY 23, 2007; FEBRUARY 22, 2010, August 18, 2014
FORMERLY: GBRI, GBRK, CGPH

CHAPTER 6.00 – HUMAN RESOURCES

FAMILY AND MEDICAL LEAVE

6.70.3

- I. An eligible employee of the St. Clair County Board of Education shall be granted up to a total of twelve (12) workweeks of unpaid family and medical leave during any 12-month period for one or more of the following reasons:
 - A. for the birth and care of the newborn child of the employee;
 - B. for placement with the employee of a son or daughter for adoption or foster care;
 - C. to care for an immediate family member (spouse, child, or parent) with a serious health condition; or
 - D. to take medical leave when the employee is unable to work because of a serious health condition.
- II. An eligible employee means one employed with the school system for at least 12 months during which time the employee worked at least 1,250 hours.
- III. Spouses employed by the St. Clair County Board of Education are jointly entitled to a **combined** total of 12 workweeks of family leave for the birth and care of the newborn child, for placement of a child for adoption or foster care, and to care for a parent who has a serious health condition.
- IV. If FMLA is for birth and care or placement for adoption or foster care, use of intermittent leave is subject to the Board's approval. Leave for birth and care or placement for adoption or foster care must conclude within 12 months of the birth or placement.
- V. FMLA leave may be taken intermittently whenever medically necessary to care for a seriously ill family member or because the employee is seriously ill and unable to work. When intermittent leave is needed to care for an immediate family member or the employee's own illness and is for planned medical treatment, the employee must try to schedule treatment so as not to unduly disrupt the employer's operation.
- VI. **"Serious health condition"** means an illness, injury, impairment or physical or mental condition that involves either:
 - A. Any period of incapacity or treatment connected with inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical-care facility, any period of incapacity or subsequent treatment in connection with such inpatient care; or
 - B. Continuing treatment by a health care provider which includes any period of incapacity (i.e., inability to work, attend school or perform other regular daily activities) due to:
 1. A health condition (including treatment therefore, or recovery there from) lasting more than three consecutive days, and any subsequent treatment or period of incapacity relating to the same condition that also includes
 - a. treatment two or more times by or under the supervision of a health care provider; or
 - b. one treatment by a health care provider with a continuing regimen of treatment.
 2. Pregnancy or prenatal care. A visit to the health care provider is not necessary for each absence; or

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3. A chronic serious health condition which continues over an extended period of time, requires periodic visits to a health care provider, and may involve occasional episodes of incapacity (e.g., asthma, diabetes). A visit to a health care provider is not necessary for each absence; or
4. A permanent or long-term condition for which treatment may not be effective (e.g., Alzheimer's, a severe stroke, terminal cancer). Only supervision by a health care provider is required, rather than active treatment; or
5. Any absences to receive multiple treatments for restorative surgery or for a condition which would likely result in a period of incapacity of more than three days if not treated (e.g., chemotherapy or radiation treatments for cancer).

VII. **"Health care provider"** means:

- A. Doctors of medicine or osteopathy authorized to practice medicine or surgery by the state in which the doctors practice; or
- B. Podiatrists, dentists, clinical psychologists, optometrists and chiropractors (limited to manual manipulation of the spine to correct a subluxation as demonstrated by X-ray to exist) authorized to practice, and performing within the scope of their practice, under state law; or
- C. Nurse practitioners, nurse-midwives and clinical social workers authorized to practice, and performing within the scope of their practice, as defined under state law; or
- D. Christian Science practitioners listed with the First Church of Christ, Scientist in Boston, Massachusetts; or
- E. Any health care provider recognized by the employer or the employer's group health plan benefits manager.

VIII. **Job Restoration**

- A. Upon return from FMLA leave, an employee shall be restored to the employee's original job, or to an equivalent job with equivalent pay, benefits, and other terms and conditions of employment.
- B. In addition, an employee's use of FMLA shall not result in the loss of any employment benefit that the employee earned or was entitled to before using FMLA leave, nor be counted against the employee under a "no fault" attendance policy.
- C. Under specified and limited circumstances where restoration to employment will cause substantial and grievous economic injury to its operations, the board may refuse to reinstate certain highly-paid "key" employees after using FMLA leave during which health coverage was maintained. In order to do so, the board must:
 1. Notify the employee of his/her status as a "key" employee in response to the employee's notice of intent to take FMLA leave;
 2. Notify the employee as soon as the board decides it will deny job restoration, and explain the reasons for this decision;
 3. Offer the employee a reasonable opportunity to return to work from FMLA leave after giving this notice; and
 4. Make a final determination as to whether reinstatement will be denied at the end of the leave period if the employee then requests restoration.
- D. A **"key"** employee is a salaried eligible employee who is among the highest paid ten percent of employees of the board.

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- IX. Employees seeking to use FMLA leave are required to provide 30-day advance notice of the need to take FMLA leave when the need is foreseeable and such notice is practicable.
- X. Employees shall be required to provide medical certification supporting the need for leave due to a serious health condition affecting the employee or an immediate family member. Second or third medical opinions (at the employer's expense) and periodic recertification; and periodic reports during FLMA leave may be required regarding the employee's status and intent to return to work.
- XI. The board will maintain group health insurance coverage for an employee on FMLA leave whenever such insurance was provided before the leave was taken and on the same terms as if the employee has continued to work. Arrangements will need to be made for employees to pay their share of health insurance premiums while on leave. In some instances, the employer may recover premiums it paid to maintain health coverage for an employee who fails to return to work from FMLA leave.

REFERENCE(S):

THE FAMILY AND MEDICAL LEAVE ACT OF 1993

HISTORY:

ADOPTED: AUGUST 6, 1999
REVISED: DECEMBER 15, 2003; FEBRUARY 22, 2010
FORMERLY: CGPG, GBRI

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MILITARY FAMILY AND MEDICAL LEAVE

6.70.3.1

I. Military Caregiver Leave

- A. An eligible employee of the St. Clair County Board of Education shall be granted up to a total of 26 workweeks of unpaid military family and medical leave during any 12-month period to care for a spouse, son, daughter, parent, or next of kin of a covered service member with a serious injury or illness.
- B. A covered service member is a current member of the Armed Forces, including a member of the National Guard or 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.
- C. An eligible employee means one employed with the school system for at least 12 months during which time the employee worked at least 1,250 hours.
- D. A serious injury or illness is one that was incurred by a service member in the line of duty on active duty that may render the service member medically unfit to perform the duties of his or her office, grade, rank, or rating.
- E. The “single 12-month period” for leave to care for a covered service member with a serious injury or illness begins on the first day the employee takes leave for this reason and ends 12 months later, regardless of the 12-month period established by the St. Clair County Board of Education for other types of FMLA leave.
- F. An eligible employee is limited to a combined total of 26 workweeks of leave for any FMLA-qualifying reason during the “single 12-month period.” Only 12 of the 26 weeks total may be for a FMLA-qualifying reason other than to care for a covered service member.

II. Qualifying Exigency Leave

- A. An eligible employee shall be granted up to a total of 12 workweeks of unpaid leave during the normal 12-month period established by the St. Clair County Board of Education for FMLA leave for qualifying exigencies arising out of the fact that the employee’s spouse, son, daughter, or parent is on active duty, or has been notified of an impending call or order to active duty, in support of a contingency operation. Qualifying exigency leave is available to a family member of a military member in the National Guard or Reserves; it does not extend to family members of military members in the Regular Armed Forces.
- B. Qualifying exigencies include:
 - Issues arising from a covered military member’s short notice deployment (i.e. deployment on seven or less days of notice) for a period of seven days from the date of notification;
 - Military events and related activities, such as official ceremonies, programs, or events sponsored by the military or family support or assistance programs and

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informational briefings sponsored or promoted by the military, military service organizations, or the American Red Cross that are related to the active duty or call to active duty status of a covered military member;

- Certain childcare and related activities arising from the active duty or call to active duty status of a covered military member, such as arranging for alternative childcare, providing childcare on a non-routine, urgent, immediate need basis, enrolling or transferring a child in a new school or day care facility, and attending certain meetings at a school or day care facility if they are necessary due to circumstances arising from the active duty or call to active duty of the covered military member;
- Making or updating financial and legal arrangements to address a covered military member's absence;
- Attending counseling provided by someone other than a health care provider for oneself, the covered military member, or the child of the covered military member, the need for which rises from the active duty or call to active duty status of the covered military;
- Taking up to 5 days of leave to spend time with a covered military member who is on short-term temporary, rest and recuperation leave during deployment;
- Attending to certain post-deployment activities, including attending arrival ceremonies, reintegration briefings and events, and other official ceremonies or programs sponsored by the military for a period of 90 days following the termination of the covered military member's active duty status, and addressing issues arising from the death of a covered military member;
- Any other event that the employee and employer agree is a qualifying exigency.

- III. Spouses employed by the same employer are limited to a combined total of 26 workweeks in a "single 12-month period" if the leave is to care for a covered service member with a serious injury or illness and for the birth and care of a new born child, for placement of a child for adoption or foster care, or to care for a parent who has a serious health condition.
- IV. Military FMLA leave may be taken intermittently whenever medically necessary to care for a covered service member with a serious injury or illness. FMLA leave also may be taken intermittently for a qualifying exigency arising out of the active duty status or call to active duty of a covered military member. When leave is needed for planned medical treatment, the employee must make a reasonable effort to schedule treatment so as not to unduly disrupt the school system's operation.
- V. Appropriate and verifiable documentation of the qualifying exigency, military status, and relationships of the individual(s) seeking military FMLA leave may be requested.

REFERENCE(S):

**NATIONAL DEFENSE AUTHORIZATION ACT 2008,
PUBLIC LAW 110-181 AS AMENDED
FAMILY AND MEDICAL LEAVE ACT OF 1993**

HISTORY:

**ADOPTED: FEBRUARY 22, 2010
REVISED: _____
FORMERLY: NEW**

CHAPTER 6.00 – HUMAN RESOURCES

ON-THE-JOB INJURY

6.70.4

- I. Any full time employee or adult bus driver of the St. Clair County School System shall be entitled to on-the-job injury leave.
- II. An on-the-job injury is any accident or injury to the employee occurring during the performance of duties (or when directed or requested by the employer to be on the property of the employer), which prevents the employee from working or returning to his or her job.
- III. To be considered for on-the-job injury leave, the following conditions shall be met:
 - A. Within 24 hours after occurrence of the injury, the employee must make proper written notification of the injury to the Superintendent (or school principal or immediate supervisor, if applicable).
 - B. In the event the employee is clinically unable to report the injury, the injury may be reported by another person who is reasonably knowledgeable of the injury.
 - C. The St. Clair County Board of Education may require medical certification from the employee's physician that the employee was injured and cannot return to work as a result of the injury.
 - D. The Superintendent may require a second opinion from another physician at the expense of the Board.
 - E. The Board may require a statement from the physician that there is a reasonable expectation that the employee will be able to return to work.
- IV. If the Superintendent determines that the employee has been injured on the job and cannot return to work as a result of the injury, the employee's salary and benefits will continue up to ninety (90) working days consistent with the employee's injury and absence from work resulting from the injury.
- V. Sick leave days will not be deducted for the days the employee is paid for an absence approved for on-the-job injury pay.
- VI. The employee may file for reimbursement with the Alabama Board of Adjustment for unreimbursed medical expenses and costs incurred as a result of an on-the-job injury. Reimbursement to the employee shall be determined by the Alabama Board of Adjustment's policies, rules and regulations.

REFERENCE(S):

CODE OF ALABAMA
[16-1-18.1](#)

HISTORY:

ADOPTED: JULY 12, 1999
REVISED: DECEMBER 15, 2003; FEBRUARY 22, 2010
FORMERLY: GACE

CHAPTER 6.00 – HUMAN RESOURCES

LEGAL SERVICE - JURY DUTY LEAVE

6.70.5

- I. An employee of the St. Clair County Board of Education who is summoned as a member of a jury panel may be granted leave with pay. Any jury fees may be retained by the employee. The Board shall not reimburse the employee for meals, lodging, and travel expenses incurred while serving as a juror.
- II. An employee who is subpoenaed as a witness, not involving personal litigation, may be granted temporary leave. Any witness fees may be retained by the employee. The Board shall not reimburse the employee for meals, lodging, and travel expenses incurred while serving as a witness.

When a St. Clair County School System employee is subpoenaed in the line of duty to represent the Board as a witness or defendant, he/she may retain any fees received from the court. In the event no fees are received from the court, he/she may be paid for meals, lodging, and travel expenses.

REFERENCE(S):

CODE OF ALABAMA
[12-16-8](#), [16-1-18.1](#), [16-13-231](#)
LEGISLATIVE ACT 1977-759

HISTORY:

ADOPTED: JUNE 22, 1998
REVISED: SEPTEMBER 15, 2003; FEBRUARY 22, 2010
FORMERLY: GBRI

CHAPTER 6.00 – HUMAN RESOURCES

MILITARY LEAVE

6.70.6

Military Leave shall be granted to employees of the St. Clair County Board of Education in compliance with state laws, federal laws, and applicable court rulings. All employees are entitled to military leave when ordered to active duty for training as members of the Alabama National Guard or any component of the US Armed Forces. Employees who are required to attend annual training or special active duty for training shall not suffer any loss of salary during the first twenty (21) days of such absence in any calendar year. Employees who are ordered for such duty shall provide a copy of their orders to the Superintendent. Leave will be without loss of benefits.

In compliance with Act 92-430 that deals with the activation of service members of the Alabama National Guard and other military reserve units, employees of the St. Clair County Board of Education will be compensated for the difference in pay from active duty and their position with the system under Act 92-430 if the following occurs:

- 1) Activated employees requesting the difference in pay restoration of leave or continuation of health coverage on active duty are required to have the length of their Active duty determined by the Adjutant General.
- 2) Activated employees must provide the Superintendent of Education with a set of Mobilization / Homeland Security orders or Military Records of Service (DD214) that reflects the length of duty. Copies of these orders and/or military records should be transmitted to headquarters as follows:
The Office of the Adjutant General
ATTN: ALSPDO
PO Box 3711
Montgomery, AL 36109-3711
- 3) The Adjutant General will determine the validity of the orders and certify to the Superintendent of Education that pay, leave or insurance is proper in accordance with Act 92-430.

REFERENCE(S):

CODE OF ALABAMA
[16-24-13](#), [31-2-13](#), LEGISLATIVE ACT 92-430

HISTORY:

ADOPTED: MAY 15, 2000
REVISED: JULY 15, 2002; DECEMBER 15, 2003; FEBRUARY 22, 2010
FORMERLY: GBRIA

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PERSONAL LEAVE

6.70.7

The St. Clair County Board of Education shall permit each professional employee and each support employee who works twenty (20) hours weekly and who is not covered by the teacher tenure law to be absent two days each year to attend to personal or business affairs. Employees hired by the Board to begin work during the first semester (July 1 – December 31) shall be allowed two (2) days of personal leave. Employees hired by the Board to begin work during the second semester (January 1 – June 30) shall be allowed one (1) day of personal leave. Such leave days shall not be cumulative. The Principal and Superintendent may approve up to three additional days as outlined below.

Maximum Years Experience	Sick Leave Days Accumulated	Total Personal Leave Days
Less than 5		2
5		3
10	Less than 20	3
10	20 or more	4
15	Less than 30	4
15	30 or more	5
20		5

Teachers should attempt to plan personal leave so that the educational process will experience a minimum of disruption. No more than ten (10) percent of a local school staff may take personal leave concurrently. Requests will be approved on a first submittal basis.

Personal leave days not used by the deadline, nor reimbursed to the employee at the end of the school year (at the same daily rate of pay as is paid to a substitute) for each day of personal leave not taken by the employee will be converted to sick leave. Reimbursement must be requested in writing by the employee by the same deadline for them to be used. Employees that wish to utilize personal days for the current contract year should do so before the close of the June payroll of that contract year.

LAW(S) IMPLEMENTED:

CODE OF ALABAMA
[16-1-18.1](#), [16-8-25](#) TO -26.1
LEGISLATIVE ACTS 85-644, 95-314, 97-444

HISTORY:

ADOPTED: AUGUST 6, 1999
REVISED: SEPTEMBER 24, 2001; JULY 25, 2005; FEBRUARY 22, 2010
FORMERLY: GBRI

CHAPTER 6.00 – HUMAN RESOURCES

PROFESSIONAL LEAVE AND LEAVE FOR TRAINING

6.70.8

- I. Professional Leave - Professional leave may be granted to personnel for participation in educational activities related to instructional improvement in the St. Clair County School System.
- II. Leave for Training – Leave for training shall be granted to support personnel to participate in activities that will enrich the St. Clair County School System's program and improve skills or understandings of the employee.
- III. All professional leave and leave for training requests must be approved by the Superintendent of Education before utilization.

REFERENCE(S):

CODE OF ALABAMA

[16-1-18.1](#), [16-13-231](#), [16-24-13](#)

HISTORY:

ADOPTED: JUNE 22, 1998

REVISED: AUGUST 6, 1999; SEPTEMBER 24, 2001

DECEMBER 15, 2003; FEBRUARY 22, 2010

FORMERLY: GBRH, GAD, CGPF

CHAPTER 6.00 – HUMAN RESOURCES

SICK or BEREAVEMENT LEAVE

6.70.9

- I. Sick leave is defined as the absence from regular duty by an employee because of the following:
 - A. Personal illness or doctor's quarantine;
 - B. Incapacitating personal injury;
 - C. Death in the family of the employee (parent, spouse, child, sibling, parent-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, nephew, niece, grandchild, grandparent, uncle or aunt);
 - D. Where unusually strong personal ties exist because of an employee's having been supported or educated by a person of some relationship other than those listed, this relationship may be recognized for leave purposes. In such cases the employee concerned shall file with the supervisor a written statement of the circumstances which justify an exception to the general rule;
 - E. Attendance to an ill member of the immediate family (parent, spouse, child, sibling) of the employee, a person standing in loco parentis
- II. St. Clair County School System employees shall be allowed to accumulate an unlimited number of sick leave days.
- III. A new employee may transfer unused earned sick leave from another Alabama school board, as permitted by law, upon certification by the previous employer.
- IV. If an employee is on sick leave for six or more consecutive days, the employee shall provide his principal or immediate Supervisor with a statement signed by a doctor and submitted with payroll certifying to the illness or injury. If absences occur frequently or if the absences constitute a pattern or there is reason to question whether an absence complied with the above causes, the Superintendent or designee may require that the employee provide verification of the reason for the absence.
- V. See Policy 6.71 for St. Clair County School System Sick Leave Bank provisions.

REFERENCE(S):

CODE OF ALABAMA
[16-1-18.1](#), [16-8-25](#), [16-13-231](#), [16-22-9](#)

HISTORY:

ADOPTED: JUNE 22, 1998
REVISED: SEPTEMBER 15, 2003; FEBRUARY 22, 2010, AUGUST 18, 2014, OCTOBER 20, 2014
FORMERLY: GBRI, CGPG

CHAPTER 6.00 – HUMAN RESOURCES

SICK LEAVE BANK

6.71

- I. The St. Clair County Board of Education, upon request of a minimum of ten percent (10%) of its full time professional personnel and full time support personnel, shall establish a sick leave bank for such personnel. The plan, if established, shall allow each employee to deposit into the bank an equal number of his/her earned sick leave, not to exceed five (5) days. These days shall be available for loan to any other participating employee whose sick leave has been exhausted.
- II. A Sick Leave Bank Committee composed of four (4) St. Clair County School System employees and one (1) representative of the St. Clair County Board of Education shall be established and selected as provided by law.
- III. The Sick Leave Bank Committee shall write the guidelines and procedures for the sick leave bank, including catastrophic leave provisions of law, for Board approval. All changes must be approved by a majority of the Sick Leave Bank committee.
- IV. All guidelines and procedures must be consistent with law.

REFERENCE(S):

CODE OF ALABAMA

[16-1-18.1](#), [16-22-9](#)

HISTORY:

ADOPTED: JUNE 22, 1998

REVISED: SEPTEMBER 15, 2003; FEBRUARY 22, 2010

FORMERLY: CGPG, GBRIB

CHAPTER 6.00 – HUMAN RESOURCES

DRUG-FREE WORKPLACE

6.72

It is the policy of the St. Clair County Board of Education that the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance in the Board's workplace is prohibited. Any employee violating this policy will be subject to disciplinary action, including termination of employment. The specifics of this policy are as follows:

- I. The Board does not differentiate between drug users and drug pushers or sellers. Any employee who gives or in any way transfers a controlled substance to another person or sells or manufactures a controlled substance while on the job or on or in Board property will be subject to disciplinary action, including termination of employment.
- II. The term "controlled substance" means any drug listed in 21 U.S.C., 812 and other federal regulations. Generally, these are drugs which have a high potential for abuse. Such drugs include, but are not limited to, heroin, marijuana, cocaine (including "crack"), and PCP. They also include "legal drugs" which are not prescribed by a licensed physician.
- III. Each employee is required by the Drug-Free Workplace Act of 1988 to inform the Superintendent within five (5) days after he/she is convicted for a violation of any federal or state criminal drug statute where such violation occurred on School Board property. A conviction means a finding of guilt (including a plea of *nolo contendere*) or the imposition of a sentence by a Judge or jury in any federal or state court.
- IV. If an employee is convicted of violating any criminal drug statute while in the workplace, he or she will be subject to disciplinary action, including termination of employment. Alternatively, the Board may require the employee to finish successfully a drug abuse program sponsored by an approved private or governmental institution.
- VI. As a condition of further employment on any federal government grant, the Act requires all employees to abide by this policy.

REFERENCE(S):

**CODE OF ALABAMA
16-3-11 to -12, 16-3-14, 16-26-1-3,
DRUG FREE WORKPLACE ACT OF 1988**

HISTORY:

**ADOPTED: JULY 12, 1999
REVISED: DECEMBER 15, 2003; FEBRUARY 22, 2010
FORMERLY: GAM**

CHAPTER 6.00 – HUMAN RESOURCES

DRUG AND ALCOHOL TESTING

6.80

In accordance with the Federal Transportation Employee Testing Act of 1993, certain employees involved in the operating of St. Clair County School System owned vehicles on a regular basis are required to submit to drug and alcohol testing. The Board, in compliance with the Act, has adopted the following provisions:

- I. All employees of the School System, including substitutes, who are required to hold a Commercial Drivers License (CDL) as a precondition to employment or to continued employment, will be subject to drug and alcohol testing. Such employees will be prohibited from performing assigned duties while under the influence of any prohibited drug or alcohol. While employees are prohibited from having any alcohol present in their systems while on duty, a Blood Alcohol Count (BAC) of .04 will be accepted as a presumptive evidence of intoxication. An employee who tests between .01 and .039 BAC will be removed from job related functions until they test below .01 or until their next duty period, which must be at least 24 hours.
- II. The proper use of medication prescribed by a physician is not prohibited; however, the Board prohibits the misuse of prescribed (or over-the-counter) medications and requires all employees using drugs at the direction of a physician (or over-the-counter drugs) to notify the Board's Medical Review Officer (MRO), or the employee's supervisor where these drugs may affect their job performance, such as causing drowsiness.
- III. Employees who are required to hold a CDL as a precondition to employment or to continued employment who refuse or do not pass a drug or alcohol test will be recommended for termination or removed from consideration for employment.
- IV. Employees testing positive by urinalysis or alcohol/breathalyzer test or requesting treatment may be referred to a mental health substance abuse counselor for an assessment of needs and possible referral for treatment. All such treatment shall be at the individual employee's expense.
- V. Drug and alcohol testing will include the following categories:
 - A. Pre-employment: (Post-Offer - This is to be interpreted as a conditional offer of employment.) Each person, after a conditional offer of employment has been made, will have to undergo a drug test before being employed in a position that requires the employee to hold the CDL.
 - B. Reasonable Cause Testing: Each employee that is required to hold the CDL as a precondition to employment or to continued employment will be subject to drug and alcohol testing based on reasonable cause as established by a supervisor through the use of objective evidence.
 - C. Post Accident: Any employee who is required to hold the CDL as a precondition to employment or to continued employment that is involved in a reportable accident will undergo drug and alcohol testing within two (2) hours following any accident.

CHAPTER 6.00 – HUMAN RESOURCES

- D. Random Testing: All employees required to hold a CDL as a precondition to employment or to continued employment will undergo testing on a random basis. Random testing will be administered in a number equal to or greater than 50 percent (drug screening) and 25 percent (alcohol screening) of the CDL work force, without advanced notice, in the first 12 months of testing. There will be no maximum number of samples that any one employee will be required to provide during the testing period. Employees refusing to be tested may be suspended pending a recommendation for termination.
- E. Return to Duty Testing: Any employee who is required to hold a CDL as a precondition to employment or to continued employment and tests positive or refuses testing must pass a "Return to Duty Drug Test." In such instance, the Medical Review Officer must determine when and under what conditions the employee may return to duty. Any employee subject to "Return to Duty Drug Testing" will be subject to random and/or unannounced drug testing for sixty (60) months after return to duty. Follow-up tests for alcohol are unannounced and at least six (6) tests must be conducted in the first 12 months after an employee returns to duty.
- VI. The Medical Review Officer is designated by the Board.
- VII. Test results will not be released by the Board beyond the MRO without the individual's written authorization.
- VIII. Procedures for drug testing shall be distributed to all affected employees. Receipt of St. Clair County School System Drug Free Workplace regulations and procedures shall be acknowledged by employees on signed acknowledgement forms as required for initial and continued employment.

REFERENCE(S): **CODE OF ALABAMA [16-1-18.1](#),
OMNIBUS TRANSPORTATION EMPLOYEE TESTING ACT OF 1993,
[DRUG FREE WORKPLACE ACT OF 1988.](#)**

HISTORY: **ADOPTED: DECEMBER 13, 1994
REVISED: DECEMBER 15, 2003; FEBRUARY 22, 2010
FORMERLY: GAMB**

CHAPTER 6.00 – HUMAN RESOURCES

PERSONNEL RECORDS

6.82

The St. Clair County Board of Education shall require complete and current personnel records for each employee. All information contained in an employee's personnel file, except sensitive personnel records, are considered public records under Alabama's Sunshine Law.

- I. Each St. Clair County School System employee shall have a right to review her/his local school or central office personnel file during normal business hours. No anonymous letters or materials shall be placed in personnel files. Each employee may have included in his/her personnel file a written response to any material contained within the file.
- II. Any St. Clair County School System employee may request to review her/his personnel file at any time that is mutually agreeable with the Personnel Administrator and when the employee is not engaged in fulfilling employment-related duties. The Personnel Administrator or certified designee must be present during the review. A log shall be maintained documenting any such review.
- III. Copies of all materials to be placed in an employee's record which may tend to diminish the employee's professional or work status or reflect adversely on the employee's record of performance or character shall be provided to the employee.
- IV. Any anonymous complaint or materials received by a school official shall be immediately transmitted to the Superintendent. If the material is deemed worthy of an investigation by the Superintendent, it may be investigated. The results of the investigation may be reduced to writing, signed by the superintendent, principal, or other designated official in charge of the complaint, dated, attached to the materials in question, and may be placed in the personnel file of the employee. Any anonymous complaint which is not investigated within thirty (30) calendar days of its receipt by the Superintendent shall not be retained but shall be destroyed.
- V. The transfer of the personnel file or any parts, summation, or copies of the personnel file of the employee shall be effectuated upon the written request of the employee. The St. Clair County School System may transfer an employee's personnel file or copies or parts thereof to another employer or prospective employer.

REFERENCE(S):

CODE OF ALABAMA
[16-8-8](#), [16-23-1](#) TO -13, [16-9-27](#), [16-8-23](#)

HISTORY:

ADOPTED: JULY 12, 1999
REVISED: DECEMBER 15, 2003; FEBRUARY 22, 2010
FORMERLY: GAK

CHAPTER 6.00 – HUMAN RESOURCES

EMPLOYEE SALARY SCHEDULES

6.83

- I. All regular personnel shall be paid in accordance with salary or hourly wage schedules as adopted by the St. Clair County Board of Education, provided the salary schedule for certified staff is no less than 100 percent of the State Minimum Salary Schedule.
 - A. All teaching/administrative experience gained in all public elementary and secondary schools and/or state or regionally accredited public institutions of higher learning shall be approved as credit for placement on the salary schedule.
 - B. No teaching/administrative experience gained in private elementary and secondary schools shall be considered for credit for placement on the salary schedule.
- II. Any employee subject to the overtime provisions of the Fair Labor Standards Act of 1988, as amended, and who is required to work in excess of forty (40) hours in any work week, shall be compensated for the hours in excess of forty (40) at the rate of one and one-half (1½) times the regular rate of pay for the service performed.

Any St. Clair County School System employee working beyond his/her designated total weekly hours without prior permission of the Superintendent through the principal or supervisor may be subject to disciplinary action.

REFERENCE(S):

CODE OF ALABAMA
[16-8-24, 16-23-1 TO -3](#)
LEGISLATIVE ACT 90-235
FAIR LABOR STANDARDS ACT OF 1988 AS AMENDED

HISTORY:

ADOPTED: JUNE 22, 1998
REVISED: SEPTEMBER 15, 2003; FEBRUARY 22, 2010
FORMERLY: CGA, EGA

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EMPLOYEE SALARY DEDUCTIONS

6.85

- I. The St. Clair County Board of Education will make salary deductions which are required by law, including federal income tax, state income tax, retirement, and other deductions in accordance with applicable laws and regulations.
- II. The Board may make certain other salary deductions when 35% of the employees properly request such deductions. The deductions shall be made from salaries earned in at least nine (9) different pay periods and shall be remitted to the appropriate recipient as specified by the employee within ten (10) days following each deduction.
 - A. Deductions made for membership dues and voluntary contributions shall be made based upon membership lists and forms provided by the respective organizations.
 - B. Authorization for voluntary contributions may be revoked by providing a thirty (30) day written notice of revocation.
 - C. New authorization for payroll deductions may be added during open enrollment for that specific deduction.
 - D. Upon termination, amounts owed under the authorization of an employee shall be deducted from an employee's final pay.
 - E. When amounts have been correctly deducted and remitted by the Board, the St. Clair County Board of Education shall bear no further responsibility or liability for further transactions. The Board shall not be liable for any error while acting in good faith to make the subject deductions.

REFERENCE(S):

CODE OF ALABAMA
[16-22-6](#)

HISTORY:

ADOPTED: JULY 12, 1999
REVISED: DECEMBER 15, 2003; _FEBRUARY 22, 2010
FORMERLY: GAL

CHAPTER 6.00 – HUMAN RESOURCES

OVERTIME – NON-SUPERVISORY PERSONNEL

6.87

It is the intent of the St. Clair County Board of Education for its employees to perform the necessary tasks of their jobs during the regular designated work week. However, there may be certain circumstances, in the best interest of students and the school system, when emergencies would necessitate that certain employees work beyond their designated work week. However, the option to receive compensatory time rather than pay must be approved by the immediate supervisor and the Superintendent.

Overtime should always be requested by the immediate supervisor and approved by the Superintendent or a designated representative on the approved form for overtime. Verbal approval should be given by the immediate supervisor at the time the work is done; however, an immediate follow-up written request must be forwarded to the Superintendent for approval within one working day after the work has been performed. Overtime pay may be granted only to non-certified employees whose job titles or responsibilities indicate that the position is non-supervisory.

Payment for overtime shall be made to the appropriate St. Clair County School System employee at the next regular pay period if the request is submitted prior to the deadline for the pay period.

REFERENCE(S):

CODE OF ALABAMA
[16-22-6](#), LEGISLATIVE ACT 83-207,
FAIR LABOR STANDARDS ACT OF 1988 as amended

HISTORY:

ADOPTED: AUGUST 6, 1999
REVISED: DECEMBER 15, 2003; FEBRUARY 22, 2010
FORMERLY: GCRD

CHAPTER 6.00 – HUMAN RESOURCES

TRANSFERS/REASSIGNMENTS

6.90

- I. Employees may be transferred or reassigned at any time as the needs of the Board require to any position for which they are qualified by skill, training, or experience upon the recommendation of the Superintendent and the approval of the Board.
- II. The Superintendent may reassign a teacher to any grade, position, or work location within the same school, campus, or instructional facility, as the needs of the Board require. For a tenured teacher, except as required by acts of God or disasters that are beyond the reasonable control of the Board, written notice of the reassignment must be issued to the teacher no later than the twentieth (20th) calendar day after the first day of classes for students, and the teacher may not be involuntarily reassigned under this subsection more than one time in a school year, excluding summer term. The reassignment may only be to another position for which the teacher holds appropriate certification, and the reassignment may not entail a loss of or reduction in compensation. Such reassignments are not subject to challenge or review. For reassignments due to acts of God or disasters later than the 20th calendar day after the first day of class for students, a tenured teacher may request a hearing before the Board prior to a vote of the Board on the proposed transfer.
- III. Tenured teachers may be transferred within the St. Clair County School System to any grade or position outside of the school, campus, or instructional facility to which the teacher is assigned subject to the following terms and conditions:
 - A. The transfer must be to another position for which the employee holds appropriate certification and the transfer must be without loss of or reduction in compensation.
 - B. Except as required by acts of God or disasters that are beyond the reasonable control of the Board, written notice of the proposed transfer must be issued to the teacher by the Superintendent no later than the twentieth (20th) calendar day after the first day of classes for students, and the teacher may not be involuntarily transferred under this subsection more than one time in a school year, excluding summer term.
 - C. In the notice of proposed transfer, and prior to a final decision of the Board, the teacher must be afforded an opportunity to meet with the Board to demonstrate why the proposed transfer should not be approved. Such transfers are not subject to challenge or review.
 - D. If the proposed transfer is to a work site outside of the high school feeder pattern in which the teacher is currently working, then the teacher may request a hearing before the Board prior to a vote of the Board on the proposed transfer.
 - E. For transfers due to acts of God or disasters later than the 20th calendar day after the first day of class for students, a tenured teacher may request a hearing before the Board prior to a vote of the Board on the proposed transfer.
- IV. Nonprobationary classified employees may be transferred to any position for which they are qualified within the St. Clair County School System if:

CHAPTER 6.00 – HUMAN RESOURCES

- A. The transfer is without loss of or reduction in compensation;
 - B. Written notice of the proposed transfer is issued to the employee by the Superintendent not less than 15 calendar days before a vote thereon is taken by the Board; and;
 - C. The transfer is effective not less than 15 calendar days after the date of the final decision.
 - D. The above provisions of this section shall not apply to employees whose daily work assignments and duties require regular or periodic travel throughout the school system or between work sites operated by or under the control of the Board.
 - E. Except as required by acts of God or disasters that are beyond the reasonable control of the Board, a nonprobationary classified employee may not be involuntarily transferred more than one time in a school year, excluding summer term. Such transfers are not subject to challenge or review.
- V. A nonprobationary classified employee who is proposed to be transferred to a principal work site that is outside of the high school feeder pattern in which the current work site of the employee is located, shall be afforded an opportunity to appeal in the same manner as a termination.
- VI. Probationary teachers and probationary classified employees may be transferred to another position that provides for a lower rate or amount of compensation or a shorter term of employment if the employee holds appropriate certification or qualifications for the position, the notice of proposed transfer contains a written explanation of the effect of the transfer on the compensation of the employee, and the notice informs the employee that he or she may object in writing to the transfer before a vote is taken thereon by the Board. If approved by vote of the Board, the transfer shall be effective not less than 15 calendar days after the date of the final decision. Such transfers are not subject to challenge or review.
- VII. A tenured teacher or nonprobationary classified employee may be involuntarily transferred to another position that provides for a lower rate or amount of pay or a shorter term of employment, subject to the following terms and conditions:
- A. The notice of proposed transfer and subsequent proceedings, except for use of the term transfer, shall conform and be subject to the substantive and procedural standards and requirements that apply to termination of nonprobationary employees under Ala. Code § 16-24C-6, and to appeals therefrom.
 - B. No vote or decision on such transfers shall be made for political or personal reasons.
 - C. Notwithstanding the foregoing, transfers or reassignments that are made as a part of, as a consequence of, or in conjunction with reductions-in-force authorized under Ala. Code § 16-1-33, or in order to comply with state or federal law are not subject to challenge or review, whether or not such transfers or reassignments are to positions that provide for a lower rate or amount of pay or a shorter term of employment.

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REFERENCE(S):

CODE OF ALABAMA
16-24C-7; 16-9-23;

HISTORY:

ADOPTED: JULY 12, 1999
REVISED: DECEMBER 15, 2003; FEBRUARY 22, 2010; FEBRUARY 27, 2012
FORMERLY: GBM, GCM

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grade, school, worksite, or subject area from which he or she was originally transferred to effect the emergency transfer, provided the vacancy occurs within two (2) years of the transfer.

6. Emergency transfers shall be effected without regard to the time for filing notice of appeal and hearing.

D. Teachers will be given the required notice of their transfer and if necessary, a statement of their right to appeal.

II. Support Personnel - Whether on probationary status or not, support workers may be transferred at any time based upon good and just cause and the needs of the St. Clair County School System provided the transfer is without loss of status. Such transfers are made upon the recommendation of the Superintendent and approval of the Board but cannot be for personal or political reasons.

Support personnel will be given the required notice of their transfer and a statement of their right to appeal.

REFERENCE(S):

CODE OF ALABAMA
[16-9-23](#), [16-24-1](#), [16-24-5](#) TO -7

HISTORY:

ADOPTED: JULY 12, 1999
REVISED: DECEMBER 15, 2003; FEBRUARY 22, 2010
FORMERLY: GBM, GCM

CHAPTER 6.00 – HUMAN RESOURCES

REDUCTION IN FORCE

6.91

- I. In accordance with The Code of Alabama §16-1-33 (1975) a reduction-in-force may be declared by the St. Clair County Board of Education and layoffs approved thereunder if the Board determines that decreased student enrollment or a shortage of revenues requires a reduction in the work force (beyond normal attrition) in order to maintain effective provision of educational services or to meet the Board's financial, legal, or operational obligations.
A "layoff" within the meaning of this policy is a separation from employment with the St. Clair County Board of Education. However, employees who are laid off under 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.
Layoffs shall be implemented consistent with employees' rights as may be granted by law.
- II. 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, department, programs, groupings or classifications for reductions (layoffs). (For example, the Board is not required to implement layoffs in classified or support categories of employees before laying off certified or instructional staff.)
 - A. The criterion or criteria on which the layoffs are to be based shall be announced or otherwise communicated by the Board to affected employees no later than the date of the notice of layoff is provided to employees.
 - B. "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. Such objective criteria may include, but are not limited to:
 - Seniority, longevity, or time in service that will be more specifically described in the notice of layoff that is provided to affected employees
 - Years of experience
 - Degrees, certification, or licensure
 - Job classification
- III. 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's Director of Human Resources in accordance with any directives that may be contained in or transmitted in conjunction with the notice of layoff.Circumstances permitting, and to the extent practicable, the selection of employees for recall will be based on the criteria that were applied to the layoffs themselves if there are more employees eligible for recall than positions available to fill. When layoffs occur over a period of time, the Board will take relative length of separation from service into consideration in assigning recall priority, other factors being equal. In no case will any right to be recalled to employment extend beyond one (1) 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, benefit, status, or additional rights will accrue or be credited to the recalled employee for the time he or she has been laid off.
- IV. Notification of layoff and recall shall be by United States certified or registered mail, hand delivery, or such other means as are reasonable under the circumstances. Upon receipt of notification of recall, a laid-off employee shall respond affirmatively to the notice of recall in

CHAPTER 6.00 – HUMAN RESOURCES

accordance with such specific directions or instructions as may be contained therein. Any laid-off employee who does not so respond or who otherwise declines an offer of re-employment by the Board will be deemed to have waived any right to be recalled under the terms of this policy.

REFERENCE(S):

**CODE OF ALABAMA
16-1-33, 16-1-30**

HISTORY:

**ADOPTED: JULY 12, 1999
REVISED: DECEMBER 15, 2003; FEBRUARY 22, 2010; MARCH 28, 2011
FORMERLY: GCKA, 6.91.1**

CHAPTER 6.00 – HUMAN RESOURCES

RETIREMENT

6.92

Any employee who plans to retire shall submit his/her resignation in writing to the St. Clair County Board of Education through the Superintendent.

REFERENCE(S):

CODE OF ALABAMA

[16-25-1](#)

HISTORY:

ADOPTED: JULY 12, 1999

REVISED: DECEMBER 15, 2003; _____

FORMERLY: GBQ

CHAPTER 6.00 – HUMAN RESOURCES

RESIGNATION

6.93

No tenured teacher shall be permitted to terminate his or her employment within 30 calendar days before the first day of the next school term for students, unless such termination is mutually agreed upon. A tenured teacher may terminate his or her employment at any other time by giving five (5) days' written notice the Board of Education. Any teacher terminating his or her employment in violation of this section is guilty of unprofessional conduct, and the State Superintendent of Education may revoke or suspend the certificate of such teacher.

An employee who violates this policy by leaving his/her position without first being released by the St. Clair County Board of Education and fails to complete and file the required records and reports may have his or her final compensation withheld.

REFERENCE(S):

CODE OF ALABAMA
16-24C-11

HISTORY:

ADOPTED: JULY 12, 1999
REVISED: DECEMBER 15, 2003; FEBRUARY 27, 2012
FORMERLY: GBO

CHAPTER 7.0 – FINANCE AND BUSINESS SERVICES

FISCAL YEAR

7.10

The fiscal year for the St. Clair County School System shall be October first through September 30th.

REFERENCE(S):

CODE OF ALABAMA
[16-13-1](#), [16-1-1](#)

HISTORY:

ADOPTED: JULY 12, 1999
REVISED: SEPTEMBER 15, 2003; FEBRUARY 22, 2010
FORMERLY: DCB

CHAPTER 7.0 – FINANCE AND BUSINESS SERVICES

BUDGET DEVELOPMENT

7.11

- I. The St. Clair County Board of Education shall provide for the preparation and adoption of the annual budget for the school system. The Board delegates the responsibility for preparation of the budget to the Superintendent and appropriate members of his/her staff. Providers of budget information shall adhere to all state and federal guidelines, and the budget shall be prepared on forms and in accordance with such rules and regulations as may be prescribed by the Alabama State Board of Education and the federal government.
 - A. Budget development will incorporate a plan to maintain one month's operating cost as a reserve fund.
 - B. The budget shall be presented to the St. Clair County Board of Education prior to the date set by the State Department of Education for budget submission.
- II. Public Hearings – The St. Clair County Board of Education shall hold at least two open public hearings pertaining to its proposed annual budget.
 - A. Copies of the proposed budget shall be provided to the public at each hearing on forms provided by the State Department of Education.
 - B. The St. Clair County Board of Education shall seek input from the public concerning the proposed budget and the allocation of resources.
 - C. Each hearing shall be held during a scheduled Board meeting in a place and at a time convenient for the general public to attend.
 - D. The date and time of each hearing shall be publicized in the local media in advance of the hearing. In addition, notice of each hearing shall be posted in a conspicuous place at the central office and at each school, county courthouse and municipal buildings.
- III. Proposed Budget – The proposed budget shall:
 - A. Reflect the total amount of resources available to the St. Clair County Board of Education from all funding and revenue sources.
 - B. Reflect the projected enrollment and the total proposed expenditure by the Board and for each school which shall be available at the public hearings.
 - C. Clearly delineate the number of teachers, librarians, counselors, administrators and other support personnel projected to be employed at each St. Clair County school.
 - D. Clearly list the operating costs by category or function at each school.

CHAPTER 7.0 – FINANCE AND BUSINESS SERVICES

- E. Delineate by school those operating resources earned including, but not necessarily limited to, those items contained in the Instructional Support Program of the Foundation Program, designating the amount of funds earned at each school per item based on average daily membership.

IV. Final Adoption Procedures

- A. After at least two public hearings have been held, the St. Clair County Board of Education and Superintendent shall develop, consistent with state laws, a final budget.
- B. The School System annual budget shall become official when it:
 - 1. Has been approved by the Board in accordance with requirements of section 16-13-140 of the Code of Alabama and other pertinent statutory requirements.
 - 2. Has been filed with and approved by the State Superintendent of Education.
- C. The Annual School Budget approved by the State Department of Education will be posted on the school systems website.

V. Periodic Budget Amendments

The Board authorizes the Superintendent to review and analyze the School System budget for needed changes and amendments during the fiscal year. Such needed changes shall be recommended to the Board for review and consideration. Any recommended changes shall be made only after a determination is made that the changes will not create deficits or violate State Board of Education policy or state law.

REFERENCE(S):

CODE OF ALABAMA
[16-13-140](#), LEGISLATIVE ACT 97-225

HISTORY:

ADOPTED: JULY 12, 1999
REVISED: SEPTEMBER 15, 2003; FEBRUARY 22, 2010
FORMERLY: DC

CHAPTER 7.00 – FINANCE AND BUSINESS SERVICES

ACCOUNTING AND REPORTING

7.12

The St. Clair County Board of Education shall, following recommendations by the Superintendent, prescribe regulations for the keeping of accounts and fiscal records and the making of reports by all under the Board's jurisdiction who are charged with such responsibility. Prescribed regulations shall be consonant with those of the State Board of Education, Division of Administration and Finance of the State Department of Education and with the directives of the State Examiners of Public Accounts. Said accounts and fiscal records shall be available during normal business hours for inspection by the public. They shall be preserved for a five-year period of time or for such period as specified by the State Department of Education or the State Examiners of Public Accounts.

The Superintendent shall develop specific procedures to assure that accounting practices throughout the School System are consistent with generally accepted accounting procedures.

Annual Financial Report

The Board shall publish annually in a public newspaper a complete statement of receipts and disbursements as well as a statement of outstanding funded and unfunded indebtedness of the St. Clair County School System for the twelve-month period ending the preceding September 30. This report shall be published during the month of October. Such statements shall be drafted on the forms as required by the State Superintendent of Education.

Within thirty (30) calendar days after receipt of each annual report/financial statement, the Board shall place for public inspection said annual report in its entirety:

- One copy in the office of the Board or the Superintendent;
- One copy on reserve in each high school library under the jurisdiction of the Board; and
- A minimum of one copy in the main public library within the city in which the Board is located.

Within thirty (30) calendar days after receipt of each annual report/financial statement, the Board shall provide written notice of the availability of said annual report to:

- 1) Each local parent group;
- 2) Each Chamber of Commerce in the geographic area served by the Board; and
- 3) Local News Media.

Annual Status Report

The Board shall provide information to the State Department of Education necessary for said Department to publish an annual status report. Within thirty (30) calendar days after receipt from the State Department of each Annual Status Report on the condition of education in the School System, the Board shall place for public inspection said annual report in its entirety as follows:

- 1) One copy in the office of the Board or Superintendent
- 2) One copy on reserve in each school library under the jurisdiction of the Board of Education; and
- 3) A minimum of one copy in the main public library within the city in which the Board is located.

CHAPTER 7.00 – FINANCE AND BUSINESS SERVICES

Within thirty (30) calendar days after the receipt of the Annual Status Report, the Board shall provide written notice of the arrival and availability of the Annual Status Report to:

- 1) Each local parent group;
- 2) Each Chamber of Commerce in the geographic area served by the Board; and
- 3) Local news media.

Inventories

The Board requires that all fixed assets of the St. Clair County School system be inventoried and a perpetual inventory record be maintained in the Central Business Office. An inventory audit shall be made annually and shall be comprehensive to assure that all fixed assets are properly accounted.

The St. Clair County Board of Education directs that all assets or capital assets shall be inventoried annually. Inventory records of fixed capital assets shall be maintained in the school board's central office. A supplemental inventory of equipment items not classified as fixed or capital assets shall be maintained.

Audits

The St. Clair County Board of Education is audited as required by law by the Department of the Examiner of Public Accounts. Annually, as required by the State Board of Education, local school funds and accounts for which the principal at each school has responsibility shall be audited.

Accountability Reports

The Board shall prepare an Annual Accountability Report for each of its schools. This report shall include but not be limited to the following:

- 1) A Funding and Expenditure Report which shall include annual budgets and financial statements and any other document which may be necessary to assess the financial stability of the Board;
- 2) A Student Achievement Report which shall include a comparison of the immediately previous school year with previous years regarding student performance on testing required by the State Board of Education, dropout rates, attendance rates, graduation rates, and any other data deemed necessary by the Board or State Board of Education to inform the public about student achievement in each school.
- 3) A School Safety and Discipline Report which shall include statistical information relating to student safety and discipline in each school and any other data deemed necessary by the Board of Education to inform the public about safety and discipline in each school.

These reports shall be released to the media, presented to parent organizations, members of the Legislature who represent the area in which a particular school is located and the State Superintendent of Education by December 31.

REFERENCE(S):

CODE OF ALABAMA
[16-13A-6](#), [16-6B-7](#), [16-8-37](#), [16-9-28](#), [41-5-14](#)

HISTORY:

ADOPTED: JULY 12, 1999
REVISED: SEPTEMBER 15, 2003; JULY 21, 2008; _FEBRUARY 22, 2010
FORMERLY: DI

CHAPTER 7.00 – FINANCE AND BUSINESS SERVICES

RECONCILIATIONS

7.13

All bank accounts of the St. Clair County Board of Education and its local schools shall be reconciled to the financial records monthly. The Chief School Financial Officer shall be responsible for verifying that monthly bank statements are reconciled to the financial records on a timely basis that ensures accurate monthly financial statements.

Submission of monthly local school accounting reports shall ensure accurate monthly financial statements and shall be accompanied by a copy of the corresponding bank statement, copy of the bank reconciliation report, report of outstanding encumbrances, and report of accounts payable.

REFERENCE(S):

CODE OF ALABAMA
[16-13A-6](#)
FISCAL ACCOUNTABILITY ACT 2006-196

HISTORY:

ADOPTED: JULY 21, 2008
REVISED: FEBRUARY 22, 2010
FORMERLY: DQ

CHAPTER 7.00 – FINANCE AND BUSINESS SERVICES

CHIEF SCHOOL FINANCIAL OFFICER

7.14

In consultation with the Superintendent, the St. Clair County Board of Education shall appoint a chief school finance officer (CSFO) who shall be an employee of the Board. The Board shall have authority to remove the chief school finance officer as provided for by law.

The chief school finance officer shall meet the minimum job qualifications established by the St. Clair County Board of Education and the State Board of Education and shall possess or be eligible to possess certification required pursuant to regulations promulgated by the State Board of Education.

The chief school financial officer shall work under the direct supervision of the local Superintendent of Education but shall have a fiduciary responsibility to the St. Clair County Board of Education.

The chief school financial officer shall perform duties as specified by the Board as well as those duties specifically specified by state law. The Superintendent may also assign additional duties to the chief school finance officer in order to provide for the efficient administration of the school system.

LAW(S) IMPLEMENTED:

CODE OF ALABAMA
[16-13A-5](#)

HISTORY:

ADOPTED: JULY 13, 1998
REVISED: AUGUST 18, 2003; FEBRUARY 22, 2010
FORMERLY: BBAA

CHAPTER 7.00 – FINANCE AND BUSINESS SERVICES

DEPOSITORY OF FUNDS

7.15

The St. Clair County Board of Education requires that all funds of the Board, whether federal, state or local, be deposited in banks designated as the depositories of School system funds. The Board shall designate said depositories for the term of the Chief School Financial Officer or when in the opinion of the Board the situation warrants a change.

Depositories shall be located in the County and shall be approved as a qualified depository by the Security for Alabama Funds Enhancement (SAFE) Program administered by the Alabama State Treasurer.

All checks in the name of the Board or the local school shall be drawn upon such accounts. All financial transactions of the School System shall be paid by check or electronic funds transfer and no cash payments shall be made.

Principals shall notify the Board prior to changing their school's current depository of school funds.

Depositories outside the County may be approved for special accounts.

REFERENCE(S):

CODE OF ALABAMA
[16-13A-6](#), [11-1-7](#)
FISCAL ACCOUNTABILITY ACT 2006-196

HISTORY:

ADOPTED: JULY 12, 1999
REVISED: SEPTEMBER 15, 2003; JULY 21, 2008; FEBRUARY 22, 2010
FORMERLY: DG

CHAPTER 7.00 – FINANCE AND BUSINESS SERVICES

AUTHORIZED SIGNATURES

7.16

Checks drawn on the general fund or any special fund, with the exception of local school accounts, require the signature of the Chief School Financial Officer or his/her alternates as designated by the St. Clair County Board of Education. Checks drawn on local school accounts require the signature of the principal.

All checks used by the School System shall be pre-numbered. Checks drawn on Board funds may be signed and processed by electronic means, under the direction of the Chief School Financial Officer or Superintendent.

REFERENCE(S):

CODE OF ALABAMA
[16-13A-1](#), [16-13A-8](#)

HISTORY:

ADOPTED: FEBRUARY 22, 2010
REVISED: _____
FORMERLY: NEW

CHAPTER 7.00 – FINANCE AND BUSINESS SERVICES

LINE ITEM TRANSFER AUTHORITY

7.17

The St. Clair County Board of Education shall retain control of the budget, once adopted, and all officials subject to the Board in the implementation of the budget shall adhere to Board policies.

Line items in the budget may be changed, with Board approval, at any time during the fiscal year provided such change is consistent with existing laws and regulations of the State and Federal government.

The Superintendent shall keep the Board informed concerning the status of the budget, and Board action necessitating expenditures shall be considered sufficient authority to exceed a line item if such action so requires.

REFERENCE(S):

CODE OF ALABAMA
[16-13-143](#), [16-13-144](#)

HISTORY:

ADOPTED: JULY 12, 1999
REVISED: SEPTEMBER 15, 2003; FEBRUARY 22, 2010
FORMERLY: DCI

CHAPTER 7.00 – BUSINESS SERVICES

CASH MANAGEMENT FOR FEDERAL FUNDS

7.18

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

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

Board procedures to minimize the cash balances in federal program funds are expected to prevent the aggregate cash balances of federal program funds from earning \$500 or more for the fiscal year if maintained in interest-bearing accounts. The federal program funds, with the exception of Child Nutrition Program funds, will not be maintained in an interest-bearing bank account if the Chief School Financial Officer determines that banking requirements for minimum or average balances are so high that an interest-bearing account would not be feasible. Federal program funds will be maintained in insured checking accounts that are subject to the state requirements for public deposits under the SAFE program.

HISTORY:

ADOPTED: September 19, 2016

CHAPTER 7.00 – BUSINESS SERVICES

DETERMINATION OF ALLOWABLE COSTS

7.19

Before instituting a financial transaction that will require the expenditure of federal funds the federal program director and the Chief School Financial Officer or designee will determine that the proposed transaction meets the requirements for allowable costs for the federal program. Actions to determine allowable costs will assure that:

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

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

HISTORY:

ADOPTED: September 19, 2016

CHAPTER 7.00 – BUSINESS SERVICES

PROCUREMENT POLICY

7.20

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

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

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

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

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

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

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sign an assurance that each of the individuals is in compliance with the board's conflict of interest policy.

HISTORY:

ADOPTED: September 19, 2016

CHAPTER 7.00 – FINANCE AND BUSINESS SERVICES

FEES/TUITION

7.21

- I. The St. Clair County Board of Education shall not collect fees of any kind from children attending public kindergarten or any of the first six (6) grades of the school system.
- II. No fees shall be collected in secondary schools for courses required for graduation. The St. Clair County Board of Education shall set reasonable fees in non-required courses, *e.g.*, reasonable fees for laboratory and shop materials and equipment. Such fees shall be waived for students who cannot afford to pay set fees.
- III. The St. Clair County Board of Education may assess a tuition fee for those students residing outside the territory over which the Board has jurisdiction.

REFERENCE(S):

CODE OF ALABAMA

[16-10-6](#)

HISTORY:

ADOPTED: JULY 12, 1999

REVISED: SEPTEMBER 15, 2003: FEBRUARY 22, 2010

FORMERLY: DFG, DFH

CHAPTER 7.0 – FINANCE AND BUSINESS SERVICES

SCHOOL STORES

7.22

- I. The St. Clair County Board of Education authorizes the Superintendent to grant permission for the operation of stores selling merchandise that is needed by pupils to facilitate classroom instruction. School stores shall operate as a convenience to the students and shall not in any way interfere with the educational process or cause any student to be in class less than the minimum number of hours in the St. Clair County Board of Education approved day.
- II. Separate records, subject to audit, shall be kept for school stores, and profits derived from sales shall be used for general items supporting the school as a whole.

REFERENCE(S):

CODE OF ALABAMA

[16-8-9](#), [16-13A-1](#)

HISTORY:

ADOPTED: JULY 12, 1999

REVISED: SEPTEMBER 15, 2003; FEBRUARY 22, 2010

FORMERLY: DFM

CHAPTER 7.0 – FINANCE AND BUSINESS SERVICES

PAYROLL PROCEDURES

7.23

I. Payroll Preparation

- A. The St. Clair County Board of Education delegates payroll preparation for the payment of employee salaries to the Superintendent or his/her designee. The payroll shall be in accordance with the salary policy approved by the Board, any rules or regulations promulgated by the State Superintendent of Education, and state law.
- B. Payroll checks shall be released on the last working day of the month on a twelve (12) month basis, except that December checks/direct deposit statements shall be available on the last work day before Christmas break.

II. Salary Deductions

- A. The St. Clair County Board of Education will make salary deductions which are considered statutory, including federal income tax, state income tax, retirement, etc., in accordance with applicable laws and regulations.
- B. The St. Clair County Board of Education will approve salary deductions when a minimum of 50 employees request such deductions as provided by law. The deductions shall be made from salaries and shall be remitted to the appropriate recipient as specified and in a timely manner following each deduction.
- C. New authorization for payroll deductions may be added during open enrollment or upon state required enrollments.
- D. Upon termination, amounts owed under the authorization of an employee shall be deducted from an employee's final pay.
- E. When amounts have been correctly deducted and remitted by the St. Clair County Board of Education, the St. Clair County Board of Education shall bear no further responsibility or liability for further transactions. The Board shall not be liable for any error while acting in good faith to make the deductions.
- F. Whenever an employee is separated from the system prior to the end of the contract period, the terminal pay shall be computed on a per diem basis.
- G. All employee deductions which are eligible under Section 125 are to be considered as pre-tax deductions, with the exception of disability policies which are not to be pre-tax premiums.
- H. The Board reserves the right to hold salary checks of employees who fail to furnish required data such as signed contracts, retirement forms, I-9 forms,

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grade reports, etc. Checks will be held only after such an employee has been requested to complete files and has failed to comply.

REFERENCE(S):

CODE OF ALABAMA
[16-22-6](#), [16-22-7](#), [16-9-32](#)

HISTORY:

ADOPTED: JULY 12, 1999
REVISED: SEPTEMBER 15, 2003; FEBRUARY 22, 2010
FORMERLY: DJC

CHAPTER 7.00 – FINANCE AND BUSINESS SERVICES

TRAVEL EXPENSE REIMBURSEMENT

7.24

Travel costs are the expenses for transportation, lodging, subsistence, and related items incurred by board employees who are in travel status on official business of the board. The St. Clair County Board of Education directs the Superintendent and the CSFO to develop procedures which conform to sound principles of financial accounting and to state regulations for reimbursement of expenses of school personnel and Board members traveling on official school business. The board's travel policy provides for reimbursement and payments for travel costs of employees paid from federal funds that is consistent with the travel costs for board employees paid from state or local funds.

REFERENCE(S):

CODE OF ALABAMA
[16-8-9](#), [16-13A-1](#)

HISTORY:

ADOPTED: JULY 12, 1999
REVISED: SEPTEMBER 15, 2003; FEBRUARY 22, 2010; SEPTEMBER 19, 2016
FORMERLY: DJD

CHAPTER 7.00 – FINANCE AND BUSINESS SERVICES

PAYROLL DIRECT DEPOSIT

7.25

The St. Clair County Board of Education requires employees to participate in direct deposit of payroll checks. Forms for indicating the banking institution, employee account number, and other necessary information shall be available through the payroll department.

Employees shall receive a statement showing gross pay, itemized deductions and net pay via United State Postal Service at the employee's home address of record. Payments that cannot be directly deposited shall be mailed to the employee's home address of record or shall be delivered by other means as directed by the Superintendent.

REFERENCE(S):

CODE OF ALABAMA
[16-8-8](#), [16-8-9](#), [16-9-32](#)

HISTORY:

ADOPTED: FEBRUARY 22, 2010
REVISED: _____
FORMERLY: NEW

CHAPTER 7.00 – BUSINESS SERVICES

FUND RAISING

7.26

All activities conducted in order to raise funds for schools or school organizations must receive the approval of the Principal prior to the beginning of such activities and must meet guidelines set by the Board.

No student shall be compelled to participate in or meet any kind of a quota in a fund-raising activity. However, if students do participate, parents will be responsible for the retail price of the products contracted to their child (or children) if such products are not sold or returned or if the proceeds of such sale are not paid over to the school in a timely manner by the student(s). Students who do not participate shall not be subjected to any adverse or punitive action, including, but not limited to, impact on grades.

Crowdfunding involves funding a project by raising donations of money from a large number of people, typically via the Internet. There are a number of platforms available to school personnel that are based in crowdfunding, including sites like Donors Choose, Go Fund Me, and many others.

A Permission to Hold Fund-Raising Drive form must be submitted and approval obtained from the school principal and the Chief School Financial Officer prior to posting a project on a crowdfunding platform.

Principals and administrators should inquire if there is an administrative fee, how long the funds are held by the crowdfunding platform, as well as whether forms are sent to the school or the site purchases and delivers goods/materials on the school's behalf.

Crowdfunding sites must be monitored throughout the campaign and must be taken down when the event is completed or the goal is reached.

Any funds raised must be under the control of the principal/administrator and be an integral part of the school's accounting system with the same constraints and requirement of other accounts of the school.

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If the fund raiser includes hardware, software, or other web-based subscription purchases, prior approval must be obtained from the Technology Coordinator.

If the fundraiser includes land improvements, building improvements, repairs, renovations, or construction of buildings or facilities on school property prior approval must be submitted to the Facility Coordinator.

If the fundraiser includes a reward program, all monetary as well as non-monetary items received are the property of the St. Clair County Board of Education. All inventory policies and procedures must be followed.

All monetary donations should be recorded by the local school bookkeeper in the accounting system at each school. A new activity may be created if this is a new project. Please note, no banking information should ever be shared with a third party without authorization by the Chief School Financial Officer. A check from the site organizer should be made payable to the local school and never to an individual.

No function related to solicitations or fund-raising activities such as product selection, promotion, marketing, distribution, or collection of moneys shall be conducted during the instructional component of the school day.

HISTORY:

ADOPTED: June 12, 2017

CHAPTER 7.0 – FINANCE AND BUSINESS SERVICES

FOOD SERVICE FUNDS

7.31

The St. Clair County Board of Education requires that all Child Nutrition Program funds be accounted for in accordance with policies and procedures set forth by the local, state, and federal requirements.

REFERENCE(S):

CODE OF ALABAMA

[16-8-8](#)

HISTORY:

ADOPTED: FEBRUARY 22, 2010

REVISED: _____

FORMERLY: NEW

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INVESTMENT OF FUNDS

7.32

- I. Based upon a written system of internal controls and operational procedures, the Superintendent or his/her designee shall invest temporarily idle funds to earn the maximum return for the period available. Highest priority shall be placed on the safety and liquidity of funds. Funds may be placed in the following types of investments:
 - A. Bids from qualified depositories;
 - B. Certificates of deposit;
 - C. Time deposits;
 - D. Securities of the United States Government including obligations of the United States Treasury; or,
 - E. Investment pools managed and directed by an approved agency of the state.
- II. The principal may invest temporarily idle internal account funds in qualified depositories at the best available return subject to the advice of St. Clair County School System staff trained in investment practices and procedures.
- III. Other investments may not be made unless specifically authorized.

REFERENCE(S):

CODE OF ALABAMA
[16-8-9](#), [16-13A-1](#), [16-13-2](#)

HISTORY:

ADOPTED: FEBRUARY 22, 2010
REVISED: _____
FORMERLY: NEW

CHAPTER 7.00 – FINANCE AND BUSINESS SERVICES

RESERVE FUNDS

7.33

The St. Clair County Board of Education, in accordance with Alabama law, directs that a General Fund reserve fund balance be maintained of an amount not less than one month's operating expenditures. Operating expenditures shall include all funds necessary to support normal operations of the school district for one month.

The St. Clair County Board of Education sets as a goal to achieve and maintain a balance equal to one (1) month's operating reserves. This goal does not replace the legal requirement specified in the previous paragraph.

The Superintendent or Chief School Financial Officer will inform the board, before the Board votes on a budget or budget amendment, if the approval of the budget or budget amendment will prevent the establishment or maintenance of a one-month's operating balance.

A one-month's operating balance shall be determined by dividing the General Fund expenditures and fund transfers out by twelve. In determining the General Fund expenditures and fund transfers out, the proposed budget or budget amendment, shall be used.

REFERENCE(S):

CODE OF ALABAMA
[16-13A-5](#), [16-13A-9](#)

HISTORY:

ADOPTED: JULY 21, 2008
REVISED: FEBRUARY 22, 2010
FORMERLY: DR

CHAPTER 7.00 –FINANCE AND BUSINESS SERVICES

LOCAL TAX REVENUE

7.34

Alabama State law requires that school districts collect school taxes equivalent to ten (10) mills in order to participate fully in the Alabama Foundation Program.

REFERENCE(S) :

CODE OF ALABAMA
[16-13-231](#)

HISTORY:

ADOPTED: FEBRUARY 22, 2010
REVISED: _____
FORMERLY: NEW

CHAPTER 7.0 – FINANCE AND BUSINESS SERVICES

FOOD SERVICE CHARGED MEALS

7.35

The St. Clair County Board of Education Child Nutrition Program (CNP) shall not allow adult meals or meals for students in grades 7 – 12 to be charged. No student “a la carte” items may be charged in St. Clair County schools.

Elementary students who have lost or forgotten meal money may, with written authorization from the principal or his/her designee, charge a meal. Monies for these charged meals will be charged back to the principal by the Child Nutrition Program. Only school funds from a non-public source (such as PTA funds) may be used for the payment of these charged meals.

Records of all charges and repayments must be maintained by CNP officials. Charges must be collected by the end of the school year or must be made up from funds other than CNP funds. Documentation of efforts to collect for charged meals must be maintained.

REFERENCE(S):

CODE OF ALABAMA
[16-13A-1](#)

HISTORY:

ADOPTED: JUNE 17, 2002
REVISED: SEPTEMBER 15, 2003; FEBRUARY 22, 2010
FORMERLY: DFJ

CHAPTER 7.00 – FINANCE AND BUSINESS SERVICES

FUND BALANCE POLICY IN ACCORDANCE WITH GASB STATEMENT NO. 54

7.36

Purpose: The following policy is necessary in order to address the implications of Governmental Accounting Standards Board (GASB) Statement No. 54, Fund Balance Reporting and Governmental Fund Definitions.

Governmental Fund Definitions: The following definitions will be used in reporting activity in governmental funds. The Board may or may not report all fund types in any given reporting period, based on actual circumstances and activity.

The General Fund is used to account for and report all financial resources not accounted for and reported in another fund.

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.

Debt Service Funds are used to account for and report financial resources that are restricted, committed, or assigned to expenditure for principal and interest, even if it is being accumulated for future years' payments. Debt Service Funds should be used to report resources if legally mandated.

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.

Fund balances will be reported in governmental funds under the following five categories using the definitions provided by GASB Statement No. 54:

- A. Nonspendable fund balances include amounts that cannot be spent because they are either (a) not in spendable form or (b) legally or contractually required to be maintained in-tact. Examples of nonspendable fund balance reserves for which fund balance shall not be available for financing general operating expenditures include: inventories, prepaid items, and long-term receivables.
- B. Restricted fund balances consist of amounts that are subject to externally enforceable legal restrictions imposed by creditors, grantors, contributors, or laws and regulations of other governments; or through constitutional provisions or enabling legislation. Examples of restricted fund balances include: restricted grants.
- C. Committed fund balances consist of amounts that are subject to a purpose constraint imposed by formal action of the Board before the end of the fiscal year and that require the same level of formal action to remove the constraint.
- D. Assigned fund balances consist of amounts that are intended to be used by the school system for specific purposes. The Board authorizes the Superintendent or Chief School Finance Officer to make a determination of the assigned amounts of fund balance. Such assignments may not exceed the available (spendable, unrestricted, uncommitted) fund balance in any particular fund. Assigned fund balances require the same level of authority to remove the constraint.

CHAPTER 7.00 – FINANCE AND BUSINESS SERVICES

- E. Unassigned fund balances include all spendable amounts not contained in the other classifications. This portion of the total fund balance in the general fund is available to finance operating expenditures.

When expenditures are 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.

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

HISTORY:

ADOPTED: NOVEMBER 14, 2011

CHAPTER 7.00 – FINANCE AND BUSINESS SERVICES

BONDED PERSONNEL

7.40

- I. The Superintendent and the designated Chief School Financial Officer (CSFO) shall be bonded at an amount fixed by the State of Alabama in a reputable surety company authorized to do business in Alabama. A certified copy of such bond shall be recorded by the Probate Judge in the St. Clair County Probate Office and placed on file with the State Department of Education.
- II. The Superintendent or his/her designee shall secure surety bonds, in an amount agreed upon by the Board, for all employees of the St. Clair County School System who may be charged with the responsibility for handling public school funds.
- III. The Board shall be authorized to make payment from public funds for surety bonds.

REFERENCE(S):

CODE OF ALABAMA
[11-1-7](#), [16-13A-12](#)

HISTORY:

ADOPTED: JULY 12, 1999
REVISED: SEPTEMBER 15, 2003; FEBRUARY 22, 2010
FORMERLY: DH

CHAPTER 7.00 – FINANCE AND BUSINESS SERVICES

INDEBTEDNESS

7.41

Any St. Clair County school employee or other person shall be personally liable for creating any bill of indebtedness against a school or against the St. Clair County Board of Education unless authority exists under duly adopted policy of the St. Clair County Board of Education or unless authorized in writing by the Superintendent. Any employee violating the provisions of this rule may be subject to cancellation of his or her contract or dismissal from employment.

Bonded Indebtedness

The St. Clair County Board of Education shall not incur any bonded indebtedness that shall require annual payments on the principal and interest in excess of eighty percent (80%) of the anticipated revenue of the ad valorem tax, gross receipts, and/or other taxes pledged to retire such bonds.

All proposed bond issues for the St. Clair County School System shall be recommended by the Superintendent and approved by the Board and State Superintendent of Education prior to offer for sale.

Current Indebtedness

Tax proceeds, which are not pledged to retire bonded indebtedness, shall be used for current expenses. All funds borrowed for current expenses shall be repaid before the end of the fiscal year in which such funds are borrowed.

The Board shall not spend or obligate to spend more money in any fiscal year than the income received during that year plus the balance on hand at the beginning of said fiscal year.

REFERENCE(S):

CODE OF ALABAMA
[16-13-70](#), [16-13-144](#), [16-13-145](#), [16-13-140](#)

HISTORY:

ADOPTED: FEBRUARY 22, 2010
REVISED: _____
FORMERLY: NEW

CHAPTER 7.0 – FINANCE AND BUSINESS SERVICES

INSUFFICIENT FUNDS AND WORTHLESS CHECKS

7.42

The face value of a check returned for insufficient funds (NSF) may not be absorbed as a cost by state, federal or public local funds since an uncollected check is considered a bad debt. The principal or other designated school administrator shall exercise due diligence in the acceptance of checks and in the collection of NSF checks. A list of individuals who have submitted bad checks during the school year is to be maintained in order to prevent the receipt of any further checks from those individuals.

Uncollected NSF checks may not be written off. Necessary actions must be taken to collect the check amount in compliance with and through the District Attorney's Worthless Check Unit. Documentation of those actions and procedures are to be maintained. A NSF fee (the maximum charge allowed by law) must be charged to the check writer for all returned checks whether collected or not. NSF fees may not be waived for any reason. Non-public funds must be used to cover any NSF check in state, federal or public funds accounts.

NSF fees shall be deposited in a separate, non-public activity account. This non-public activity account can then be utilized to transfer funds to the appropriate state, federal or public fund to cover the amount of any NSF check.

REFERENCE(S):

**CODE OF ALABAMA
16-8-8, 16-13A-1**

HISTORY:

**ADOPTED: JUNE 17, 2002
REVISED: SEPTEMBER 15, 2003; FEBRUARY 22, 2010
FORMERLY: DJF**

CHAPTER 7.00 – FINANCE AND BUSINESS SERVICES

PURCHASING

7.60

I. Local Purchasing

- A. Pursuant to state law, the Board, when purchasing personal property or contractual services, shall give preference to commodities produced in Alabama or sold by Alabama persons, firms or corporations.
- B. The St. Clair County Board of Education shall not be limited to making purchases within the local community or the state of Alabama when such local purchases within the local community or the state of Alabama do not meet the quality or competitive price of goods or services available from vendors outside the local community or state of Alabama.
- C. Preference may be given to a local vendor having a place of business in the county or municipality for the purchase of personal property, when a bid submitted by such a resident bidder is no more than three (3) percent greater than the bid of the lowest responsible bidder.
- D. St. Clair County Board of Education shall require that a requisition/purchase order system be established and followed.
- E. A purchase order or Board-approved purchase card shall be required for all purchases. The purchase order shall be approved/signed by principal/worksites supervisor or Superintendent or designee prior to the purchase of any material, goods, services, or equipment.
- F. Failure to complete or secure proper purchase order approval(s) prior to any purchase will result in the individual(s) making the invalid purchase personally responsible for payment of the purchase. Any exceptions must be based on standards of reason that would be acceptable for consideration.
- G. The Board shall not spend or borrow funds in excess of anticipated revenues plus any balances on hand, except as provided by the Code of Alabama.
- H. No payment shall be made by the Chief School Financial Officer which exceeds ten (10) percent in any program area in the budget except as authorized by the Superintendent and the Board.
- I. All financial transactions of the St. Clair County School System shall be paid for by check and no cash payments shall be made.
- J. No purchases shall be made which obligate the income of a subsequent school year nor shall any purchases be made which encumber a School System fund or

CHAPTER 7.00 – FINANCE AND BUSINESS SERVICES

local school fund or account beyond the available resources of that fund or account.

II. Emergency Purchases

The St. Clair County Board of Education grants the Superintendent the authority to approve purchases over the current maximum amount set in the State Bid Law (currently \$15,000) for labor, services or work, materials, equipment, supplies, other personal property or contracted services in emergency situations. Such situations shall be critical to the continued and efficient operation of the school and of the system. In all cases, the Superintendent shall be required to apprise the Board at its next regular meeting of any such emergency purchases.

REFERENCE(S):

**CODE OF ALABAMA
41-16-50, 41-16-51, 41-16-57, 39-2-1 et seq.**

HISTORY:

**ADOPTED: JULY 12, 1999
REVISED: SEPTEMBER 15, 2003: FEBRUARY 22, 2010
FORMERLY: DJE**

CHAPTER 7.00 – FINANCE AND BUSINESS SERVICES

BIDDING

7.61

The St. Clair County Board of Education directs that expenditures of public school monies in excess of \$15,000 made by the Board for labor, services, work, the purchase or lease of materials, equipment, supplies or any other personal property, with limited exceptions established by state law, shall be contracted by free and open competitive bidding with sealed bids and shall be awarded to the lowest responsible bidder meeting specifications.

All purchases associated with public works contracts (building, construction, renovation, demolition, etc. of capital projects) in excess of the current amount set by the State Public Works Bid Law (currently \$50,000) shall be made by contractual agreement via free and open competitive bidding in compliance with the Code of Alabama, Title 39, Chapters 1, 2, 3 and 5.

REFERENCE(S):

CODE OF ALABAMA
[41-16-50](#), [41-16-51](#), [39-1-1](#), [39-2-2](#), [39-2-4](#), [39-2-5](#)
LEGISLATIVE ACT 97-225

HISTORY:

ADOPTED: FEBRUARY 22, 2010
REVISED: _____
FORMERLY: NEW

CHAPTER 7.00 – FINANCE AND BUSINESS SERVICES

PROPERTY SALE, TRANSFER, DISPOSAL

7.62

The St. Clair County Board of Education shall be advised by the Superintendent in the event that certain real or personal property is no longer needed for public school purposes. Prior to presentation to the Board, the Superintendent shall determine that the property is not needed by any St. Clair County school facility. The Superintendent is authorized to store property for later use if that property is determined to have value and the Superintendent believes the property will be used in the future by a St. Clair County School System facility.

The Board, upon receipt of such report, may at such time as it deems proper and at its discretion declare that such property is no longer needed for public school purposes.

Once real property is declared as surplus by the St. Clair County Board of Education, the Superintendent or his/her designee shall be authorized to take appropriate action in disposing of such property as outlined below:

- A. Obtain an appraisal(s) reflecting the fair market value of all real property and significant personal property.
- B. Notify local governmental authorities that such property is no longer needed for school purposes and invite a proposal if there is a need for such property.
- C. Follow the procedures in the manner prescribed by state law for the sale of real property.
- D. Upon receipt of the final bid, a recommendation shall be made by the Superintendent for Board action.

REFERENCE(S):

CODE OF ALABAMA
[16-8-40, 41-5-14](#)

HISTORY:

ADOPTED: JULY 12, 1999
REVISED: SEPTEMBER 15, 2003; FEBRUARY 22, 2010
FORMERLY: DFN, DO

CHAPTER 7.00 – FINANCE AND BUSINESS SERVICES

LOST OR STOLEN PROPERTY

7.63

- I. The principal or designee shall notify the following individuals when any St. Clair County School System property has been vandalized, stolen, or lost:
 - A. The proper law enforcement agency immediately to provide such information as may be available if the property is believed to have been stolen;
 - B. The system office by telephone; and
 - C. In writing with a copy of such notice being sent to the Superintendent or the clerk of fiscal assets.
- II. The custodian of the property records, or their designee, shall prepare a written report and recommendation to the Superintendent if the property is not recovered within thirty (30) days of notification.
- III. The Superintendent shall report to the St. Clair County Board of Education any property that has been lost or stolen if not recovered within thirty (30) days after the discovery of the loss or theft except major losses shall be reported to the Board immediately. Such a report shall include a recommendation that the property record be made inactive and any information applicable to personal liability shall also be reported.

REFERENCE(S):

CODE OF ALABAMA

[16-8-9](#)

HISTORY:

ADOPTED: FEBRUARY 22, 2010

REVISED: _____

FORMERLY: NEW

CHAPTER 7.00 – FINANCE AND BUSINESS SERVICES

PROPERTY MANAGEMENT

7.64

The Superintendent or designee shall maintain an adequate and accurate record of all tangible personal property of the St. Clair County School System. The record shall indicate the date of acquisition, the fund from which purchased, identification number, and property record number, and shall be consistent with all controlling requirements of Alabama statutes and rules. School inventories shall be verified by administration at the Superintendent's direction.

- I. All equipment that has a value or cost specified by the St. Clair County Board of Education shall be listed.
- II. Property inventories shall be performed annually. It shall be each principal's duty to designate a person to make an annual inventory of all school property within his/her building(s). This report shall include recommendations for the disposition of obsolete and surplus equipment and equipment beyond economical repair. Such inventory shall be verified by the central office and filed with the central office either at the time designated in writing by the property control officer or at the time of any principal's resignation.
- III. Any incoming principal and the facilities supervisor shall make an inventory of all school equipment when the new principal assumes the duties of the position. This inventory shall be checked against the last inventory made at the school and a report shall be filed with the central office to identify any shortages or discrepancies.
- IV. The principal shall also be responsible for inventories of properties not listed in section I above such as library books, films and tapes, and other materials as deemed appropriate. These inventory records shall remain on file in the individual school.
- V. The Superintendent shall prescribe the procedures for the accountability of property.
- VI. All equipment purchased by the various school organizations or by outside organizations for school or system use shall become St. Clair County Board of Education property and shall be recorded and inventoried in the same manner as all other equipment of a similar nature.
- VII. The Superintendent or designee shall maintain a current and perpetual inventory of all stock in St. Clair County Board of Education warehouses and shall file an annual end-of-the-year report of the count and value of such items with the finance department.

REFERENCE(S):

CODE OF ALABAMA
[16-1-2, 16-8-9](#)

HISTORY:

ADOPTED: JULY 12, 1999
REVISED: SEPTEMBER 12, 2003; JULY 21, 2008; FEBRUARY 22, 2010

CHAPTER 7.00 – FINANCE AND BUSINESS SERVICES

FORMERLY: DI, EA, EB

CHAPTER 7.00 – FINANCE AND BUSINESS SERVICES

PURCHASE ORDERS

7.65

Purchase orders are required by the St. Clair County Board of Education for all materials, equipment and supplies paid for from funds of the St. Clair County Board of Education.

“Blanket” purchase orders may be issued by the Purchase Order clerk to vendors from whom materials are purchased on a regular basis. This blanket purchase order will be valid only during the month in which it is issued.

No purchases shall be made which obligate the income of a subsequent school year nor shall any purchases be made which encumber a school system fund or local school fund or account beyond the available resources of that fund or account.

REFERENCE(S):

CODE OF ALABAMA
[16-13A-5](#), [16-13A-6](#), [41-16-50](#)

HISTORY:

ADOPTED: JULY 12, 1999
REVISED: SEPTEMBER 15, 2003; FEBRUARY 22, 2010
FORMERLY: DJ, DJE

CHAPTER 7.00 – FINANCE AND BUSINESS SERVICES

PURCHASING CARDS

7.66

In accordance with the Code of Alabama §16-1-8.1 (as amended by Act 99-389), the St. Clair County Board of Education has elected to participate in the state purchasing card program. The program will be utilized in all schools within the system. The goal in providing this service is to promote educational excellence in schools by facilitating the purchase of needed classroom instructional supplies and equipment.

Purchasing cards shall be used exclusively for expending classroom instructional support funds in accordance with the Code of Alabama §16-18.1 (as amended by Act No. 99-389).

The use of purchasing cards requires the local board of education to utilize a voucher system to account for expenditures for classroom instructional support. Code of Alabama §16-1-8.1 (as amended by Act No. 99-389) offers the voucher system as an alternative to purchasing classroom instructional support. Under the voucher system, purchases are limited to items costing \$15,000 or less per item.

REFERENCE(S):

CODE OF ALABAMA
[16-13A-5](#), [16-13A-6](#), [16-1-8.1](#) as amended

HISTORY:

ADOPTED: SEPTEMBER 20, 1999
REVISED: NOVEMBER 24, 2003; OCTOBER 23, 2006; FEBRUARY 22, 2010
FORMERLY: DJEK

CHAPTER 7.00 – FINANCE AND BUSINESS SERVICES

ACQUISITION, USE AND EXCHANGE OF SCHOOL PROPERTY	7.67
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- I. Acquisition
 - A. All property purchased through system funds, internal funds, or donations from outside sources shall be acquired using system purchasing procedures.
 - B. All property, including vehicular equipment, shall be under the full control and name of the St. Clair County Board of Education.
 - C. All property with a value of five thousand dollars (\$5,000.00) acquired through internal accounts or donations shall be reported immediately by the principal or worksite supervisor to the designated property records office on the prescribed forms.
 - D. Principals and supervisors of facilities shall be responsible for determining that all property is identified and accounted.
- II. Exchange - Each principal and supervisors of facilities shall determine the property needs for his/her school or department. The St. Clair County principal or system department head shall declare any property which is not needed, upon approval of the designated property control office, and may requisition additional property through proper procedures.
 - A. Surplus property shall be reported on proper forms to the designated property records office which shall be responsible for acquiring and storing the surplus property.
 - B. Property items with a value as established in section I, paragraph C above may be exchanged between system departments and schools when approval is granted by the designated property records office and subsequently by the appropriate St. Clair County administrator. Notification of each approval shall be filed in writing with the designated property records office to adjust property records of schools and system departments.
 - C. St. Clair County Board of Education equipment (including vehicles) shall not be used for gainful outside employment or private use of employees or by any for profit group or organization.

REFERENCE(S):

CODE OF ALABAMA
[16-8-9](#), [16-8-40](#), [36-25-1](#),

HISTORY:

ADOPTED: FEBRUARY 22, 2010
REVISED: _____
FORMERLY: NEW

CHAPTER 7.00 - BUSINESS SERVICES

VENDOR RELATIONS

7.69

The St. Clair County School System shall promote good vendor-system relations through honest and fair business transactions. The Board and its employees shall seek to secure quality services and products in the most economical manner. Favoritism of certain vendors shall not be the policy of the Board.

No member of the Board or employee of the Board shall accept a thing of value from any person, agency, or company doing or desiring to do business with the St. Clair County School System. A thing of value is defined by the Code of Alabama, §36-25-1(32) as any gift, benefit, favor, service, gratuity, tickets or passes offered only to public officials, unsecured loan not made in the ordinary course of business, reward, promise of future employment, or honoraria. The terms specifically exclude campaign contributions; insignificant seasonal gifts; hospitality on a social occasion of food, beverages, tickets, and lodging of three (3) consecutive days or less; reasonable transportation, food, beverages and lodging incident to educational or informational purposes; promotional items commonly distributed to the public; and food and beverages of nominal value.

REFERENCE(S):

CODE OF ALABAMA
[36-25-1\(32\)](#), [16-8-9](#), [36-25-5 TO -7](#)

HISTORY:

ADOPTED: JULY 12, 1999
REVISED: SEPTEMBER 15, 2003; FEBRUARY 22, 2010
FORMERLY: DJEI

CHAPTER 7.00 - FINANCE AND BUSINESS SERVICES

RISK MANAGEMENT INSURANCE

7.70

- I. No new policy or procedure will be adopted or approved by the St. Clair County Board of Education without first giving careful consideration to the School System's risk exposure.
- II. When the purchase of insurance coverage is deemed necessary, such purchase will be made on the basis of service offered by the insurer or self-funded programs, the reliability and financial stability of the insurer or self-funded program, and the price of the coverage as competitively determined.
- III. Insurance Coverage – The St. Clair County Board of Education shall insure for:
 - A. Full value of all property for which it has title, including but not necessarily limited to buildings and contents.
 - B. Errors and omissions liability coverage to protect Board members, Board employees and the school system.

REFERENCE(S):

CODE OF ALABAMA
[16-8-42](#)

HISTORY:

ADOPTED: APRIL 19, 1999
REVISED: DECEMBER 15, 2003; FEBRUARY 22, 2010
FORMERLY: EBA

CHAPTER 7.00 – FINANCE AND BUSINESS SERVICES

FINANCIAL OPERATIONS OF SCHOOL-RELATED ORGANIZATIONS

7.80

Each school shall choose one of the following options in order to meet the accounting requirements of school-related organizations set forth by the Alabama State Department of Education:

- Option 1 is for all funds generated by school-related organizations to be recorded in the local school's financial records and accounts.
- Option 2 is for the principal and the school-related organization's officer to have a signed agreement of compliance with the Alabama State Department of Education's Guidelines for Financial Operations of School-Related Organizations. The principal shall accept full responsibility to ensure that all organizations have complied with the signed agreement.

Failure of the principal to ensure that school-related organizations comply with all aspects of the agreement will result in a personal conference with the Superintendent followed by official corrective action to be placed in the principal's employment file. At the Superintendent's discretion the school could be made to accept option 1 as the procedures to be adopted at the local school.

Failure of the school-related organization to comply with the agreement will result in the organization being denied the right to raise money or conduct fund raisers on school property or on behalf of the school or to have option 1 as the only procedure available to the organization.

REFERENCE(S):

CODE OF ALABAMA
[16-8-7](#), [16-8-9](#), [16-13A-1](#)

HISTORY:

ADOPTED: JUNE 16, 2008
REVISED: FEBRUARY 22, 2010
FORMERLY: DP

CHAPTER 7.00 – FINANCE AND BUSINESS SERVICES

LOCAL SCHOOL ACCOUNTING

7.81

I. General

- A. The principal shall be responsible for the proper handling of all business affairs in the school. This includes the establishment of bank depository accounts, savings accounts, receipt and disbursement of funds, financial records and reports. The principal, as trustee, is responsible for replacement of student activity money improperly spent.
- B. All money collected from students on school premises and all money collected at school-sponsored activities, on or off the premises, shall be accounted for through the school accounting system.
- C. The use of a change cash account should be avoided if possible. If change cash funds are established, they may be used only to initiate the daily operation of school stores, school sponsored events and lunchrooms. Purchases may not be paid for from such funds. However, lunchroom managers may refund student meals, only for the purpose of overpayment upon withdrawal of a student or at the end of the school year from their change cash fund, with proper documentation.
- D. Funds shall not be transferred from one account to another by borrowing or otherwise, except as authorized in writing by the principal, faculty sponsor, and student representative if applicable. (Note: In no circumstance shall funds be transferred from public to non-public accounts.)
- E. All funds collected in a school shall be expended for the expressed purpose for which they were collected. All funds generated from continuing or recurring events, school store or athletic events should be used to support that activity and other purposes that will benefit the student body.
- F. No contributions to fund-raising drives for charitable organizations may be made from the school's public funds. However, funds may be collected for such a purpose and should be recorded (receipts and disbursements) in the Accommodations Account.

II. Cash Receipts

- A. Extreme care must be taken when receiving and recording receipts of cash by the school. The school principal is responsible for safeguarding this money and maintaining accurate records indicating the purpose for which this money is received. All funds received should be accounted for by a pre-numbered receipt form.
- B. All money received must be deposited in the school's checking account. This checking account is to be an interest bearing account established in a bank that is

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approved as a qualified depository by Security for Alabama Funds Enhancement (SAFE) Program administered by the Alabama State Treasurer.

- C. All money received by the school should be deposited as promptly as possible, daily if feasible.
- D. Money should never be kept in a school building overnight except change cash funds established to initiate the daily operation of school stores, school-sponsored events and lunchrooms. The principal, bookkeeper, or other school personnel shall not carry money on his/her person or keep money at home until it is convenient to deposit it.

III. Purchasing

- A. The principal must ensure that good, sound business practices are followed regarding the purchase of goods and/or services from the school's funds. In order to control the purchasing, the principal should determine the need for the goods and/or services and the availability of funds, and then approve or disapprove the proposed purchase.
- B. A purchase order or Board-approved purchase card shall be required for all purchases. The purchase order shall be approved/signed by principal/worksite supervisor or Superintendent or designee prior to the purchase of any material, goods, services or equipment.
- C. A student body organization shall not be obligated for purchases made by students, sponsors, faculty, and others unless supported by a local school purchase order signed by an authorized person.
- D. No purchases shall be made which obligate the income of a subsequent school year nor shall any purchases be made which encumber a local school fund or activity beyond the available resources of that fund or activity.

IV. Cash Disbursements

- A. The principal must ensure that all disbursements from the schools' funds are adequately documented and are made only by check. No petty cash funds shall be maintained, except those established to initiate the daily operations of school stores, school sponsored events and lunchrooms.
- B. All disbursements shall be made by check to a specific payee. No check shall be made payable to cash. No other payments should be made by cash.

V. Travel

- A. Only reimbursement for travel related to school business that has prior approval of the principal will be allowed.

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B. Principals' travel reimbursements must have approval of the Superintendent.

VI. Reporting

- A. A cumulative and systematic record shall be kept of all accounts between the Board and individual schools in order that schools shall be responsible for their financial obligations and shall operate within budget regulations and individual school allocations approved by the Superintendent and the Board.
- B. Each local school principal shall prepare a monthly financial report, to include all school accounts, and submit a monthly financial report signed by the person preparing report and principal to the Superintendent for inclusion in the School System's monthly annual financial reports.

REFERENCE(S):

CODE OF ALABAMA
[16-13-32](#), [16-13A-1](#), [16-13-235](#)

HISTORY:

ADOPTED: FEBRUARY 22, 2010

REVISED: _____

FORMERLY: NEW

CHAPTER 7.00 – FINANCE AND BUSINESS SERVICES

SHORT-TERM NOTES

7.91

In accordance with state law, the St. Clair County Board of Education has the authority during any fiscal year, and upon recommendation of the Superintendent, to borrow money in anticipation of current revenues for that fiscal year and to pledge the current revenues for said fiscal year for the payment of such loan or loans if funds on hand are not sufficient to meet current expenses. All such loans shall be recommended by the Superintendent and approved by the Board. Rates of interest on any loans shall not exceed the maximum allowed by law.

REFERENCE(S):

CODE OF ALABAMA
[16-13-145](#)

HISTORY:

ADOPTED: FEBRUARY 22, 2010
REVISED: _____
FORMERLY: NEW

CHAPTER 7.00 – FINANCE AND BUSINESS SERVICES

Post-Issuance Compliance Policy

7.91.1

ST. CLAIR COUNTY BOARD OF EDUCATION POST-ISSUANCE COMPLIANCE POLICY FOR TAX-EXEMPT WARRANTS, BONDS, NOTES AND OTHER OBLIGATIONS

This Post-Issuance Compliance Policy (this "**Policy**") sets forth specific policies and procedures of the St. Clair County Board of Education, a quasi-corporation under the laws of the State of Alabama (the "**Board**"), designed to monitor post-issuance compliance of its tax-exempt warrants, bonds, notes and other obligations (collectively referred to as "**Warrants**") with applicable requirements of the federal securities laws and the Internal Revenue Code of 1986, as amended (the "**Code**"), and the regulations promulgated thereunder (the "**Treasury Regulations**"). The Board reserves the right to use its discretion as necessary and appropriate to make exceptions or request additional provisions as circumstances warrant. The Board also reserves the right to change this Policy from time to time.

I. Monitoring of Post-Issuance Compliance

- A. Monitoring of post-issuance compliance for Warrants will be the primary responsibility of the Chief School Financial Officer ("CSFO"). The CSFO may designate employees within her office to carry out such duties under this Policy on her behalf; provided, however, the CSFO shall implement an adequate succession plan for transferring post-issuance compliance responsibility when changes in staff occur.
- B. The CSFO shall consult with bond counsel, rebate consultants, auditors, IRS publications and/or such other resources as are necessary to understand and meet the requirements of this Policy.
- C. Training and education of the CSFO (which shall include, without limitation, consultation with and training by bond counsel) will be sought upon the occurrence of new developments and/or upon the hiring of new staff or changes in staff to implement this Policy.

II. Financing Transcripts, Documentation and Retention

- A. The CSFO shall coordinate the receipt and retention of the following:
 - 1. Basic records pertaining to each tax-exempt financing undertaken by the Board (e.g., bond counsel opinion, resolutions, the Tax Compliance Agreement, IRS Form 8038 and IRS Form 8038-G, yield of Warrants, formal elections required by the Code, continuing disclosure agreement, etc.);

2. Proof of filing of the IRS Form 8038-G, IRS Form 8038, or other appropriate IRS forms filed in connection with the issuance of Warrants;
 3. Documentation evidencing the expenditure of proceeds of the issue (e.g., purchase contracts, construction contracts, progress payment requests, requisitions, draw requests, cancelled checks, payment of issuance costs, records of allocations of proceeds, including reimbursements of project expenditures made before the Warrants were issued);
 4. Documentation regarding the types of facilities financed with the proceeds of the issue;
 5. Documentation evidencing any use of property financed with Warrants by private entities (e.g., any leases, subleases, agreements related to use, management agreements, service agreements, research agreements, etc.) for which payment is to be made, directly or indirectly, to the Board;
 6. Documentation pertaining to the investment of the proceeds of the issue (including the purchase and sale of securities, SLGs subscriptions, yield calculations for investments, guaranteed investment contracts, and other types of investments);
 7. Documentation pertaining to any interest rate hedge or other derivative, including the ISDA Master Agreement, schedules and annexes to the ISDA Master Agreement, the initial confirmation and subsequent amendments or additional confirmations, market valuations and payments and cash flows;
 8. Arbitrage rebate reports; and
 9. Reports of any IRS examination of Warrants.
- B. The CSFO shall coordinate the retention of all such records in a manner that ensures their complete availability to the IRS for so long as the issue is outstanding (including any refunding thereof), plus three (3) years. While this is typically accomplished through the maintenance of hard copies, records may be kept in electronic format so long as applicable requirements, such as Revenue Procedure 97-22, are satisfied.

III. Federal Tax Law Compliance

- A. Retention of Bond Counsel. With respect to each issue of Warrants, the Board shall engage nationally recognized bond counsel ("**Bond Counsel**") to provide an opinion or opinions as to the tax-exempt status of the Warrants, to address requirements pertaining to the tax-exempt status of the Warrants, and to provide

guidance prior to and at closing with respect to any post-issuance tax compliance matters. The requirements regarding the tax-exempt status of Warrants shall be documented by Bond Counsel in a tax certificate or tax compliance agreement (the "**Tax Compliance Agreement**") finalized at or before the issuance of any Warrants and signed by an authorized officer of the Board.

- B. Proper Use of Proceeds. The CSFO shall determine that Warrant proceeds are allocated to expenditures in a manner set forth in the Tax Compliance Agreement, or, if different than or not addressed in the Tax Compliance Agreement, as approved or recommended by Bond Counsel. The CSFO shall maintain a procedure for tracking expenditures and the allocation of proceeds of Warrants and investment earnings to expenditures, including the reimbursement of pre-issuance expenditures.
- C. Investment of Proceeds. The CSFO shall determine that proceeds of Warrants are invested as provided in the Tax Compliance Agreement, or, if different than or not addressed in the Tax Compliance Agreement, as approved or recommended by Bond Counsel. The CSFO shall maintain a system for tracking investment earnings and monitoring investments during the applicable "temporary period" (as defined in the Code and Treasury Regulations). The CSFO shall arrange for timely yield restriction and/or the computation and payment of any yield reduction payments (as such term is defined in the Code and Treasury Regulations), if applicable.
- D. Arbitrage Rebate Calculations. The CSFO shall cause the arbitrage rebate calculations, filings and payments to be completed on a timely basis.
- E. Use of Warrant-Financed Facilities. The CSFO shall consult with Bond Counsel before the Board enters into any agreement or other arrangement involving the sale, lease, or use of the property financed with proceeds of any Warrants, including, but not limited to, service, vendor and management contracts, research agreements, licenses to use the financed property or naming rights agreements.
- F. Post Issuance Transactions. The CSFO shall consult with Bond Counsel before the Board makes any modifications or amendments to the financing documents for any Warrants, including, but not limited to, entering or modifying investment agreements, changing security for Warrants, engaging in post-issuance credit enhancement transactions (e.g., municipal bond insurance, letters of credit, and standby bond purchase agreements) or hedging transactions (e.g., interest rate swaps, caps, or collars), releasing any liens, or reissuing or refunding Warrants.
- G. Remedial Action. In the event it is determined that any use of the proceeds of the Warrants, or facilities financed with Warrants, is a "change in use" (as defined in the Code and in Treasury Regulations) or otherwise causes any of the Warrants to be deemed a "nonqualified bond," the CSFO shall consult with Bond Counsel for

the purpose of determining the nature and extent of any remedial action necessary or proper for the Board to take with respect to Warrants or the facilities financed with proceeds thereof.

IV. Continuing Disclosure Compliance

The CSFO shall cause the Board to comply with each continuing disclosure agreement to which the Board is party and annually, per the continuing disclosure agreements of the Board, file or cause to be filed audited financial statements and such other information as required by each continuing disclosure agreement of the Board. The CSFO will monitor material events, as that term is described in the continuing disclosure agreements, and assure compliance with material event disclosure requirements.

V. Annual Policy Review

On an annual basis, or more frequently if deemed necessary by the CSFO, the CSFO shall review this policy to assess the Board's compliance with the same. The CSFO shall make changes to the Policy as appropriate to assure compliance with the financing documents or requirements of federal tax and securities law, and may rely upon the advice of Bond Counsel.

VI. Effective Date

This Policy shall be effective commencing September 17, 2012, the date of its initial adoption.

HISTORY:

ADOPTED: SEPTEMBER 17, 2012

REVISED: _____

FORMERLY: NEW

CHAPTER 7.00 - BUSINESS SERVICES

PRIZES AND AWARDS

7.92

In order to promote academic excellence and recognize significant contributions to education, the St. Clair County Board of Education may expend public funds for the purchase of trophies, plaques, academic banquets, and other appropriate honors to recognize academic achievements (including athletics) by students, faculty, staff, and the public that strengthen public education in the school system and the state of Alabama.

Non-public activities including parent organizations may give prizes and awards of nominal value to students and employees of the Board for any reason deemed appropriate and approved by the organization in documented minutes of the organization.

REFERENCE(S):

CODE OF ALABAMA
[16-13A-8](#)
LEGISLATIVE ACTS 95-313 AND 95-314

HISTORY:

ADOPTED: FEBRUARY 22, 2010
REVISED: _____
FORMERLY: NEW

CHAPTER 7.00 – FINANCE AND BUSINESS SERVICES

AUTHORITY TO EXPEND FUNDS

7.93

The St. Clair county Board of Education grants authority to the Superintendent, subject to applicable laws, policies, and Board-approved budget limitations, to expend funds for budgeted operating expenditures, without advance Board approval of specific expenditures. All such expenditures shall be included in the monthly expenditure report to the Board. Any contract entered into by any employee of the St. Clair County School System or any designee for duration of twelve (12) months or longer shall be approved by the Board.

The St. Clair County Board of Education grants authority to the Superintendent to act on behalf of the Board in the following matters:

1. To apply for federal and/or other grants;
2. To enter into contracts and/or lease purchase plans; and
3. To serve as authorized representative for selection of surplus property.

REFERENCE(S):

CODE OF ALABAMA
[16-8-9](#), [16-13-32](#), [16-13A-6](#), [16-13A-8](#)

HISTORY:

ADOPTED: JULY 12, 1999
REVISED: JUNE 17, 2002; JULY 21, 2008; FEBRUARY 22, 2010
FORMERLY: DJ

CHAPTER 8.00 - AUXILIARY SERVICES

SAFETY

8.10

The Superintendent shall develop a safety program for St. Clair County Board of Education approval which meets the standards set forth by the Alabama State Department of Education. The program shall ensure that:

- I. Employees shall cooperate with the law enforcement and local safety agency officials in providing safe conditions for students.
- II. All St. Clair County School System employees strive to protect the physical welfare of each student.
- III. Employees remove hazards or report their existence to an immediate supervisor.
- IV. School alarm systems are monitored. Any malfunction shall be reported for immediate repair.

REFERENCE(S):

CODE OF ALABAMA
[16-1-2](#), [16-1-7](#), [16-8-9](#), [16-9-18](#)

HISTORY:

ADOPTED: APRIL 19, 1999
REVISED: DECEMBER 15, 2003; FEBRUARY 22, 2010
FORMERLY: EBB

CHAPTER 8.00 - AUXILIARY SERVICES

INSPECTIONS

8.14

As part of a comprehensive safety and loss control program, the St. Clair County Board of Education requires that all St. Clair County School System-owned property be inspected regularly for potential safety hazards. These inspections should be conducted by the person responsible for managing the site. Hazardous conditions identified within the inspection report should be reported to the maintenance department or other appropriate staff for correction. A written report of all safety inspections shall be submitted to the Superintendent and placed on file.

REFERENCE(S):

CODE OF ALABAMA

[16-9-18](#), [16-1-2](#)

HISTORY:

ADOPTED: APRIL 19, 1999

REVISED: DECEMBER 15, 2003; FEBRUARY 22, 2010

FORMERLY: EBBF

CHAPTER 8.00 - AUXILIARY SERVICES

EMERGENCY DRILLS

8.15

The St. Clair County Board of Education requires at least one (1) emergency drill be held at each school during each month school is in session, including summer school session(s). Emergency drills include fire drills, severe weather drills, and lock down/"code red" drills as described in the school and system safety plans.

Fire Drills shall require evacuation of the building. **Seasonal Severe Weather Drills** must be held seasonally, with one (1) during the period of September through November and one (1) during the period of January through March. **Lockdown/Code Red Drills** for safety and security emergencies are to be conducted during the first six weeks of each semester of the school year. Additional lockdown drills, fire drills, and weather drills may be scheduled at any time to complete the requirement of one drill per month.

Training for faculty and staff on procedures for all emergency drills as well as information in the school safety plan shall be conducted at least annually.

The principal shall report the dates of annual safety training as well as dates of all safety drills in the manner prescribed by the State Department of Education and the Superintendent. Failure of a principal to conduct and report safety drills and training according to prescribed rules shall result in appropriate disciplinary action.

REFERENCE(S):

CODE OF ALABAMA
[36-19-10](#), [36-19-11](#)

HISTORY:

ADOPTED: APRIL 19, 1999
REVISED: DECEMBER 15, 2003; FEBRUARY 22, 2010, SEPTEMBER 16, 2013,
JANUARY 25, 2016
FORMERLY: EBBC

CHAPTER 8.00 - AUXILIARY SERVICES

SANITATION

8.20

Each St. Clair County School System principal or work site supervisor or designee, shall be responsible for maintaining satisfactory standards of sanitation and housekeeping.

REFERENCE(S):

CODE OF ALABAMA

[16-8-8](#), [16-8-43](#)

HISTORY:

ADOPTED: APRIL 19, 1999

REVISED: NOVEMBER 6, 2000; DECEMBER 15, 2003; FEBRUARY 22, 2010

FORMERLY: EBE, EEB

CHAPTER 8.00 - AUXILIARY SERVICES

VEHICLE INSPECTIONS

8.30

- I. All St. Clair County Board of Education buses used for the transportation of children shall be inspected both monthly and annually in accordance with standards established by the State Department of Education.
- II. Any vehicle found to be deficient shall be removed from service and shall not be used to transport students until the appropriate repairs have been made and further inspection reveals that the deficiency has been removed.

REFERENCE(S):

CODE OF ALABAMA
[16-27-5](#)

HISTORY:

ADOPTED: APRIL 19, 1999
REVISED: DECEMBER 15, 2003; FEBRUARY 22, 2010
FORMERLY: EDC

CHAPTER 8.00 - AUXILIARY SERVICES

SPECIAL USE OF SCHOOL BUSES

8.31

School buses may be used for student trips or excursions to enhance instructional activities. The use of a school bus for such trips shall be strictly governed by regulations adopted by the Board and/or established by the Superintendent or administrative staff.

Application for the use of any school bus must be submitted to and approved by the Superintendent or his/her designee at least four (4) days prior to the date of anticipated use. Only qualified, licensed school bus drivers shall drive school buses on any trip or excursion, and the expenses thereof shall be paid by the local school. Only school pupils, school personnel, and appropriate school patrons shall be permitted to ride the bus on such trips. A teacher who is regularly employed by the Board shall ride the school bus at all times when making such trips. In addition, appropriate school patrons may be used as chaperones.

The use of a school bus for a student trip or excursion shall not interfere with the regular transportation of students to and from school.

Each school must submit accurate mileage for the trip from the time the school bus leaves the driver's home or school until the school bus returns. Each school must submit to the Board a check for each mile traveled at the reimbursement rate currently approved by the Board. All damage beyond regular wear and tear will be paid for by the local school, other than damages resulting from an accident.

The St. Clair County Board of Education will waive the mileage reimbursement charges for certain trips. IN years of proration or other financial crisis, the Board shall determine if a waiver may not be possible. Trips for which mileage fees may be waived include:

- Academic Competition – those events sponsored by the St. Clair County School System where all schools are asked to participate and supplements are paid to sponsors. Compensation for the driver(s) will remain the responsibility of the local school.
- Band Performance – regular scheduled performances where students are representing the school. Weekend competitions (marching festivals, etc.) are not included in this waiver. Compensation for the driver(s) will remain the responsibility of the school or a booster organization.
- Athletic Competition – regular scheduled athletic events and State-sanctioned play-offs. Compensation for the driver(s) will remain the responsibility of the local school. A maximum number of buses to be used for each trip will be established by the Superintendent based on the previous year's usage. Additional buses may be used and appropriate charges shall be paid by the school.

REFERENCE(S):

CODE OF ALABAMA
[16-8-8](#), [16-27-1](#)

HISTORY:

ADOPTED: APRIL 19, 1999
REVISED: DECEMBER 15, 2004; FEBRUARY 22, 2010
FORMERLY: EDDA

CHAPTER 8.00 – AUXILIARY SERVICES

CHILD NUTRITION PROGRAM

8.40

- I. The St. Clair County Board of Education shall provide nutritious and adequate meals to all students at a minimal cost. The school principal, in conjunction with the Child Nutrition Program Director, is responsible for ensuring the Child Nutrition Program is operated in compliance with federal, state and local laws and regulations as well as policies of the Board.
- II. It is an objective of the St. Clair County School System that all students have the opportunity to participate in the school lunch program. The Child Nutrition Program Director shall determine, in accordance with federal regulations, those students eligible for free or reduced price lunches.
- III. The St. Clair County Board of Education Child Nutrition Program (CNP) lunchrooms shall incorporate food safety practices as outlined under Hazard and Critical Control Point (HACCP) guidelines. Standard Operating Procedures (SOPs) shall be developed for handling, storage, preparation, and serving of all foods.
- IV. Students are prohibited from bringing carbonated beverages and/or fast food items in their original containers into the school lunchrooms.
- V. The Superintendent is instructed to develop all policies and procedures in compliance with state regulations.

REFERENCE(S):

CODE OF ALABAMA

[16-8-9](#), [16-22-3](#),

PUBLIC LAW 91-248 PART 245, PUBLIC LAW 108-265 SECTION 204

HISTORY:

ADOPTED: APRIL 19, 1999

REVISED: JUNE 26, 2006; FEBRUARY 22, 2010

FORMERLY: EE, IDB, JGH

CHAPTER 8.00 - AUXILIARY SERVICES

MEAL PATTERNS

8.41

- I. All St. Clair County schools with grades PreK-12 shall participate in the Child Nutrition Program and shall serve student meals according to meal patterns established by the United States Department of Agriculture.
- II. The principal is responsible for scheduling adequate lunch time for students between the hours of 10:00 a.m. and 2:00 p.m. Variations from this schedule must have the approval of the Superintendent or designee.

REFERENCE(S):

CODE OF ALABAMA
[16-8-9](#)

HISTORY:

ADOPTED: JUNE 26, 2006
REVISED: FEBRUARY 22, 2010
FORMERLY: IDB

CHAPTER 8.00 – AUXILIARY SERVICES

UNCOLLECTED CHARGED MEALS

8.42

The St. Clair County Board of Education does not permit students or adults to charge meals from the Child Nutrition Program (CNP). Uncollected charged meals are bad debts and are not an allowable expenditure for the Child Nutrition Program (CNP). The CNP director and principal of each school shall develop and oversee a written contingency plan to provide a nominal meal for students when they do not have money to purchase a meal. If the contingency plan allows students to charge a meal, the principal is responsible for eliminating any outstanding indebtedness of students by the end of each school year by utilizing anon-public fund source.

All adult meals will be paid for unless the meals are part of a special incentive program or the meals are for school food service employees.

REFERENCE(S):

CODE OF ALABAMA
[16-8-9](#)

HISTORY:

ADOPTED: APRIL 24, 2006
REVISED: FEBRUARY 22, 2010
FORMERLY: JN, EE

CHAPTER 8.00 – AUXILIARY SERVICES

FACILITIES

8.50

- I. It shall be the responsibility of the St. Clair County Board of Education and Superintendent to develop and/or implement plans that will meet the present and future educational requirements of the community consistent with state laws. To discharge this responsibility effectively, the Board shall develop a long-range capital plan to meet the school facility-related requirements of the system.
- II. The Board will involve administrators, teachers, students, parents, local citizen groups, specially designated committees, and technical personnel, *e.g.*, architects, planners and approved outside consultants in the design, development and/or revision of the long-range capital program.
- III. Subject to Board approval, the Superintendent is authorized to secure the services of experts, including planning and architectural consultant(s), in the area of school planning, to work with staff in developing project specifications.
- IV. New construction or renovation at school facilities shall have the approval of the State Superintendent of Education.

REFERENCE(S):

CODE OF ALABAMA
[16-9-17](#), [16-9-18](#), AAC §290-2-2-03(1)

HISTORY:

ADOPTED: JULY 12, 1999
REVISED: DECEMBER 15, 2003; FEBRUARY 22, 2010
FORMERLY: FD

CHAPTER 8.00 – AUXILIARY SERVICES

SUPERVISION OF CONSTRUCTION

8.51

- I. The Superintendent or designee shall provide to the St. Clair County Board of Education a review of the architect's activities in his/her supervision of any building construction. This review shall include adequacy of field inspection of the contractor's operations, administrative activities of the architect relating to construction, and any other matters relating to the interest of the school system. The Superintendent or designee shall make periodic reports certifying that the work of the construction contractor and the architect are being performed in accordance with plans, specifications and contracts.
- II. Upon completion of the building construction and a final inspection of all its aspects by the architect, contractors, and school officials, a recommendation for its acceptance will be made to the St. Clair County Board of Education by the Superintendent.
- III. Orientation of school personnel to new or expanded facilities shall be the responsibility of retained architects and shall precede any administrative recommendation for final acceptance of any project.

REFERENCE(S):

CODE OF ALABAMA
[16-9-17](#), [16-9-18](#), [16-13-90](#)

HISTORY:

ADOPTED: JULY 12, 1999
REVISED: DECEMBER 15, 2003; FEBRUARY 22, 2010
FORMERLY: FGF

CHAPTER 8.00 - AUXILIARY SERVICES

IMPROVEMENTS TO SCHOOL PLANTS AND GROUNDS

8.53

Any individual or group, including the parent-teacher organization, which desires to improve the school site, to add facilities, or to install equipment, shall submit a written proposal to the principal and Superintendent for St. Clair County Board of Education approval. Any such improvement or addition shall become the property of the Board. Permanent structures shall have utilitarian value in the operation of the school or may be erected in memory of an individual who has been associated with the school either as a student or St. Clair County School System employee or in honor of an organization which has made some outstanding contribution to the school or system.

All improvements or additions must meet current building codes, including the Americans with Disabilities Act and State Department of Education Bulletin 1983-26 as amended.

REFERENCE(S):

CODE OF ALABAMA
[16-8-9](#), [16-8-40](#)

HISTORY:

ADOPTED: FEBRUARY 22, 2010
REVISED: _____
FORMERLY: NEW

CHAPTER 8.00 - AUXILIARY SERVICES

TECHNOLOGY AND TELECOMMUNICATION PLAN AND ELECTRONIC COMMUNICATION USE

8.60

- I. The St. Clair County School System shall develop a comprehensive technology and telecommunications plan for administrative and instructional purposes. The plan shall advance and promote public education consistent with technology advances and availability of resources. To the extent feasible, it shall promote access, collaboration, and information sharing between and among schools, system offices, and the global community and include provisions for protecting students from access to inappropriate and prohibited information and materials.
- II. The Superintendent or designee shall be responsible for establishing and authorizing use of technology, telecommunications services and networks consistent with the telecommunication plan which shall be presented to the St. Clair County Board of Education for approval. Such plan shall be updated periodically and submitted for Board review and approval.
- III. Such guidelines shall be broadly distributed and/or posted in appropriate locations. Such guidelines shall address computer room access, sale of computer services, acceptable use, proper etiquette, security, vandalism, harassment, and supervision of student use by staff. Any user violating such guidelines shall be subject to denial of school-based access and such other legal or disciplinary actions as are appropriate to the violation.
- IV. St. Clair County School System computers, network access, and other information resources such as electronic mail (e-mail) are provided for staff use to support the system's mission and goals. Access by staff and students to inappropriate and prohibited information and materials shall be limited by the use of appropriate software. All such resources are St. Clair County Board of Education property and subject to the same rules for use as other physical property. In addition, the following rules shall apply:
 - A. Use of information resources should be limited to legitimate educational purposes. Programs for personal use should be avoided. Use for illegal or commercial purposes is prohibited.
 - B. E-mail, World Wide Web pages, and other forms of electronic documentation:
 1. Users shall not be obscene and shall not access or use abusive language or other inappropriate material.
 2. User information will require the same handling as other public records.
 - C. User accounts and passwords must not be shared except where authorized. The person in whose name an account is issued is responsible for its proper use at all times.

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- D. Copyright and license agreements will be respected; no unauthorized copies of programs or files will be made.
- E. Users shall not take unauthorized actions which gain access or attempt to gain access to, deny access or attempt to deny access to, disrupt, change, or destroy the data or service of the computer or network systems. (Access to data storage accounts and services are limited to selected personnel.)
- F. Use of electronic mail and other network communications facilities to harass, offend, or annoy other users of the network, including chain letters and jokes, is not authorized.
- G. Users must avoid spreading computer viruses. Users may not download files from unknown sources. Deliberate attempts to degrade or disrupt system performance will be viewed as criminal activity under applicable state and federal law.
- H. Connection of non-system-owned devices to the School System technology network must be approved by the Technology Coordinator or his/her designee.
- V. The network management accepts no responsibility for harm caused directly or indirectly by network use. There is no expectation of privacy when using St. Clair County Board of Education provided equipment and network resources.
- VI. Users must acknowledge their understanding of all policies and guidelines on a yearly basis by reading and signing the applicable St. Clair County School System Acceptable Use Policy. The St. Clair County School System will annually update the Acceptable Use Policy for Students and the Acceptable Use Policy for Employees.

REFERENCE(S):

CODE OF ALABAMA
[16-8-9](#)
CHILDREN'S INTERNET PROTECTION ACT

HISTORY:

ADOPTED: JUNE 17, 2002
REVISED: DECEMBER 15, 2003; FEBRUARY 22, 2010
FORMERLY: IFBG; IFBGA

CHAPTER 8.00 - AUXILIARY SERVICES

REMOTE 8.61	ACCESS	TO	TECHNOLOGY
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Purpose

The purpose of this policy is to define standards for connecting to the St. Clair County Board of Education network from any internet host. These standards are designed to minimize the potential exposure of the St. Clair County Board of Education to damages which may result from unauthorized use of St. Clair County Board of Education resources. Damages include the loss of sensitive or confidential data, intellectual property, damage to public image, or damage to critical St. Clair County Board of Education internal systems, etc.

Scope

This policy applies to all St. Clair County Board of Education employees, contractors, vendors, and agents where a computer workstation or network capable device is used to connect to the St. Clair County Board of Education network. This policy applies to all remote access connections to the St. Clair County Board of Education network including those remote access connections used to do work on behalf of the St. Clair County Board of Education, including reading or sending email and viewing intranet web resources. Remote access implementations that are covered by this policy include, but are not limited to, dial-in modems, frame relay, ISDN, DSL, VPN, SSH, and capable modems, etc.

Policy

It is the responsibility of the St. Clair County Board of Education employees, contractors, vendors and agents with remote access privileges to the St. Clair County Board of Education corporate network to ensure that their remote access connection is given the same consideration as the user's on-site connection to the St. Clair County Board of Education. General access to the Internet for recreational use by immediate household members through the St. Clair County Board of Education Network on personal computers is not permitted. The St. Clair County Board of Education employee is responsible to ensure that family members do not violate any St. Clair County Board of Education policy, do not perform illegal activities, and do not use the network access for outside business interests. The St. Clair County Board of Education employee bears responsibility for the consequences should the access be misused.

Requirements

- 1) Secure remote access must be strictly controlled. Control will be enforced via one-time password authentication or public/private keys with strong pass-phrases.
- 2) At no time should any St. Clair County Board of Education employee provide their login password to anyone, not even family members.
- 3) St. Clair County Board of Education employees and contractors with remote access privileges must ensure that their St. Clair County Board of Education owned or their personal computer or workstation, which is remotely connected to the St. Clair County Board of Education corporate network, is not connected to any other network at the same time, with the exception of personal networks that are under the complete control of the user.
- 4) St. Clair County Board of Education employees and contractors with remote access privileges to the St. Clair County Board of Education corporate network must not use non-St. Clair County Board of Education email accounts (i.e., *Hotmail*, *Yahoo*, *AOL*), or any other external resources to conduct St. Clair County Board of Education business, thereby ensuring that official business is never confused with personal business.

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- 5) Reconfiguration of a home user's equipment for the purpose of split-tunneling or dual homing is not permitted at any time.
- 6) All hosts that are connected to the St. Clair County Board of Education internal networks via remote access technologies must use anti-virus software available for their personal computers that has been recommended by the St. Clair County Technology Operations Department.
- 7) Personal equipment that is used to connect to the St. Clair County Board of Education corporate network must meet the requirements of the St. Clair County Board of Education owned equipment for remote access.
- 8) Organizations or individuals who wish to implement non-standard remote access solutions to the St. Clair County Board of Education production network must obtain prior approval from the St. Clair County Technology Operations Department.

Enforcement

Any employee found to have violated this policy may be subject to disciplinary action, up to and including termination of employment.

Technical Support

Technical support for home users will not be supported after hours. Limited technical support will be provided for home users by the Technology Operations Department during established working hours but will not receive priority over school or government offices.

Release

Remote access users agree to be bound by this agreement unless written notification is provided to the St. Clair County Board of Education, Human Resources Department. Non-acceptance of this agreement will deny access for home usage. Users of this agreement also accept to hold harmless agents of St. Clair County Board of Education and agree to accept remote access "as is" with no warranty for server-ability or usage.

Term Definitions

- **Remote User** – Individuals or Administrators with proper security credentials that access the St. Clair County Board of Education network from remote locations via the Internet, using secure protocols (i.e. Home users)
- **Cable Modem** – Cable companies such as AT&T Broadband provide Internet access over Cable TV coaxial cable. A cable modem accepts this coaxial cable and can receive data from the Internet at over 1.5 Mbps. Cable is currently available only in certain areas.
- **Challenge Handshake Authentication Protocol (CHAP)** – CHAP is an authentication method that uses a one-way hashing function. DLCID Data Link Connection Identifier (DLCI) is a unique number assigned to a Permanent Virtual Circuit (PVC) end point in a frame relay network, and has local significance only to that channel. Dial-in Modem-A is peripheral device that connects computers to each other for sending communications via the telephone lines. The modem modulates the digital data of computers into analog signals to send over the telephone lines, then demodulates back into digital signals to be read by the computer on the other end; thus the name "modem" for modulator/demodulator.
- **Dual Homing** – Dual homing is having concurrent connectivity to more than one network from a computer or network device. Examples include: Being logged into the corporate network via a local Ethernet connection, and dialing into AOL or another Internet service provider (ISP); being

CHAPTER 8.00 - AUXILIARY SERVICES

on a St. Clair County Board of Education provided remote access home network, and connecting to another network, such as a spouse's remote access. Configuring an ISDN router to dial into the St. Clair County Board of Education and an ISP, depending on packet destination.

- **Digital Subscriber Line (DSL)** – DSL is a form of high-speed Internet access competing with cable modems. DSL works over standard phone lines and supports data speeds of over 2 Mbps downstream (to the user) and slower speeds upstream (to the Internet).

- **Frame Relay** – Frame relay is A method of communication that incrementally can go from the speed of an ISDN to the speed of a T1 line. Frame relay has a flat-rate billing charge instead of a per time usage. Frame relay connects via the telephone company's network.

- **ISDN** – There are two types of Integrated Services Digital Network or ISDN: BRI and PRI. BRI is used for home office remote access. BRI has two “Bearer” channels at 64kbit (aggregate 128kb) and 1 D channel for signaling info.

- **Remote Access** – Remote access is any access to the St. Clair County Board of Education corporate network through a non-St. Clair County Board of Education controlled network, device, or medium. Split-tunneling is simultaneous direct remote access to a non-St. Clair County Board of Education network (such as the Internet, or a home network) from a remote device (PC, PDA, WAP phone, etc.) while connected into the St. Clair County Board of Education corporate network via a VPN tunnel.

- **Virtual Private Network (VPN)** – VPN is a method for accessing a remote network via “tunneling” through the Internet 6.0 Revision History

REFERENCE(S):

CODE OF ALABAMA

[16-8-8](#)

HISTORY:

ADOPTED: MARCH 14, 2005

REVISED: FEBRUARY 22, 2010

FORMERLY: GAMC

WELLNESS

8.62

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:

A. NUTRITION EDUCATION AND PROMOTION:

Nutrition education that teaches the knowledge, skills, and values needed to develop healthy eating behaviors and nutrition promotion that promotes and reinforces student health will be integrated into the curriculum and offered throughout school campuses, including school dining areas and classrooms, by appropriately trained personnel.

Guidelines for Implementation:

1. Ensure that all students receive nutrition education that promotes healthy eating both at school and outside of school. For example, use healthy food choices such as fruit and vegetables, 100% fruit juice, fat-free/1% milk, and whole grain breads in the classroom as part of nutrition education lessons. Teachers and staff will be encouraged to model healthy eating behaviors.
2. Focus on skill development so that students are able to learn and adopt healthy eating behaviors. This may be accomplished by integrating nutrition education into other areas of study such as health education, math, science, language, arts, and social studies.
3. Promote healthy eating to students, parents, and teachers. For example, include “nutrition tips” in school newsletters and/or provide nutritional website information.
4. Nutrition education is offered in the school dining room as well as in the classroom, with coordination between the foodservice staff and the teachers.
5. Students will be made aware of what constitutes a reimbursable meal at the beginning of the serving line on a daily basis. This is to ensure that they get a healthy, well balanced meal daily. Also, foods will be marketed towards specific age grade groups in order to increase participation as well as encourage students to try new foods or foods that they have not eaten in the past. To accomplish this goal, food items will be placed at eye level

of the student and food service staff will encourage students to take healthy food choices, healthy food choices will be placed first on the serving line, use of age appropriate packaging serving/size, etc.

B. NUTRITION STANDARDS AND GUIDELINES:

The Board will ensure that reimbursable school meals meet the program requirements and nutritional standards established by applicable state and federal regulations. The Board will encourage students to make nutritious food choices and will monitor all food and beverages sold or served to students, including those available outside federally regulated child nutrition programs. The Board will consider nutrient density and portion size before permitting food and beverages to be sold or served to students.

Guidelines for Implementation:

1. Eating Environment Standards:

- a. Students will be provided an adequate time to eat breakfast and lunch, at least 15 minutes for breakfast and 20 minutes for lunch. Principals will arrange school schedules to accommodate adequate time for breakfast and lunch.
- b. Every effort will be made by cafeteria staff to process students, in a timely manner, as they come through the serving line to reduce waiting time. This will be accomplished by utilizing the Café Enterprise Point of Sale System for processing students in an efficient manner.
- c. Lunch periods are scheduled as near to the middle of the school day as possible. Principals will arrange school schedules accordingly. Dining areas are clean, attractive, safe, and have enough space for seating all students. This will be maintained by Child Nutrition Program personnel at the local and county level as well as school staff. Teachers will be encouraged to monitor student's behavior while in the cafeteria.
- d. Drinking water is available for students at meals. For example, water fountains, water dispensers, or cups of water are available in all cafeterias at no cost. Bottled water will be available for purchase. Food will not be used as a reward or as a punishment for student behaviors.

2. Child Nutrition Operating Standards:

a. The Child Nutrition Program will aim to be financially self-supporting. However, the program is an essential education support activity. Budget neutrality or profit generation will not take precedence over the nutritional needs of the students. If subsidy of the Child Nutrition Program fund is needed, it will not be from the sale of foods that have minimal nutritional value and/or compete nutritionally with the program meals. This will be insured by the principal, Child Nutrition Program Director, and the school system's Superintendent.

b. The Child Nutrition Program will ensure that all students have affordable access to nutritious foods they need to stay healthy and learn well. Prices for breakfast and lunch will be priced no lower than the cost of providing them so that the school food program can remain self-supporting, but will not be priced in such a manner as to cause hardship. Family Free/Reduced applications will be made available to every student. Family Meal Eligibility Applications will be given to all students on the first day of school. Applications will be available through the cafeteria manager, school guidance office, or the Superintendent's office for disbursement to students and/or parent's as necessary thereafter. Public newspaper ads and school newsletters will make application information available. Phone numbers will be provided for parents seeking assistance completing the application and/or that may have questions. Principals will make the participation and the return of the applications a high priority.

c. Employ a Child Nutrition Program Director, who is properly qualified, certified, and/or credentialed according to current professional standards, to administer the Child Nutrition Program and satisfy reporting requirements. This will be ensured by the Superintendent employing personnel per the standards set forth in Federal and State code. All food service personnel shall have adequate pre-service training in food service, safety, and sanitation operations. This will be maintained through yearly professional development under the supervision of a qualified Child Nutrition Program Director.

d. Students will be encouraged to start each day with a healthy breakfast. This will be accomplished through promotion of the breakfast program via newsletters to parents and inter-school promotion via health education in the classroom. The Board will encourage all school administrators to offer alternative breakfast programs including Breakfast in the Classroom and Second Chance Breakfast (offered after first period).

3. **Food Safety/Security Standards:**

a. All foods made available on campus comply with the state and local food safety and sanitation regulations. This is accomplished utilizing the Hazard Analysis Critical Control Points (HACCP) plan and guidelines that are implemented to prevent food illness

in schools. Each school is required to maintain appropriate control measures/logs as outlined in their school's plan.

b. For the safety and security of the food and facility, accesses to the food service operations are limited to the Child Nutrition staff and authorized personnel. This will be maintained by local Child Nutrition Program personnel. Signs are posted outlining restricted areas (e.g. kitchen).

4. **Nutrition Standards:** Foods of minimal nutritional value may not be sold in schools. Please refer to the USDA and Alabama implementation of Smart Snacks in School and Fundraising Activities, which is published by the Alabama State Department of Education Child Nutrition Program, for further guidance.

a. ***Cafeteria:*** The school cafeteria should reflect a healthy nutrition environment.

- Schools will ensure that all students have daily access to meals offered. Schools may not establish policies, class schedules, bus schedules, or other barriers that directly or indirectly restrict access to or the completion of meals. To ensure the Child Nutrition Program personnel will maintain a clean, healthy environment, they will follow the guidelines established by the State Health Department as well as their local HACCP plan. Principals will arrange school schedules and/or bus schedules in order to provide students access to all meals offered. Principals will allow students access to breakfast if for some reason a bus is late arriving at school.
- Serving sizes will comply with the meal pattern requirements as described by the United States Department of Agriculture (USDA) regulations. Foods served and/or sold through the National School Lunch and Breakfast Programs shall meet at a minimum, nutrition requirements established by local, state, and Federal statutes and regulations. Each cafeteria is provided with the appropriate serving size utensils and/or food is portioned according to the correct age appropriate serving size. Every effort will be made to assist students in selecting the appropriate amount of food. All cafeteria serving lines are monitored by Child Nutrition Program staff for compliance. School meals must meet daily and weekly requirements set forth by USDA school meal guidelines.
- Food items sold in the cafeteria will be purchased through the established contract with the State Department of Education's state wide purchasing agreement. This is achieved by the county Child Nutrition Program personnel purchasing from the State Department of Education's website.

- Focus will be placed on serving whole grains and more fresh fruits and vegetables. For example, half of the grains served will be whole grain rich, fresh fruits and vegetables are purchased through a reputable vendor to ensure product quality. Milk served shall meet the criteria established by USDA. Milk should be unflavored or flavored 1% or fat-free milk. Milk may not contain artificial sweeteners. Liquid milk will be made available with every reimbursable meal offered in school in accordance with USDA and SDE meal pattern requirements. Child Nutrition Program personnel will be responsible for milk bid specifications.
- Beverages other than liquid milk water will include sports drinks, 100% fruit juice, and tea. 100% juice may not exceed 12 oz. serving size. Sports drinks and teas may only be served high schools and cannot exceed 12 oz. Beverage guidelines follow USDA Smart Snack criteria and are monitored by the local and county Child Nutrition Program personnel for compliance.
- All other items sold or served as part of a meal or as a la carte shall adhere to the nutritional standards established by the Alabama State Department of Education Child Nutrition Program. This will be monitored for compliance at both the local school and county levels by Child Nutrition Program personnel.
- Cooking techniques should provide fiber, reduced sugar, reduced salt, and eliminate fried foods. Equipment has been purchased to enable foods to be prepared in a healthier method (e.g. eliminating the use of fryers). Child Nutrition Program funds will not be used to purchase fryers.
- Portion sizes identified by USDA meal pattern for the National School Lunch Program and the School Breakfast Program shall be adhered to. For example, portion sizes will be established by either pre-portioning items or ensuring that the correct portion size utensil is available and in place for use.
- Concessions, canteens, snack bars, vending machines, or other food sales may not be operated during the breakfast or lunch service time. Principals will ensure that competitive foods are not available during time allotted for meal service. Under no circumstance can food in competition be sold to children in food service areas during breakfast and lunch period(s). Principals will be responsible for monitoring and maintaining this standard.

- Food and/or beverages from outside restaurants may not be brought into the cafeteria in their original packages/bags/wrappers/cans/bottles/cups. These foods must be placed in an unmarked bag and/or cups.
- Please refer to the USDA Smart Snacks in School, which is published by the Alabama State Department of Education Child Nutrition Program, for further guidance (this document follows the local wellness policy).

b. ***Outside the Cafeteria:*** A healthy school environment goes beyond school meals in the cafeteria. A healthy lifestyle and maintaining a healthy weight requires healthy food choices be available outside of school cafeterias.

- Foods sold will follow the policy for sale of competitive foods as outlined in the most recent publication by the Alabama State Department of Education. Schools are prohibited from selling or providing free of charge any food or meal that is in competition with the scheduled school meal. Schools are required to eliminate student access to concessions, extra sales, vending machines, and fundraisers during the meal periods. Schools may not schedule sales immediately before or after meals that would compete with the meal service. If sales should occur that are in competition with the meal, then all income generated from such sales will be required to be deposited into the Child Nutrition account. The policy is not intended to restrict access to healthy snacks during recess or at any time other than meal service.
- The principal at each school will be responsible for monitoring and maintaining this regulation. Teachers and staff will be made aware and advised to comply with this regulation via school faculty/staff meeting.
- Please refer to the USDA Smart Snacks in Schools, which is published by the Alabama State Department of Education Child Nutrition Program, for further guidance (this document follows the local wellness policy).

c. ***School Parties:***

- With respect to school parties, food or beverage items served should meet the criteria for food items found in USDA Smart Snacks in Schools for Foods and Beverages at School.
- Foods of minimal nutritional value should not be offered. However, some items such as birthday cakes and/or cupcakes may be allowed on an infrequent basis. Schools have the discretion to prohibit any specific items at their own discretion.

- Persons responsible for this compliance include school administrators or staff (principals, coaches, teachers, etc.), students or student groups, parents or parent groups, or any other person, company, or organization.
- Please refer to the USDA Smart Snacks in Schools Standards for Foods and Beverages as School, which is published by the Alabama State Department of Education Child Nutrition Program, for further guidance (this document follows the local wellness policy).

d. *Fundraising Standards:*

- All fundraising activities shall comply with the State of Alabama's implementation of the Smart Snacks in School and Fundraising Activities. School Day means, for the purpose of competitive food standards implementation, the period from the midnight before, to 30 minutes after the end of the official school day.
- Fundraising activities that involve the selling of food should reinforce food choices that promote good health.
- Allowable Fundraising on School Campuses:
 - Foods that meet the USDA Smart Snacks in School standards, but are not sold in competition with school meals. Example: Fruit
 - Foods that do not meet the USDA Smart Snacks in School standards, but are not consumed at school. Example: Cookie Dough Sales
 - Non-food items. Example: School Supplies
 - Food fundraisers which meet exempt fundraising definition.

C. PHYSICAL EDUCATION AND 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 Alabama Course of Study. 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.

Guidelines for Implementation:

1. Ensure that state-certified physical education instructors teach all physical education classes. This is ensured by employing only certified physical education teachers and providing professional development on a yearly basis.
2. Ensure PE classes adhere to the Alabama Course of Study for Physical Education. One way to assess if classes are following the course of study will be to assess the PE programs with regard to their effectiveness and their adherence to the Alabama Course of Study for Physical Education by utilizing the Alabama Physical Fitness Assessment (APFA). The APFA, (revised 9/1/17) will be utilized to establish a base-line assessment for each student; progress of each student will be monitored throughout the year and a re-assessment, via the physical fitness test, will be administered at the end of the school year. Both Fall and Spring Assessments will be submitted to the Alabama State Department of Education for review.
3. Schedule PE in all grades. This is accomplished by providing students with opportunities for physical activity during the school day. This is established by offering PE class time requirements that provide, at a minimum, of 150 minutes of PE per week for students in kindergarten through eight. Increase PE class time requirement to the equivalent of 1 unit of high school credit in grades nine through twelve.
4. Provide age-appropriate equipment and safe facilities. This is accomplished by providing safe age-appropriate playground and sport equipment. Access to gym facilities will be provided to all age groups.
5. Information will be provided to families to help them incorporate physical activity into their student's lives. For example, include information regarding the benefits of physical activity in school newsletters and also provide helpful website information.

D. OTHER SCHOOL-BASED ACTIVITIES DESIGNED TO PROMOTE STUDENT WELLNESS:

HEALTH EDUCATION:

The goal of Health Education is to provide students with a working knowledge on health issues which will enable them to become health-literate citizens.

Guidelines for Implementation:

1. Ensure that state-certified teachers instruct all health classes. This is ensured by employing only certificated health education teachers and providing professional development on a yearly basis.
2. Schedule health education in all grades. This is accomplished by providing students class time requirements that provide, at a minimum, 60 minutes of health education per week for grades K-six and 250 minutes per week for grades seven through twelve.
3. Information will be provided to families to help them incorporate health education into their student's lives. For example, include information regarding the benefits of a healthy lifestyle in school newsletters and also provide helpful website information

E. ADMINISTRATIVE IMPLEMENTATION:

The Superintendent is authorized to develop and implement administrative rules and directives that are consistent with this policy and to oversee the implementation and triennial review and update of the wellness policy based on input from teachers (including specialists in health and physical education), school nurses, parents and guardians, students, representatives of the school food service program, school board members, school administrators, and the public.

The Superintendent will report to the Board, as requested, on programs and efforts that are designed to meet the purpose and intent of this policy and will inform and update the public regarding the content and implementation of the wellness program. The Superintendent will ensure each local schools compliance with the wellness policy and will measure triennially, and make available to the public an assessment of the implementation of the wellness policy, including the extent to which schools are in compliance with the policy, the extent to which the policy compares to model policy and to describe the progress made in attaining the goals of the policy.

Guidelines for Implementation:

1. **Community Involvement:** Those involved with the development of the wellness program include parents, students, the school board, the Child Nutrition Director, school administration, physical education teachers, school health professionals, and the public.
2. **District Wellness Committee:** The Superintendent of St Clair County Schools shall appoint a District Wellness Committee. One of its missions shall be to address nutrition and physical activity issues and will develop, implement, and evaluate guidelines that support a healthy school nutrition environment. This committee shall

offer revisions and achievement of goals on an annual basis or more frequently if needed.

3. **Monitoring:** Each school must assign one or more local school officers or school officials to ensure that each school is in compliance with the local wellness policy. The school officers or school officials will be determined by the school principal.
4. **Public Awareness:** The Board must inform and update the public about the content and implementation of the local wellness policy via local school newsletters or school website, etc. on a yearly basis. The information provided to the public includes: the extent to which schools are in compliance with the local wellness policy, the extent to which the local wellness policy compares to model local school wellness policies, and the progress made in attaining the goals of the local wellness policy. Only items that meet the Smart Snack Standards in Schools may be marketed and/or advertised by the LEA.

REFERENCE(S):

CODE OF ALABAMA

16-8-9, PUBLIC LAW 108-265 SECTION 204

HISTORY:

ADOPTED: JUNE 26, 2006

REVISED: FEBRUARY 22, 2010, MARCH 18, 2019

FORMERLY: IDB

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INFORMATION MANAGEMENT SYSTEM

8.70

The St. Clair County School System shall develop and maintain an integrated information system for educational management. The Superintendent or designee shall ensure compatibility exists with the state information systems. Procedures and guidelines shall be developed to ensure that adequate management information support needs are met.

REFERENCE(S):

CODE OF ALABAMA

[16-8-9](#), [16-13-231](#)

HISTORY:

ADOPTED: FEBRUARY 22, 2010

REVISED: _____

FORMERLY: NEW

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DATA GOVERNANCE POLICY

8.71

Introduction

Protecting our students' and staffs' privacy is an important priority, and St. Clair County Schools is committed to maintaining strong and meaningful privacy and security protections. The privacy and security of this information is a significant responsibility, and we value the trust of our students, parents, and staff.

The St. Clair County Schools Data Governance document includes information regarding the Data Governance Committee, the actual St. Clair County Schools Data and Information Governance and Acceptable Use Policy, applicable Appendices, and Supplemental Resources.

The policy formally outlines how operational and instructional activity shall be carried out to ensure St. Clair County Schools' data is accurate, accessible, consistent, and protected. The document establishes who is responsible for information under various circumstances and specifies what procedures shall be used to manage and protect it.

The St. Clair County Schools Data Governance Policy will be a living document. Procedures to ensure document flexibility are outlined throughout this document. With the Board's permission, the Data Governance Committee may quickly modify information in the Appendices in response to changing needs. All modifications will be posted on the St. Clair County Schools' website.

I. PURPOSE

- A. It is the policy of St. Clair County Schools that data or information in all its forms--written, electronic, or printed--are protected from accidental or intentional unauthorized modification, destruction or disclosure throughout its life cycle. This protection includes an appropriate level of security over the equipment, software and practices used to process, store, and transmit data or information. All of this policy was written with "Need to Know" in mind.
- B. The data governance policies and procedures are documented and reviewed annually by the data governance committee.
- C. St. Clair County Schools conducts and documents annual training on their data governance policy.
- D. The terms data and information are used separately, together, and interchangeably throughout the policy. The intent is the same.

II. SCOPE

The Superintendent and their designee is authorized to establish, implement, and maintain data and information security measures. The policy, standards, processes, and procedures apply to all students and employees of the district, contractual third parties and agents of the district, and volunteers who have access to district data or data systems.

This policy applies to all forms of St. Clair County Schools' data and information, including but not limited to:

- A. Speech, spoken face to face, or oral communicated by phone or any current and future technologies.
- B. Hard copy data printed or written.
- C. Communications sent by post/courier, fax, electronic mail, text, chat and or any form of social media, etc.
- D. Data stored and/or processed by servers, PCs, laptops, tablets, mobile devices, etc.

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- E. Data stored on any type of internal, external, or removable media or cloud based services.
- F. Software, hardware and any peripherals used to access or store data.

III. Common Definitions and Responsibilities

Definitions

- A. **Availability:** Data or information is accessible and usable upon demand by an authorized person.
- B. **Confidentiality:** Data or information is not made available or disclosed to unauthorized persons or processes.
- C. **Data:** Facts or information
- D. **Entity:** Organization such as school system, school, department or in some cases business
- E. **Information:** Knowledge that you get about something or someone; facts or details.
- F. **Data Integrity:** Data or information has not been altered or destroyed in an unauthorized manner.
- G. **Involved Persons:** Every user of Involved Systems (see below) at St. Clair County Schools – no matter what their status. This includes nurses, residents, students, employees, contractors, consultants, temporaries, volunteers, substitutes, student teachers, interns, etc.
- H. **Systems:** All data-involved computer equipment/devices and network systems that are operated within or by the St. Clair County Schools physically or virtually. This includes all platforms (operating systems), all computer/device sizes (personal digital assistants, desktops, mainframes, telephones, laptops, tablets, game consoles, etc.), and all applications and data (whether developed in-house or licensed from third parties) contained on those systems.
- I. **Personally Identifiable Information (PII):** PII is any information about an individual maintained by an agency, including:
 - any information that can be used to distinguish or trace an individual's identity, such as name, social security number, date and place of birth, mother's maiden name, or biometric records; and
 - any other information that is linked or linkable to an individual, such as medical, educational, financial, and employment information.
- J. **Risk:** The probability of a loss of confidentiality, integrity, or availability of information resources.

Responsibilities

- A. **Data Governance Committee:** The Data Governance Committee for St. Clair County Schools is responsible for working with the Information Security Officer (ISO) to ensure security policies, procedures, and standards are in place and adhered to by the entity. Other responsibilities include:
 - Reviewing the Data Governance Policy and Acceptable Use Policy annually and communicating changes in policy to all involved parties.
 - Educating data custodians and manage owners and users with comprehensive information about security controls affecting system users and application systems.

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- B. **Information Security Officer:** The Information Security Officer (ISO) for St. Clair County Schools is responsible for working with the superintendent, Technology Director, Technology Team, Data Governance Committee, User Management, Owners, and Users to develop and implement prudent security policies, procedures, and controls. Specific responsibilities include:
- Providing basic security support for all systems and users.
 - Advising owners in the identification and classification of technology and data related resources.
 - Advising systems development and application owners in the implementation of security controls for information on systems, from the point of system design, through testing and production implementation.
 - Performing or overseeing security audits.
 - Reporting regularly to the Superintendent, Technology Director and St. Clair County Schools Data Governance Committee on St. Clair County Schools' status with regard to information security.
- C. **User Management:** St. Clair County Schools' Administrators are responsible for overseeing their staff's use of information and systems.
- Reviewing and approving all requests for their employees' access authorizations.
 - Initiating security change requests to keep employees' secure access current with their positions and job functions.
 - Promptly informing appropriate parties of employee terminations and transfers, in accordance with local entity termination procedures.
 - Revoking physical access to terminated employees, i.e., confiscating keys, changing combination locks, etc.
 - Providing employees with the opportunity for training needed to properly use the computer systems.
 - Reporting promptly to the Superintendent, Technology Director, ISO and the Data Governance Committee the loss or misuse of St. Clair County' information.
 - Initiating corrective actions when problems are identified.
 - Following existing approval processes within their respective organization for the selection, budgeting, purchase, and implementation of any technology or data system/software to manage information.
 - Following all privacy and security policies and procedures.
- D. **Student User management:** Administrators and Faculty are responsible for overseeing all student use of data and data systems, including:
- Monitoring websites students use
 - Student use of personal devices while on school property
 - Student's use of electronic and paper data
 - Students use of School provided systems
 - Never allow a student to view systems while an employee is logged in
 - Monitor student system logins and assure students are using their own credentials to login to systems and software
 - Assure students are aware of privacy policies
 - Reporting promptly to the Superintendent, Technology Director, ISO and the Data Governance Committee the loss or misuse of St. Clair County' information.
 - Initiating corrective actions when problems are identified.
 - Ensure all students are following all privacy and security policies and procedures as well as the St Clair County Board of Education Acceptable Use Policy.

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- E. **Information Owner:** The owner of a collection of information is usually the administrator or supervisor responsible for the creation of that information. In some cases, the owner may be the primary user of that information. In this context, ownership does not signify proprietary interest, and ownership may be shared.

The owner of information has the responsibility for:

- Knowing the information for which she/he is responsible.
- Determining a data retention period for the information, relying on Local, State and Federal laws, ALSDE guidelines, industry standards, Data Governance Committee guidelines or advice from the school system attorney.
- Ensuring appropriate procedures are in effect to protect the integrity, confidentiality, and availability of the information used or created.
- Authorizing access and assigning data custodianship if applicable.
- Specifying controls and communicating the control requirements to the data custodian and users of the information.
- Reporting promptly to the Technology Director, Data Governance Committee and ISO the loss or misuse of St. Clair County's data.
- Initiating corrective actions when problems are identified.
- Promoting employee education and awareness by utilizing programs approved by the ISO and Data Governance Committee, where appropriate.
- Following existing approval processes within the respective organizational unit and district for the selection, budgeting, purchase, and implementation of any computer system/software to manage information.

- F. **User:** The user is any person who has been authorized to read, enter, print or update information.

A user of information is expected to:

- Access information only in support of their authorized job responsibilities.
- Comply with all data security procedures and guidelines in the St. Clair County Schools Data Governance Policy.
- Keep personal authentication devices (e.g. passwords, secure cards, PINs, access codes, etc.) confidential.
- Report promptly to the ISO and or Data Governance Committee the loss or misuse of St. Clair County Schools' information.
- Follow corrective actions when problems are identified.
- Adhere to the St Clair County Board of Education Acceptable Use Policy

IV. REGULATORY COMPLIANCE

The district will abide by any law, statutory, regulatory, or contractual obligations affecting its data systems. St. Clair County Schools complies with all applicable regulatory acts including but not limited to the following:

- A. Children's Internet Protection Act (CIPA)
- B. Children's Online Privacy Protection Act (COPPA)
- C. Family Educational Rights and Privacy Act (FERPA)
- D. Health Insurance Portability and Accountability Act (HIPAA)
- E. Payment Card Industry Data Security Standard (PCI DSS)
- F. Protection of Pupil Rights Amendment (PPRA)

Referenced Laws, Regulatory and Contractual Security Requirements

- A. **CIPA:** The **Children's Internet Protection Act** was enacted by Congress in 2000 to address concerns about children's access to obscene or harmful content over the Internet. CIPA imposes certain requirements on schools or libraries that receive discounts for Internet access or internal

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connections through the E-rate program. Schools subject to CIPA have two additional certification requirements:

- 1) their Internet safety policies shall include monitoring the online activities of minors; and
- 2) as required by the Protecting Children in the 21st Century Act, they shall provide for educating minors about appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms, and cyber bullying awareness and response.

For more information see: <http://www.fcc.gov/guides/childrens-internet-protection-act>

- B. **COPPA: The Children's Online Privacy Protection Act**, regulates operators of commercial websites or online services directed to children under 13 that collect or store information about children. Parental permission is required to gather certain information. See www.coppa.org for more details.
- C. **FERPA: The Family Educational Rights and Privacy Act**, applies to all institutions that are recipients of federal aid administered by the Secretary of Education. This regulation protects student information and accords student's specific rights with respect to their data. For more information see: <http://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html>
- D. **HIPAA: The Health Insurance Portability and Accountability Act**, applies to organizations that transmit or store Protected Health Information (PII). It is a broad standard that was originally intended to combat waste, fraud, and abuse in health care delivery and health insurance, but is now used to measure and improve the security of health information as well. For more information see: <http://www.hhs.gov/ocr/privacy/hipaa/understanding/>
- E. **PCI DSS: The Payment Card Industry Data Security Standard** was created by a consortium of payment brands including American Express, Discover, MasterCard, and Visa. It covers the management of payment card data and is relevant for any organization that accepts credit card payments. For more information see: www.pcisecuritystandards.org
- F. **PPRA: The Protection of Pupil Rights Amendment** applies to programs that receive funding from the U.S. Department of Education (ED). PPRA is intended to protect the rights of parents and students in two ways:
1. It seeks to ensure that schools and contractors make instructional materials available for inspection by parents if those materials will be used in connection with an ED-funded survey, analysis, or evaluation in which their children participate; and
 2. It seeks to ensure that schools and contractors obtain written parental consent before minor students are required to participate in any ED-funded survey, analysis, or evaluation that reveals information concerning:
 - Political affiliations;
 - Mental and psychological problems potentially embarrassing to the student and his/her family;
 - Sex behavior and attitudes;
 - Illegal, anti-social, self-incriminating and demeaning behavior;
 - Critical appraisals of other individuals with whom respondents have close family relationships;
 - Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers; or
 - Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

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Parents or students who believe their rights under PPRA may have been violated may file a complaint with ED by writing the Family Policy Compliance Office. Complaints must contain specific allegations of fact giving reasonable cause to believe that a violation of PPRA occurred. For additional information or technical assistance, you may call (202) 260-3887. Individuals who use TDD may call the Federal Information Relay Service at 1 (800) 877-8339. Or you may contact us at the following address:

**Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202-5920**

<http://www2.ed.gov/policy/gen/guid/fpcopppra/index.html>

V. RISK MANAGEMENT

- A. A thorough risk analysis of all St. Clair County Schools' data networks, systems, policies, and procedures shall be conducted on an annual basis or as requested by the Superintendent, ISO or Technology Director. The risk assessment shall be used as a basis for a plan to mitigate identified threats and risk to an acceptable level.
- B. The Superintendent or designee administers periodic risk assessments to identify, quantify, and prioritize risks. Based on the periodic assessment, measures are implemented that mitigate the threats by reducing the amount and scope of the vulnerabilities.

VI. DATA CLASSIFICATION

Classification is used to promote proper controls for safeguarding the confidentiality of data. Regardless of classification, the integrity and accuracy of all classifications of data are protected. The classification assigned and the related controls applied are dependent on the sensitivity of the data. Data are classified according to the most sensitive detail they include. Data recorded in several formats (e.g., source document, electronic record, report) have the same classification regardless of format.

A. Personally Identifiable Information (PII)

1. PII is information about an individual maintained by an agency, including:
 - a. Any information that can be used to distinguish or trace an individual's identity, such as name, social security number, date and place of birth, mother's maiden name, or biometric records.
 - b. Any other information that is linked or linkable to an individual, such as medical, educational, financial, and employment information.
2. Unauthorized or improper disclosure, modification, or destruction of this information could violate state and federal laws, result in civil and criminal penalties, and cause serious legal implications for St. Clair County Schools.

B. Confidential Information

1. Confidential Information is very important and highly sensitive material that is not classified as PII. This information is private or otherwise sensitive in nature and must be restricted to those with a legitimate business need for access.
Examples of Confidential Information may include:
 - Personnel information
 - Key financial information
 - Proprietary information of commercial research sponsors
 - System access passwords and information file encryption keys

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2. Unauthorized disclosure of this information to people without a business need for access may violate laws and regulations, or may cause significant problems for St. Clair County Schools, its staff, parents, students including contract employees, or its business partners. Decisions about the provision of access to this information must always be cleared through the information owner and/or Data Governance Committee.

C. Internal Information

1. Internal Information is intended for unrestricted use within St. Clair County Schools, and in some cases within affiliated organizations such as St. Clair County Schools' business or community partners. This type of information is already widely-distributed within St. Clair County Schools, or it could be so distributed within the organization without advance permission from the information owner.
Examples of Internal Information may include:
 - Personnel directories
 - Internal policies and procedures
 - Internal electronic messages
2. Any information not explicitly classified as PII, Confidential or Public shall, by default, be classified as Confidential Information until properly reclassified by the Superintendent, ISO or Data Governance Committee.
3. Unauthorized disclosure of this information to outsiders may not be appropriate due to legal or contractual provisions and could result in disciplinary or legal actions.

D. Public Information

1. Public Information will only be approved and released to the public by a specifically designated authority within each entity of St. Clair County Schools. Individuals are not authorized to release information to the public in any format without prior approval. No information about emergency or legal situations can be released to the public without explicit approval from Administration.
Examples of Public Information may include:
 - Marketing brochures and material posted to St. Clair County Schools' web pages
 - Tweets, Facebook, phone calls, emails and or information to the public regarding lockdowns etc...
2. This information may be disclosed outside of St. Clair County Schools.

E. Directory Information

St. Clair County Schools defines Directory information as follows:

- First and last name
- Gender
- Home address
- Home telephone number
- Email address
- Photograph
- Place and date of birth
- Dates of attendance (years)
- Student grade level
- Diplomas, honors, awards received
- Student participation in school activities or school sports
- Student weight and height for members of school athletic teams
- Student most recent institution/school attended
- Student ID number

VII. SYSTEMS AND INFORMATION CONTROL

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Any computer, laptop, mobile device, printing and/or scanning device, network appliance/equipment, AV equipment, server, internal or external storage, communication device or any other current or future electronic or technological device may be referred to as systems. All involved systems and information are assets of St. Clair County Schools and shall be protected from misuse, unauthorized manipulation and destruction. These protection measures may be physical and/or software based.

1. Data Inventory

The St. Clair County School System collects individual student data directly from students and/or families through our state funded student data management system, Chalkable formerly STI (iNOW). Local student data is securely transmitted daily to the state's data management system from which state and federal reporting is completed. Each student is assigned a unique student identifier upon enrollment into the student management system to ensure compliance with the privacy rights of the student and his or her parents/guardians

Maintaining a complete up-to-date inventory of all records and data systems, including those used to store and process data, enables the St. Clair County Schools to target its data security and privacy management efforts to appropriately protect sensitive data. The data records inventory specifies what data elements are collected, provides a justification for their collection, and explains the intended purpose(s) for their use.

STUDENT DATA FILES

Data elements collected	Justification for collection	Intended purpose(s) for use
Basic Demographic Information: Student name, State ID #, address, phone, parent info/contact, race, gender, home language, etc.	State reporting requirements	Student Identification Star Assessment Enrollment (Athletics) Drug Testing
Student info: Social security number and/or Identifying Number	State reporting requirements	Student Identification C2C (Athletics) Drug Testing
Grades	State reporting requirements	Track student's achievement levels throughout their school career C2C (Athletics)
Attendance	State reporting requirements	Track student's attendance throughout their school career
Discipline	State reporting requirements	Track student's discipline throughout their school career
Free/Reduced Lunch information	State reporting requirements	To determine if the student qualifies for free/reduced meals
Special Ed/504/ELL data	Data is collected to ensure proper placement of students in the educational environment	To ensure provision of a free and appropriate education for students with special needs

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<p>Assessment data from the following assessments:</p> <ul style="list-style-type: none">• Dibels• Aspire• ASA• ACCESS (LEP students)• AAA (Alabama Alternate Assessment)• Quality Core End of Course Assessments• Explore (grade 8)• Renaissance- Star Reading and Math (grades K-8)• Plan (grade 10)• ACT (grade 11)• Work Keys (grade 12)• PSAT (grade 11)• Global Scholars-Performance and Achievement Series• STI Achievement & Assessment• Classworks• AP examsStar Assessment (Athletics)	<p>State reporting requirements</p>	<p>Track student's achievement levels throughout their school career to determine areas of strengths and weaknesses and college and career readiness</p>
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This information could be provided to the judicial system for Attendance Referrals, Discipline, and various legal needs.

- Memorandum of Agreement:** A Memorandum of Agreement (MOA) will be completed between St Clair County Board of Education and any third party vendor or outside entity that may need access to St Clair County Board of Education, Computers, Network, files, or data (paper or electronic) and kept on file for a minimum period of 3 years. The MOA will be reviewed and updated annually.
The MOA is available at <http://www.sccboe.org/moa>
- Data Back-up and Retention Procedures:** St Clair County Board of Education will maintain a backup of data that has been stored on the servers in the St Clair County Board of Education network environment. Backups of data created on the local computers or local computing devices are not collected. Any data requiring to be collected in the backup systems must be stored on the St Clair County Board of Education Network drives. Backups will be retained according to type data, and the Industry Best Practices, SCCBOE Policy, Local, State and Federal Laws.

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4. End User access

All end users, including all employees, students, guest, vendors, etc., are required to have and use a unique individual Username and Password (login credential), to access local computing devices, the SCCBOE domain, the SCCBOE network and all SCCBOE network resources. This username and password will be created and maintained on the SCCBOE domain. Properly created accounts will receive the appropriate rights to network drives, email, local computer rights, internet access, 3rd party software etc. This is to ensure the privacy and integrity of the User account and the security of information created and stored on the SCCBOE domain and its network, in addition to protecting and securing PII and being compliant with all rules laws and industry best practices. All accounts will be used in accordance with the SCCBOE Acceptable Use Policy and any violations could be subject to penalties, disciplinary actions and possible legal actions.

5. Password Strength

1. Users are responsible for complying with the following password standards for network access or access to secure information:
 - a. Passwords must never be shared with another person, unless the person is a designated security manager.
 - b. Every password shall, where possible, be changed yearly if not more frequently for staff and on an age appropriate schedule for students. Guest passwords are changed on the first of every month.
 - c. Passwords must, where applicable, have a minimum length of six (6) characters.
 - d. When possible, for secure sites and/or software applications, user created passwords should adhere to the same criteria as required for network access. These criteria are defined in the SCC Network Group Policy Criteria for Passwords and is listed below:
 - i. Must not contain the user's account name or parts of the user's full name that exceed two consecutive characters
 - ii. Contain characters from three of the following four categories:
 - At least one English uppercase character (A through Z)
 - English lowercase characters (a through z)
 - At least one base 10 digit (0 through 9)
 - At least one non-alphanumeric characters (for example !, \$, #, %)
2. Passwords must never be saved when prompted by any application with the exception of central single sign-on (SSO) systems as approved by the Technology Department. This feature must be disabled in all applicable systems.
3. Passwords must not be programmed into a PC or recorded anywhere that someone may find and use them.
4. When creating a password for secure information or sites, it is important not to use passwords that are easily guessed due to their association with the user (i.e. children's names, pets' names, birthdays, etc.) A combination of alpha and numeric characters is more difficult to guess.
5. Where possible, system software should enforce the following password standards:
 - a. Passwords routed over a network must be encrypted.
 - b. Passwords must be entered in a non-display field.
 - c. System software must enforce the changing of passwords and the minimum length.
 - d. System software shall disable the user password when more than three consecutive invalid passwords are given. Lockout time shall be set at a minimum of 30 minutes.
 - e. System software should maintain a history of previous passwords and prevent their being easily guessed due to their association with the user. A combination of alpha and numeric characters is more difficult to guess.

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VIII. IT Disaster Recovery

Controls shall ensure that St. Clair County Schools can recover from any damage to critical systems, data, or information within a reasonable period of time. Each school, department, or individual is required to report any instances immediately to the Superintendent, Technology Director and/or ISO for response to a system emergency or other occurrence (for example: fire, vandalism, system failure and natural disaster) that damages data or systems. The IT Disaster Plan shall include the following:

- A. A prioritized list of critical services, data, and contacts.
- B. A process enabling St. Clair County Schools to restore any loss of data in the event of fire, vandalism, natural disaster, or system failure.
- C. A process enabling St. Clair County Schools to continue to operate in the event of fire, vandalism, natural disaster, or system failure.
- D. Procedures for periodic testing of written contingency plans to discover weaknesses and the subsequent process of revising the documentation, if necessary.

IX. Acquisition of Software Procedures

Purchasing and Disposal Procedures

This procedure is intended to provide for the proper purchasing and disposal of software, cloud based hosted software, technology devices, any computer, laptop, mobile device, printing and or scanning device, network appliance/equipment, AV equipment, server, internal, external or cloud based storage, communication device or any other current or future electronic or technological device or service, herein referred to as systems in this document.

For further clarification of the term technological systems contact the St. Clair County Schools' district Technology Director. All involved systems and data are assets of St. Clair County Schools and are expected to be maintained for cleanliness as well as protected from misuse, unauthorized manipulation, and destruction.

These protection measures may be physical and or software based.

X. Purchasing Guidelines

A. Hardware

All systems that will be purchased, received as a donation or used in conjunction with St. Clair County Schools' technology resources regardless of funding, must be from an approved list of vendors or approved to be accepted by the district Technology Director.

Failure to have the purchase/donation approved may result in lack of technical support, request for removal from premises, or denied access to other technology resources.

B. Software

The Technology Department and/ or Data Governance Committee must be involved in all software, Apps or Cloud based service purchases and decision making process regardless of funding sources. This is to help ensure all software is compatible with existing systems and software. Additionally, to help ensure that all software is compliant with all privacy laws as well as the St Clair County Board of Education Data Governance Policy and all software is legally licensed.

1. Software Installation and Use: All software packages that reside on technological systems within or used by St. Clair County Schools must comply with applicable licensing agreements and restrictions and must comply with St. Clair County Schools' acquisition of software procedures.
2. Ownership of Software: All computer software developed by St. Clair County Schools' employees or contract personnel on behalf of St. Clair County Schools, licensed or purchased for St. Clair County Schools' use is the property of St. Clair County

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Schools and may not be copied for use at home or any other location, unless otherwise specified by the license agreement.

C. Unapproved Software

Any unapproved software, Apps or Cloud based services will not be allowed to be installed on the SCCBOE Domain or its network, any servers or local computing devices until the Technology Department and/ or the Data Governance Committee can examine all software requirements, any compatibility issues, any license issue and compliance with all privacy laws as well as the St Clair County Board of Education Data Governance Policy.

D. Cloud Storage and Software

Purchased software accessed from and storing data in a cloud environment will be required to have a Memorandum of Agreement (MOA) on file with the Technology Director that states or confirms at a minimum that:

1. SCCBOE student and/or staff data will not be shared, sold, or mined with or by a third party,
2. SCCBOE student and/or staff data will not be stored on servers outside the US unless otherwise approved by the SCCBOE Data Governance Committee,
3. The company must comply with SCCBOE guidelines for data transfer or destruction when contractual agreement is terminated.
4. No API will be implemented without full consent of SCCBOE and the ALSDE.

E. Alabama Competitive Laws

1. All electronic equipment is subject to Alabama competitive bid laws. There are several purchasing co-ops that have been approved for use by the Alabama State Examiners office: <http://www.examiners.state.al.us/purchcoop.aspx>. Generally for technological devices and services, St. Clair County Schools purchase from the Alabama Joint Purchasing Agreement (ALJP): [https://connect.alsde.edu/sites/eia/aljp/SitePages/ALJP%20\(Alabama%20K-12%20\(IT\)%20Joint%20Purchasing\)Home.aspx](https://connect.alsde.edu/sites/eia/aljp/SitePages/ALJP%20(Alabama%20K-12%20(IT)%20Joint%20Purchasing)Home.aspx)
2. In the event that a desired product is not included in one of these agreements, St. Clair County Schools bids the item or items using the districts competitive bid process. All technological systems, services, etc. over \$15,000.00 purchased with public funds are subject to Alabama's competitive bid laws.
3. The \$15,000.00 rule is a cumulative number and includes all purchases of any one type product that has been purchased system wide.

F. Inventory

1. All technological devices or systems over \$500.00 are inventoried by the Technology Department in accordance with the St. Clair County Schools' Finance Department using the inventory system.
2. There are some exceptions under \$500.00, as determined by the Technology Director, such as but not limited to peripherals that are inventoried.
3. It is the responsibility of the local school Technology Contact to inventory technological systems used in the local school and manage said inventory. The district technology staff is responsible for ensuring that any network equipment, file servers, or district systems, etc. are inventoried.

XI. Disposal Guidelines

- A. Equipment shall be considered for disposal for the following reasons:

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1. End of useful life
 2. Lack of continued need
 3. Obsolescence
 4. Wear, damage, or deterioration
 5. Excessive cost of maintenance or repair
- B. The local school principal, Technology Director, and or the Director of Finance shall approve school disposals list to be presented to the Board of Education for approval of disposal by discard or donation.
- C. Written documentation in the form of a spreadsheet including but not limited to the following shall be provided to the District Technology Office no later than Wednesday at 9:00 a.m. prior to the next Board of Education meeting on the following Monday:
1. Fixed asset tag (FAT) number
 2. Location
 3. Description
 4. Serial number
 5. Original cost and account code if available

D. ***Methods of Disposal***

Once equipment has been designated and approved for disposal, it must be handled according to one of the below listed methods.

It is the responsibility of the local school Technology Contact to modify the inventory entry to reflect any in-school transfers, in-district transfers, donations or discards for technological systems. The department from which a computing device was purchased is responsible for modifying the inventory records to reflect any transfers within the central offices, any transfers of central office electronic equipment to local schools, central office donations or central office discards.

E. ***Transfer/Redistribution***

If the equipment has not reached the end of its estimated life, an effort shall be made to redistribute the equipment to locations where it can be of use, first within an individual school or office, and then within the district. Service requests may be entered to have the equipment moved, reinstalled and, in the case of computers, laptops, or peripheral devices, have it wiped and reimaged or configured.

F. ***Discard***

All electronic equipment in the St. Clair County Schools district must be discarded in a manner consistent with applicable environmental regulations. Electronic equipment may contain hazardous materials such as mercury, lead, and hexavalent chromium. In addition, systems may contain Personally Identifiable Information (PII), Confidential, or Internal Information.

Systems must be wiped clean of this information prior to leaving the school district. A district-approved vendor will be contracted for the disposal of all technological systems/equipment. The vendor must provide written documentation verifying the method used for disposal and a certificate stating that no data of any kind can be retrieved from the hard drive or any other component capable of storing data.

Under no circumstances should any technological systems/equipment be placed in the trash. Doing so may make St. Clair County Schools and/or the employee who disposed of the equipment liable for violating environmental regulations or laws.

XII. Virus, Malware, and Spyware Protection

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Virus checking systems approved by the District Technology Department are deployed using a multi-layered approach (computers, servers, gateways, firewalls, filters, etc.) that ensures all electronic files are appropriately scanned for viruses, malware, and spyware. Users shall not turn off or disable St. Clair County Schools' protection systems or install other systems.

St. Clair County Schools' desktops, laptops, and file servers run licensed industry standard antivirus/antimalware software. Virus definitions are updated regularly; all Microsoft PC based systems are set to scan all network files as they are accessed. Quick scans are set to run daily at 10:00 AM and a full scheduled scan runs every Friday at 2:00 PM or if missed or interrupted at the next time the computer/laptop is turned on.

XIII. Internet Filtering

Online content and social collaboration continues to increase as educational resources.

St. Clair County Schools employs Internet filtering as a way to balance safety with learning—letting good content, resources, and connections in while blocking the bad. To balance educational Internet resources and app use with student safety and network security, the Internet traffic from all devices that authenticate to the network is routed through a web filter using the user's network credentials.

For peripheral devices and guest devices, users see a login screen that requires them to login to the web filter with their network credentials or a guest login and password to gain access to the Internet. This process sets the filtering level appropriately based on the role of the user, such as, student, staff or guest, and more specifically for students, the grade level of the child.

All sites that are known for malicious software, phishing, spyware, advertising or have inappropriate graphics or language etc. will be blocked.

XIV. Phishing and SPAM Protection

In addition to the built in spam filtering of Microsoft Exchange, email is filtered for viruses, phishing, spam, and spoofing using a combination of filtering appliances and software. The Spam filter will provide access for the end user to view and recover emails that were caught and held. While the end user can release and recover held emails this should only be done with the strictest care and if it is an email the end user was expecting.

XV. Security Patches

Windows security patches and other Windows patches are researched, tested and approved before being scheduled to "auto-download" and "schedule install." The schedule installs occur during anticipated low usage time frames, in the event they are interrupted for whatever reason they will continue update attempts at the next opportunity when the system is next turned on.

For security reasons all devices are to be permitted the opportunity to update with these patches.

XVI. Physical and Security Controls

Access Controls: Physical and electronic access to information systems that contain Personally Identifiable Information (PII), Confidential information, Internal information and computing resources is controlled. To ensure appropriate levels of access by internal workers, a variety of security measures are instituted as recommended by the Data Governance Committee and approved by St. Clair County Schools. In particular, the data governance committee shall document roles and rights to the student information system and other like systems. Mechanisms to control access to PII, Confidential information, Internal information and computing resources include, but are not limited to, the following:

1. **Authorization:** Access shall be granted on a "need to know" basis and shall be authorized by the superintendent, principal, immediate supervisor, or Data Governance Committee with the assistance of the Technology Director and/or Information Security Officer (ISO.) Specifically, on a case-by-case basis, permissions may be added in to those already held by individual users in

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the student management system, again on a need-to-know basis and only in order to fulfill specific job responsibilities, with approval of the Data Governance Committee.

2. **Identification/Authentication:** Unique user identification (user ID) and authentication are required for all systems that maintain or access PII, Confidential information, and/or Internal Information. Users will be held accountable for all actions performed on the system with their User ID. User accounts and passwords must NOT be shared.
3. **Data Integrity:** St. Clair County Schools provides safeguards so that PII, Confidential, and Internal Information is not altered or destroyed in an unauthorized manner. Core data are backed up to a private cloud for disaster recovery. In addition, listed below are methods that are used for data integrity in various circumstances:
 - a. transaction audit
 - b. disk redundancy (RAID)
 - c. ECC (Error Correcting Memory)
 - d. checksums (file integrity)
 - e. data encryption
 - f. data wipes
4. **Transmission Security:** Technical security mechanisms are in place to guard against unauthorized access to data that is transmitted over a communications network, including wireless networks. The following features are implemented:
 - a. integrity controls and
 - b. encryption, where deemed appropriate (all SCCBOE Exchange email is encrypted via SSL certificates)

Note: Only SCCBOE district-supported email accounts will be used for communications to and from school employees, to and from parents or other community members, to and from other educational agencies, to and from vendors or other associations, and to and from students for school business.

All School business conducted in email must only be in the SCCBOE email system.

5. **Remote Access:** Access into St. Clair County Schools' network from outside is allowed using the SCCBOE Portal. All other network access options are strictly prohibited without explicit authorization from the Technology Director, ISO, or Data Governance Committee. Further, PII, Confidential Information and/or Internal Information that is stored or accessed remotely must maintain the same level of protections as information stored and accessed within the St. Clair County Schools' network. PII must only be stored in cloud storage if said storage has been approved by the Data Governance Committee or its designees.
6. **Physical and Electronic Access and Security:** Access to areas in which information processing is carried out must be restricted to only appropriately authorized individuals. At a minimum, staff passwords must be changed annually.
 - a. No PII, Confidential and/or Internal Information shall be stored on a device itself such as a hard drive, mobile device of any kind, or external storage device that is not located properly secured.
 - b. No technological systems that may contain information as defined above shall be disposed of or moved without adhering to the appropriate Purchasing and Disposal of Electronic Equipment procedures.
 - c. It is the responsibility of the user to not leave these devices logged in, unattended, and open to unauthorized use.

XVII. Social Networking

While an absolute ban on electronic communications (IM, Facebook, Snapchat, Email, etc.) between a student and faculty member may seem extreme, everyone should be aware that great caution should be taken in this practice. The St Clair County Board of Education does not recommend faculty having this type communication with students. However, the SCCBOE does recognize there may be an occasional need.

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- a. Professional and business topics should only be discussed. It is suggested this only be school related communications and such things as a friend request should be avoided.
- b. Never discuss private or personal issues.
- c. Maintain a record of all conversations.
- d. Notify an administrator if a student uses electronic communications to report a crime or abuse.
- e. Social Networking is not an approved forum to communicate PII or Student Progress,
- f. Social Networking is not an approved forum to communicate Emergency, Legal situations or school status unless approved by Administration.

XVIII. The following physical and security controls must be adhered to:

- A. **Network systems must be installed in an access-controlled area.** The area in and around the computer facility shall afford protection against fire, water damage, and other environmental hazards such as power outages and extreme temperature situations outside of industry accepted operational standards.
- B. **Monitor and maintain data centers' temperature and humidity levels.** The American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) recommends an inlet temperature range of 68 to 77 degrees and relative humidity of 40% to 55%.
- C. **File servers** and or storage containing PII, Confidential and or Internal Information shall be installed in a secure area to prevent theft, destruction or access by unauthorized individuals.
- D. **Computers and other systems must be secured** against use by unauthorized individuals. It is the responsibility of the user to not leave these devices logged in, unattended, and open to unauthorized use.
- E. **Ensure network systems and network equipment are properly secured** to prevent unauthorized physical access and data is properly safeguarded to protect from loss. A record must be maintained of all personnel who have authorized access.
- F. **Maintain a log of all visitors** granted entry into secured areas or areas containing sensitive or confidential data (e.g., data storage facilities). Record the visitor's name, organization, and the name of the person granting access. Retain visitor logs for no less than 6 months. Ensure visitors are escorted by a person with authorized access to the secured area.
- G. **Monitor and control the delivery** and removal of all asset-tagged and or data-storing technological equipment or systems. Maintain a record of all such items entering or exiting their assigned location using the district approved technology inventory program. No technology equipment regardless of how purchased or funded shall be moved without the explicit approval of the technology department.
- H. **Ensure that technological equipment or systems being removed** for transfer to another organization or being designated as surplus property is appropriately sanitized in accordance with applicable policies and procedures.

XIX. Data Transfer/Exchange/Printing/Storage

- A. **Electronic Mass Data Transfers:** Downloading, uploading or transferring PII, Confidential Information and Internal Information between systems shall be strictly controlled. Requests for mass download of, or individual requests for, information for research or any other purposes that include PII shall be in accordance with this policy and be approved by the Data Governance Committee. All other mass downloads of information shall be approved by the committee and/or ISO and include only the minimum amount of information necessary to fulfill the request. A Memorandum of Agreement (MOA) must be in place when transferring PII to external entities such as software or application vendors, textbook companies, testing companies, or any other web based application, etc. unless the exception is approved by the Data Governance Committee.
- B. **Other Electronic Data Transfers and Printing:** PII, Confidential Information, and Internal Information must be stored in a manner inaccessible to unauthorized individuals. PII and Confidential Information shall not be downloaded, copied or printed indiscriminately or left

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unattended and open to compromise. PII that is downloaded for educational purposes where possible shall be de-identified before use.

- C. **Oral Communications:** St. Clair County Schools' staff shall be aware of their surroundings when discussing PII and Confidential Information. This includes but is not limited to the use of cellular telephones in public areas. St. Clair County Schools' staff must not discuss PII or Confidential Information in public areas if the information can be overheard. Caution must be used when conducting conversations in semi-private rooms, waiting rooms, corridors, elevators, stairwells, cafeterias, restaurants, or on public transportation etc.
- D. **Audit Controls:** Hardware, software, services and/or procedural mechanisms that record and examine activity in information systems that contain or use PII are reviewed by the Data Governance Committee annually. Further, the committee also regularly reviews records of information system activity, such as audit logs, access reports, and security incident tracking reports. These reviews shall be documented and maintained for six (6) years.
- E. **Evaluation:** St. Clair County Schools requires that periodic technical and non-technical evaluations of access controls, storage, and other systems be performed in response to environmental or operational changes affecting the security of electronic PII to ensure its continued protection.

XX. COMPLIANCE

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

XXI. Summary of Chalkable (iNOW) Permissions & Standards

Allowable Permission Settings: The following rights and permission has been set as a guide to be used daily in order to ensure St Clair County Board of Education is in compliance with all privacy of information laws. These guide are created to follow the rule of "Need to Know".

St Clair County Schools maintain the following permission groups in Chalkable (iNOW):

- 1. Central Office Employees
- 2. Chalkable Teacher Group

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3. District Personnel Administrator
4. District Technician
5. Administration Enrollment
6. Counselor
7. School Administrator
8. School Personnel Administrator
9. Attendance Clerk
10. Basic Office Personnel
11. Census Clerk
12. Enrollment Clerk
13. Scheduling Clerk
14. School Bookkeeper
15. School Technician
16. Transcript Clerk
17. Nurse
18. Nurse Assistant
19. Special Ed Coordinator
20. Past Academic Session Rights (Principal Access)
21. Future Academic Sessions Rights (Scheduling)
22. PE Teachers
23. SETS Staff
24. Teacher
25. Day Program

A. **Schedule Lookup**

- a. **Staff Affected:** Local school Administrators, designated school personnel and appropriate Central Office Personnel
 - i. School Administrators, Counselors and Office Aides/Bookkeepers will have rights to look up any student and see their schedule to locate the student. Teachers only have rights to look up student that are currently their students.

B. **Check In/Out**

- a. **Staff Affected:** Local school Administrators, designated school personnel and appropriate Central Office Personnel
 - i. This level of permission allows the user to see the Summary, Main, and Contacts tabs.
 - ii. It gives them the ability to check students in and out and to view the following information. The rights to look up this information normally is restricted to School Administrators, Counselors, Office Aides/Bookkeepers and the student's current teachers.
 - Name
 - Date of Birth
 - Age
 - Phone (This can be hidden if necessary)
 - Gender
 - Grade (This can be hidden if necessary)
 - Address (This can be hidden if necessary)
 - List of Contacts and their relationship

C. **Discipline History**

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- a. **Staff Affected:** Local School Administrators and appropriate Central Office Personnel.
 - i. Only school administrators and appropriate Central Office Personnel will have access to student discipline history. Only Principal or Assistant Principal has the rights to enter discipline for students. Staff should consult with their school administrators if they need discipline history on a given student.
- D. **Transcript/Grades**
 - a. **Staff Affected:** Local School Administrators and appropriate Central Office Personnel. Only school administrators and appropriate Central Office Personnel will have access to student transcripts and/or grades.
 - i. Only Principal or Counselors have the rights to certify transcripts.
- E. **Past/Future Academic Sessions**
 - a. **Staff Affected:** Local School Administrators and appropriate Central Office Personnel. Only school administrators and appropriate Central Office Personnel will have access to past and/or future school's academic sessions.
 - i. This level of permission allows the user to view/run reports only for all past history for students, teachers, health and scheduling.
- F. **Health – Level 1, 2, 3**
 - a. **Level 1. Staff Affected:** Lead Nurse, Nurse, Medication Assistance
 - i. This level of permission allows the user to enter/edit, run reports for the purpose of logging medication and treatment logs.
 - b. **Level 2. Staff Affected:** Physical Education Teachers
 - i. This level of permission allows the physical education teacher to log fitness results for state reporting.
 - c. **Level 3. Staff Affected:** Local School Administrators and appropriate Central Office Personnel.
 - i. This level of permission allows the user to view and run reports.
- G. **AHSAA Student in Good Standing Forms**
 - a. The AHSAA Student in Good Standing Release Form must be completed and signed by the school Principal. This is only to be completed when the student athletes leaving your school are not in good standing.
- H. **Co-Op Student View**
 - a. **Staff Affected:** Career Tech Director and Career Tech Teacher in Charge of Co-Op Student Tracking – CTE staff will be granted rights to post grades and view Transcripts for all students participating in a Co-Op work program.
- I. **Taylor's Law Report for Driver's License**
 - a. **Staff Affected:** Local School Administrators, Office Aides/Bookkeepers
 - i. The Taylor's Law report must be printed and given to parents/students who request it in order for them to apply for a driver's license. Thus, this should affect all high schools and some middle school. It should not affect elementary schools. The Chalkable (INOW) Taylor's Law report does not show the student's discipline history. Instead it shows a date that the student is eligible to get a driver's license.
- J. **Special Groups Rights**
 - a. **Staff Affected:** Central Office staff, CNP Administration, Federal Programs, Student Services, Special Ed, Nurse, Grant Writer, Community Ed

After approval from the Superintendent and/or the Data Governance Committee special access can be given on a temporary or permanent basis, annually. These rights should

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only be given after evidence of "Need To Know" has been met in order to stay in compliance with FERPA and other privacy of information laws.

If you have any questions or comments about these guidelines, please contact your principal or immediate supervisor. If you do not have any questions, the St. Clair County School System presumes that you understand and are aware of the rules and guidelines and must adhere to them.

REFERENCE(S):

HISTORY:

ADOPTED: JANUARY 25, 2016

REVISED: _____

FORMERLY: NEW

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RECORDS RETENTION AND DISPOSAL

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- I. The St. Clair County Board of Education shall establish and maintain a system for the retention and destruction of school records consistent with legal requirements to minimize record storage requirements and permit the Superintendent to administer the affairs of the St. Clair County School System more efficiently.
- II. After complying with the provisions of laws and rules, the Superintendent is authorized at his/her discretion to destroy general correspondence and other records, papers, and documents, provided such records do not serve as an agreement or understanding or have value as permanent records. However, commodity records are to be maintained according to Child Nutrition Program guidelines, and records of milk, bread and juice are to be maintained permanently.
- III. Document Preservation Plan and Litigation Hold for Electronic Records

The Board shall adopt a document preservation plan to ensure that when a lawsuit is filed or reasonably anticipated, it takes special precautions to prevent the loss of potentially-relevant electronic data. Electronic data includes all forms of electronic communications and records such as email, word processing, calendars, voice messages, videos, photographs and other digital information.

When a lawsuit is filed or reasonably anticipated, a litigation hold shall be issued to appropriate individuals, which shall define and identify records to be preserved and direct that the records be preserved and how to do so. A person receiving a litigation hold has a duty to preserve all records, whether existing or later created, in the person's possession or scope of responsibility that are identified in the litigation hold, effective immediately. A litigation hold suspends any board or divisional policies or procedures that might call for the destruction of electronic records under the recipient's control and protects and preserves all electronic records in their original electronic form. The board's duty to preserve records shall continue until the litigation, or the threat of litigation that prompted the litigation hold has ended.

After a lawsuit is filed and when the board receives a request from an opposing party for production of electronic records, the board's counsel and the board will determine the best approach to take in order to efficiently produce a complete and accurate response.

REFERENCE(S):

CODE OF ALABAMA
[16-8-9](#), [16-13A-6](#), [36-12-2](#), [36-12-40](#), [41-13-1](#)
ALABAMA STATE RECORDS RETENTION SCHEDULE #917

HISTORY:

ADOPTED: JUNE 21, 2000
REVISED: FEBRUARY 22, 2010
FORMERLY: JR

CHAPTER 9.00 - SCHOOL-COMMUNITY RELATIONS

PUBLIC INFORMATION/RELATIONS

9.20

Because the schools belong to the people who created them by consent and who support them by taxation, it is the declared intent of the St. Clair County Board of Education:

- I. To keep the citizens adequately informed through appropriate channels of communication on policies, programs, problems, needs, and the planning of the school system and to carry out this policy through its own efforts and the office of the Superintendent.
- II. To seek advice and opinion of the people of the community.
- III. To require St. Clair County School System staff members to cooperate in keeping the public informed of all newsworthy events which would be of interest or concern to the citizens and which would promote the welfare of the school system, provided that any news release by a particular school be approved by the principal or designee and that any release relating to the St. Clair County School System as a whole shall be approved by the Superintendent or designee.
- IV. Media requests for interviews with minor students will be denied unless parental permission is given.
- V. All requests by media organizations for interviews with employees and/or students during school hours shall be coordinated through the Superintendent.

REFERENCE(S):

CODE OF ALABAMA
[16-8-9](#)

HISTORY:

ADOPTED: FEBRUARY 22, 2010
REVISED: _____
FORMERLY: NEW

CHAPTER 9.00 - SCHOOL-COMMUNITY RELATIONS

USE OF FACILITIES

9.30

The Superintendent or designee shall have the authority to permit or deny for good cause a legitimate community group, citizens or a community organization to use the school system facilities or grounds for activities related to civic programs. When permission is granted, the Superintendent shall require appropriate supervision of the event by a school system employee or principal's designee, and shall collect expenses for rental (if applicable), utilities, custodial services, and other costs. School organizations, clubs, and boosters shall have priority to all facilities. Facilities may not be used for commercial purposes unless it is to enhance the educational process of the system.

In cases of natural disaster or national emergency, such organizations as Civil Defense and the American Red Cross shall have use of any school facility that may be needed for the benefit of the public.

Acceptable Use of School Facilities

There shall be three methods by which individuals or groups may use school facilities:

1. Be registered in a class or activity listed in a school publication or newsletter;
2. Upon approval of an application for use of school facilities for groups such as youth associations; and
3. A lease or other agreement between the St. Clair County Board and a group.

Charges for Use of School Facilities

A schedule of charges for facility rental/use, fees for supervisory, custodial, and/or food preparation workers and for utilities shall be established and published at least annually. Payments of fees and rental charges shall be made to the St. Clair County Board of Education.

Application for Use of School Facilities

An application form shall be completed by the group sponsor or individual wishing to use a St. Clair County Board of Education facility one time or on an extended basis (less than one year). Signed agreement to abide by published rules and regulations for use of school system facilities is required at the time of application.

Rules for Use of School Facilities

To ensure the St. Clair County Board of Education's control and protection of school property, the following rules and regulations must be adhered to for the use of the school facilities:

- 1) The regular school program has priority at all times.
- 2) Request for use of school facilities should be made at least six weeks prior to the anticipated date in order to obtain Board approval and to avoid conflicts at the school and to allow for preparation for use.
- 3) Principals are responsible for ensuring supervision of school sponsored programs conducted on school premises. The principal or the principal's designee is also responsible for ensuring that adequate supervision and safeguards are provided for activities by outside groups.
- 4) Outside groups must be charged for custodial services (time and one-half regular pay plus benefits) during the activity. Custodial services include opening and closing the building. Custodial service fees must be paid to the school system bookkeeping department.

CHAPTER 9.00 - SCHOOL-COMMUNITY RELATIONS

- 5) There will be no fee charged to school affiliated groups when the group is raising funds for the schools. Such groups include PTOs and booster organizations.
- 6) Civic organizations may use the facilities for regularly scheduled meetings by written agreement at no charge.
- 7) Churches may use school facilities with Board approval if the church building has been damaged or destroyed. Use may not exceed one year.
- 8) Non-partisan political rallies serving a broad community purpose may be conducted in school facilities. Such rallies must have an organized community group sponsor, and the sponsor may be charged a fee for the use of the facility. To maintain the Board's non-partisan political stature, all opponents in a particular contest must be given equal opportunity to participate. Use by a particular candidate is prohibited.
- 9) Necessary food service personnel (paid time and one half-plus benefits) must be employed by the organization or group using the lunchroom to assure proper use and care of the kitchen and equipment. A lunchroom shall not be rented to outside groups for commercial purposes.
- 10) With limited exception, a certificate verifying the purchase of liability insurance must be presented to the Board at least twenty-four hours prior to the use of the facilities.

REFERENCE(S):

CODE OF ALABAMA
[16-8-8](#), [16-8-40](#), [36-25-5](#)

HISTORY:

ADOPTED: SEPTEMBER 20, 1999
REVISED: DECEMBER 15, 2003; FEBRUARY 22, 2010
FORMERLY: EBH

CHAPTER 9.00 - SCHOOL-COMMUNITY RELATIONS

ADVERTISING IN SCHOOLS

9.40

St. Clair County School System facilities shall not be used for advertising or otherwise promoting the interests of any commercial, political, or other non-school agency or individual organization; nor shall St. Clair County Board of Education employees or students be employed in such a manner. Advertising on school buses shall be prohibited. The following are exceptions:

- I. School officials, with the Superintendent's approval, may cooperate with any governmental agency in promoting activities in the general public's interest or may cooperate in furthering the work of any non-profit community-wide social service agency, provided that such cooperation does not restrict or interfere with the educational program of the school and is non-partisan and non-controversial.
- II. A school may use film or other educational materials which contain advertising. The film or material shall be carefully evaluated by the school principal for classroom use to determine whether the film or material contains undesirable propaganda.
- III. The Superintendent may announce or authorize to be announced any lecture or community activity of particular educational merit.
- IV. Demonstrations of educational materials and equipment shall be permitted with the principal's approval.
- V. Schools may utilize facilities for commercial advertising to support school programs. The principal shall maintain approval rights on the content and form of such advertising. Money collected from these commercial advertisements shall be deposited into the proper internal account.
- VI. Nothing herein shall be construed to prevent advertising in student publications which are published by student organizations including, but not limited to, school newspapers and yearbooks.

REFERENCE(S):

CODE OF ALABAMA

16-8-9

HISTORY:

ADOPTED: FEBRUARY 22, 2010

REVISED: _____

FORMERLY: NEW

CHAPTER 9.00 - SCHOOL-COMMUNITY RELATIONS

DISTRIBUTION OF LITERATURE AND MATERIALS TO STUDENTS

9.50

- I. Literature or materials which originate from out-of-school sources shall be approved by the Superintendent or designee prior to distribution to St. Clair County School System students.
- II. The principal shall prohibit all forms of canvassing or soliciting of teachers or students on St. Clair County School System premises during school hours except as otherwise approved by the Superintendent. No literature or materials from out-of-school sources shall be distributed to homes by students without the approval of the Superintendent or designee. Student or school surveys by outside groups or organizations require the approval of the Superintendent or designee.

REFERENCE(S):

CODE OF ALABAMA
[16-8-9](#)

HISTORY:

ADOPTED: FEBRUARY 22, 2010
REVISED: _____
FORMERLY: NEW

CHAPTER 9.00 - SCHOOL-COMMUNITY RELATIONS

VISITORS

9.60

Any person entering the premises of a St. Clair County School System school shall report to the principal or designee and make known the purpose of the visit.

- I. This policy does not apply to routine deliveries or scheduled maintenance visits.
- II. The Superintendent or designee shall develop a plan for visible identification of visitors or other persons who are not students or employees of the school.
- III. A student not enrolled in the school or a student not accompanied by a parent/guardian is prohibited from visiting a school unless otherwise approved by the principal.
- IV. Parents/guardians are invited to visit the schools. To avoid interrupting the daily program, the parent should request a conference for after school hours or during a teacher's planning period. Parents/guardians are encouraged to plan such conferences with teachers and shall sign in at the principal's office and be issued a visitor's badge at the time they arrive on the campus.
- V. Any person who enters or remains upon St. Clair County School System property without legitimate purpose may be found to be trespassing, subject to arrest and penalties as defined by statutes.
- VI. No adult sex offender, after having been convicted of a sex offense involving a minor, shall enter onto the property of a St. Clair County school while school is in session or attend any St. Clair County school activity unless the adult sex offender does all of the following:
 - A. Notifies the principal or the school, or his/her designee, before entering onto the property or attending the school activity;
 - B. Immediately report to the principal of the school, or his/her designee, upon entering the property or arriving at the school activity; and,
 - C. Complies with any procedures established by the school to monitor the whereabouts of the sex offender during his or her presence on school property or at a school activity.

REFERENCE(S):

CODE OF ALABAMA
[16-12-3](#)
LEGISLATIVE ACT 2014-421

HISTORY:

ADOPTED: FEBRUARY 22, 2010
REVISED: OCTOBER 20, 2014
FORMERLY: NEW

CHAPTER 9.00 - SCHOOL-COMMUNITY RELATIONS

GUIDELINES FOR USE OF VOLUNTEERS IN EXTRACURRICULAR ACTIVITIES

9.61

OVERVIEW

The St. Clair County Board of Education (SCCBOE) recognizes the potential benefits of volunteers that assist with extracurricular activities offered at the schools within our school system. These guidelines are presented as general operating procedures for parties involved with volunteer opportunities and are not considered exhaustive.

DEFINITION

Within the scope of these guidelines, a volunteer is defined as a non-employee of the SCCBOE who receives no compensation for his or her involvement with extracurricular activities and who is not compensated based upon any supplement or salary matrix of the SCCBOE.

SCOPE

These guidelines shall be applicable to all volunteers for extracurricular activities, including, but not limited to, athletics, cheerleading, band, band auxiliary, archery, and academic teams. Guidelines specifically associated with the Alabama High School Athletic Association (AHSAA) may only be applicable to volunteers assisting with athletic or cheerleading teams.

SUPERVISION

All volunteers shall be directly supervised by an employee of the SCCBOE and may not serve as a head coach or sponsor of any sport or extracurricular activity. Employees designated as head coaches or sponsors shall have final authority associated with the operations of the team.

RESPONSIBILITIES OF THE PRINCIPAL, HEAD COACH, DIRECTOR, AND SPONSOR

The principal of each local school where a volunteer seeks to participate in extracurricular activities shall be responsible for ensuring that all requirements contained within these guidelines are satisfied prior to the volunteer's participation. All documentation required to authorize a volunteer's participation in extracurricular activities shall be maintained by the principal. The principal, head coach, director, and sponsor of the sport or extracurricular activity for which the volunteer is assisting is responsible for ensuring that the volunteer remains in compliance with these guidelines. A volunteer's performance shall be reviewed each year, and a volunteer shall be required to satisfy the requirements of this policy on an annual basis.

VOLUNTEER RESPONSIBILITIES

The volunteer is responsible for willingly and freely complying with the Guidelines for Use of Volunteers in Extracurricular Activities. Failure to do so shall result in immediate revocation of volunteer opportunities.

REQUIREMENTS

Before a volunteer shall participate in any extracurricular activity, the volunteer shall satisfy the following requirements:

1. Complete a Volunteer Application (yearly)
2. Submit Proof of graduation from high school
3. Submit two (2) character references
4. Complete a satisfactory interview with a school administrator, central office administrator, or other system designee (yearly)
5. Receive a clear background check (yearly)

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6. Submit a copy of valid Alabama driver's license (yearly)
7. Satisfy all AHSAA required items:
 - a. Fundamentals of Coaching/Coaching Principles online course completion
 - b. First Aid and Safety for Coaching online course completion
 - c. STAR Sportsmanship course completion
 - d. NFHS Concussion course completion
 - e. NHFS Heat Acclimatization course completion
 - f. Active CPR certification
8. Complete Volunteer Agreement (yearly)

HISTORY:

ADOPTED: MAY 18, 2015

REVISED: _____

FORMERLY: NEW

CHAPTER 9.00 - SCHOOL-COMMUNITY RELATIONS

Volunteer Coaching Agreement St. Clair County Schools For School Year _____ to _____

STATUS

This is an agreement for volunteer services between the St. Clair County Board of Education (SCCBOE) and the volunteer applicant listed below for the _____ School Year. The purpose of this agreement is to provide guidance to volunteers within the SCCBOE. Individuals who volunteer to assist in any capacity within the athletic programs of the SCCBOE and are not employees of the SCCBOE are termed "Volunteer Coaches" and will be held to the level of performance and accountability as outlined in this document. It is important for each person who pursues volunteer coaching opportunities to recognize that his/her service is at the discretion of the SCCBOE. Volunteer coaching opportunities may be extended or revoked at any time with or without cause at the discretion of the Head Coach, Principal, Athletic Director, Personnel Director, and/or Superintendent of the SCCBOE. This Agreement shall terminate at the end of the _____ School Year.

REQUIREMENTS

Before a volunteer shall participate in any extracurricular activity, the volunteer shall satisfy the following requirements:

1. Complete a Volunteer Application (yearly)
2. Submit Proof of graduation from high school
3. Submit two (2) character references
4. Complete a satisfactory interview with a school administrator, central office administrator, or other system designee (yearly)
5. Receive a clear background check (yearly)
6. Submit a copy of valid Alabama driver's license
7. Satisfy all AHSAA required items:
 - a. Fundamentals of Coaching/Coaching Principles online course completion
 - b. First Aid and Safety for Coaching online course completion
 - c. STAR Sportsmanship course completion
 - d. NFHS Concussion course completion
 - e. NFHS Heat Acclimatization course completion
 - f. Active CPR certification
8. Complete Volunteer Agreement (yearly)

As a Volunteer Coach I understand and agree to the following (initial in the blank by each statement to indicate agreement):

- _____ 1. I shall adhere to the policies of the St. Clair County Board of Education and the Alabama High School Athletic Association as it relates to the sport I serve.
- _____ 2. I shall accept direction and supervision from the Principal, Athletic Director, Head Coach of the sport served, and other School District Administration.
- _____ 3. I shall maintain a professional relationship at all times with parents, students, players, and coaches.
- _____ 4. I shall follow appropriate confidentiality guidelines.
- _____ 5. I shall follow appropriate dress code.
- _____ 6. I shall not use any alcohol, tobacco, or controlled substances while on school grounds or at a school event or be under the influence of alcohol or controlled substances while on school grounds or at a school event.
- _____ 7. I shall refer any questions about students or issues with parents to the Head Coach or appropriate School Administrator.
- _____ 8. I shall act only in the extracurricular activity in which I have been applied and have been approved to participate by the St. Clair County Board of Education, and I shall not act as a volunteer in any other extracurricular activity, unless approved by the Board.

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- _____ 9. I shall not receive any compensation or any form of remuneration from the St. Clair County Board of Education for my services.
- _____ 10. I am responsible for all medical or all other costs arising out of any bodily injury or property damage sustained by me in the performance of my duties.
- _____ 11. I shall promote fair play and good sportsmanship.
- _____ 12. I shall adhere to all local, state, and federal laws.
- _____ 13. I shall adhere to all policies and procedures of the St. Clair County Board of Education pertaining to extracurricular activities and my activities.
- _____ 14. I have freely decided to volunteer. The St. Clair County Board of Education has not forced or otherwise coerced me, either directly or indirectly, to offer my services as an athletic coach.
- _____ 15. As a volunteer coach, I understand and accept that I have no insurance coverage or any type whatsoever (*i.e.*, no liability, worker's compensation, property damage, etc.) from the St. Clair County Board of Education covering my activities and that I shall be solely responsible for any injuries or liability arising out of my activities.
- _____ 16. I agree to release, indemnify, and hold harmless the St. Clair County Board of Education, its agents, officers, employees and representatives, from any and all claims, demands, damages, actions, causes of action, or suits of any kind or nature whatsoever, including but not by way of limitation, all claims resulting from or arising out of my activities as a volunteer coach.

Name:

First

Middle

Last

Address:

Street

City

Zip

Contact Information:

Home Telephone

Cell Telephone

Email

Sport(s) for which the applicant will be volunteering:

Applicant Signature:

Head Coach/Athletic Director Signature:

Date

Principal Signature:

Date

CHAPTER 9.00 - SCHOOL-COMMUNITY RELATIONS

RELATIONS WITH GOVERNMENTAL AUTHORITIES

9.70

- I. The St. Clair County Board of Education will cooperate with local, state, and federal organizations and agencies when it is in the best interest of the system.
- II. The Superintendent may initiate or accept proposals and requests for cooperative endeavors. Final action shall be subject to Board review and approval.
- III. Community relations of a continuing nature may be temporarily approved by the Superintendent if they involve no cost to the system and will neither disrupt the school system nor involve substantial use of facilities or personnel.
- IV. Formal agreements shall require Board approval. The St. Clair County Board of Education shall also review and approve major cooperative agreements or arrangements between other school systems, colleges, universities, correctional schools, or other educational organizations.
- V. Guidelines related to joint activities and requests for cooperation shall address costs which may be incurred, the extent of school personnel involvement, and prior agreements or arrangements with the same or similar organizations.

REFERENCES:

CODE OF ALABAMA
[16-1-30](#), [16-8-9](#)

HISTORY:

ADOPTED: FEBRUARY 22, 2010
REVISED: _____
FORMERLY: NEW

CHAPTER 9.00 - SCHOOL-COMMUNITY RELATIONS

PUBLIC GIFTS TO SCHOOLS

9.80

The St. Clair County Board of Education may receive gifts which may serve to enhance and extend the work of the schools.

- I. Equipment contributed to the schools becomes the property of the St. Clair County Board of Education and is subject to the same controls and regulations that govern the use of other Board property.
- II. Contributions of equipment or services that may involve major costs for installation or maintenance or continuing financial commitments from school funds shall be presented by the Superintendent to the St. Clair County Board of Education for consideration and approval.
- III. Individuals or organizations desiring to contribute supplies or equipment shall consult with school officials regarding the acceptability of such contributions in advance of the contribution.
- IV. All employees in a position to receive gifts in the name of a school or the school system shall apply a test of "reasonableness" to the gift. Reasonableness may be defined as anything that might not be construed to influence the decision makers in the purchase of school-related goods and services.
- V. All employees must abide by the Alabama Ethics Standards.

REFERENCE(S):

CODE OF ALABAMA
[16-8-9](#), [36-25-7](#)

HISTORY:

ADOPTED: FEBRUARY 22, 2010
REVISED: _____
FORMERLY: NEW

CHAPTER 9.00 - SCHOOL-COMMUNITY RELATIONS

RELATIONS WITH EDUCATION RESEARCH AND SERVICE CENTERS

9.91

It is the policy of the St. Clair County School System to cooperate with the colleges, universities, and other agencies in promoting potentially profitable research. In such instances of cooperation, the following procedures shall govern research projects conducted within the School System:

Research Projects Using School System Data

Requests for permission to conduct research projects utilizing School System data, students, or collective groups of employees must be submitted to the Superintendent in written form for review and approval prior to initiating such projects.

Projects Using Individual Employees

Requests by various colleges, agencies, etc. to an individual employee(s) to complete questionnaires, opinion surveys, etc. relative to professional perceptions, thoughts, methods, etc. may be completed at the individual employee's discretion. However, any such requests involving factual information regarding School System data, students, parents, etc. should be directed to the Superintendent for review and approval prior to completing such research instruments.

Individual Employee Research Projects

Requests by individual employees to conduct personal or college related research projects utilizing School System data, students, parents, etc. should be directed to the Superintendent for review and approval prior to initiating such projects.

REFERENCE(S):

CODE OF ALABAMA
[16-8-9](#)

HISTORY:

ADOPTED: FEBRUARY 22, 2010
REVISED: _____
FORMERLY: NEW

Section 16-40-1

Physical education required; exemption of church schools from operation of this section.

Every public school and private school, except church schools as defined in Section 16-28-1, shall carry out a system of physical education, the character of which shall conform to the program or course outlined by the Department of Education.

(School Code 1927, §621; Code 1940, T. 52, §555; Acts 1982, No. 82-218, p. 260, §9.)

Section 16-40-1.1

Instruction mandated in parental responsibility, education and high school diploma importance, and study skills; new required courses not established.

(a) Each local board of education shall require, in accordance with rules and regulations of the State Board of Education, that students in grades seven to 12, inclusive, receive instruction in parental responsibilities. The content of the instructional program shall be determined by the State Board of Education.

(b) Each local board of education shall require, in accordance with rules and regulations of the State Board of Education, that students in grades seven to 12, inclusive, receive instruction in the importance of an education and the consequences of not obtaining a high school diploma. The contents of the instructional program shall be determined by the State Board of Education. The instructional program shall offer information appropriate to each grade level and age and level of maturity of the student.

(c) Each local board of education shall require, in accordance with rules and regulations of the State Board of Education, that students in grades kindergarten to 12, inclusive, receive instruction regarding how to study. The content of the instructional program shall be determined by the State Board of Education. The instructional program shall offer information appropriate to each grade level and age and level of maturity of the student.

(d) This section does not establish new required courses. The instructional programs required by this section shall be included in existing required courses as determined by the State Board of Education.

(Acts 1993, No. 93-370, p. 632, §§1-4.)

Section 16-40-1

Physical education required; exemption of church schools from operation of this section.

Every public school and private school, except church schools as defined in Section 16-28-1, shall carry out a system of physical education, the character of which shall conform to the program or course outlined by the Department of Education.

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(d) This section does not establish new required courses. The instructional programs required by this section shall be included in existing required courses as determined by the State Board of Education.

(Acts 1993, No. 93-370, p. 632, §§1-4.)

Section 11-1-7

Appointment and use of public depositories; liability.

(a) Upon the application of the county tax collectors, revenue commissioners, license commissioners, county treasurers, judges of probate, circuit court clerks or registers of the circuit court, it shall be the duty of the county commission of the county to appoint a bank or savings association, that is a qualified public depository under Chapter 14A of Title 41, as a depository in which such officers may deposit money coming into their hands as such officers, which appointment shall be by proper resolutions spread upon the minutes of such commission.

(b) Upon the application of the custodian of county school funds, it shall be the duty of the county board of education of the county to appoint a bank or savings association that is a qualified public depository under Chapter 14A of Title 41, as a depository in which such officers may deposit money coming into their hands as such officers, which appointment shall be by proper resolution spread upon the minutes of such county school board.

(c) If and when a depository is or has been designated by the county board of education for the public school funds, or by the county commission for the funds of the tax collector, revenue commissioner, license commissioner, or county treasurer, the minimum amount of the bonds of such officers may be fixed at an amount not less than twice the amount of the average daily balance of funds on hand under the control of such office during that month in the preceding fiscal year when such average daily balance was greatest, but not to exceed a maximum of one hundred thousand dollars (\$100,000).

(d) If any of such funds are dissipated or lost by reason of the insolvency or failure of such qualified public depository appointed as such depository, as provided herein, such dissipation or loss shall not constitute a liability on the official bond of such officers nor a liability on the sureties thereon.

(e) In the event of this dissipation or loss of any of such funds because of such insolvency or failure of such depository, the county and state shall have a preferred claim against such qualified public depository for the amount of such dissipation or loss.

(f) In the event of the naming of such depository for the county tax collector, revenue commissioner, or license commissioner of any county and the use of such depository by him, such county tax collector shall make reports, distributions and remittances to the proper authorities of the funds so deposited on October 15 of each year and on the first and fifteenth of each month thereafter until he or she makes his or her final settlement for such year; provided, that if, on the fifteenth day of any month following final settlement and before October 15 following, the tax collector, revenue commissioner, or license commissioner has on hand collections in an amount equal to one half of his or her official bond, he or she shall make reports, distributions and remittances to the proper authorities in like manner as now required by law, these reports, distributions and remittances to be in addition to those now required of such officer by Section 40-5-36.

(g) The provisions of this section are not exclusive but cumulative and remedial, and this section shall not be construed as abolishing any other method or manner now provided by law for the making of official bonds of county officers or handling funds of county officers coming into their hands as such officers. Nothing in this section shall relieve any public official from making official bonds as is now required by law, nor from liability thereon except as is provided by this section.

(Acts 1933, Ex. Sess., No. 60, p. 51; Acts 1933, Ex. Sess., No. 191, p. 203; Acts 1935, No. 531, p. 1119; Acts 1936, Ex. Sess., No. 141, p. 101; Code 1940, T. 12, §4; Code 1940, T. 41, §78; Acts 1949, No. 634, p. 975; Acts 1959, No. 159, p. 684; Acts 1971, 3rd Ex. Sess., No. 83, p. 4295; Acts 1975, No. 1121, §1; Act 2000-748, p. 1669, §2.)

Section 12-16-8

Employees excused from employment; compensation; postponement of service.

(a) Upon receiving a summons to report for jury duty, any employee, on the next day he or she is engaged in his or her employment, shall exhibit the summons to his or her immediate superior, and the employee shall thereupon be excused from his or her employment for the day or days required of him or her in serving as a juror in any court created by the constitutions of the United States or of the State of Alabama or the laws of the United States or of the State of Alabama.

(b) An employee may not be required or requested to use annual, vacation, unpaid leave, or sick leave for time spent responding to a summons for jury duty, time spent participating in the jury selection process, or for time spent actually serving on a jury. Nothing in this subsection shall be construed to require an employer to provide annual, vacation, or sick leave to employees who otherwise are not entitled to the benefits under policies of the employer.

(c) Notwithstanding the excused absence provided in subsection (a), any full-time employee shall be entitled to his or her usual compensation received from such employment.

(d) It shall be the duty of all persons paying jurors their fee or compensation for services to issue to each juror a statement showing the daily fee or compensation and the total fee or compensation received by the juror.

(e) Notwithstanding subsection (a), a court shall automatically postpone and reschedule the service of a summoned juror who is an employee of an employer with five or fewer full-time employees, or their equivalent, if another employee of that employer also has been summoned to appear during the same period. A postponement pursuant to this section shall not affect an individual's right to one automatic postponement under Section 12-16-63.1.

(Acts 1969, No. 619, p. 1126; Act 2005-311, 1st Sp. Sess., §1.)

Section 16-10-6

Incidental fees in elementary schools.

No fees of any kind shall be collected from children attending any of the first six grades during the school term supported by public taxation; provided, that any county or city board of education shall be authorized to permit any school subject to its supervision to solicit and receive from such children or their parents or guardians voluntary contributions to be used for school purposes by the school where such children are attending; provided further, that the provisions of this section shall in no way affect or restrict the right or power of a school board to fix and collect tuition fees or charges from pupils attending schools under the jurisdiction of such board but who live outside the territory over which such board has jurisdiction.

(School Code 1927, §182; Acts 1935, No. 507, p. 1090, § 4; Code 1940, T. 52, §142; Acts 1969, No. 745, p. 1323, § 1.)

Section 16-1-1

Definitions.

For purposes of this title, the following words and phrases shall have the meanings respectively ascribed to them by this section:

(1) SCHOLASTIC DAY. Shall not be less than six hours of actual teaching, exclusive of all recesses or intermission periods unless otherwise ordered by the county or city board of education. County and city boards of education and the Alabama Institute for Deaf and Blind shall be required to provide each teacher employed a minimum of 30 minutes of time free of instructional or supervisory responsibilities each teaching day. This provision shall not be interpreted to deprive any teacher of benefits exceeding the minimum requirements of this act.

(2) SCHOLASTIC WEEK. Shall consist of five school days each week.

(3) SCHOLASTIC MONTH. Shall constitute 20 school days.

(4) SCHOLASTIC YEAR. Shall begin with the first day of July and end with the thirtieth day of June each year.

(5) FISCAL YEAR. From October first to September thirtieth, inclusive.

(Code 1940, T. 52, §1; Acts 1984, No. 84-323, p. 743, §1.)

Section 16-1-1

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Last modified: August 6, 2008

Section 16-1-10 - Selling, etc., alcoholic beverages to school children; keeping on school premises.

Any person, firm, corporation or association that knowingly sells, gives or dispenses any alcoholic beverage to any school student under the age of 18 years, or keeps or has in possession any alcoholic beverage in or on the campus or premises of any school building of any public secondary or grade school is guilty of a felony and, upon conviction thereof, shall be imprisoned in the state penitentiary for a period of from one to three years.

(Acts 1947, No. 532, p. 388, § 1.)

Section 16-1-13 - Teaching pupils of disparate ability, background and achievement.

Whenever any city, county or other local school board determines it to be in the best interest of the public school pupils of the local school system, it may prescribe and from time to time adjust and adapt and further prescribe the manner, method and procedure to be employed in classrooms for teaching pupils of disparate ability, background and achievement in the public schools within its jurisdiction. Its authority in this respect shall include but shall not be limited to prescribing the grouping and classification of students within the same grade level, based upon considerations of native ability as indicated by intelligence tests; the general academic achievement, and level of achievement in a particular subject area. Any such grouping of pupils within a class or grade shall be prescribed by the local board of education only after consultation with the superintendent of the school, teachers, students and parents of various pupils concerned, and the decision reached shall be solely within the discretion of the board.

The local board may prescribe the times and hours and place of instruction for any grouping within schools and classrooms as it may consider advisable and may assign special teachers, prescribe special subjects or remedial courses, advanced courses, vocational courses and take such other action with respect to the time and place for teaching such separate groupings as it may consider in the best interest of the students and the entire student body of the school.

(Acts 1963, No. 522, p. 1126, §§ 1, 2.)

Section 16-1-13

Teaching pupils of disparate ability, background and achievement.

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(Acts 1963, No. 522, p. 1126, §§ 1, 2.)

Section 16-1-14

Removal, isolation, or separation of pupils creating disciplinary problems; state approval necessary for rules implementing such measures; deprivation of right to equal and adequate education may not result.

Any city, county, or other local public school board shall, consistent with Section 16-28-12, prescribe rules and regulations with respect to behavior and discipline of pupils enrolled in the schools under its jurisdiction and, in order to enforce such rules and regulations, may remove, isolate, or separate pupils who create disciplinary problems in any classroom or other school activity and whose presence in the class may be detrimental to the best interest and welfare of the pupils of such class as a whole. Any rules and regulations adopted pursuant to this section shall be approved by the State Board of Education. Any such removal, isolation, or separation may not deprive such pupils of their full right to an equal and adequate education.

(Acts 1963, No. 460, p. 995, §1; Acts 1994, 1st Ex. Sess., No. 94-793, p. 98, §1.)

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(Acts 1963, No. 460, p. 995, §1; Acts 1994, 1st Ex. Sess., No. 94-793, p. 98, §1.)

Section 16-1-15 - Classification and grouping of pupils upon consideration of social attitudes, etc.

For the purpose of preventing or minimizing disciplinary problems, the local school board may classify and group pupils upon consideration of their social attitudes, their amenability to discipline, their hostility toward the school environment and their health, morals, cleanliness and habits of personal behavior.

(Acts 1963, No. 460, p. 995, §2.)

Section 16-1-16

Special courses, tutoring, counseling, etc., for special groups of pupils.

A local board of education may in its discretion prescribe special courses in citizenship, health, morals or any other subject it may consider necessary to meet the needs of special groups of pupils and may prescribe individual tutoring, counseling or group instruction and may assign special teachers and special classrooms or other places for such purposes and may schedule such courses either during or after regular school hours or at any time administratively feasible.

(Acts 1963, No. 460, p. 995, §3.)

Section 16-1-16 - Special courses, tutoring, counseling, etc., for special groups of pupils.

A local board of education may in its discretion prescribe special courses in citizenship, health, morals or any other subject it may consider necessary to meet the needs of special groups of pupils and may prescribe individual tutoring, counseling or group instruction and may assign special teachers and special classrooms or other places for such purposes and may schedule such courses either during or after regular school hours or at any time administratively feasible.

(Acts 1963, No. 460, p. 995, §3.)

Section 16-1-18.1

Accumulation of sick leave.

(a) Definitions. When used in this section, the following terms shall have the following meanings, respectively:

(1) EMPLOYEE. Any person employed full time as provided by law by those employers enumerated in this section; and adult bus drivers.

(2) EMPLOYER. All public city and county boards of education; the Board of Trustees of the Alabama Institute for Deaf and Blind; the Alabama Youth Services Department District Board in its capacity as the Board of Education for the Youth Services Department District; the Board of Directors of the Alabama School of Fine Arts; the Board of Trustees of the Alabama High School of Mathematics and Science; for purposes of subsection (c) only, the Alabama State Senate, the Lieutenant Governor, the Office of the Senate President Pro Tempore, the Speaker of the House of Representatives, the Alabama House of Representatives, the Legislative Reference Service; any organization participating in the Teachers' Retirement System (excluding any state governmental department not listed herein); the State Board of Education as applied to two-year postsecondary education institutions; and for the purposes of subsection (c) only, all four year public institutions of higher learning.

(3) EXECUTIVE OFFICER. The superintendent of any public county school system or any public city school system; the President of the Alabama Institute for Deaf and Blind; the president of any two-year school or college under the auspices of the State Board of Education; the Superintendent of the Department of Youth Services School District; the Executive Director of the Alabama School of Fine Arts; the Executive Director of the Alabama High School of Mathematics and Science; the Secretary of the Senate, the Clerk of the House of Representatives, the Lieutenant Governor; the Speaker of the House of Representatives; the chief executive officer of any other employer as provided in this section.

(4) SICK LEAVE. The absence from duty by an employee as a result of any of the following:

a. Personal illness or doctor's quarantine.

b. Incapacitating personal injury.

c. Attendance upon an ill member of the employee's immediate family (parent, spouse, child, sibling); or an individual with a close personal tie.

d. Death in the family of the employee (parent, spouse, child, sibling, parent-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, nephew, niece, grandchild, grandparent, uncle, or aunt).

e. Death, injury, or sickness of another person who has unusually strong personal ties to the employee, such as a person who stood in loco parentis.

(5) ON-THE-JOB INJURY. Any accident or injury to the employee occurring during the performance of duties or when directed or requested by the employer to be on the property of the employer which prevents the employee from working or returning to his or her job.

(b) Sick leave for employees.

(1) EARNINGS. The employee shall earn one sick leave day per month of employment.

(2) REASONS FOR TAKING SICK LEAVE. The employee shall be allowed and authorized to take sick leave for any of the reasons so enumerated and defined in this section.

(3) EMPLOYEE PAY WHILE ON SICK LEAVE. Reimbursement of pay for the employee per day of sick leave shall be at the daily rate of pay for the employee.

(c) Sick leave accumulation and transfers. An employee shall be allowed to accumulate an unlimited number of sick leave days. Earned sick leave days which have been accrued by an employee shall be transferrable from one employer to another. The executive officer of the employer shall take care to ensure that certification of the number of unused sick leave days is provided to the new employer when an employee transfers employment. All of the earned and unused sick leave days which an employee has accumulated shall be transferred to the new employer for use by the employee as provided by law. However, for purposes of applying accrued sick leave as credit for retirement purposes, an employee is limited to a maximum of sick leave as authorized in subdivision (1) of subsection (b). As pertains to receiving retirement credit for accrued sick leave, the Teacher's Board of Control shall have the authority to adopt such policies and procedures necessary to effectuate a uniform policy pursuant to this section.

(d) On-the-job injury. The following regulations, procedures, and rights are established pertaining to employees who are injured while on the job:

(1) NOTICE OF INJURY. The employee shall make proper notification of the injury to the executive officer (or to the principal of the school, if applicable), within 24 hours after the injury occurred, or where the employee is not clinically able to make notification, it shall be permissible for another person who is reasonably knowledgeable to make the notification of the injury. Other notification procedures and forms shall be as established by written policy of the employer.

(2) PHYSICIAN CERTIFICATION. The employer may require medical certification from the employee's physician that the employee was injured and cannot return to work as a result of the injury. The executive officer may, at his or her discretion, require a second opinion from another physician at the expense of the employer. The employer

may require a statement from the physician that there is a reasonable expectation that the employee will be able to return to work. A uniform physician certification form shall be adopted by the State Board of Education and distributed to each executive officer.

(3) **SALARY CONTINUED.** Upon determination by the executive officer that an employee has been injured on the job and cannot return to work as a result of the injury, the salary and fringe benefits of the employee shall be continued for a period of up to ninety (90) working days consistent with the employee's injury and the subsequent absence from work resulting from the injury. This provision shall apply to the temporary disability of the employee as applicable to the job-related injury.

(4) **EXTENSION OF DAYS.** The employer may adopt a written policy to extend the 90-day sick leave period for on-the-job injuries. Additional job-injury policies may be adopted by the employer if the policies do not conflict with the section.

(5) **REIMBURSEMENT TO EMPLOYER.** Any reasonable on-the-job injury costs incurred by the employer (to hire a substitute) per absent injured employee in a fiscal year shall be reimbursed to the employer by the state during the next succeeding fiscal year upon application by the employer to the appropriate State Board of Education department on a form adopted by the state board (not to exceed 90 work days). The department shall subsequently submit the request to the Legislature as a line-item in its budget request for reimbursement to the employer, and, if approved by the Legislature, shall reimburse the employer at the amount per day for sick leave authorized and funded in the annual budget act for public schools and colleges.

(6) **EMPLOYEE'S SICK LEAVE.** Sick leave shall not be deducted from the employee's account if absence from work is found to be a result of an on-the-job injury as provided in this section.

(7) **ADDITIONAL EXPENSES.** Any unreimbursed medical expenses and costs which the employee incurs as a result of an on-the-job injury may be filed for reimbursement with the State Board of Adjustment. Reimbursement to the employee shall be determined by the Board of Adjustment's policies, rules, and regulations which may be adopted from time to time. The Board of Adjustment shall adopt appropriate rules, regulations, and forms for submission by the employee.

(8) The executive officer or his or her designee shall inform the employee who is injured on the job of his or her rights about appearing before the Board of Adjustment and also about applicable written policies within thirty (30) calendar days of notification of the injury.

(e) **Vacations and leaves of absences.** The employer shall have the authority, under the rules and regulations promulgated from time to time by the State Board of Education, to provide for paid leaves of absences and vacations for its employees. Payment may be from public funds. The employer may provide for leaves of absence during the times the schools are, or are not, in session when the teacher or employee devotes the leave to

instructing in or attending schools for appropriate training, or when approved by the State Board of Education as beneficial to the state's educational objectives. The employer may also provide for the payment of any full-time teachers or employees for absences during the time schools are in session when the absence results from an unavoidable cause which prevents the teacher or employee from discharging his or her duties. Pay for the absences resulting from unavoidable causes other than sickness shall not be allowed for a longer time than one week during any one scholastic year.

(f) Postsecondary annual leave. As applied to postsecondary employers, any employee who earns and accumulates annual leave shall be entitled to accumulate up to 60 days of annual leave at a rate not to exceed that in the policy established by the State Board of Education.

(g) Policies. The policies and procedures required and permitted by this section shall be adopted by the employer consistent with and as required by Section 16-1-30.

(Acts 1994, 1st Ex. Sess., No. 94-825, p. 154, §§1, 2; Acts 1996, No. 96-614, p. 973, §1; Act 99-578, p. 1303, §1; Act 2001-671, p. 1406, §1.)

Section 16-1-2

Inspection of buildings during and after construction; acceptance of completed construction; forms for construction contracts.

In order to eliminate the causes of school fires and other conditions which jeopardize the health and safety of school children:

(1) The county or city superintendent of education shall notify the State Superintendent of Education within 10 days after the beginning of the construction of a building; and, upon the request of the county or city superintendent of education, the State Superintendent of Education or his agent shall inspect said building during construction for the purpose of seeing that plans and specifications upon which the contract was let are being complied with.

(2) A county or city superintendent of education shall not recommend and a county or city board of education shall not approve for payment more than 90 percent of the contract price of the building constructed by the county or city board of education until the State Superintendent of Education or his agent has made a final inspection of said building for the purpose of seeing that the plans and specifications upon which the contract was let have been complied with in full. The State Superintendent of Education or his agent must make final inspection of a school building within 10 days after being notified by the county or city board of education that the building is ready for final inspection. When the State Superintendent of Education or his agent makes a final inspection of a building and finds that it has been completed in accordance with said plans and specifications, the State Superintendent of Education must within five days after said final inspection give the county or city board of education written notice that the building has been completed in accordance with plans and specifications. If the State Superintendent of Education or his agent in making final inspection finds that the building has not been completed in accordance with plans and specifications, the State Superintendent of Education shall not authorize acceptance of said building until it has been completed in accordance with the plans and specifications on which the contract was let or until the contractor or his bondsmen makes an adjustment satisfactory to the county or city board of education and the State Superintendent of Education. Final acceptance of a building cannot be made by a county or city board of education and the final payment of 10 percent of the contract price of such building cannot be made until the State Superintendent of Education has given written notice to the county or city board of education that said building has been completed in accordance with the plans and specifications upon which the contract was let.

(3) Contracts for architectural services and for school building construction shall be made by county and city boards of education on contract forms prescribed by the State Superintendent of Education, into which forms the contracting parties shall write the terms and conditions of the contract agreed upon.

(4) Representatives of the Department of Finance charged with the responsibility of inspecting buildings insured in the State Insurance Fund shall at all times have the

authority to inspect for fire hazards school buildings insured in the State Insurance Fund. Reports of said inspections shall be made to the county or city superintendent of education, the State Superintendent of Education and the Director of Finance of the State Department of Finance. If a board of education fails within 30 days to eliminate a potential fire hazard, or hazards, in a school building insured in the State Insurance Fund when notified to do so by a representative of the State Department of Finance charged with the responsibility of inspecting buildings insured in the State Insurance Fund, upon the recommendation of the State Superintendent of Education, the Director of Finance shall have the authority to order the affected building vacated and closed until said potential fire hazard, or hazards, are eliminated.

(Acts 1943, No. 254, p. 224, § 1.)

Section 16-1-2 - Inspection of buildings during and after construction; acceptance of completed construction; forms for construction contracts.

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(2) A county or city superintendent of education shall not recommend and a county or city board of education shall not approve for payment more than 90 percent of the contract price of the building constructed by the county or city board of education until the State Superintendent of Education or his agent has made a final inspection of said building for the purpose of seeing that the plans and specifications upon which the contract was let have been complied with in full. The State Superintendent of Education or his agent must make final inspection of a school building within 10 days after being notified by the county or city board of education that the building is ready for final inspection. When the State Superintendent of Education or his agent makes a final inspection of a building and finds that it has been completed in accordance with said plans and specifications, the State Superintendent of Education must within five days after said final inspection give the county or city board of education written notice that the building has been

completed in accordance with plans and specifications. If the State Superintendent of Education or his agent in making final inspection finds that the building has not been completed in accordance with plans and specifications, the State Superintendent of Education shall not authorize acceptance of said building until it has been completed in accordance with the plans and specifications on which the contract was let or until the contractor or his bondsmen makes an adjustment satisfactory to the county or city board of education and the State Superintendent of Education. Final acceptance of a building cannot be made by a county or city board of education and the final payment of 10 percent of the contract price of such building cannot be made until the State Superintendent of Education has given written notice to the county or city board of education that said building has been completed in accordance with the plans and specifications upon which the contract was let.

(3) Contracts for architectural services and for school building construction shall be made by county and city boards of education on contract forms prescribed by the State Superintendent of Education, into which forms the contracting parties shall write the terms and conditions of the contract agreed upon.

(4) Representatives of the Department of Finance charged with the responsibility of inspecting buildings insured in the State Insurance Fund shall at all times have the authority to inspect for fire hazards school buildings insured in the State Insurance Fund. Reports of said inspections shall be made to the county or city superintendent of education, the State Superintendent of Education and the Director of Finance of the State Department of Finance. If a board of education fails

within 30 days to eliminate a potential fire hazard, or hazards, in a school building insured in the State Insurance Fund when notified to do so by a representative of the State Department of Finance charged with the responsibility of inspecting buildings insured in the State Insurance Fund, upon the recommendation of the State Superintendent of Education, the Director of Finance shall have the authority to order the affected building vacated and closed until said potential fire hazard, or hazards, are eliminated.

(Acts 1943, No. 254, p. 224, § 1.)

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Section 16-1-20.4

Period of quiet reflection.

(a) The Legislature of Alabama finds that in the hectic society of today all too few citizens are able to experience even a moment of quiet reflection before plunging headlong into the activities of daily life. Young citizens are particularly affected by the absence of an opportunity for a moment of quiet reflection. The Legislature finds that our young, and society as a whole, would be well served if students in the public schools were afforded a moment of quiet reflection at the beginning of each school day and at the opening of school athletic events and graduation ceremonies.

(b) At the opening of school every day in each public school classroom, the teacher in charge shall conduct a brief period of quiet reflection for 60 seconds with the participation of every pupil in the classroom.

(c) At the beginning of every school athletic event and graduation ceremony, the principal of the school, or his or her designee, shall conduct a brief period of quiet reflection for 60 seconds.

(d) The moment of quiet reflection authorized by subsection (b) and subsection (c) is not intended to be and shall not be conducted as a religious service or exercise, but shall be considered an opportunity for a moment of silent reflection on the anticipated activities of the day or event.

(Act 98-381, p. 715, §1; Act 2001-428, p. 556, §1.)

Section 16-1-23

Hazing prohibited; penalty.

(a) Hazing is defined as follows:

(1) Any willful action taken or situation created, whether on or off any school, college, university, or other educational premises, which recklessly or intentionally endangers the mental or physical health of any student, or

(2) Any willful act on or off any school, college, university, or other educational premises by any person alone or acting with others in striking, beating, bruising, or maiming; or seriously offering, threatening, or attempting to strike, beat, bruise, or maim, or to do or seriously offer, threaten, or attempt to do physical violence to any student of any such educational institution or any assault upon any such students made for the purpose of committing any of the acts, or producing any of the results to such student as defined in this section.

(3) The term hazing as defined in this section does not include customary athletic events or similar contests or competitions, and is limited to those actions taken and situations created in connection with initiation into or affiliation with any organization. The term hazing does not include corporal punishment administered by officials or employees of public schools when in accordance with policies adopted by local boards of education.

(b) No person shall engage in what is commonly known and recognized as hazing, or encourage, aid, or assist any other person thus offending.

(c) No person shall knowingly permit, encourage, aid, or assist any person in committing the offense of hazing, or willfully acquiesce in the commission of such offense, or fail to report promptly his knowledge or any reasonable information within his knowledge of the presence and practice of hazing in this state to the chief executive officer of the appropriate school, college, university, or other educational institution in this state. Any act of omission or commission shall be deemed hazing under the provisions of this section.

(d) Any person who shall commit the offense of hazing shall be guilty of a Class C misdemeanor as defined by Title 13A.

(e) Any person who participates in the hazing of another, or any organization associated with a school, college, university, or other educational institution in this state which knowingly permits hazing to be conducted by its members or by others subject to its direction or control, shall forfeit any entitlement to public funds, scholarships, or awards which are enjoyed by him or by it and shall be deprived of any sanction or approval granted by the school, college, university, or other educational institution.

(f) Nothing in this section shall be construed as in any manner affecting or repealing any law of this state respecting homicide, or murder, manslaughter, assault with intent to murder, or aggravated assault.

(Acts 1981, No. 81-824, p. 1466, §§ 1-6.)

Section 16-1-24

Reporting of property damage and physical assaults on students and school personnel; legislative intent; penalties.

(a) For purposes of this section, the following words and phrases shall have the following respective meanings, unless the context clearly indicates otherwise:

(1) INCIDENT. Any act of physical violence, with or without a weapon, trespass, vandalism, or property damage which occurs.

- a. On school property; or
- b. During school activities, on or off school property; or
- c. At any other times when such incident can be reasonably related to school functions.

Provided, however, that incidents involving only students from the same school wherein no dangerous weapon was involved and no bodily injury requiring medical attention occurs shall not be required to be reported as provided herein. All attacks or incidents involving teachers or other school personnel shall be promptly reported.

(2) PRINCIPAL. The principal or top administrator of any public elementary, junior or senior high school at which the incident occurred.

(3) SUPERINTENDENT OF EDUCATION. The superintendent of the county or city board of education in the county in which the school is located.

(4) REPORT. A written narrative report of an incident, the number and names and addresses of persons involved in the incident, the type of any weapon involved and a description of any injury or damage resulting from the incident. Said report shall contain the names and addresses of all known persons present at the time of said incident.

(5) TEACHER AND OTHER SCHOOL EMPLOYEE. An employee of any public elementary, junior or senior high school at which the incident occurred.

(6) SCHOOL BOARD. The board of education.

(7) COUNTY SHERIFF. The sheriff of the county in which the public school is located.

(b) It is the intention of the Legislature by passage of the section to require principals, teachers and other school employees of public elementary, junior and senior high schools to make reports of violent disruptive incidents occurring on school property during school hours or during school activities conducted on or off school property after school hours or at any other time when such incident can be reasonably related to school or school functions and to provide for penalties for failure to report such incidents.

(c) Principals shall file a report within 72 hours with the superintendent of education of any incident of which they have knowledge. A copy of the report shall also be furnished members of the school board and the county sheriff by the superintendent of education.

(d) Teachers and other school employees shall immediately report to the principal any incident of which they have knowledge. Said teacher and employee shall assist the principal in the preparation of the report required under subsection (c) of this section.

(e) Any superintendent of education, principal, teacher, or employee who violates the provisions of this section by failure to file a required report shall be guilty of a Class C misdemeanor.

(Acts 1982, No. 82-515, p. 849, §§1-5.)

Section 16-1-24.1

Safe school and drug-free school policy; treatment of policy violators; promulgation and distribution of discipline policy; liability limited for discipline actions; local boards may adopt more stringent guidelines.

(a) The Legislature finds a compelling public interest in ensuring that schools are made safe and drug-free for all students and school employees. The Legislature finds the need for a comprehensive safe school and drug-free school policy to be adopted by the State Board of Education. This policy should establish minimum standards for classes of offenses and prescribe uniform minimum procedures and penalties for those who violate the policies. It is the intent of the Legislature that our schools remain safe and drug-free for all students and school employees. The State Board of Education shall adopt and all local boards of education shall uniformly enforce policies that protect all students and school employees. The State Board of Education shall require local school systems to modify their policies, practices or procedures so as to ensure a safe school environment free of illegal drugs, alcohol, or weapons. Any rules and regulations adopted by the State Board of Education pursuant to this section shall be exempt from Section 41-22-3(3). These modifications shall include the formulation of a discipline plan setting forth policies, practices, and procedures dealing with students or other persons who bring illegal drugs, alcohol, or weapons on a school campus. The discipline plan shall also include uniform drug-free school policies with uniform penalties.

(b) The principal shall notify appropriate law enforcement officials when any person violates local board of education policies concerning drugs, alcohol, weapons, physical harm to a person, or threatened physical harm to a person. If any criminal charge is warranted arising from the conduct, the principal is authorized to sign the appropriate warrant. If that person is a student enrolled in any public school in the State of Alabama, the local school system shall immediately suspend that person from attending regular classes and schedule a hearing at the earliest possible date, which shall not be later than five school days. The decision to suspend or initiate criminal charges against a student, or both, shall include a review and consideration of the student's exceptional status, if applicable, under Chapter 39, or appropriate federal statutory or case law.

(c) If a person is found to have violated a local board of education policy concerning drugs, alcohol, weapons, physical harm to a person, or threatened physical harm to a person, the person may not be readmitted to the public schools of this state until (1) criminal charges or offenses arising from the conduct, if any, have been disposed of by appropriate authorities and (2) the person has satisfied all other requirements imposed by the local board of education as a condition for readmission.

(d) Any person determined to be guilty of an offense involving drugs, alcohol, weapons, physical harm to a person, or threatened physical harm to a person, may be readmitted to the public schools of this state upon such conditions as the local board of education shall prescribe for preservation of the safety or security of students and employees of the local school board, which may include, but are not limited to, psychiatric or psychological evaluation and counseling.

(e)(1) A copy of the school system's discipline plan shall be distributed to all students enrolled in the system and their parents, guardians, or custodians shall read the plan and sign a statement verifying that they have been given notice of the discipline policies of their respective school system. The school board shall have its official discipline plan reviewed on an annual basis to ensure that its policies and procedures are currently in compliance with applicable statutes, case law, and state and federal constitutional provisions.

(2) All discipline plans of school systems shall include, but not be limited to, all of the following:

a. A parent, guardian, custodian, or person, excluding a foster parent, responsible for the care or control of a minor child enrolled in a public school system shall be responsible financially for such child's destructive acts against school property or persons.

b. A parent, guardian, custodian, or person, excluding a foster parent, responsible for the care or control of a minor child enrolled in a public school system may be requested to appear at school by an appropriate school official for a conference regarding acts of the child specified in paragraph a.

c. A parent, guardian, custodian, or person, excluding a foster parent, responsible for the care or control of a minor child enrolled in a school system who has been summoned by proper notification by an appropriate school official shall be required under this provision to attend such discipline conference specified in paragraph b.

(3) Any public school system shall be entitled to recover actual damages, plus necessary court costs, from the parent or guardian, or both, of any minor who maliciously and willfully damages or destroys property belonging to the school system. However, this section shall not apply to parents whose parental control of any child has been removed by court order or decree or to parents of exceptional children with specific mental and physical impairments if the damage is determined to result from the impairments. The action authorized in this section shall be in addition to all other actions which the school system is entitled to maintain and nothing in this section shall preclude recovery in a greater amount from the minor or from a person, including the parents or guardian, or both, for damages to which such minor or other person would otherwise be liable.

(4) This section shall apply only to acts committed on or after August 1, 1992.

(f) The local school board shall adopt and make available to all teachers, school personnel, students, and parents or guardians, at the beginning of the 1992-93 school year and each school year thereafter, a code of student conduct developed in consultation with teachers, school personnel, students, and parents or guardians. The code shall be based on the rules governing student conduct and discipline adopted by the school board and may be made available at the school level in the student handbook or similar publication. The code shall include, but not be limited to, all of the following:

(1) Specific grounds for disciplinary action.

(2) Procedures to be followed for acts requiring discipline.

(3) An explanation of the responsibilities and rights of students with regard to attendance, respect for persons and property, knowledge and observation of rules of conduct, the right to learn, free speech and student publications, assembly, privacy, and participation in school programs and activities.

(g) Except in the case of excessive force or cruel and unusual punishment, no certified or noncertified employee of the State Board of Education or any local board of education shall be civilly liable for any action carried out in conformity with state law and system or school rules regarding the control, discipline, suspension, and expulsion of students.

(h) Nothing in this section shall be construed to prevent a local board of education from promulgating more stringent rules and regulations than those adopted on the state level, in order to foster and maintain a safe and drug-free environment in the public schools.

(Acts 1991, No. 91-323, p. 602, §22; Acts 1994, 1st Ex. Sess., No. 94-784, p. 72, §1.)

Section 16-1-24.1

Safe school and drug-free school policy; treatment of policy violators; promulgation and distribution of discipline policy; liability limited for discipline actions; local boards may adopt more stringent guidelines.

(a) The Legislature finds a compelling public interest in ensuring that schools are made safe and drug-free for all students and school employees. The Legislature finds the need for a comprehensive safe school and drug-free school policy to be adopted by the State Board of Education. This policy should establish minimum standards for classes of offenses and prescribe uniform minimum procedures and penalties for those who violate the policies. It is the intent of the Legislature that our schools remain safe and drug-free for all students and school employees. The State Board of Education shall adopt and all local boards of education shall uniformly enforce policies that protect all students and school employees. The State Board of Education shall require local school systems to modify their policies, practices or procedures so as to ensure a safe school environment free of illegal drugs, alcohol, or weapons. Any rules and regulations adopted by the State Board of Education pursuant to this section shall be exempt from Section 41-22-3(3). These modifications shall include the formulation of a discipline plan setting forth policies, practices, and procedures dealing with students or other persons who bring illegal drugs, alcohol, or weapons on a school campus. The discipline plan shall also include uniform drug-free school policies with uniform penalties.

(b) The principal shall notify appropriate law enforcement officials when any person violates local board of education policies concerning drugs, alcohol, weapons, physical harm to a person, or threatened physical harm to a person. If any criminal charge is warranted arising from the conduct, the principal is authorized to sign the appropriate warrant. If that person is a student enrolled in any public school in the State of Alabama, the local school system shall immediately suspend that person from attending regular classes and schedule a hearing at the earliest possible date, which shall not be later than five school days. The decision to suspend or initiate criminal charges against a student, or both, shall include a review and consideration of the student's exceptional status, if applicable, under Chapter 39, or appropriate federal statutory or case law.

(c) If a person is found to have violated a local board of education policy concerning drugs, alcohol, weapons, physical harm to a person, or threatened physical harm to a person, the person may not be readmitted to the public schools of this state until (1) criminal charges or offenses arising from the conduct, if any, have been disposed of by appropriate authorities and (2) the person has satisfied all other requirements imposed by the local board of education as a condition for readmission.

(d) Any person determined to be guilty of an offense involving drugs, alcohol, weapons, physical harm to a person, or threatened physical harm to a person, may be readmitted to the public schools of this state upon such conditions as the local board of education shall prescribe for preservation of the safety or security of students and employees of the local school board, which may include, but are not limited to, psychiatric or psychological evaluation and counseling.

(e)(1) A copy of the school system's discipline plan shall be distributed to all students enrolled in the system and their parents, guardians, or custodians shall read the plan and sign a statement verifying that they have been given notice of the discipline policies of their respective school system. The school board shall have its official discipline plan reviewed on an annual basis to ensure that its policies and procedures are currently in compliance with applicable statutes, case law, and state and federal constitutional provisions.

(2) All discipline plans of school systems shall include, but not be limited to, all of the following:

a. A parent, guardian, custodian, or person, excluding a foster parent, responsible for the care or control of a minor child enrolled in a public school system shall be responsible financially for such child's destructive acts against school property or persons.

b. A parent, guardian, custodian, or person, excluding a foster parent, responsible for the care or control of a minor child enrolled in a public school system may be requested to appear at school by an appropriate school official for a conference regarding acts of the child specified in paragraph a.

c. A parent, guardian, custodian, or person, excluding a foster parent, responsible for the care or control of a minor child enrolled in a school system who has been summoned by proper notification by an appropriate school official shall be required under this provision to attend such discipline conference specified in paragraph b.

(3) Any public school system shall be entitled to recover actual damages, plus necessary court costs, from the parent or guardian, or both, of any minor who maliciously and willfully damages or destroys property belonging to the school system. However, this section shall not apply to parents whose parental control of any child has been removed by court order or decree or to parents of exceptional children with specific mental and physical impairments if the damage is determined to result from the impairments. The action authorized in this section shall be in addition to all other actions which the school system is entitled to maintain and nothing in this section shall preclude recovery in a greater amount from the minor or from a person, including the parents or guardian, or both, for damages to which such minor or other person would otherwise be liable.

(4) This section shall apply only to acts committed on or after August 1, 1992.

(f) The local school board shall adopt and make available to all teachers, school personnel, students, and parents or guardians, at the beginning of the 1992-93 school year and each school year thereafter, a code of student conduct developed in consultation with teachers, school personnel, students, and parents or guardians. The code shall be based on the rules governing student conduct and discipline adopted by the school board and may be made available at the school level in the student handbook or similar publication. The code shall include, but not be limited to, all of the following:

(1) Specific grounds for disciplinary action.

(2) Procedures to be followed for acts requiring discipline.

(3) An explanation of the responsibilities and rights of students with regard to attendance, respect for persons and property, knowledge and observation of rules of conduct, the right to learn, free speech and student publications, assembly, privacy, and participation in school programs and activities.

(g) Except in the case of excessive force or cruel and unusual punishment, no certified or noncertified employee of the State Board of Education or any local board of education shall be civilly liable for any action carried out in conformity with state law and system or school rules regarding the control, discipline, suspension, and expulsion of students.

(h) Nothing in this section shall be construed to prevent a local board of education from promulgating more stringent rules and regulations than those adopted on the state level, in order to foster and maintain a safe and drug-free environment in the public schools.

(Acts 1991, No. 91-323, p. 602, §22; Acts 1994, 1st Ex. Sess., No. 94-784, p. 72, §1.)

Section 16-1-24.2

Department of Education to develop statewide violence prevention program.

(a) For purposes of this section, the following words and terms shall have the following meanings:

(1) GUIDANCE COUNSELING PROCEDURES. Procedures providing planned, sequential activities and services designed to help all students develop skills in the areas of personal and social growth, educational planning, and career and vocational development.

(2) LAW-RELATED EDUCATION. Education which provides children and youth with the knowledge and skills pertaining to the law, the legal process, school safety, and citizenship responsibilities to promote law-abiding behavior with the purpose to prevent children and youth from engaging in delinquency or violence and enable them to become productive citizens.

(b) The Department of Education shall develop a statewide violence prevention program using such resources as law-related education and guidance counseling procedures to develop violence prevention curricula for grades K through twelve, to provide training to teachers and school administrators on violence prevention, and to develop school-community partnerships for violence prevention.

(Acts 1994, 1st Ex. Sess., No. 94-784, p. 72, §2.)

Section 16-1-24.3

Local boards of education to implement policies requiring expulsion of students who possess firearms in school areas.

(a) All city and county boards of education shall develop and implement local policies and procedures requiring the expulsion of students, for a period of one year, who are determined to have brought to school or have in their possession a firearm in a school building, on school grounds, on school buses, or at other school-sponsored functions. Notwithstanding the foregoing, city and county boards of education and the local superintendent of education of each board may modify the expulsion requirement for a student on a case-by-case basis. Students who are expelled for violation of this section shall not be allowed to attend regular school classes in any public school in the state during the expulsion period. Students who are expelled from schools for firearm possession may be permitted to attend alternative schools designed to provide education services. Discipline of students with disabilities who violate the firearm possession policies of city and county boards of education shall be determined on a case-by-case basis in accordance with the requirements of the Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act.

(b) For the purposes of this section, the term "firearm" has the same meaning as defined in Section 921 of Title 18 of the United States Code.

(c) When there are violations of the prohibition on firearms being brought to school or the possession of firearms by students, the school principal shall notify the appropriate law enforcement authority which may include city police, county sheriffs, and the local district attorney. In addition to notification of law enforcement officials, the school principal shall notify the parents of students who violate the firearm-free school environment provided for in this section.

Law enforcement authorities involved with students charged with firearm violations shall refer the violators of this section to the appropriate authority in the judicial system when the action is feasible.

(d) Local education agencies submitting applications for federal funds to the State Department of Education shall include in the application:

(1) An affidavit to affirm that the local education agency has developed and implemented a policy to provide for a gun-free environment in all its public schools.

(2) A description of the circumstances surrounding an expulsion imposed under this section including:

a. The name of the school concerned.

b. The number of students expelled.

c. The types of weapons concerned.

The State Department of Education shall report the information collected from the local education agencies to the Secretary of Education.

(Acts 1995, No. 95-756, 1768, §§1-4.)

Section 16-1-26

Compensation of school board members.

(a) Members of city and county school boards are authorized to receive reasonable compensation for their services, not to exceed six hundred dollars (\$600) per month, unless set at a higher figure by a local act, upon approval by a majority vote of the members at the board's annual meeting. Compensation shall be in addition to actual traveling and other necessary expenses incurred in attending meetings and transacting business of the board.

(b) The compensation, actual traveling expenses and other necessary expenses incurred shall be paid as other ordinary and necessary expenses of the board.

(c) Any individual school board member, at his or her option, may refuse to accept all or any portion of the approved compensation.

(Acts 1983, No. 83-603, p. 941; Act 2000-123, p. 178, § 1.)

Section 16-1-3 - Photographing or microphotographing records — Authorized; force and effect.

The State Superintendent of Education and each of the several city and county superintendents of education may cause any records, documents, books, papers or writing made, acquired or received as required by law to be photographed or microphotographed, on plate or film. Such photographs, microfilms or prints made therefrom, when duly authenticated by the custodian thereof, shall have the same force and effect at law as the original record, or of a record made by any other legally authorized means, and may be offered in like manner and shall be received in evidence in any court where such original record, or record made by other legally authorized means, could have been so introduced and received.

(Acts 1953, No. 826, p. 1113, §1.)

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Section 16-1-30

Written educational policies, rules and regulations of local boards of education.

(a) Definitions. When used in this section, the following words shall have the following meanings:

(1) LOCAL BOARD OF EDUCATION or BOARD OF EDUCATION. Any city or county board of education; the Board of Trustees of the Alabama Institute for Deaf and Blind; the Alabama Youth Services Board in its capacity as the Board of Education for the Youth Services Department District; the Board of Directors of the Alabama School of Fine Arts; and the Board of Directors of the Alabama High School of Mathematics and Science.

(2) CHIEF EXECUTIVE OFFICER. The superintendent of any public county or public city school system; the President of the Alabama Institute for Deaf and Blind; the Superintendent of the Department of Youth Services District; the Executive Director of the Alabama School of Fine Arts; the Executive Director of the Alabama High School of Mathematics and Science.

(3) PROFESSIONAL ORGANIZATION. The employees' local professional organization whose parent organization represents the majority of school employees statewide.

(b) The local board of education shall, upon the written recommendation of the chief executive officer, determine and establish a written educational policy for the board of education and its employees and shall prescribe rules and regulations for the conduct and management of the schools. Before adopting the written policies, the board shall, directly or indirectly through the chief executive officer, consult with the applicable local employees' professional organization. Input by the applicable professional organization shall be made in writing to the chief executive officer. Representatives of the professional organization shall be made known to the chief executive officer in writing by the professional organization's duly elected officers or their representative. The chief executive officer of the board may also consult with professional assistants, principals, employees, and other interested citizens. The written policies, rules, and regulations, so established, adopted, or promulgated shall be made available to all persons affected and employed by the board. Any amendments to the policies, rules, and regulations shall be developed in the same manner and furnished to the affected persons employed by the board within 20 days after adoption.

(Acts 1995, No. 95-121, p. 183, §§2, 3.)

Section 16-13-1

Fiscal year.

The fiscal year of every board of education shall begin October 1 and end September 30.

(Acts 1939, No. 186, p. 334, § 19; Code 1940, T. 52, §234.)

Section 16-13-13

Fees for courses.

It is the intent of the Legislature that no fees shall be collected in the future in courses required for graduation. In courses not required for graduation, local school boards may set reasonable fees for courses requiring laboratory and shop materials and equipment, provided, however, that such fees shall be waived for students who cannot afford to pay the fee. Any funds collected in fees shall be spent on the course for which the fee was levied. This section shall not be construed to prohibit community groups or clubs from fundraising activities, provided, however, that students shall not be required to participate in such fundraising activities.

(Acts 1983, No. 83-617, p. 956, § 2; Acts 1989, No. 89-689, p. 1356, § 2; Acts 1995, No. 95-314, p. 634, §18.)

Section 16-13-14

Advancement of expenses of members and employees of county and city boards of education; itemized statement of expenses to be presented and approved upon return of member or employee.

(a) City and county boards of education, the Department of Youth Services School District and the Alabama Institute for Deaf and Blind are hereby authorized to pay in advance such reasonable sums as may be required for registration and travel expenses for their members and employees to participate in approved meetings and conferences. No sum shall be advanced from the treasury of any city or county board of education in this state for the purpose of defraying the expenses of any member or employee of such board while traveling or remaining beyond the limits of such board unless the same shall first be included in the budget of such board or approved by a majority vote of the board, which said motion shall state the purpose and object of such expenditure.

(b) When any sum is advanced to a member or employee of any board of education to be used to defray expenses incurred while traveling beyond the borders of the school district, the member or employee shall submit such itemized statements of expenses as may be required by law immediately upon return of the member or employee. Failure to present and have approved such statement shall render such member or employee personally liable to the county or city board of education for the sum advanced, which sum shall, if such member or employee is drawing pay for his services from the county or city board of education, be deducted from any sum then or in the future owed by the county or city board of education to such member or employee.

(Acts 1988, 1st Ex. Sess., No. 88-807, p. 247, §§1, 2.)

Section 16-13-140

Established for county and city school systems; form of annual budget required; public hearings required.

(a) There shall be a budget system for the public schools of each county and city for the purpose of promoting economy and efficiency in the finances of the public schools.

(b) The State Department of Education shall prepare proposed annual budget forms for each local board of education and shall make the forms available to each local superintendent of education by August 1 of the first year of each legislative quadrennium and by July 1 of each subsequent year of each legislative quadrennium for use with public hearings. The forms shall be clear, uniform, and concise in order to promote understanding by the general public of the budget process.

(c) Each local board of education shall hold at least two open public hearings pertaining to its proposed annual budget. Copies of the proposed budget shall be provided to the public at each hearing on forms provided by the State Department of Education. Each board shall seek input from the public concerning the proposed budget and the allocation of resources. Each hearing shall be held during a scheduled board meeting in a place and at a time convenient for the general public to attend. The chair of each board shall publicize the date and time of each hearing in the local media in advance of the hearing. In addition, notice of each hearing shall be posted in a conspicuous place at the offices of the local board of education, the county courthouse, the main municipal building, and at each affected school. The proposed budget shall reflect the total amount of resources available to the board from all funding and revenue sources. The projected enrollment and the total proposed expenditure by each board and for each school shall be available at the public hearings. The proposed budget shall clearly delineate the number of teachers, librarians, counselors, administrators and other support personnel projected to be employed at each school. The proposed budget shall clearly list the operating costs by category or function at each school. The proposed budget shall delineate by school those operating resources earned, including, but not necessarily limited to, those items contained in the Instructional Support Program of the Foundation Program, designating the amount of funds earned at each school per item based on average daily membership. After at least two public hearings have been held, the local board and superintendent shall cause a final budget to be developed consistent with the laws of this state, and shall make copies of the final budget available to the public upon request. Copies of the budget and other financial documents may be secured from the superintendent at a cost not to exceed the cost of production of the document.

(d) On or before October 1 of each year, each local board of education shall prepare and submit to the State Superintendent of Education the final annual budget adopted by the local board of education, which budget shall be prepared and submitted according to the classifications and items specified on forms provided therefor and in accordance with the regulations of the State Board of Education.

(e) No local board of education, or superintendent thereof, shall approve any budget for operation of the school for any fiscal year which shall show expenditures in excess of income estimated to be available by the various state and other officials, as required in Sections 16-13-141 and 16-13-142, plus any balances on hand, except under conditions set forth by the laws of the state governing the issuance of school warrants.

(Acts 1939, No. 454, p. 610, §§ 1, 2; Code 1940, T. 52, §236; Acts 1953, No. 82, p. 126, §1; Acts 1997, No. 97-624, p. 1096, 1.)

Section 16-13-143

When budget official; approval of funds for teachers' salaries; changes in budget; approval prerequisite to receipt of funds.

(a) A budget shall become official and shall be followed in the matter relating to the financial operation of the schools of any school system when it has been prepared by the superintendent of education and approved by the county or city board of education, as the case may be, in accordance with the conditions prescribed above, and when a copy has been filed with and approved by the State Superintendent of Education.

(b) The State Superintendent of Education shall not approve the expenditure of public funds for the salaries of teachers unless said teachers hold valid teaching certificates and have been nominated in writing by the county or city superintendent of education and appointed by the county or city board of education, as the case may be.

(c) A county or city superintendent of education with the approval of his board shall have authority during the fiscal year to make such changes within the budget as are deemed desirable; provided, that schools are operated for the state minimum term according to rules and regulations of the State Board of Education; and provided, that a deficit is not incurred by such change or changes.

(d) No school board shall be entitled to receive any school funds apportioned by the State Board of Education for any fiscal year until that school board has filed a budget for that fiscal year with the State Superintendent of Education, which budget has been approved in accordance with the provisions of this article.

(Acts 1939, No. 454, p. 610, § 6; Code 1940, T. 52, §241.)

Section 16-13-144

Prohibition and penalty for exceeding budget; waiver of penalty.

(a) No local board of education shall spend or obligate itself to spend more money in any fiscal year than the estimate of income available to that board of education for that year, plus balances on hand at the beginning of the fiscal year, which estimate shall be approved by the State Superintendent of Education, if the excess expenditure or excess obligation to spend results in a deficit for that fiscal year, except as provided in Section 16-13-145. The estimate of income shall include estimates of income from revenue receipts from all sources and estimates of nonrevenue receipts from all sources, but excluding all funds derived from loans other than loans obtained by the issuance of school warrants authorized by the laws of the state. This section shall not apply to any fiscal year where there is proration of education funds going to local boards of education. No funds shall be transferred by any board of education from salary allocations to any other expenditure or for any other purpose. In times of proration, salaries shall not be subject to proration.

(b)(1) If a local board of education in any fiscal year violates this section, the State Superintendent of Education shall reduce in the succeeding fiscal year the allotment from the Foundation Program Fund to which the local board of education is otherwise entitled an amount equal to one-fourth of the deficit.

(2) The State Superintendent of Education may waive all or part of the penalty if the school system has made a substantial effort to remove the deficit and agrees to develop an approved financial plan.

(c) If any local superintendent at any time makes a financial statement to his or her local board of education or to the State Superintendent of Education in which the superintendent purposely misrepresents the amount of the deficit or obligations outstanding of his or her local board of education, he or she shall be guilty of a misdemeanor and punishable by a fine of not less than one hundred dollars (\$100) and not more than five hundred dollars (\$500).

(Acts 1939, No. 454, p. 610, § 7; Code 1940, T. 52, §242; Acts 1979, No. 79-763, p. 1363, § 1; Acts 1995, No. 95-314, p. 634, §27; Acts 1996, No. 96-480, p. 608, §1.)

Section 16-13-145

Authority to borrow funds against revenues of current year; authority to contract with T.V.A. to obtain funds to improve energy-inefficient school buildings with approval of state superintendent.

(a) Any local board of education shall have authority during any fiscal year upon the recommendation of the local superintendent of education, as the case may be, to borrow money in anticipation of the current revenues for that fiscal year and to pledge the current revenues for said fiscal year for the payment of such loan or loans if funds on hand are not sufficient to pay the salaries of teachers and to meet the current expenses when due; provided, that the party or parties making such loan or loans to a local board of education shall not be put upon inquiry as to the validity of such indebtedness because of this provision. The total amount of such loans a local board of education may have outstanding at any time during the fiscal year shall be determined as follows: From the total estimate of current revenue of that local board of education for that fiscal year, which estimate is approved by the State Superintendent of Education, deduct the sum of the current revenue already received for that fiscal year and the principal and interest due on school warrants during that fiscal year and unpaid at that time and the difference shall be the maximum amount of current loans said local board of education can have outstanding in anticipation of current revenue at any given time. All such current loans shall be due and payable not later than the close of the fiscal year for which the current revenue is pledged provided that if the State of Alabama makes the final apportionment of school funds for a fiscal year after the close of that fiscal year, such loans may be extended at the close of the fiscal year until such time as the state makes its final apportionment. If for any reason at the close of a fiscal year a local board of education does not have on hand sufficient funds to retire all current loans, the party or parties making such loans to the local board of education shall not be put upon inquiry as to the validity of such loan or loans due to any provision of this article and any such loans unpaid at the close of any fiscal year shall become a first lien on the current revenue of the succeeding fiscal year subject only to the prior lien of principal and interest due on school warrants if such warrants are outstanding. At no time shall loans be secured to meet the current expenses in any year which shall pledge the school revenues of any other fiscal year; provided, that expenditures for teachers' salaries for services rendered and for transportation for the scholastic year, July 1 to June 30, inclusive, for any year, and expenditures for fuel and school classroom materials and supplies to be consumed in the scholastic year, July 1 to June 30, inclusive, for any year, shall be paid from cash on hand and if for any reason the local boards of education do not have on hand sufficient funds to pay such expenditures then the local boards of education shall have authority upon the recommendation of the local superintendent of education, as the case may be, to borrow money to pay for such expenditures and to pledge therefor the school revenue for the ensuing fiscal year; provided, that such loan must be repaid during that fiscal year for which the school revenue is pledged.

(b) Notwithstanding the provisions of subsection (a) of this section, Section 16-13-144, or any other provision of law, any local board of education upon the recommendation of the local superintendent of education shall have authority to contract with the Tennessee

Valley Authority for the purpose of obtaining funds from the Tennessee Valley Authority's Commercial and Industrial Energy Conservation Financing Plan or any similar plan developed by the Tennessee Valley Authority, in accordance with the terms and conditions established for such programs by the Tennessee Valley Authority, to assist said local board of education in modifying any school buildings as may be determined to be energy-inefficient in order to improve the energy efficiency of such buildings. No contract authorized by this subsection shall be effective until approved by the State Superintendent of Education.

(Acts 1939, No. 454, p. 610, § 8; Code 1940, T. 52, §243; Acts 1981, 2nd Ex. Sess., No. 81-1081, p. 332, §1; Acts 1995, No. 95-314, p. 634, §28.)

Section 16-1-32

Debit cards; authorized uses; transaction fees.

(a) The board of trustees or any other governing body of a public institution of higher education as defined in Section 16-5-1 may establish a program which provides students enrolled at the institution with debit cards issued by the institution. This specific authority shall exist in addition to any pre-existing authority to establish such a program conferred elsewhere by the Constitution of Alabama of 1901, or statute.

(b) A student issued a debit card under the program may use the card to purchase merchandise or services available through the institution or at the institution through a person authorized to sell merchandise or services at the institution, or at any other location or through any other person as determined by the board of trustees or the governing body.

(c) Without limiting the generality of the foregoing subsection, the debit card program shall at a minimum allow a person who operates an off-campus college bookstore which sells merchandise or services of the same kind as the merchandise or services that a student may purchase at a bookstore operated on the campus of the institution under subsection (b), to participate in the program under the same or equivalent terms applicable to a person authorized to sell merchandise or services under subsection (b), and to accept a debit card payment from a student to whom a debit card has been issued under the program for purchase of that merchandise or service.

(d) A per transaction fee, not to exceed 3.25 percent of the total purchase price may be charged the off-campus bookstore by the institution administering the debit card program. Other merchants may participate in the program under the terms and conditions established by the institution. The transaction fee for all other merchants or vendors, irrespective of type of business, shall not exceed five percent of the total purchase price.

(e) The amendments to this section specified in Act 2006-405 shall be implemented and be operative by July 1, 2006.

(Acts 1997, No. 97-226, p. 371, §1; Act 2006-405, p. 1013, §1.)

Section 16-13-2

Investment of endowment funds held by State Board of Education and trustees of state institutions.

Authority is hereby granted to the State Board of Education and the board of trustees of all state institutions respectively, where education is a part of the program of the institution, to invest and reinvest endowment funds and funds held for investment, subject to all the terms, conditions, limitations and restrictions imposed by the laws of Alabama upon domestic life insurance companies in the making and disposing of their investments; and subject to like terms, conditions, limitations and restrictions, each such board shall have full power to hold, purchase, sell, assign, transfer and dispose of any of the securities and investments in which any of the funds shall have been invested, as well as the proceeds of said investments and any moneys belonging to said funds; provided, that all rights and privileges of investment and management of funds heretofore granted or vested in said boards shall continue to vest therein.

(Acts 1959, No. 499, p. 1234, § 1.)

Section 16-13-231

Purposes and plan of apportionment.

(a) In addition to all other appropriations and apportionments of public school money now provided by law and made available for public schools there shall be apportioned and paid to local boards of education from the Foundation Program Fund, the amounts to be determined as hereinafter provided and in accordance with regulations of the State Board of Education. This Foundation Program Fund shall be used principally:

(1) To aid in providing at least a 180 full instructional day minimum school term; and,

(2) To assist in the promotion of educational opportunity for all children in the public schools.

(b) The following requirements and procedures, supplemented when necessary by regulations of the State Board of Education, shall govern the apportionment of the fund:

(1) REQUIREMENTS FOR PARTICIPATING IN FUND. In order for a local board of education to share in the apportionment of the Foundation Program Fund and to receive the maximum benefits therefrom, the board shall meet the following conditions:

a. The appropriate local governing body must insure that the local board of education within its jurisdiction is receiving an amount of local tax receipts equivalent to ten mills of school tax as computed from the most current assessed valuation of property which comprises the school tax district or districts of the local board of education. The State Superintendent of Education shall determine compliance with this provision of the law in accordance with rules or procedures adopted by the State Board of Education. In determining compliance for a county board of education, tax revenues provided to the county board of education from the county, from whatever tax source derived, shall be considered. In determining compliance for a city board of education, tax revenues provided to the city board of education by the county and the city, from whatever tax source derived, shall be considered.

b. In the expenditure of all funds available for the Foundation Program as herein defined, the local board of education shall as nearly as practicable provide the same length of term in all schools.

c. The local board of education shall provide a school term of at least 180 full instructional days beginning with school year 2006-2007, or such part of that school term as can be maintained by using funds available and as defined by regulations of the State Board of Education. In case the local board of education fails to operate any schools the minimum 180 full instructional day term, or the minimum term as defined by the State Board of Education, the Foundation Program allowances of the local board of education shall be computed only for the actual period the schools are in session that school year.

d. The local board of education shall expend funds for teachers' salaries in accordance with a salary schedule adopted by the local board of education and approved by the State Superintendent of Education. The salary schedule shall be at least 100 percent of those salary amounts specified in the State Minimum Salary Schedule by cell.

The local board of education shall allocate state and local Foundation Program funds to each school in an equitable manner, based on the needs of the students and the schools, as reflected in the current year's actual student populations, including at-risk students, students receiving special education services, and students enrolled in vocational/technical educational programs. The local board of education shall report annually to the State Board of Education on how all state and local funds for public education, including Foundation Program funds and capital outlay funds, have been allocated to each of its schools or area vocational centers.

e. The local board of education shall submit to the State Superintendent of Education, under the regulations of the State Board of Education, the following:

1. A proposed building program which sets out in detail the location of all present and proposed buildings; which indicates proposed educational centers and grades to be taught at these centers and which provides schools for all children of the local board of education.

2. Except for those city boards of education not maintaining a transportation system, a proposed transportation program showing the proposed routing of buses and the condition of all roads to be used for transportation.

3. A proposed professional development program which sets out in detail the professional development needs of employees of the local board of education.

4. A proposed technology program which sets out in detail the proposed expenditures of technology funds.

5. A proposed program for the provision of services to students with disabilities and gifted students in compliance with applicable state and federal laws.

6. A proposed program for the provision of vocational educational services in compliance with applicable state and federal laws.

7. A proposed program for the provision of educational services to at-risk students in compliance with applicable state and federal laws. The proposed program for at-risk students shall include the provision that all funds allocated shall be spent for at-risk students.

f. The local board of education shall meet such other standards as may be set up by the State Board of Education to promote improved educational opportunity and provide better schools.

(2) DETERMINING COST OF FOUNDATION PROGRAM. In determining the cost of the Foundation Program, the Legislature, based on the recommendation of the State Board of Education, shall proceed to find the following allowable costs for each local board of education: Teachers' salaries, fringe benefits, classroom instructional support, and other current expense. The rate per employee set by the Legislature for teachers' retirement and employees' health insurance shall be in effect for the entire fiscal year and shall not be increased by the Teachers' Retirement System or the Public Education Employees' Health Insurance Board, except by further action of the Legislature.

a. The Foundation Program allowance for salaries of teachers shall be determined as follows: The number of teacher units allowed in Section 16-13-232 for each local board of education shall be multiplied by the amount or amounts per teacher unit, which amounts shall be based on the average salaries for each major classification required by the operation of the State Minimum Salary Schedule established by the Legislature in the Education Trust Fund appropriation bill and adopted by the State Board of Education. In recommending to the Governor and the Legislature the State Minimum Salary Schedule the State Board of Education shall give due consideration to degree level, certification, and public education experience. Any teacher, including, but not limited to, a vocational education teacher, currently under contract in excess of 187 days shall not have the term or salary of his or her contract reduced as a result of this article.

b. The Foundation Program allowance for fringe benefits shall be determined by multiplying a uniform percentage times the amount of teachers' salaries allowed in paragraph a. above or by multiplying a fixed rate depending on the type of fringe benefit. The fringe benefits allowances shall include amounts for the employer's contribution for teachers' retirement, health insurance, Social Security, Medicare, unemployment compensation, personal leave, and sick leave. The fringe benefits allowance may include allowances for other fringe benefits as may be approved by the State Legislature. The State Legislature shall seek the input and advice of appropriate agencies and individuals in setting allowances. The Teachers' Retirement System and the Public Education Employees' Health Insurance Board shall recommend to the Legislature, on or before the first legislative day of each regular session of the Legislature, the rate for the following fiscal year. The Legislature shall set the rate in the annual appropriation bill.

c. The Foundation Program allowance for classroom instructional support shall be determined by multiplying a uniform amount times the number of teacher units allowed in Section 16-13-232. The uniform amount shall include allowances for library enhancement, classroom materials and supplies, professional development, and technology. The library enhancement appropriation shall be for K-12 Public School Library/Media Centers and is an absolute appropriation. Other expenditures may include book binding, repair, CD Roms, computer software, computer equipment, cataloging, audio-visual materials, newspapers, magazines, recordings, and video tapes. The uniform amount may include allowances for other classroom instructional support as may be approved by the State Board of Education. The Foundation Program allowance for classroom instructional support shall also include an allowance for textbooks which shall be determined on a per pupil basis. The number of pupils shall be determined by the

number of pupils in average daily membership during the first 20 scholastic days after Labor Day of the preceding school year. The State Board of Education shall recommend to the Governor the amount for each cost factor included in classroom instructional support on or before December 1 of the current fiscal year for the ensuing fiscal year.

d. The Foundation Program allowance for other current expense shall be determined by multiplying a uniform amount by the number of earned units. The uniform amount shall be recommended by the State Board of Education to the Governor on or before December 1 of the current fiscal year for the ensuing fiscal year.

e. The State Board of Education may cause, from time to time, a study of allowances for teachers' salaries, fringe benefits, classroom instructional support, and other current expense of local boards of education to be conducted and, based on the results of the study, may propose any necessary changes to the Governor and Legislature.

f. The total cost of the Foundation Program for any local board of education shall be the total allowed for teachers' salaries, for fringe benefits, for classroom instructional support, and for other current expense. The allowances herein to the local boards of education shall be expended subject to all applicable laws, rules, and regulations; however, the total funds calculated in the total cost of the Foundation Program for teachers' salaries shall be expended for salaries within the instructional program.

(3) DETERMINING FUNDS AVAILABLE TO PROVIDE FOUNDATION PROGRAM.

a. The funds available to meet the cost of the Foundation Program shall be appropriated by the Legislature taking into consideration an amount of local effort required on the part of each local board of education. The required local effort charged against each local board of education for its share of the cost of the Foundation Program shall be as follows:

1. For the 1995-96 fiscal year, the equivalent of five mills of local school tax district ad valorem tax as reported pursuant to subsection (b)(1)a.

2. For the 1996-97 fiscal year, the equivalent of seven and one-half mills of local school tax district ad valorem tax as reported pursuant to subsection (b)(1)a.

3. For the 1997-98 fiscal year, the equivalent of ten mills of local school tax district ad valorem tax as reported pursuant to subsection (b)(1)a.

4. For each fiscal year thereafter, the equivalent of ten mills of local school tax district ad valorem tax as reported pursuant to subsection (b)(1)a.

b. After calculating the total cost of the Foundation Program for each local board of education, the state allocation from the Education Trust Fund is calculated by subtracting the local effort required by this section from the total cost. Although the cost of the Foundation Program is calculated for each school, the one sum allocation for each local

board of education shall flow monthly to the local board of education. The state funds for the Foundation Program shall be allotted by the State Board of Education consistent with State Board of Education rules and regulations.

(Acts 1995, No. 95-314, p. 634, §2; Act 2000-757, p. 1724, §1; Act 2006-251, p. 454, §1.)

Section 16-13-235

Local boards of education to furnish information and file records; State Superintendent of Education to provide data; rules and regulations.

(a) All local boards of education are required, in order to receive state funds, to furnish all such information and to file such records and reports as may be required by the State Board of Education.

(b) The State Superintendent of Education shall provide to the Legislative Fiscal Office and the Department of Finance any and all data necessary to enable those departments to calculate the cost of the Foundation Program and other funding provisions of this article.

(c) The State Superintendent of Education and the State Board of Education are hereby authorized and required to promulgate such reasonable rules and regulations as may be necessary to implement the provisions of this article.

(Acts 1995, No. 95-314, p. 634, §6.)

Section 16-13-235

Local boards of education to furnish information and file records; State Superintendent of Education to provide data; rules and regulations.

(a) All local boards of education are required, in order to receive state funds, to furnish all such information and to file such records and reports as may be required by the State Board of Education.

(b) The State Superintendent of Education shall provide to the Legislative Fiscal Office and the Department of Finance any and all data necessary to enable those departments to calculate the cost of the Foundation Program and other funding provisions of this article.

(c) The State Superintendent of Education and the State Board of Education are hereby authorized and required to promulgate such reasonable rules and regulations as may be necessary to implement the provisions of this article.

(Acts 1995, No. 95-314, p. 634, §6.)

Section 16-13-32

Funds contributed to be applied as indicated in grant.

All funds contributed by persons or otherwise to any school or school district shall be applied as indicated in the grant from such contributors.

(School Code 1927, §250; Code 1940, T. 52, §202; Acts 1995, No. 95-314, p. 634, §20.)

Section 16-13-70

Issuance authorized; purposes; source of payment.

(a) Any county board of education and any city board of education may issue and sell interest-bearing tax anticipation warrants for the purpose of paying the costs of erecting, acquiring, providing, constructing, purchasing, altering, enlarging, improving, repairing and equipping school buildings, school playgrounds and buildings for housing and repairing school buses, and for the purpose of purchasing school buses, or for any one or more of such purposes.

(b) Warrants issued under the provisions of this article shall not be general obligations of the board of education issuing such warrants but shall be payable, as to both principal and interest, solely out of one of the following:

(1) The proceeds of any ad valorem tax voted under the constitution for the purpose of paying such warrants, or for school purposes generally, and paid, apportioned or allocated to or for the benefit of the board of education issuing such warrants;

(2) The proceeds of any ad valorem tax that may be paid, apportioned or allocated to or for the benefit of the board of education issuing such warrants; or

(3) The proceeds of any privilege, license or excise tax or taxes that may be paid, apportioned or allocated to or for the benefit of the board of education issuing such warrants.

(c) Any board of education issuing any warrants hereunder shall specify, in the proceedings authorizing such warrants, the tax proceeds out of which such warrants are to be payable and shall secure payment of the principal thereof and the interest thereon by a pledge of so much as may be necessary therefor of such tax proceeds. If any such board of education makes more than one such pledge with respect to the proceeds from the same tax, then such pledges shall take precedence in the order in which they are made unless the proceedings making the pledge prior in time shall specifically provide that such pledge shall be on a parity with or subordinate to a subsequent pledge of the same tax proceeds.

(d) Warrants issued pursuant to the provisions of this article shall constitute preferred claims against the tax proceeds out of which they are payable, subject to prior pledges, and shall have preference over claims for salaries or other operating expenses or any other purpose.

(e) No board of education may issue under the provisions of this article warrants payable out of the proceeds of any ad valorem tax if the principal and interest maturing on such warrants in any fiscal year, when added to the principal and interest maturing in the same fiscal year on all warrants of such board of education then outstanding and constituting preferred claims against said ad valorem tax, would exceed 80 percent of the annual

proceeds of said ad valorem tax, computed upon the basis of the last assessed valuation on which taxes were due and payable, of the county or the district, as the case may be, as certified by the county tax assessor; provided, that if an irrevocable trust fund consisting of cash or direct general obligations of the United States of America, or both, shall be established for retirement of all or part of the principal of or interest on any outstanding warrants of a board of education, then, to such extent as the retirement thereof shall be provided for by the said trust fund (including the cash therein and all sums due to be paid by the said United States under the terms of any of its direct general obligations forming a part of the said trust fund), the said principal and interest shall be excluded from any computation for the purposes of this subsection of the amount of principal and interest maturing with respect to outstanding warrants.

(Acts 1959, 2nd Ex. Sess., No. 57, p. 224, §1; Acts 1963, 2nd Ex. Sess., No. 148, p. 336, §1.)

Section 16-13-9

Bonding of persons handling public school funds generally — Payment of premiums.

County and city boards of education are hereby authorized to expend public school funds in order to pay the necessary premiums on the surety bonds authorized in Section 16-13-8 and to pay for audits of such funds.

(Acts 1953, No. 66, p. 97, §2.)

Section 16-13-8

Bonding of persons handling public school funds generally — Authority to require.

County and city boards of education are hereby authorized to require county and city public school principals and such other persons as may be charged with the custody and responsibility for handling public school funds to give bond in an amount to be fixed by the county or city board of education, as the case may be, in a reputable surety company authorized to do business in Alabama, conditioned upon the faithful performance of the duties of their office and upon the accounting and paying over to the proper authority of all such public school funds coming into their hands.

(Acts 1953, No. 66, p. 97, §1.)

Section 16-1-38

Financial and education law training for newly elected superintendents of education.

(a)(1) Each person newly elected or appointed as a city or county superintendent of education shall, prior to assuming office, attend and satisfactorily complete a training program on school finances and education law. This requirement shall be applicable upon the development and offering of the training program as provided in this section.

(2) The State Superintendent of Education, based upon reasonable cause, may allow a newly elected or appointed superintendent to attend and satisfactorily complete the training program after assuming office.

(3) Superintendents serving on May 31, 2001, may attend such training program.

(4) The Department of Education, or its designee, shall provide the training program at no cost.

(b)(1) The training program shall be formulated by a committee comprised of the State Superintendent of Education and each of the following:

a. A representative of the State Department of Education appointed by the State Board of Education.

b. A representative of the Council for Leaders in Alabama Schools, appointed by the governing body of the council.

c. A representative of the Alabama Education Association, appointed by the governing body of the association.

d. A representative of the Alabama Association of School Boards, appointed by the governing body of the association.

e. A representative of the Alabama Commission on Higher Education, appointed by the governing body of the commission.

(2) The committee shall determine each of the following:

a. The contents, scope, and curriculum of the program.

b. The duration of the program.

c. Locations and dates when the program would be offered.

d. The costs of developing the training program for school finance and law as well as the costs of validating and completing bias reviews for the required assessment program.

e. Other relevant matters relating to the development, implementation, and operation of the program.

(3) The committee shall recommend to the State Board of Education the inclusion of the school finance and law training program into all preparation programs for school administrators.

(4) The institutions of higher education shall use for the school finance and law courses only those professors who have satisfactorily completed the training and/or assessment program.

(c)(1) The State Board of Education, by rule, may provide further for the contents, scope, curriculum, duration, offerings, and other relevant matters relating to the development, implementation, and operation of the training program.

(2) The State Board of Education, by rule, may provide for the participation in all or a portion of the program by superintendents serving on May 31, 2001, and other appropriate school personnel.

(Act 2001-706, p. 1569, §1.)

Section 16-13-9

Bonding of persons handling public school funds generally — Payment of premiums.

County and city boards of education are hereby authorized to expend public school funds in order to pay the necessary premiums on the surety bonds authorized in Section 16-13-8 and to pay for audits of such funds.

(Acts 1953, No. 66, p. 97, §2.)

Section 16-13-90

Purposes for which warrants issued.

In any county in which a special county tax shall have been voted under the constitution for such purpose or for school purposes generally, and in any school district in which a special district tax shall have been voted under the constitution for such purpose or for school purposes generally, the county board of education or the city board of education, as the case may be, with the approval of the State Superintendent of Education may issue and sell capital outlay warrants for the purposes of erecting, purchasing, altering, enlarging, improving, repairing and equipping school buildings and school playgrounds, and buildings for housing and repairing school buses, including sites for any such buildings and playgrounds; and for the purpose of purchasing school buses; and for the purpose of acquiring a school building already erected by another government body, which building is being transferred to the use and jurisdiction of the board issuing the warrants; or for any one or more of such purposes; issue and sell or exchange refunding warrants for the purpose of refunding any valid warrants heretofore or hereafter issued and constituting a preferred claim against the said tax, or, in the case of refunding warrants payable from the tax of a special school district which consists of a consolidation of two or more smaller special school districts, constituting a preferred claim against the tax of any of such smaller districts; provided, that the refunding warrants shall not be issued in an aggregate principal amount exceeding the sum of (i) the outstanding principal of such warrants being refunded, (ii) the interest accrued and unpaid thereon plus the interest to mature thereon until the date on which they are to be redeemed or paid, and (iii) the amount of any redemption premium required to be paid. Proceedings authorizing the issuance of refunding warrants under the provisions of this article shall identify the warrants being refunded, but no purchaser or holder of any such refunding warrant shall thereby be put upon inquiry or charged with notice of the nonexistence or invalidity of such refunded warrants, and the validity of such refunding warrants shall not be affected thereby. Warrants shall never be issued hereunder to an amount of principal and interest maturing in any fiscal year which, when added to the amount of principal and interest of all warrants then outstanding and constituting preferred claims against the said tax and maturing in said fiscal year, would exceed 80 percent of the annual proceeds of said tax, computed upon the basis of the last assessed valuation on which taxes were due and payable, of the county or of the district, as the case may be, as certified by the county tax assessor.

(Acts 1939, No. 186, p. 334, § 1; Code 1940, T. 52, §216; Acts 1986, Ex. Sess., No. 86-650, p. 33.)

Section 16-13A-1

Fiscal management policies.

A local board of education, to ensure the sound fiscal management of board finances, upon the recommendation of the local superintendent of education, shall adopt fiscal management policies which comply with generally accepted accounting principles, including, but not limited to, policies related to each of the following:

- (1) Regular reconciliation of bank statements.
- (2) Maintenance of fixed assets inventory.
- (3) Deposit of incoming funds.
- (4) Review of monthly revenues and expenditures.

(Act 2006-196, §2.)

Section 16-13A-12

Bonding.

(a) The following officers and employees of a local board of education shall be bonded in amounts fixed by the local board of education and approved by the State Superintendent of Education:

(1) Local superintendents of education.

(2) Chief school financial officers.

(3) Any other employee of a local board handling local board of education funds as required by the board.

(b) The Chief Education Financial Officer shall be bonded in an amount fixed by the State Superintendent of Education and approved by the State Board of Education.

(c) A certified copy of the bond shall be filed with the State Superintendent of Education.

(Act 2006-196, §2.)

Section 16-13A-13

Publication of budget and financial information.

Budget and financial information used for public hearings on local district budgets shall be published on a form provided by the State Superintendent of Education. Such information shall contain financial information at both the school and school district levels.

(Act 2006-196, §2.)

Section 16-13A-5

Supervision, fiduciary responsibility of chief school financial officer; duties.

(a) The chief school financial officer shall work under the direct supervision of the local superintendent of education but shall have a fiduciary responsibility to the local board of education.

(b) The chief school financial officer shall perform each of the following duties:

(1) Verify the receipt of all funds to which the local board of education may be entitled by law or which may come into its possession for public school purposes.

(2) Verify the payment of such funds, such payments to occur only on written order of the local superintendent of education.

(3) Keep an accurate record of all receipts and expenditures, and provide such information to the local superintendent and the local board.

(4) Make reports as may be required by law, by the local board of education, or by rules and regulations of the State Board of Education.

(5) Personally notify, in writing, each board member and the local superintendent of education of any financial transaction of the local board of education which the chief school financial officer deems to be non-routine, unusual, without legal authorization, or not in compliance with the fiscal management policies of the board. The notification shall be recorded in the minutes of the board by the president of the local board of education.

(6) Be bonded in an amount determined by the State Board of Education.

(Act 2006-196, §2.)

Section 16-13A-6

Required reports.

(a) The State Board of Education shall by regulation provide for various financial and other information which local superintendents of education shall have prepared for the local boards of education, including, but not limited to, the following:

(1) A monthly financial statement showing the financial status of the local board of education accounts with itemized categories specified by the State Board of Education.

(2) A monthly report showing all receipts and the sources thereof.

(3) A monthly report showing all expenditures with itemized categories specified by the State Board of Education.

(4) An annual projected budget.

(5) Monthly and/or quarterly reports showing expenditures relative to such projected budget.

(6) A yearly report of the fixed assets inventory of the local board of education with itemized categories specified by the State Board of Education.

(7) Financial and other information necessary to participate in national statistical studies on education.

(b) The financial information required in subsection (a), as well as any other financial information which the State Board of Education shall require, shall be submitted in writing and/or electronically to the Chief Education Financial Officer by the 15th day of the month following its presentation to the local board of education.

(c) All local boards of education shall be required to implement a standardized financial accounting program as determined by the State Department of Education to collect the information required by this chapter and to provide for ease of input by local boards of education and ease of monitoring by a local board of education, its chief school financial officer, and the State Department of Education. If a local school system's financial report is found to be in conflict with generally accepted accounting principles, the State Department of Education shall issue a notice to that school system informing it of such and request that proof of correction of conflict be forwarded to the State Department of Education and approved by the State Superintendent of Education within a reasonable time thereafter.

(d) All financial documents, in whatever source maintained, are public documents, and shall be open to inspection and accessible to the public. An annual budget and monthly financial statements with supporting spread sheets as submitted to the State Department

of Education shall be made available to the general public at the local school system Internet site.

(Act 2006-196, §2.)

Section 16-13A-8

Authority to expend funds.

Each local board of education shall adopt procedures relating to the expenditure of funds which do not require express board approval prior to the expenditure. A local superintendent of education, subject to these policies and board-approved budget limitations, may expend funds without prior approval of the board. All such expenditures shall be included in the monthly report to the board of expenditures required pursuant to this chapter.

(Act 2006-196, §2.)

Section 16-13A-9

Reserve funds.

A local board of education shall develop a plan to establish and maintain a minimum reserve fund equal to one month's operating expenses.

(Act 2006-196, §2.)

**Section 16-1-4 - Photographing or microphotographing records —
Destruction of records photographed, etc.; retention of photographs.**

The State Superintendent of Education and each of the several city and county superintendents of education may destroy or cause to be disposed of any record, document, books, papers or other writing which have been photographed or microphotographed. Such photographs or microphotographs shall be retained and kept in lieu of such records, documents, books or papers required to be kept or maintained. However, no record or other written matter authorized under the provisions of Section 16-1-3 to be photographed or microphotographed may be destroyed or otherwise disposed of until the copy has been processed and checked with the original for accuracy, and no city or county superintendent of education shall destroy or dispose of any record or other written matter without first obtaining the approval of the State Superintendent of Education. The State Superintendent of Education may, however, classify such records and other written matter and authorize the destruction of certain classes of records or other written matter upon their being photographed or microphotographed, and may prescribe the period for which records of certain classes must be retained after having been photographed or microphotographed before such records are destroyed.

(Acts 1953, No. 826, p. 1113, §2.)

**Section 16-1-5 - Photographing or microphotographing records —
Intent.**

It is the intent of Sections 16-1-3 and 16-1-4 to permit the State Superintendent of Education and each of the several city and county superintendents of education to destroy, in the manner prescribed in Section 16-1-4, any records, documents, books or papers required by law to be kept or maintained by them in the event that photographic reproductions of such records, documents, books or papers are made and to give such photographic reproductions the same force and effect as the originals thereof.

(Acts 1953, No. 826, p. 1113, §3.)

Section 16-1-6 - Association of school board members.

The Alabama Association of School Board Members is hereby recognized as the organization and representative agency of the members of the school boards of Alabama.

The State Superintendent of Education, the State Department of Education and the boards of education of the county and city systems are hereby empowered and authorized to cooperate with the Alabama Association of School Board Members in its in-service training program for school board members and in encouraging and fostering cooperation among the school boards affiliated with the Alabama Association of School Board Members.

Members of the state, county and city boards of education are authorized to pay dues to and also may incur reasonable traveling and subsistence expenses in attending meetings of the Alabama Association of School Board Members with which it is affiliated. Such dues and expenses may be paid as other expenses are paid by such boards of education.

(Acts 1955, No. 317, p. 718, §§ 1-3.)

Section 16-1-7 - Eye protective devices for pupils and teachers participating in certain courses.

(a) Every pupil and every teacher in the public schools shall wear industrial quality eye protective devices while participating in the following courses:

(1) Vocational or industrial arts, shops or laboratories involving experience with:

- a. Hot molten metals;
- b. Milling, sawing, turning, shaping, cutting or stamping of any solid materials;
- c. Heat treatment, tempering or kiln firing of any metal or other materials;
- d. Gas or electric arc welding;
- e. Repair or servicing of any vehicle;
- f. Caustic or explosive materials.

(2) Chemical or combined chemical-physical laboratories involving caustic or explosive chemicals or hot liquids or solids.

(b) The board of education or other governing authority of each school shall furnish the eye protective devices prescribed in this section free of charge to the pupils and teachers of the school participating in the courses described in subsection (a) of this section. The county board of education or other governing authority shall furnish eye protective devices to all visitors to the courses heretofore named.

(c) "Industrial quality eye protective devices" as used in this section shall mean devices meeting the current standards of the American Standard Safety Code for head, eye and respiratory protection, promulgated by the American Standards Association, Incorporated.

(Acts 1965, 1st Ex. Sess., No. 168, p. 219, §§ 1-3.)

Section 16-1-7

Eye protective devices for pupils and teachers participating in certain courses.

(a) Every pupil and every teacher in the public schools shall wear industrial quality eye protective devices while participating in the following courses:

(1) Vocational or industrial arts, shops or laboratories involving experience with:

- a. Hot molten metals;
- b. Milling, sawing, turning, shaping, cutting or stamping of any solid materials;
- c. Heat treatment, tempering or kiln firing of any metal or other materials;
- d. Gas or electric arc welding;
- e. Repair or servicing of any vehicle;
- f. Caustic or explosive materials.

(2) Chemical or combined chemical-physical laboratories involving caustic or explosive chemicals or hot liquids or solids.

(b) The board of education or other governing authority of each school shall furnish the eye protective devices prescribed in this section free of charge to the pupils and teachers of the school participating in the courses described in subsection (a) of this section. The county board of education or other governing authority shall furnish eye protective devices to all visitors to the courses heretofore named.

(c) "Industrial quality eye protective devices" as used in this section shall mean devices meeting the current standards of the American Standard Safety Code for head, eye and respiratory protection, promulgated by the American Standards Association, Incorporated.

(Acts 1965, 1st Ex. Sess., No. 168, p. 219, §§ 1-3.)

Section 16-1-8.1

Classroom instructional support.

(a) For purposes of this section, classroom instructional support means all elements of classroom instructional support as provided in the Foundation Program, with the exception of textbook funds, as specified in Sections 16-6B-10 and 16-13-231, including, but not limited to, library enhancement, student materials, professional development, technology, common purchases, and other classroom instructional support approved by the State Board of Education.

All funds allocated in the Foundation Program for library enhancement, student materials, technology, professional development, and common purchases shall be spent only for the purpose for which they were allocated. Library media specialists shall be consulted in budgeting all library enhancement funds.

(b) The procedures for ordering, and the regulations applying to, classroom instructional support shall be as follows:

(1) BUDGET COMMITTEE. Each school shall have a budget committee. The committee shall be comprised of five members consisting of four teachers and the school's principal, or the principal's designee. The teachers on the committee shall be elected annually by secret ballot by majority vote of the teachers voting at each school. The budget committee shall propose a budget for classroom instructional support, excluding student materials. The proposed budget shall be consistent with the latest plans for professional development and technology developed at the local school level by the principal and faculty and submitted by the local board of education to the State Superintendent of Education pursuant to Section 16-13-231(b)(1)e. The proposed budget shall outline common purchases and shall specify the common items which may be purchased. The proposed budget shall also specify the amount to be allotted for each teacher, if applicable. Any funds allocated by the Legislature for student materials shall be given directly to each teacher as specified in the allocation for use directly in his or her classroom as determined exclusively by the teacher. The committee shall elect a chairperson from among its membership. The committee shall also elect a secretary from its membership who shall be responsible for keeping minutes of the meetings of the budget committee and actions taken to approve the budget during the secret balloting process. The committee may form advisory subcommittees from teachers at the various grade or department levels, or both levels.

(2) APPROVAL BY TEACHERS. The proposed budget from the budget committee shall be submitted to the teachers at an annual meeting. Before any part of any proposed budget is implemented, the teachers at the school, through a majority vote of those voting, shall approve the proposed budget utilizing a secret balloting process. Teachers shall have at least two work days to review the proposed budget before a vote is taken. Any proposed budget which does not receive approval shall be returned to the budget committee for reformulation, taking into consideration the teachers' recommendations offered at the school's annual meeting at the beginning of the school year or at a spring

meeting at the end of the scholastic year, or both. If the proposed budget is not approved, the budget committee shall submit another proposed budget for review and consideration by the teachers, and this procedure shall continue until such time as the teachers approve a budget utilizing the procedures of this section. A report on the budget which is approved by a majority vote of the teachers voting shall be transmitted to the local superintendent on uniform forms provided by the State Department of Education.

(3) **DUTIES OF LOCAL SUPERINTENDENT.** The local superintendent shall submit a notarized affidavit to the State Superintendent of Education. The affidavit shall certify that all funds allocated for classroom instructional support have been properly spent and that all legal requirements have been properly observed and implemented. On the affidavit, the superintendent shall certify the amount of monies expended at each school, delineating the amounts spent for collective purchases and the amounts received by the teachers at each school. The local superintendent shall take care to insure that each teacher employed is able to order and receive his or her allocation of classroom instructional support during each year as provided in this section.

(4) **TIMELINESS.** Any or all of the funds for classroom instructional support shall be made available to each teacher before December 1. The teacher may order, in whole or in part, his or her allocation anytime during the applicable fiscal year. It is the intent of the Legislature that teachers should have their full allocation of classroom instructional support as soon in the school year as possible in order to promote learning.

(5) **PERMISSIBLE EXPENDITURES.** Monies allocated for classroom instructional support may be spent for classroom instructional support purposes only, to be used either by classroom teachers or students in each teacher's respective classes. It shall be permissible to expend these monies on instructional equipment and electrical equipment which is actually utilized with students in the teacher's classroom. Funds provided per school for common purchases shall be expended according to the decisions of the local school budget committee.

All monies allocated and expended shall be consistent with the latest plans for professional development and technology developed at the local school level by the principal and the faculty and submitted by the local board of education to the State Superintendent of Education pursuant to Section 16-13-231(b)(1)e.

(6) **COMPETITIVE BIDS AND VOUCHERS.** Each local board of education may purchase classroom instructional support in bulk pursuant to the state competitive bid law. The board may also authorize each school or individual teachers to purchase materials and supplies, instructional equipment, and electrical equipment for classroom instruction by the voucher system, with no one item exceeding the sum of seven thousand five hundred dollars (\$7,500). The local board shall establish and require proper accounting procedures and safeguards for purchases by the voucher system.

(7) **POLICIES AND PROCEDURES.** Policies and procedures shall be developed and implemented to insure that each teacher receives his or her full allocated amount for

classroom instructional support in conjunction with the approved budget in a timely manner after each order is placed. Procedures and policies utilized and adopted to implement this section shall be established and determined prior to the beginning of the school year by each local board with recommendations from the organization representing the majority of employees as provided in Section 16-1-30.

(8) **UNSPENT FUNDS.** Any funds appropriated for classroom instructional support but not expended according to this section by the end of each fiscal year shall revert to the Education Trust Fund.

(9) **PRORATION.** In the event proration of the Education Trust Fund is declared by the Governor, each local school system shall nevertheless insure that at least 80 percent of its allocation per teacher for classroom instructional support shall be expended according to this section. No portion of a teacher's classroom instructional support money shall be withheld until and unless the Governor officially declares proration of the Education Trust Fund.

(10) **TRANSFER WITH TEACHER DISALLOWED.** Classroom instructional support monies are to be expended on behalf of students at a specific school and are not transportable with the teacher if the teacher is transferred to another school.

(11) **EXAMINERS OF PUBLIC ACCOUNTS.** All expenditures for classroom instructional support and related documents by each county and city board of education shall be subject to audit by the Examiners of Public Accounts.

(12) **COLLATERAL REFERENCES.** References to "instructional supplies" contained in Section 16-6B-10 shall be understood to be the same as "student materials."

(13) Any other provision of this section to the contrary notwithstanding, the budget committee of a school may propose the expenditure of up to one hundred dollars (\$100) from the student materials allotment of the school to supplement the common purchases funding appropriated by the Legislature, subject to the approval of the teachers as provided in subdivision (2). When the first annual Education Budget Act after October 1, 2005, appropriates the minimum sum of two hundred dollars (\$200) per Foundation Program unit for common purchases, this subdivision becomes inoperative and may not be utilized in subsequent fiscal years.

(Acts 1997, No. 97-934, p. 498, §2; Act 99-389, p. 625, §1; Act 2005-198, p. 394, §1.)

Section 16-1-8.1 - Classroom instructional support.

(a) For purposes of this section, classroom instructional support means all elements of classroom instructional support as provided in the Foundation Program, with the exception of textbook funds, as specified in Sections 16-6B-10 and 16-13-231, including, but not limited to, library enhancement, student materials, professional development, technology, common purchases, and other classroom instructional support approved by the State Board of Education.

All funds allocated in the Foundation Program for library enhancement, student materials, technology, professional development, and common purchases shall be spent only for the purpose for which they were allocated. Library media specialists shall be consulted in budgeting all library enhancement funds.

(b) The procedures for ordering, and the regulations applying to, classroom instructional support shall be as follows:

(1) BUDGET COMMITTEE. Each school shall have a budget committee. The committee shall be comprised of five members consisting of four teachers and the school's principal, or the principal's designee. The teachers on the committee shall be elected annually by secret ballot by majority vote of the teachers voting at each school. The budget committee shall propose a budget for classroom instructional support, excluding student materials. The proposed budget shall be consistent with the latest plans for professional development and technology developed at the local school level by the principal and faculty and submitted by the local board of education to the State Superintendent of Education pursuant to Section 16-13-231(b)(1)e. The proposed budget shall outline common purchases and shall specify the common items which may be purchased. The proposed budget shall also specify the amount to be allotted for each teacher, if applicable. Any funds allocated by the Legislature for student materials shall be given directly to each teacher as specified in the allocation for use directly in his or her classroom as determined exclusively by the teacher. The committee shall elect a chairperson from among its membership. The committee shall also elect a secretary from its membership who shall be responsible for keeping minutes of the meetings of the budget committee and actions taken to approve the budget during the secret balloting process. The committee may form advisory

subcommittees from teachers at the various grade or department levels, or both levels.

(2) **APPROVAL BY TEACHERS.** The proposed budget from the budget committee shall be submitted to the teachers at an annual meeting. Before any part of any proposed budget is implemented, the teachers at the school, through a majority vote of those voting, shall approve the proposed budget utilizing a secret balloting process. Teachers shall have at least two work days to review the proposed budget before a vote is taken. Any proposed budget which does not receive approval shall be returned to the budget committee for reformulation, taking into consideration the teachers' recommendations offered at the school's annual meeting at the beginning of the school year or at a spring meeting at the end of the scholastic year, or both. If the proposed budget is not approved, the budget committee shall submit another proposed budget for review and consideration by the teachers, and this procedure shall continue until such time as the teachers approve a budget utilizing the procedures of this section. A report on the budget which is approved by a majority vote of the teachers voting shall be transmitted to the local superintendent on uniform forms provided by the State Department of Education.

(3) **DUTIES OF LOCAL SUPERINTENDENT.** The local superintendent shall submit a notarized affidavit to the State Superintendent of Education. The affidavit shall certify that all funds allocated for classroom instructional support have been properly spent and that all legal requirements have been properly observed and implemented. On the affidavit, the superintendent shall certify the amount of monies expended at each school, delineating the amounts spent for collective purchases and the amounts received by the teachers at each school. The local superintendent shall take care to insure that each teacher employed is able to order and receive his or her allocation of classroom instructional support during each year as provided in this section.

(4) **TIMELINESS.** Any or all of the funds for classroom instructional support shall be made available to each teacher before December 1. The teacher may order, in whole or in part, his or her allocation anytime during the applicable fiscal year. It is the intent of the Legislature that teachers should have their full

allocation of classroom instructional support as soon in the school year as possible in order to promote learning.

(5) **PERMISSIBLE EXPENDITURES.** Monies allocated for classroom instructional support may be spent for classroom instructional support purposes only, to be used either by classroom teachers or students in each teacher's respective classes. It shall be permissible to expend these monies on instructional equipment and electrical equipment which is actually utilized with students in the teacher's classroom. Funds provided per school for common purchases shall be expended according to the decisions of the local school budget committee.

All monies allocated and expended shall be consistent with the latest plans for professional development and technology developed at the local school level by the principal and the faculty and submitted by the local board of education to the State Superintendent of Education pursuant to Section 16-13-231(b)(1)e.

(6) **COMPETITIVE BIDS AND VOUCHERS.** Each local board of education may purchase classroom instructional support in bulk pursuant to the state competitive bid law. The board may also authorize each school or individual teachers to purchase materials and supplies, instructional equipment, and electrical equipment for classroom instruction by the voucher system, with no one item exceeding the sum of seven thousand five hundred dollars (\$7,500). The local board shall establish and require proper accounting procedures and safeguards for purchases by the voucher system.

(7) **POLICIES AND PROCEDURES.** Policies and procedures shall be developed and implemented to insure that each teacher receives his or her full allocated amount for classroom instructional support in conjunction with the approved budget in a timely manner after each order is placed. Procedures and policies utilized and adopted to implement this section shall be established and determined prior to the beginning of the school year by each local board with recommendations from the organization representing the majority of employees as provided in Section 16-1-30.

(8) **UNSPENT FUNDS.** Any funds appropriated for classroom instructional support but not expended according to this section by the end of each fiscal year shall revert to the Education Trust Fund.

(9) PRORATION. In the event proration of the Education Trust Fund is declared by the Governor, each local school system shall nevertheless insure that at least 80 percent of its allocation per teacher for classroom instructional support shall be expended according to this section. No portion of a teacher's classroom instructional support money shall be withheld until and unless the Governor officially declares proration of the Education Trust Fund.

(10) TRANSFER WITH TEACHER DISALLOWED. Classroom instructional support monies are to be expended on behalf of students at a specific school and are not transportable with the teacher if the teacher is transferred to another school.

(11) EXAMINERS OF PUBLIC ACCOUNTS. All expenditures for classroom instructional support and related documents by each county and city board of education shall be subject to audit by the Examiners of Public Accounts.

(12) COLLATERAL REFERENCES. References to "instructional supplies" contained in Section 16-6B-10 shall be understood to be the same as "student materials."

(13) Any other provision of this section to the contrary notwithstanding, the budget committee of a school may propose the expenditure of up to one hundred dollars (\$100) from the student materials allotment of the school to supplement the common purchases funding appropriated by the Legislature, subject to the approval of the teachers as provided in subdivision (2). When the first annual Education Budget Act after October 1, 2005, appropriates the minimum sum of two hundred dollars (\$200) per Foundation Program unit for common purchases, this subdivision becomes inoperative and may not be utilized in subsequent fiscal years.

(Acts 1997, No. 97-934, p. 498, §2; Act 99-389, p. 625, §1; Act 2005-198, p. 394, §1.)

County may appropriate funds for school libraries.

The county commission or board of education in any county is hereby authorized to appropriate funds to any public school under the control of the county board of education and to any county high school for the purpose of establishing, maintaining, enlarging or improving public libraries in such schools.

(School Code 1927, §391; Code 1940, T. 52, §376.)

Section 16-21-2

Library books and equipment.

The State Superintendent of Education, with the advice of the Director of the Department of Archives and History, shall compile and publish a carefully selected and annotated list of books from which the libraries herein provided shall be chosen, and he shall also adopt and publish rules and regulations for the choice of books, their use, preservation and circulation, the erection of bookshelves or bookcases, the equipment of library rooms or buildings and the training of librarians or custodians for the libraries. The selection shall be as nearly as possible representative of the whole field of literature, and maximum prices for purchase shall be indicated.

(School Code 1927, §394; Code 1940, T. 52, §377.)

Section 16-21-3

Circulating libraries.

Any county board of education may in lieu of granting separate libraries for each school establish a system of circulating libraries, said libraries to be purchased under the same conditions and in keeping with the plan set out in the previous sections of this chapter by the county superintendent of education. Such circulating libraries shall be available for use in the public schools of the county under rules and regulations prescribed by the county board of education with the approval of the State Board of Education.

(School Code 1927, §397; Code 1940, T. 52, §380.)

Section 16-22-14

Personnel records of education employees.

(a) Definitions. When used in this section, the following words shall have the following meanings:

(1) EMPLOYEE. Any person employed by a school board.

(2) EXECUTIVE OFFICER. The superintendent of any public county or city school system; the President of the Alabama Institute for Deaf and Blind; the president of any two-year school or college under the auspices of the State Board of Education; the Superintendent of the Department of Youth Services School District; the Executive Director of the Alabama School of Fine Arts; and the Executive Director of the Alabama High School of Mathematics and Science.

(3) LOCAL EDUCATION AGENCY PERSONNEL SYSTEM (LEAPS). The data base established and maintained by the Alabama Department of Education for record keeping of all data related to certificated and non-certificated personnel at each board of education.

(4) PERSONNEL AND ENROLLMENT REPORTING SYSTEM (PERS). The data base established and maintained by the Alabama Department of Postsecondary Education for record keeping of all data related to personnel and enrollment at postsecondary institutions.

(5) PERSONNEL RECORD. All records, information, data, or materials pertaining to an employee kept by the executive officer of the school board or other employees of the school board in any form or retrieval system whatsoever.

(6) SCHOOL BOARD or BOARD OF EDUCATION or BOARD. As applied to employees in the public schools, grade kindergarten through grade 12, any county or city board of education; the Board of Trustees of the Alabama Institute for Deaf and Blind; the Alabama Youth Services Board in its capacity as the Board of Education for the Youth Services School District; the Board of Directors of the Alabama School of Fine Arts; the Board of Directors of the Alabama High School of Mathematics and Science; and, as applied to two-year postsecondary education institutions only, the State Board of Education.

(b) Establishment and maintenance of records. Each board shall establish and maintain a personnel file on each employee. It shall be the responsibility of the executive officer of each school board to supervise the maintenance of personnel files and to maintain updated, complete, and accurate records.

(c) Employee access and response. The employee, or any person designated in writing by the employee, may, upon request, review all of the contents in his or her personnel file

and receive copies of any documents contained in the file. No document shall be withheld from the employee or his or her representative. A representative of the employee may accompany him or her during the personnel file review. The employee may answer or object in writing to any material in his or her file and the answer or objection shall be attached to the appropriate material.

(d) Public access. This section is supplemental to the statutes which apply to the public's access to government records. Public access to school personnel files is affirmed subject to the privacy rights rulings of the various federal and state courts.

(e) Work performance records. Any materials pertaining directly to work performance may be placed in the record of the employee and a copy of the materials shall be provided to the employee. Statements, reports, and comments relating to work performance, disciplinary action against the employee, suspension of the employee, or dismissal of the employee shall be reduced to writing and signed by a person reasonably competent to know the facts or make a judgment as to the accuracy of the subject information. Additional information related to the written materials previously placed in the personnel file may be attached to the material to clarify or amplify them as needed. A copy of all materials to be placed in an employee's record which may tend to diminish the employee's professional or work status or reflect adversely on the employee's record of performance or character shall be provided to the employee.

(f) Anonymous materials. Any anonymous complaint or material received by a school official shall be immediately transmitted to the executive officer. If the material is deemed worthy of an investigation by the executive officer, it may be investigated. The results of the investigation shall be reduced to writing, signed by the executive officer, principal, or other designated official in charge of the complaint, dated, attached to the material in question, and placed in the personnel file of the employee. Any anonymous complaint which is not investigated within 30 calendar days of its receipt by the executive officer shall not be retained, but shall be destroyed.

(g) Transfer of information. Notwithstanding any other provision in this section to the contrary, the following provisions shall apply:

(1) The transfer of the personnel file or any parts, summation, or copies of the personnel file of the employee shall be effectuated upon the written request of the employee.

(2) The employer may transfer an employee's personnel file or copies or parts thereof to another employer or prospective employer.

(3) The provisions contained in Section 16-22-6 shall remain in effect. Payroll deductions which the employee has authorized shall continue effective.

(4) Any documents which may be lawfully contained in the personnel file of an employee shall be made available to a lawfully authorized hearing officer or panel conducting an investigation into the competency or performance of the employee, and to all appropriate

law enforcement officials. Statistical information on employees and former employees may be transmitted to the Department of Archives and History and to the State Department of Education for historical research and information.

(h) Policies. Written policies established by a school board pertaining to personnel files which are not inconsistent with this section may remain in effect, consistent with Section 16-1-30.

(i) This section shall be implemented by each school board no later than September 1, 1998.

(Act 98-374, p. 703, §§1, 3.)

Section 16-22-3

Employment of teachers, janitors, food handlers or bus drivers with tuberculosis.

It shall be unlawful for school authorities to employ teachers, janitors, food handlers or bus drivers who have tuberculosis in an infectious stage. Every board of education shall require a physical examination for tuberculosis, including adequate laboratory tests and X rays, of all such employees of the board at least once in three years. Such examinations, tests and X rays shall be made by the several county health departments; or an employee may be examined at his own expense by any other duly licensed doctor of medicine who is a specialist in the treatment of the disease of tuberculosis of his own choosing. If the result of such examination indicates the presence of tuberculosis in an infectious stage, the employee shall be ineligible for further service until satisfactory proof of recovery is furnished. It shall be unlawful for any school official to employ this section as a means of discharging any teacher or other employee for any reason other than failure to comply with the provisions of this section; and, upon proof thereof, the same shall constitute malfeasance in office and shall be grounds for his removal therefrom.

(Acts 1945, No. 289, p. 479, § 1.)

Section 16-22-4

Surety bonds.

All bonds of officials and employees required under the provisions of this title shall be executed by a surety company authorized to do business in Alabama and, unless otherwise provided, approved by the State Superintendent of Education. The said bonds shall, unless otherwise provided, be filed in the office of the Department of Education in Montgomery, unless otherwise instructed by the State Board of Education. In all cases where bonds are not filed in the office of the Department of Education, certified copies thereof shall be filed in such department.

(School Code 1927, §587; Code 1940, T. 52, §535.)

Section 16-22-6

Policies as to salary deductions; purposes for which deductions may be made; application.

(a) Each local board of education and certain postsecondary institutions shall adopt policies or regulations which will provide for deductions from salaries of its employees or groups of employees whenever a request is presented to the board or postsecondary institution by the employees or groups. The deductions shall be made from salaries earned in at least nine different pay periods and shall be remitted to the appropriate company, association, or organization as specified by the employees within 10 days following each deduction. The deductions may be made for, but not limited to, savings plans, tax sheltered annuities, the Public Employees' Individual Retirement Account Fund, membership dues, voluntary contributions, and group insurance premiums. Deductions for membership dues and voluntary contributions shall be made based upon membership lists and forms provided by the employees' organization. Such lists are to be corrected, updated, and returned to the employees' designated organization(s) not later than November 10 of each school year. The 1982-83 membership dues and voluntary contribution authorized, with appropriate yearly adjustments, shall be deducted for each succeeding year unless the employee revokes the deductions in writing on or before September 15 of that year. Voluntary contributions may be revoked by giving a 30 day notice in writing. New authorizations for deduction of dues, voluntary contributions, or employee savings plans, must be submitted to the payroll office and deductions shall begin with the pay period next following the receipt of authorization. Upon termination of employment, amounts owed under the authorization of the employee shall be deducted from employee's final pay due. With the exception of membership dues and voluntary contributions, the board or postsecondary institution shall not be required to make more than one remittance of amounts deducted during a pay period for a separate type of deduction. Health insurance, life insurance, and tax sheltered annuities shall be interpreted as separate types of deductions. When amounts have been correctly deducted and remitted by the board or postsecondary institution, the board or postsecondary institution shall bear no further responsibility or liability for subsequent transactions. No board or postsecondary institution shall be liable for any error when acting in good faith pursuant to this section.

(b) This section shall not apply to any four year postsecondary institution.

(Acts 1973, No. 655, p. 984, §2; Acts 1983, 2nd Ex. Sess., No. 83-207, p. 385; Act 2001-960, 3rd Sp. Sess., p. 840, §1.)

Section 16-22-7

Presumption as to payments and deductions; eligibility for Foundation Program not affected.

Payments and deductions made by the board of education under the authority of Sections 16-22-5 and 16-22-6 are presumed to be for services rendered and for the benefit of the public school; and the payments and deductions do not affect the eligibility of any school system to participate in the Foundation Program as established in Sections 16-13-50 through 16-13-59.

(Acts 1973, No. 655, p. 984, §3.)

Section 16-22-9

Educational authority sick leave bank plans.

(a) The following terms shall have the following meanings, respectively:

(1) CATASTROPHIC ILLNESS. Any illness, injury, or pregnancy or medical condition related to childbirth, certified by a licensed physician which causes the employee to be absent from work for an extended period of time.

(2) CHIEF EXECUTIVE OFFICER. The superintendent of any public county or city school system; the President of the Alabama Institute for Deaf and Blind; the president of any two-year school or college under the auspices of the State Board of Education; the President of Alabama Agricultural and Mechanical University; the Superintendent of the Department of Youth Services School District; the Executive Director of the Alabama School of Fine Arts; and the Executive Director of the Alabama High School of Mathematics and Science.

(3) EDUCATIONAL AUTHORITY or AUTHORITY or BOARD. Each city and county board of education; the Board of Trustees of the Alabama Institute for Deaf and Blind; the Alabama Youth Services Board in its capacity as the Board of Education for the Department of Youth Services School District; the Board of Directors of the Alabama School of Fine Arts; the Board of Directors of the Alabama High School of Mathematics and Science; the State Board of Education as applied to two-year postsecondary institutions; and the Board of Trustees of Alabama Agricultural and Mechanical University.

(4) EMPLOYEE. Any person employed by the educational authority on a full-time or part-time basis.

(5) SICK LEAVE BANK COMMITTEE. A committee of five employees, one representing the authority and four representing the participating members of the sick leave bank.

(b) An educational authority, upon the request of 10 percent of its full-time certificated and full-time support personnel, shall establish a sick leave bank plan for each of the two groups either jointly or separately. The decision whether to have a joint or separate sick leave bank shall be the exclusive decision of the employees, utilizing a secret balloting process.

(c) At the beginning of each scholastic year, an election shall be held among the sick leave bank members to determine by secret ballot the four members who are to serve on the sick leave bank committee. The term of office shall be one year. The chief executive officer of the authority shall be responsible for conducting the election in a fair and equitable manner, ensuring the confidentiality of the secret balloting process. The chief

executive officer of the authority shall also appoint the authority's representative on the committee, subject to board approval.

(d) Notwithstanding any other provision of law to the contrary, it shall be the exclusive responsibility of the sick leave bank committee to write the guidelines and administrative procedures of the sick leave bank, including the catastrophic leave provisions of this section. It shall also be the committee's duty to develop all necessary forms for the orderly operation and administration of the sick leave bank and catastrophic leave provisions of this section. To ensure the orderly transfer and acceptance of catastrophic sick leave days from one sick leave bank to another, the State Board of Education shall provide a uniform state form.

(e) Each plan shall allow the employees to deposit an equal number of days (not to exceed five) of his or her earned sick leave into the bank. The days deposited shall be available to be loaned to any participating member whose sick leave has been exhausted.

(f) Upon the establishment of a sick leave bank, the sick leave bank committee shall establish procedures providing for the uniform administration of the sick leave bank. Guidelines shall be developed by the sick leave bank committee for the operation of the sick leave bank. The guidelines shall be approved by a secret ballot vote of the participating members of the sick leave bank. The accounting of the sick leave bank shall be the responsibility of the authority. Vacancies occurring on the committee shall be filled by the respective parties. No representative on the committee shall serve for a term longer than five years.

(g) Each sick leave bank's guidelines shall include the regulations of this section. Additional guidelines shall be adopted by the sick leave bank committee as may be deemed appropriate and beneficial. No board or sick leave bank committee shall adopt any regulation which conflicts with the following general regulations:

(1) No employee shall be allowed to owe more than 15 days to the sick leave bank, unless over 50 percent of the members of the bank vote to extend the limit.

(2) Appropriate administrative forms for administering the sick leave bank shall be developed by the sick leave bank committee.

(3) Sick leave days shall be repaid to the sick leave bank monthly as re-earned by the member. Upon the resignation or other termination of an employee who has an outstanding loan of sick leave days, the value of the loan shall be deducted from the final paycheck at the employee's prevailing rate of pay.

(4) A member of the sick leave bank shall not be allowed to accumulate more days than allowed in Section 16-1-18.1, including days in the sick leave bank.

(5) Employee membership in the sick leave bank shall be voluntary.

(6) Any alleged abuse of the use of the sick leave bank shall be investigated by the sick leave bank committee. On the finding of wrongdoing, the member shall repay all of the sick leave credits drawn from the sick leave bank and be subject to other appropriate disciplinary action as determined by the local authority.

(7) Upon retirement or transfer of the sick leave bank member, days on deposit with the sick leave bank shall be withdrawn and transferred with the employee or made accessible for retirement credit, as applicable.

(8) Before being eligible to use catastrophic sick leave days, the member of the sick leave bank shall first borrow and utilize days from the sick leave bank, up to a maximum of 15 days. However, if the member later qualifies for catastrophic sick leave, donated catastrophic sick leave days may be used to repay days owed to the sick leave bank to the credit of the affected member.

(9) At the beginning of the scholastic year, or upon employment of a new employee, as the case may be, the appropriate number of sick leave days shall, upon application of the employee, be credited to the employee's account to enable the employee to join the sick leave bank if the employee does not have the minimum number of sick leave days to enable him or her to join the bank. The sick leave bank committee shall develop in its guidelines a provision whether or not to allow other employees who have previously failed or refused to join the sick leave bank the option to join upon deposit of the prerequisite number of sick leave days. Any policy developed by the sick leave bank committee shall be uniformly applied to all employees.

(h) Catastrophic sick leave. Employees, at their discretion, may donate a specific number of days to the sick leave bank to be designated for a specific employee for use against a catastrophic illness as defined by this section. A donating employee shall not be required to donate a minimum number of catastrophic days to the sick leave bank. The recipient employee may use catastrophic sick leave days for himself or herself or for other covered persons as provided in Section 16-1-18.1. Before sick leave days for a catastrophic illness may be used by a recipient employee, the recipient employee shall have first exhausted all sick and personal leave. Donated days shall become available for use by the particular employee who shall not be required to repay the days. Any employee who donates sick leave days to the sick leave bank for a particular employee suffering from a catastrophic illness shall be clearly informed that the donated days are not to be recovered or returned to the donor. If a particular employee does not require all of the days donated to the credit of the employee, the days shall revert to the credit of those employees who donated the days in accordance with the guidelines adopted by the sick leave bank committee. No employee may donate more than 30 sick leave days, exclusive of the provisions of subsection (e), to the sick leave bank for the catastrophic sick leave of any one employee. A sick leave bank is authorized to donate sick leave days to another sick leave bank for use by a particular employee who is suffering a catastrophic illness. An employee must be a member of the sick leave bank to donate or receive catastrophic sick leave days.

(i) Compliance required. If an authority fails to comply with this section within 30 calendar days after receiving the petition to establish a sick leave bank, the State Superintendent of Education (for the public schools), the Chancellor of Postsecondary Education (for the two-year postsecondary schools), or the president of the governing board of trustees (for four-year colleges and universities) shall investigate the situation and shall immediately take due and appropriate steps to ensure compliance with this section.

(Acts 1984, No. 84-321, p. 739, §§ 1-4; Acts 1988, No. 88-261, p. 402, §4; Acts 1993, No. 93-753, p. 1506, §§1, 2; Acts 1995, No. 95-386, p. 786, §1; Act 99-581, p. 1314, §1.)

Section 16-22A-3

Definitions.

When used in this chapter only, the following terms shall have the following meanings, respectively, unless the context clearly indicates otherwise:

(1) **APPLICANT.** A certified or noncertified individual who submits an application for employment to a local employing board or any nonpublic school, to act in any capacity in which the individual will have unsupervised access to children in an educational environment.

(2) **APPLICANT FOR CERTIFICATION.** An individual who submits an application for certification issued by the State Superintendent of Education.

(3) **AUTHORIZED EMPLOYER.** Any educational entity authorized to obtain criminal history background information, including the State Department of Education, local employing boards, and nonpublic schools which are responsible for hiring employees or contracting with private employers to provide personnel who have unsupervised access to children in an educational setting.

(4) **CERTIFIED APPLICANT FOR EMPLOYMENT.** A certified individual who submits an application for employment to a local employing board or any nonpublic school to act in any capacity in which the individual will have unsupervised access to children in an educational environment.

(5) **CHIEF EXECUTIVE OFFICER.** The State Superintendent of Education; the superintendent of any public county or city school system; the President of the Alabama Institute for Deaf and Blind; the Executive Director of the Alabama School of Fine Arts; the Superintendent of the Department of Youth Services School District; the Executive Director of the Alabama High School of Mathematics and Science; the superintendent of any nonpublic school, or in the absence of a superintendent, the headmaster of any nonpublic school; and the head of any department or employer covered by this chapter but not specifically enumerated herein.

(6) **CHILD or CHILDREN.** Any person under the age of 19 years, or any youth who suffers from a disability thereby rendering the youth a child for the purpose of receiving elementary and secondary education at public expense, notwithstanding their chronological age.

(7) **CRIMINAL HISTORY BACKGROUND INFORMATION CHECK.** The review of any and all records containing any information collected and stored in the criminal record repository of the Federal Bureau of Investigation, the Alabama Department of Public Safety, or any other repository of criminal history records, involving a pending arrest or conviction by a criminal justice agency, including, but not limited to, child abuse crime information as defined by 42 U.S.C. 5119, the National Child Protection Act of 1993,

conviction record information, fingerprint cards, correctional induction and release information, identifiable descriptions and notations of convictions; provided, however, dissemination of such information is not forbidden by order of any court of competent jurisdiction or by federal law. Criminal history background information shall not include any analytical records or investigative reports that contain criminal intelligence information or criminal investigation information.

(8) CURRENT EMPLOYEE.

- a. Any person who is employed by a local employing board or nonpublic school who has or seeks to have unsupervised access to a child or children in an educational setting.
- b. Any person employed to serve an authorized employer as defined in this chapter, including those individuals that provide services to local employing boards or nonpublic schools, when the person so employed has unsupervised access to children in an educational environment.

(9) CURRENT EMPLOYEE UNDER REVIEW. Any current employee whose professional certificate or employment status is under review based upon reasonable suspicion.

(10) CURRENT PUBLIC CERTIFIED EMPLOYEE.

- a. Any person certified by the State Superintendent of Education who is employed by a local employing board and who has or seeks to have unsupervised access to a child or children in an educational setting.
- b. Any person certified by the State Superintendent of Education who is employed to serve a local employing board, including those individuals that provide services to local employing boards, when the person so employed has unsupervised access to children in an educational environment.
- c. Any person certified by the State Superintendent of Education who is employed by the State Department of Education and whose responsibilities include work in the public schools of the state, as determined by the State Superintendent of Education.

(11) CURRENT PUBLIC NONCERTIFIED EMPLOYEE.

- a. Any person not certified by the State Superintendent of Education who is employed by a local employing board and who has or seeks to have unsupervised access to a child or children in an educational setting.
- b. Any person not certified by the State Superintendent of Education who is employed to serve a local employing board, including those individuals that provide services to local employing boards, when the person so employed has unsupervised access to children in an educational environment.

c. Any person not certified by the State Superintendent of Education who is employed by the State Department of Education and whose responsibilities include work in the public schools of the state, as determined by the State Superintendent of Education.

(12) EDUCATIONAL ENVIRONMENT OR SETTING. Any building, structure, or location whether public or private property, or vehicle, utilized to or involved in the providing of education, training, instruction, or supervision to children or transportation in connection with such activity provided by a local employing board or nonpublic school.

(13) LOCAL EMPLOYING BOARD. Any public county or city school system which falls under the jurisdiction of the State Board of Education and the State Superintendent of Education, the Alabama Institute for Deaf and Blind, the Alabama School of Fine Arts, the Department of Youth Services School District, the Alabama High School of Mathematics and Science, and any public educational employer covered by this chapter but not specifically enumerated herein.

(14) NONCERTIFIED APPLICANT FOR EMPLOYMENT. Any person not certified by the state who submits an application for employment to a local employing board or any nonpublic school, to act in any capacity in which the individual will have unsupervised access to children in an educational environment.

(15) NONPUBLIC SCHOOL. Any nonpublic or private school, including parochial schools, not under the jurisdiction of the State Superintendent of Education and the State Board of Education, yet providing educational services to children. Parents engaged in the home schooling of their own children are specifically excluded from this chapter.

(16) REASONABLE SUSPICION. Belief by a prudent person that reasonable articulable grounds exist to suspect that the past or present behavior of an employee should be reviewed to determine if such behavior or conduct bears upon the fitness of the employee to teach or have responsibility for the safety and well-being of children, or both, as defined in this chapter.

(17) SUITABILITY CRITERIA.

a. Suitability Criteria for Nonpublic Employment. Pertains to an applicant for employment, nonpublic current employee, or a current employee under review in a nonpublic school. An individual who has not been convicted of a child abuse crime, as defined herein as a crime committed under the law of the state that involves the physical or mental injury, sexual abuse or exploitation, or maltreatment of a child, shall be deemed suitable for employment.

b. Suitability Criteria for Public Employment. Pertains to an applicant for certification, certified applicant for employment, current public certified employee, current public noncertified employee, and current employee under review in a public school. An individual who has not been convicted of a child abuse crime, as defined herein as a

crime committed under the law of the state that involves the physical or mental injury, sexual abuse or exploitation, or maltreatment of a child, or who has not been convicted of a crime which would bear upon the fitness of the employee to teach or have responsibility for the safety or well-being of children, or both, shall be deemed suitable for employment. Factors considered in determining whether a conviction bears a reasonable relationship to the fitness of a current employee or applicant include:

1. The likelihood that the conduct may adversely affect children or fellow employees.
2. The degree of such adversity anticipated.
3. The proximity or remoteness in time of the conduct.
4. The type of certificate held by the individual, if applicable.
5. Any extenuating or aggravating circumstances surrounding the conduct.
6. The praiseworthiness or blameworthiness of the motives resulting in the conduct.
7. The likelihood of the recurrence of the questioned conduct.
8. The extent to which disciplinary or employment action may inflict an adverse impact or chilling effect upon the constitutional rights of the individual or other employees.
9. Any other factor that is relevant to determining whether the individual is fit to have unsupervised access to a child or children.

(18) UNSUPERVISED ACCESS TO A CHILD OR CHILDREN. During the providing of education, training, instruction, supervision to children, or other employment related activities or responsibilities, a person would have unaccompanied control, governance, or contact with a child or children.

(19) WRITTEN CONSENT. A signed statement by the applicant, a current employee, or a current employee under review containing all of the following:

- a. The name, address, date of birth, race, gender, and social security number appearing on a valid identification document as defined in subsection (d) of 18 U.S.C. 1028.
- b. A statement that the applicant or current employee under review has not been convicted of a crime that bears upon the fitness of the applicant or employee to teach or to have responsibility for the safety and well-being of children as defined in this chapter, and if convicted of such a crime, a description of the crime and the particulars of the conviction.

c. Notice to the applicant or current employee under review, where reasonable suspicion exists regarding the current employee, that a background information check is going to be requested.

d. Notice to the applicant, current employee, or current employee under review who is the subject of the background information check of the right to obtain a copy of the background information check report, challenge the accuracy and completeness of any information contained in the report, and to obtain a prompt determination as to the validity of such challenge before a decision to retain or hire for employment is made by the employer.

e. Notice to the applicant or current employee under review that before a background information check is made, the applicant may be denied unsupervised access to children or the opportunity to serve based upon the information contained in the criminal history background information check or that employment or service or both may be restricted by the employing entity according to written policy.

f. Notice to the applicant that refusal to give written permission for a criminal history background information check will result in the applicant not being hired.

g. Notice to the applicant that failure to reveal a prior conviction that would bear upon the fitness of the individual to teach or to have responsibility for the safety and well-being of children, or any other convictions, may cause the applicant, if later employed, to face dismissal, in accordance with existing applicable statutes, for falsifying the employment application information.

h. Notice to the applicant, current employee, or current employee under review of his or her due process rights.

i. Notice to the applicant, current employee, or current employee under review, seeking employment or employed by a nonpublic school, that the State Superintendent of Education will provide a suitability determination based upon the Alabama Bureau of Investigation and Federal Bureau of Investigation criminal history background information reports and the suitability criteria for nonpublic employment defined herein to the chief executive officer of the nonpublic school.

(Act 99-361, p. 566, §3; Act 2000-274, p. 433, §1; Act 2002-457, p. 1171, §1.)

Section 16-22A-5

Agencies required to conduct criminal history background information checks.

(a) A criminal history background information check shall be conducted on all applicants seeking positions with, and on all current employees under review employed by any local employing board, and any State Department of Education personnel as determined by the State Superintendent of Education, who have unsupervised access to and provide education, training, instruction, or supervision for children in an educational setting.

(b) A criminal history background information check shall be conducted on all applicants seeking positions with, and on all current employees and current employees under review employed by any nonpublic school, who have unsupervised access to or who provide education, training, instruction, or supervision for children in an educational setting.

(c) No institution listed in subsection (a) or subsection (b) shall hire an individual who may have unsupervised access to a child without first obtaining a criminal history background information check, except on a temporary emergency basis. In the event that this exception is used and a position is filled by the employer due to exigent circumstances, the applicant so employed may be placed on payroll until such time as a criminal history background information check on the employee is completed.

(d) Nationwide criminal history background information reports for applicants for certification, certified applicants for public employment, noncertified applicants for public employment, and public current employees under review shall be sent directly from the Department of Public Safety to the State Department of Education within a reasonable time from the receipt of the report from the Alabama Bureau of Investigation.

(e) Nationwide criminal history background information reports for nonpublic school applicants for employment, current employees, and current employees under review shall be sent directly from the Department of Public Safety to the State Department of Education within a reasonable time from the receipt of the report from the Alabama Bureau of Investigation. Thereafter, the State Superintendent of Education shall review the criminal history background information report and determine whether the applicant for employment, current employee, or current employee under review satisfies the suitability criteria for nonpublic employment. The State Superintendent of Education shall issue a suitability determination to the chief executive officer of the nonpublic school requesting the determination.

(f) Mandatory criminal history background information checks shall be performed by the Department of Public Safety upon request by any public entity authorized to make a request and shall be forwarded to the State Department of Education. The Department of Public Safety shall provide an Alabama Bureau of Investigation criminal history background information check within a reasonable time of the receipt of such request. Criminal history background information checks shall be requested by the Department of Public Safety from the Federal Bureau of Investigation within a reasonable time of receipt of such request.

(g) The Department of Public Safety, upon receipt of the criminal history background information report from the Federal Bureau of Investigation, shall forward such report to the State Department of Education within a reasonable time of the receipt of the report by certified mail. The fee charged for mandatory criminal history background information checks shall not exceed the statutory and regulatory amounts set under existing guidelines nor shall additional administrative fees of any kind, except for the cost of mailings, be charged which would increase the cost of the criminal history background information check. An applicant for employment and an applicant for certification are responsible for the cost of their criminal history background information check. The employer is responsible for the cost of the criminal history background information check on a current employee under review. The State Department of Education is responsible for the cost of the criminal history background information check on a nonpublic current employee, unless a court of competent jurisdiction determines that public funds may not be used for this purpose, then the employer or employee shall pay the cost. If a noncertified applicant for employment is determined by the chief executive officer of the prospective employer to be financially unable to pay the costs of a criminal history background information check, the prospective employer may pay the fee associated with the criminal history background information check.

(h) The following persons shall obtain a signed and dated written consent to obtain criminal history background information checks for applicants, nonpublic current employees, and current employees under review who have or seek to have unsupervised access to children in an educational setting as provided in subsections (a) and (b):

(1) Persons designated by the public local employing board.

(2) Persons designated by the State Department of Education.

(3) Persons designated by any other nonpublic school.

(i) Refusal by an applicant for certification, applicant for employment, nonpublic current employee, or current employee under review to sign and date a consent to obtain a criminal history background information check and to provide two acceptable sets of fingerprints shall result in the preclusion of employment or certification of the applicant for certification or applicant for employment, or the continued employment or certification in a position requiring unsupervised access to children of the nonpublic current employee or current employee under review, until such time as written permission has been given to the local employing board, State Department of Education, or other appropriate chief executive officer to conduct the criminal history background information check.

(j)(1) No current employee under review shall be subjected to a criminal history background information check for political or personal reasons. A review of a current employee under review, which may be conducted at any time, irrespective of whether a prior criminal history background information check has been conducted on the employee, shall be based upon reasonable suspicion.

(2) A current employee under review shall be apprised in writing of the reasons supporting a request for a criminal history background information check, including the grounds supporting reasonable suspicion, and shall be provided the opportunity to supply additional information on his or her behalf to the employer. Any personnel action taken against the current employee under review shall be in accordance with all applicable state and federal laws as well as any adopted applicable local policies or procedures.

(Act 99-361, p. 566, §5; Act 2002-457, p. 1171, §1.)

Section 16-22A-6

Request from schools for criminal history background information check.

(a) The State Department of Education, or other public authorized employer responsible for hiring employees who will have unsupervised access to children in an educational setting, shall request through the State Department of Education, that the Department of Public Safety secure from both the Alabama Bureau of Investigation and Federal Bureau of Investigation a criminal history background information check on each applicant for certification, certified applicant for public employment, noncertified applicant for public employment, and public current employee under review.

(b) Any nonpublic school in which an individual may have unsupervised access to children in an educational setting, shall through its duly authorized representative under guidelines established by the nonpublic school employer, request that the Department of Public Safety secure a state criminal history background information check from the Alabama Bureau of Investigation and a nationwide criminal history background information check from the Federal Bureau of Investigation, on each applicant for nonpublic employment, nonpublic current employee, and nonpublic current employee under review.

(c) A request to the Department of Public Safety for a criminal history background information check on an applicant for certification, applicant for employment, nonpublic current employee, and current employee under review shall be accompanied by the following:

(1) Two complete functional sets of fingerprints, properly executed by a criminal justice agency or an individual properly trained in fingerprinting techniques.

(2) In the case of public education employment, written consent from the applicant for certification, certified applicant for public employment, noncertified applicant for public employment, or public current employee under review for the release of criminal history background information to the State Superintendent of Education and a specifically designated representative of the State Department of Education authorized to make the request.

(3) In the case of nonpublic school employment, written consent from the applicant for employment, nonpublic current employee, or current employee under review for the release of criminal history background information to the State Superintendent of Education.

(4) A nonrefundable fee to be paid by the applicant or educational entity requesting the criminal history background information check which shall conform to the guidelines promulgated pursuant to 42 U.S.C. 5119, the National Child Protection Act of 1993, and state law. An applicant for employment shall not be required to pay the fee until the authorized employer is prepared to employ the applicant and request the criminal history background information check. An applicant for certification shall be required to submit

two complete acceptable sets of fingerprints and the fee for the criminal history background information check at the time his or her application for certification is submitted to the State Department of Education. If two sets of acceptable fingerprints and the appropriate fee are submitted to the State Department of Education and a criminal history background information check is not performed, the fee shall be refunded to the applicant or educational entity that paid the fee for the criminal history background information check.

(Act 99-361, p. 566, §6; Act 2002-457, p. 1171, §1.)

Section 16-23-1

Certain public school employees must hold certificate.

No person shall be employed in the public schools of the state as county superintendent of education, city superintendent of schools, assistant superintendent, supervisor, principal, teacher or attendance officer unless such person shall hold a certificate issued by the State Superintendent of Education.

(School Code 1927, §339; Code 1940, T. 52, §322.)

Section 16-23-2

Issuance, extension and renewal of certificates.

All matters relating to the issuance, extension and renewal of certificates based upon credentials, including transcripts of applicants' records submitted by institutions of higher learning in Alabama approved for the training of teachers, or by institutions operated under the control of the State Board of Education for the training of teachers, or by institutions located in other states whose standards of training teachers are the same or equivalent to those approved by the State Board of Education shall be subject to the rules and regulations of the State Board of Education. It shall be the duty of the State Superintendent of Education to submit for the approval of the State Board of Education from time to time rules and regulations governing the issuance, renewal and extension of certificates and to have printed a bulletin or bulletins which shall contain full information relating to the issuance, renewal and extension of certificates on credentials, including transcripts of applicants' records.

(School Code 1927, §340; Code 1940, T. 52, §323.)

Section 16-23-6

Placement bureau for teachers.

The State Superintendent of Education shall make known to county superintendents of education and city superintendents of schools or other interested parties the names of teachers who are unemployed and who are seeking positions. In order that this service may be effective, a placement bureau shall be organized in the State Department of Education.

(School Code 1927, §348; Code 1940, T. 52, §331.)

Section 16-24-1

"Teacher" defined.

The term "teacher," as employed in this chapter, is deemed to mean and include all persons regularly certified by the teacher certifying authority of the State of Alabama who may be employed as instructors, principals or supervisors in the public elementary and high schools of the State of Alabama and persons employed as instructors, principals or supervisors in the Alabama Institute for Deaf and Blind, Alabama Industrial School for Boys, Alabama Industrial School for Girls and Alabama Industrial School at Mt. Meigs.

(Acts 1939, No. 499, p. 759, § 1; Code 1940, T. 52, §351; Acts 1953, No. 773, p. 1040, § 1; Acts 1973, No. 1276, p. 2181, § 1.)

Section 16-24-11

Cancellation of contracts — By teacher.

No teacher, whether in continuing service status or not, shall be permitted to cancel his or her contract during the school term for which said contract is in effect, nor for a period of 45 days previous to the beginning of such school term, unless such cancellation is mutually agreed upon; any such teacher shall be permitted to cancel his or her contract at any other time by giving five days' written notice to the employing board of education. Any teacher cancelling his or her contract in any other manner than in this section provided shall be deemed guilty of unprofessional conduct, and the State Superintendent of Education is hereby authorized to revoke or suspend the certificate of such teacher.

(Acts 1939, No. 499, p. 759, § 9; Code 1940, T. 52, §361(1); Acts 1949, No. 250, p. 373, § 1; Acts 1953, No. 773, p. 1040, § 1; Acts 1973, No. 1079, p. 1835, §1.)

Section 16-24-11

Cancellation of contracts — By teacher.

No teacher, whether in continuing service status or not, shall be permitted to cancel his or her contract during the school term for which said contract is in effect, nor for a period of 45 days previous to the beginning of such school term, unless such cancellation is mutually agreed upon; any such teacher shall be permitted to cancel his or her contract at any other time by giving five days' written notice to the employing board of education. Any teacher cancelling his or her contract in any other manner than in this section provided shall be deemed guilty of unprofessional conduct, and the State Superintendent of Education is hereby authorized to revoke or suspend the certificate of such teacher.

(Acts 1939, No. 499, p. 759, § 9; Code 1940, T. 52, §361(1); Acts 1949, No. 250, p. 373, § 1; Acts 1953, No. 773, p. 1040, § 1; Acts 1973, No. 1079, p. 1835, §1.)

Section 16-24-12

Teacher deemed reemployed for succeeding school year unless notified.

Any teacher in the public schools, whether in continuing service status or not, shall be deemed offered reemployment for the succeeding school year at the same salary unless the employing board of education shall cause notice in writing to be given said teacher on or before the last day of the term of the school in which the teacher is employed; and such teacher shall be presumed to have accepted such employment unless he or she shall notify the employing board of education in writing to the contrary on or before the fifteenth day of June. The employing board of education shall not cancel the contract of any teacher in continuing service status, nor cause notice of nonemployment to be given to any teacher whether in continuing service status or not except by a vote of a majority of its members evidenced by the minute entries of said board made prior to or at the time of any such action.

(Acts 1939, No. 499, p. 759, § 10; Code 1940, T. 52, §361(2); Acts 1945, No. 411, p. 646, § 1; Acts 1953, No. 773, p. 1040, § 1; Acts 1973, No. 1079, p. 1835, §1.)

Section 16-24-12

Teacher deemed reemployed for succeeding school year unless notified.

Any teacher in the public schools, whether in continuing service status or not, shall be deemed offered reemployment for the succeeding school year at the same salary unless the employing board of education shall cause notice in writing to be given said teacher on or before the last day of the term of the school in which the teacher is employed; and such teacher shall be presumed to have accepted such employment unless he or she shall notify the employing board of education in writing to the contrary on or before the fifteenth day of June. The employing board of education shall not cancel the contract of any teacher in continuing service status, nor cause notice of nonemployment to be given to any teacher whether in continuing service status or not except by a vote of a majority of its members evidenced by the minute entries of said board made prior to or at the time of any such action.

(Acts 1939, No. 499, p. 759, § 10; Code 1940, T. 52, §361(2); Acts 1945, No. 411, p. 646, § 1; Acts 1953, No. 773, p. 1040, § 1; Acts 1973, No. 1079, p. 1835, §1.)

Section 16-24-13

Effect of leave of absence on continuing service status.

Leave of absence for a period of one year for good cause may be granted to a teacher by the employing board of education without the impairment of the continuing status of a teacher; provided, that for valid reason the board may extend the leave of absence for one additional year; and provided further, that upon the request of a teacher who has heretofore or who shall hereafter enter the military service of the United States at a time when there is an existing state of war between the United States of America and any other country, leave of absence shall be granted to such teacher for the duration of the war and until the beginning of the school year next succeeding the date on which said teacher is released from said military service; and, on or before such date, said teacher must give written notice to the employing board of education whether or not he desires to be reemployed by said board. If such notice is not received by the employing board of education, or if the teacher notifies the employing board on or before the date specified above that he does not desire reemployment, the employing board has no further responsibility with respect to reemployment of said teacher. The term "military service of the United States," as used herein, shall include the Army of the United States, the United States Navy, the Marine Corps, the Coast Guard, the Army Specialist Corps, the Women's Army Auxiliary Corps and the Women's Volunteer Reserve of the United States Navy, those persons commissioned in the public health service or those persons entering into the service of any similar organization heretofore or hereafter formed by the government of the United States. A teacher entering the military service of the United States, who is not on continuing service status but who has accumulated one or more years of teaching experience with an employing board of education immediately prior to entering military service, shall be given credit for such experience with the employing board of education in attaining continuing service status, if such teacher is reemployed by said board of education within one year after the release of that teacher from military service.

(Acts 1939, No. 499, p. 759, § 11; Code 1940, T. 52, §361(3); Acts 1943, No. 313, p. 300; Acts 1953, No. 773, p. 1040, § 1; Acts 1973, No. 1079, p. 1835, §1.)

Section 16-24-14

Major suspensions of teachers - Authorized; notice; conditions.

A teacher on continuing service status may be suspended for more than seven days without pay for just cause. Such suspension shall not be made for political or personal reasons. The superintendent shall give written notice to the employing board and the teacher of the superintendent's intention to recommend a long-term suspension. Such notice shall state the reasons for the proposed suspension, shall contain a short and plain statement of the facts showing that the suspension is for just cause, and shall state the time and place for the board's meeting on the proposed suspension, which meeting shall be held no less than 20 days and no more than 30 days after the receipt of such notice by the teacher. The notice shall inform the teacher that in order to request a conference with the board, the teacher shall file a written request with the superintendent within 15 days after the receipt of such notice.

(Act 2004-566, §2.)

Section 16-24-17

Minor suspensions of teachers - Authorized; notice; conditions.

A teacher on continuing service status may be suspended for seven days or less without pay for just cause. Such suspension shall not be made for political or personal reasons. The superintendent shall give written notice to the employing board and the teacher of the superintendent's intention to recommend a short-term suspension. Such notice shall state the reasons for the proposed suspension, shall contain a short and plain statement of the facts showing that the suspension is for just cause, and shall state the time and place for the board's meeting on the proposed suspension, which meeting shall be held no less than 20 days and no more than 30 days after the receipt of such notice by the teacher. The notice shall inform the teacher that in order to request a conference with the board, the teacher shall file a written request with the superintendent within 15 days after the receipt of such notice.

(Act 2004-566, §2.)

Section 16-24-2

Criteria for continuing service status for teachers, principals and supervisors; list of persons recommended for continuing status; effect of consolidation or separation of schools.

(a) Any teacher in the public schools who shall meet the following requirements shall attain continuing service status: Such teacher shall have served under contract as a teacher in the same county or city school system for three consecutive school years and shall thereafter be reemployed in such county or city school system the succeeding school year.

(b) An instructor who has attained continuing service status and who is promoted to principal or supervisor shall serve for three consecutive school years as a principal or supervisor before attaining continuing service status as a principal or supervisor. Such promotion shall in no way jeopardize the continuing service status of the teacher as an instructor; and, should the promoted instructor not be retained as principal or supervisor, his salary would be reduced to the salary paid instructors in accordance with the prevailing salary schedule in the county or city school system.

(c) The superintendent shall, by the end of each school term, submit to the employing board a list of teachers recommended for continuing service status. A failure on the part of the superintendent to make such certification shall not in any way prejudice the continuing service status of the teacher.

(d) When two or more school systems are consolidated under one board of education, or when one or more schools are separated from a school system in order to become a part of or to constitute another school system, the continuing service status of the teachers involved in such changes is in no way jeopardized.

(Acts 1939, No. 499, p. 759, § 2; Code 1940, T. 52, §352; Acts 1951, No. 806, p. 1408; Acts 1953, No. 773, p. 1040, § 1.)

Section 16-24-3

Contract of employment effective until superseded or cancelled.

The contract of employment of any teacher who shall attain continuing service status shall remain in full force and effect unless superseded by a new contract signed by both parties, or cancelled as provided in Section 16-24-9 or 16-24-10; provided, that the Legislature or, in the absence of legislation, the employing board of education may provide for the retirement of teachers at certain ages.

(Acts 1939, No. 499, p. 759, § 3; Code 1940, T. 52, §353; Acts 1953, No. 773, p. 1040, § 1.)

Section 16-24-5

Transfer of teacher - Authorized; notice; conditions.

Any teacher on continuing service status may be transferred for any succeeding year from one position, school, or grade to another by being given written notice of such intention to transfer by the employing board. Such transfer shall be without loss of status or violation of contract, and such transfer may not be for political or personal reasons. Upon recommendation of the superintendent, the employing board shall determine if it intends to make such transfer. The superintendent shall give written notice of the employing board's intention to effectuate such transfer. Such notice shall state the reasons for the proposed transfer, shall state the time and place for the board's hearing on the proposed transfer, and shall state the teacher's right to demand a hearing before the board by filing with the superintendent a written demand for a hearing within 15 days after the receipt of such notice.

(Acts 1939, No. 499, p. 759, §5; Code 1940, T. 52, §355; Acts 1953, No. 773, p. 1040, §1; Act 2004-566, §1.)

Section 16-24-6

Transfer of teacher - Contesting; hearing.

After receiving the notice required in Section 16-24-5, the teacher may obtain a hearing before the employing board by filing with the superintendent a written demand for such hearing within 15 days after the receipt of such notice. If the teacher does not file with the superintendent such demand within 15 days after receipt of the notice to transfer, the transfer shall be final. If the teacher does file a demand for a hearing before the board, the board shall hold such hearing within 30 days after receipt of the notice to transfer. At the hearing, which shall be public or private at the discretion of the teacher, each party may appear with or without counsel and may be heard and present the testimony of witnesses and other evidence and/or information bearing upon the reasons for the proposed transfer and may cross examine the adverse witnesses. The board, or its authorized representative, may administer oaths and issue subpoenas to compel the attendance of witnesses and production of papers necessary as evidence and/or information in connection with the dispute or claim. If requested, the board shall issue subpoenas for witnesses to testify at the hearing, under oath, either in support of the charges or on behalf of the teacher. In case a person refuses to obey such subpoena, the board, or its authorized representative, may invoke the aid of the circuit court in order that the testimony, evidence, or information be produced. Upon proper showing, the court shall issue a subpoena or order requiring the person to appear before the board or its representative and produce evidence and/or information and give testimony relating to the matter at issue. A person failing to obey the court's subpoena or order shall be punishable by the court as for contempt. It shall be the duty of the board to employ a competent court reporter to keep and transcribe a record of the proceedings at such hearing, the costs of which shall be paid by the State Department of Education. After each party has presented its case at the hearing, the employing board of education may determine the question of the transfer by a majority

vote, or it may defer action regarding the decision for a period not to exceed five days. Its action and vote, whether taken immediately following the hearing or within five days thereafter, shall be evidenced by the minute proceedings of the board and shall be only after full compliance with this section. If the employing board determines that the transfer shall be effectuated, the superintendent shall give notice to the teacher of the board's action by providing notice by personal service, by United States Postal Service registered or certified mail with postage paid thereon to the teacher's last known address, or by private mail carrier for overnight delivery, signature required, with postage paid thereon to the teacher's last known address within 10 days of the board's action. Such notice shall be in writing and shall inform the teacher of the right to contest the transfer by filing with the superintendent a written notice of contest of the action within 15 days of the receipt of the notice.

(Acts 1953, No. 773, p. 1040, §1; Act 2004-566, §1.)

Section 16-24-7

Transfer of teacher - Review.

No transfer shall be effected until the time for filing notice of contest has expired and, if notice of contest is filed, not until the hearing officer has approved the transfer. The teacher may obtain a review by a hearing officer of the board's decision. Such contest shall be taken by filing a written notice of contest with the superintendent within 15 days after the receipt of the notice of the decision of the employing board. If the contest is not timely filed, the board's decision shall be final. If notice of contest is filed, the hearing officer shall be selected as provided in subsection (b) of Section 16-24-20. Upon selection, the hearing officer shall immediately cause notice to be given to the parties of the date and time for a hearing, which hearing shall be held no less than 30 days and no more than 60 days following the appointment of the hearing officer. The parties shall agree as to the location of the hearing, and, if the parties are unable to agree, the hearing officer shall determine the location within the jurisdiction of the employing board. Within 10 days of the appointment of a hearing officer, the board shall cause to be made a copy of the record of proceedings for the hearing officer and the teacher. The record shall consist of all notices given to the teacher, all papers filed with the board by the teacher in compliance with this chapter, a transcript of testimony before the employing board, other evidence and/or information, and the findings and decisions of the board. At such hearing, the teacher and employing board shall make presentations on the facts and the law, but no witnesses shall be called. The hearing officer shall consider the case on the record of the proceedings before the board and the arguments at such hearing. The hearing officer shall determine whether the evidence was insufficient for the board to take the action, whether such action was taken for political or personal reasons, or whether such action was arbitrarily unjust. The hearing officer shall render a written decision, with findings of fact and conclusions of law, within 30 days after its hearing. The decision of the hearing officer shall be final. Expenses of the hearing officer shall be paid by the State Department of Education.

(Acts 1953, No. 773, p. 1040, §1; Acts 1981, No. 81-686, p. 1156, §1; Act 2000-733, p. 1588, §9; Act 2004-566, §1.)

Section 16-24-8

Cancellation of contracts - Grounds.

Cancellation of an employment contract with a teacher on continuing service status may be made for incompetency, insubordination, neglect of duty, immorality, failure to perform duties in a satisfactory manner, justifiable decrease in the number of teaching positions or other good and just cause, but cancellation may not be made for political or personal reasons.

(Acts 1939, No. 499, p. 759, § 6; Code 1940, T. 52, §358; Acts 1953, No. 773, p. 1040, § 1; Act 2000-733, p. 1588, §9

Section 16-24-9

Cancellation of contracts - Procedure; notice.

(a) An employment contract with a teacher on continuing service status may be cancelled only in the following manner: The superintendent shall give written notice to the employing board and the teacher of the superintendent's intention to recommend a cancellation as provided in Section 16-24-8. Such notice shall state the reasons for the proposed cancellation, shall contain a short and plain statement of the facts showing that the cancellation is taken for one or more of the reasons listed in Section 16-24-8, and shall state the time and place for the board's meeting on the proposed cancellation, which meeting shall be held no less than 20 days and no more than 30 days after the receipt of such notice by the teacher. The notice shall inform the teacher that in order to request a conference with the board, the teacher shall file a written request with the superintendent within 15 days after the receipt of such notice. At such conference, which shall be public or private at the discretion of the teacher, the teacher, or his or her representative, shall be afforded the opportunity to speak to the board on matters relevant to such cancellation. The teacher shall have the right to counsel and to have a court reporter record his or her statement, both at the expense of the teacher. Thereafter, the board shall determine whether such cancellation shall be effectuated.

(b) Regardless of whether or not the employee elects to have a conference with the employing board, if the board votes to cancel the teacher's contract, the superintendent shall give notice to the teacher of the board's action by providing notice by personal service, by United States Postal Service registered or certified mail with postage paid thereon to the teacher's last known address, or by private mail carrier for overnight delivery, signature required, with postage paid thereon to the teacher's last known address within 10 days of the board's action. Such notice shall be in writing and shall inform the teacher of the right to contest the board's decision by filing with the superintendent a written notice of contest of the action within 15 days of the receipt of the notice. Such contest shall be taken by filing a written notice of contest with the superintendent within 15 days after receipt of the notice of the decision of the employing board. If the contest is not timely taken, the board's decision shall be final. No cancellation shall be effected until the time for filing notice of contest has expired and, if notice of contest is filed, not until the hearing officer has issued an opinion.

(Acts 1939, No. 499, p. 759, §7; Code 1940, T. 52, §359; Acts 1951, No. 690, p. 1191; Acts 1953, No. 773, p. 1040, §1; Act 2004-566, §1.)

Section 16-24B-4

Principals - Duties.

(a) Subject to the authority of the chief executive officer and the employing board, a principal and contract principal shall supervise the daily operation and management of personnel, finances, facilities, and other matters of the school or campus for which the principal and contract principal is responsible. A principal and contract principal shall assume the administrative responsibility and instructional leadership, as directed by the chief executive officer, consistent with the policies of the employing board, for the planning, management, operation, and evaluation of the education program of each school or campus under the responsibility of the principal and contract principal.

(b) A principal and contract principal shall observe all rules, policies, and procedures relative to the operation of the public schools as established by applicable law, rule, and standard of both the State Board of Education and the employing board.

(c) A principal and contract principal shall perform all other duties assigned by the chief executive officer, consistent with the policies of the employing board and the law.

(d) A principal and contract principal shall make written advisory recommendations to the chief executive officer regarding the appointment, assignment, promotion, transfer, and cancellation of the contracts of all personnel assigned to any school or campus under his or her responsibility. If the recommendation of a principal and contract principal regarding an appointment, assignment, or promotion is rejected, the principal and contract principal shall submit a second recommendation regarding that appointment, assignment, or promotion, subject to this chapter and board policy. These advisory recommendations shall not be binding upon the chief executive officer, and the chief executive officer shall have final authority for all personnel assignments within the applicable school system.

(Act 2000-733, p. 1588, & sect. 4.)

Section 16-24B-7

Teacher transfers.

(a) Notwithstanding any other provision of this chapter involving transfers, an employing board may, within 15 days before or after the first day of the school year, transfer a teacher who meets all qualification, certification, grade level, or subject matter requirements, on a temporary emergency basis, provided all of the following conditions are met:

(1) The chief executive officer shall first seek volunteers by posting notice of the vacancy or vacancies in conspicuous locations at all school system sites for at least five working days before transferring a teacher involuntarily.

(2) If there are no volunteers, then probationary teachers who are qualified and certified in grade level or subject matter shall be transferred.

(3) If there are no probationary teachers who are appropriately qualified, certified in grade level or subject matter, teachers on continuing service status who are appropriately certified in grade level or subject matter shall be transferred in reverse order of their seniority with the employing board. If more than one continuing service status teacher has equal seniority, the employing board shall take into consideration qualification, certification, and experience in the position, grade level, or subject matter. Nothing in this section shall be construed to deny a teacher on continuing service status a hearing in the event he or she is subject to an involuntary transfer under this section.

(4) If a vacancy exists at the end of the school year at the former site for which the emergency transferred teacher is qualified, upon the request of the teacher, the teacher shall have a one-time right of first refusal to fill the vacancy at the former site, provided that the vacancy occurs within two years of the transfer.

(b) Upon the request of the teacher, the teacher shall be given a one-time right of first refusal, as provided in this section, to return, at the beginning of the school year, to the position, grade, school, worksite, or subject area from which he or she was originally transferred to effect the emergency transfer provided the vacancy occurs within two years of the transfer.

(c) Emergency transfers shall be effected without regard to the time for filing notice of appeal and hearing. If notice of appeal is filed by the teacher, a hearing shall be held within 15 days of the receipt of notice of appeal by the teacher and the employing board shall render a decision as expeditiously as possible.

(d) The burden of proof shall be on the chief executive officer to demonstrate that the provisions of this section could not have been reasonably anticipated, foreseen, or utilized to meet the needs of the employing board or institution. Appeals shall lie with the State Tenure Commission.

(Act 2000-733, p. 1588, & sect. 7.)

Section 16-25-1

Definitions.

For the purposes of this chapter the following terms, unless a different meaning is plainly required by the context, shall have the following respective meanings:

- (1) **RETIREMENT SYSTEM.** The Teachers' Retirement System of Alabama as defined in Section 16-25-2.
- (2) **PUBLIC SCHOOL.** Any day school conducted within the state under the authority and supervision of a duly elected or appointed county or city board of education and any educational institution supported by and under the control of the state or any private nondenominational school operated nonprofit for the education of children of school age residing within a district where no public school is available for the children.
- (3) **TEACHER.** Any teacher, principal, superintendent, supervisor, college professor, administrative officer, or clerk employed in any public school or public college within the state or employed in any private nondenominational school operated nonprofit for the education of children of school age residing within a district where no public school is available for the children or any similar employee or officer of the Department of Education or of the Alabama Education Association, or any attendance worker 50 percent or more of whose salary is paid from public school funds or any employee receiving a regular stated compensation from the retirement system. In all cases of doubt, the Board of Control shall determine whether any person is a teacher as defined in this chapter.
- (4) **SUPPORT PERSONNEL or EMPLOYEE.** Any maid, custodian, adult bus driver, lunchroom, or cafeteria worker, secretary, clerk, clerical assistant, maintenance worker, or other non-certificated employee who works an average of 20 hours weekly.
- (5) **EMPLOYER.** The State of Alabama, the county school board, the city school board, the State Board of Education, or any governing body of any private nondenominational school operated nonprofit for education of children of school age residing within a district where no public school is available for the children or any other agency of and within the state by which a teacher is paid.
- (6) **MEMBER.** Any teacher included in the membership of the system as provided in Section 16-25-3.
- (7) **BOARD OF CONTROL.** The board provided for in Section 16-25-19 to administer the retirement system.
- (8) **MEDICAL BOARD.** The board of physicians provided for in Section 16-25-19.
- (9) **TRUSTEES.** The members of the Board of Control to administer the trust funds.

(10) SERVICE. Service as a teacher.

(11) PRIOR SERVICE. Service rendered prior to the date of establishment of the retirement system for which credit is allowable under Section 16-25-11.

(12) MEMBERSHIP SERVICE. Service as a teacher rendered while a member of the retirement system and on account of which contributions are made.

(13) CREDITABLE SERVICE. "Prior service" plus "membership service" rendered since last becoming a member.

(14) BENEFICIARY. Any person in receipt of a pension, an annuity, a retirement allowance, or other benefit as provided by this chapter.

(15) REGULAR INTEREST. Interest compounded annually at the rate determined by the Board of Control in accordance with subsection (b) of Section 16-25-20.

(16) ACCUMULATED CONTRIBUTIONS. The sum of all the amounts deducted from the compensation of a member and credited to his or her individual account in the annuity savings fund together with regular interest thereon as provided in Section 16-25-21.

(17) EARNABLE COMPENSATION. The full rate of the compensation that would be payable to a teacher if he or she worked the full normal working time. In cases where compensation includes maintenance, the Board of Control shall fix the value of that part of the compensation not paid in money. Earnable compensation shall not exceed the limitations imposed by Section 401(a)(17) of the Internal Revenue Code for public pension funds except that any employee who was a member of the Teachers' Retirement System before the first plan year beginning after December 31, 1995, shall not be subject to the earning limitations set forth in Section 401(a)(17).

(18) AVERAGE FINAL COMPENSATION. The average annual compensation of a teacher, with respect to which he or she has made contributions pursuant to paragraph b of subdivision (1) of Section 16-25-21 during the three years in his or her last 10 years of creditable service for which the average is highest or during his or her entire period of creditable service if less than three years; except, that for any period prior to October 1, 1959, the compensation used in computing the average shall include compensation in excess of the maximum amount with respect to which members were required to contribute.

(19) ANNUITY. Payments for life derived from the "accumulated contributions" of a member. All annuities shall be payable in equal monthly installments.

(20) PENSION. Payments for life derived from money provided by the employer. All pensions shall be payable in equal monthly installments.

(21) RETIREMENT ALLOWANCE. The sum of the "annuity" and the "pension."

(22) RETIREMENT. Withdrawal from active service with a retirement allowance or optional benefit in lieu thereof granted under this chapter.

(23) ANNUITY RESERVE. The present value of all payments to be made on account of any annuity or benefit in lieu of any annuity, computed upon the basis of the mortality tables as shall be adopted by the Board of Control, and regular interest.

(24) PENSION RESERVE. The present value of all payments to be made on account of any pension or benefit in lieu of any pension, computed upon the basis of the mortality tables as shall be adopted by the Board of Control, and regular interest.

(25) ACTUARIAL EQUIVALENT. A benefit of equal value, when computed upon the basis of the mortality tables as shall be adopted by the Board of Control, and regular interest.

(26) NORMAL CONTRIBUTION. The contributions of the state necessary to provide a pension equal to the annuity which the member's contribution made prior to age 65 with interest will provide at age of retirement not to exceed 65.

(Acts 1939, No. 419, p. 559, § 1; Code 1940, T. 52, § 362; Acts 1943, No. 61, p. 35, § 1; Acts 1953, No. 41, p. 44, § 1; Acts 1957, No. 532, p. 747, § 1; Acts 1963, 1st Ex. Sess., No. 43, p. 126, § 1; Acts 1975, 4th Ex. Sess., No. 66, p. 292, § 1; Acts 1985, No. 85-519, p. 613, § 1; Acts 1995, No. 95-203, p. 313, § 2.)

Section 16-25-26

Performance of duties by retired persons; service in elected public office.

(a) Any person who is retired under the Teachers' Retirement System may perform duties in any capacity with any employer participating in the Employees' Retirement System or the Teachers' Retirement System without suspension of his or her retirement allowance provided that (1) the person is not employed in a permanent full-time capacity and (2) the person's compensation from the employer in calendar year 2000 does not exceed \$17,000. Beginning in calendar year 2001, and each calendar year thereafter, the annual earning limit shall be increased by the same percentage increase as the increase in the Consumer Price Index for all urban consumers as published by the U.S. Department of Labor, Bureau of Labor Statistics. Any increase in the annual earning limit shall be rounded to the next lowest multiple of \$1,000 with any amount in excess of the \$1,000 multiple considered in determining the increase for the following year. Each adjustment shall be based on the increase in the index for the preceding 12-month period ending on September 30 and the increase shall be effective for the following calendar year.

(b) Any person serving as an elected official who has retired from the Teachers' Retirement System may serve for compensation in an elected public office with the state, a county, or an incorporated municipality without suspension of retirement benefits; provided that under no circumstances shall such a person participate in or accrue additional benefits under the Teachers' Retirement System or the Employees' Retirement System, and provided that under no circumstances shall a person whose retirement is based upon service as an elected official continue in or return to such office and receive both pension benefits and salary; provided further, that this subsection shall apply to elected officials whose participation in the Teachers' Retirement System or the Employees' Retirement System is constitutionally required to be upon the same terms and conditions as specified by law for other employees in the retirement system if such elected official's compensation does not exceed the annual earning limits provided in subsection (a).

(c) The responsibility for compliance with this section is placed upon the employing authority, and each person employed under this section shall certify to the employer any information required in order to carry out this section.

(Acts 1973, No. 809, p. 1231, §§1-3; Acts 1995, No. 95-203, p. 313, §4; Act 2000-713, p. 1514, §1; Act 2005-299, 1st Sp. Sess., p. 567, §1; Act 2007-403, §1.)

Section 16-26-2

High school system.

All high schools which have been or may hereafter be established by county boards of education shall constitute a system of high schools for the county. Such high school system shall make provision for the secondary education of all children of the county residing in the territory under the control of the county board of education; provided, that by agreement between county boards of education and city boards of education high schools located in cities or towns of 2,500 or more inhabitants according to the last or any succeeding federal census may be utilized as a part of the high school system of the county, the financial support, administration and supervision of such high schools to be determined by the boards of education involved; and provided further, that in order that the most satisfactory and economic plan of administration may be secured, high schools may, at the discretion of the county board, be designated as a unit in the high school system of the county, with a defined territory or district for patronage, in just the same manner as other public schools under the supervision of county boards of education. Boards of education in cities having a city board of education shall provide a system of high school education which shall meet the minimum standards for high schools authorized and prescribed by the State Board of Education; provided, that any town or city board of education may cooperate with the county board of education in the establishment, support and maintenance of a county system of high schools which shall include the said town or city.

(School Code 1927, §461; Code 1940, T. 52, §435.)

Section 16-27-1

State Board of Education to prescribe rules and regulations.

The State Board of Education shall prescribe rules and regulations:

- (1) Requiring all local boards of education which provide transportation services for pupils going to and from public elementary and secondary schools of Alabama or in school-related activities, and the presidents of all state community, junior and technical colleges and directors of all state technical institutes and trade schools which provide transportation services for pupils going to and from said technical institutes and trade schools or community, junior and technical colleges to employ a competent supervisor or manager of such transportation services, whether such transportation services are provided in publicly owned or privately owned buses;
- (2) Requiring periodic safety inspection of all vehicles used for transporting pupils, whether such vehicles are publicly or privately owned;
- (3) Requiring and providing for special training and licensing of drivers of all vehicles used to transport pupils to and from school and in all school-related activities, whether such vehicles are publicly owned and operated or operated under contract with a private owner.

(Acts 1969, No. 281, p. 614, §1.)

Section 16-27-4

Licensing of drivers.

Regulations made pursuant to an order of the board of education requiring and providing for special training and licensing of drivers of vehicles used to transport pupils to and from school shall require an applicant for a school bus driver's license to be the holder of a currently valid regular driver's license and to complete a minimum of 12 clock-hours of approved instruction in school bus driving and to pass satisfactorily a written examination and also a driving performance test. The written examination shall be designed by the State Superintendent of Education with the cooperation of the state Director of Public Safety and may be given to the applicant either by an employee of the State Department of Education or a state trooper or other representative of the State Department of Public Safety as the State Superintendent of Education and the Director of Public Safety agree; but the driving performance test shall be given by a state trooper or other representative of the state Department of Public Safety. The plan for the performance test shall, however, be submitted to and approved by the State Superintendent of Education before the performance test is given. If the applicant for a school bus driver's license satisfactorily passes the test, the testing officer shall report this fact to the State Superintendent of Education and shall send a copy of such report to the local superintendent of education of the county or city where the applicant desires a job as a school bus driver.

Upon receipt of the testing officer's report of an applicant having satisfactorily passed the examinations, the State Superintendent of Education shall issue a special school bus driver's license. Such license shall be valid for one year from the date of its issuance and may be renewed annually for an additional year if the applicant attends a four clock-hour training session for school bus drivers conducted in such manner as the State Superintendent of Education prescribes. Such rules may also provide for the issuance of temporary permits or licenses for school bus drivers who have had a minimum of four clock-hours of instruction conducted by representatives of a local board of education. Holders of such temporary licenses shall only be employed for the purpose of filling vacancies which develop between scheduled training periods, and such temporary licenses shall be valid for a maximum of six months only.

(Acts 1969, No. 281, p. 614, §3; Acts 1971, No. 970, p. 1727, § 1; Acts 1982, No. 82-618, p. 1170, §1.)

Section 16-27-5

Monthly safety inspections.

All local boards of education, all presidents of state community, junior and technical colleges and all directors of state technical institutes and trade schools which provide transportation services for pupils or students going to and from public elementary and secondary schools, community, junior and technical colleges or technical institutes and trade schools, and in school or college related activities shall have safety inspections made of all vehicles used for such transportation at least once each month, whether such vehicles are publicly owned and operated or privately owned and operated under contract between the board of education, board of trustees or other governing body of a community, junior and technical college and the owner of vehicle. All safety inspections made hereunder shall be made by qualified mechanics in accordance with standards and rules established by the State Board of Education.

(Acts 1969, No. 281, p. 614, §4.)

Section 16-28-12

Person in loco parentis responsible for child's school attendance and behavior; noncompliance; local boards to promulgate written behavior policy, contents, annual distribution, receipt to be documented; school officials required to report noncompliance; failure to report suspected violation; district attorneys vigorously to enforce provisions.

(a) Each parent, guardian, or other person having control or custody of any child required to attend school or receive regular instruction by a private tutor who fails to have the child enrolled in school or who fails to send the child to school, or have him or her instructed by a private tutor during the time the child is required to attend a public school, private school, church school, denominational school, or parochial school, or be instructed by a private tutor, or fails to require the child to regularly attend the school or tutor, or fails to compel the child to properly conduct himself or herself as a pupil in any public school in accordance with the written policy on school behavior adopted by the local board of education pursuant to this section and documented by the appropriate school official which conduct may result in the suspension of the pupil, shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than one hundred dollars (\$100) and may also be sentenced to hard labor for the county for not more than 90 days. The absence of a child without the consent of the principal teacher of the public school he or she attends or should attend, or of the tutor who instructs or should instruct the child, shall be prima facie evidence of the violation of this section.

(b) Each local public board of education shall adopt a written policy for its standards on school behavior. Each local public school superintendent shall provide at the commencement of each academic year a copy of the written policy on school behavior to each parent, guardian, or other person having care or control of a child who is enrolled. Included in the written policy shall be a copy of this section. The signature of the student and the parent, guardian, or other person having control or custody of the child shall document receipt of the policy.

(c) Any parent, guardian, or other person having control or custody of any child enrolled in public school who fails to require the child to regularly attend the school or tutor, or fails to compel the child to properly conduct himself or herself as a pupil in accordance with the written policy on school behavior adopted by the local board of education and documented by the appropriate school official which conduct may result in the suspension of the pupil, shall be reported by the principal to the superintendent of education of the school system in which the suspected violation occurred. The superintendent of education or his or her designee shall report suspected violations to the district attorney within 10 days. Any principal or superintendent of education or his or her designee intentionally failing to report a suspected violation shall be guilty of a Class C misdemeanor. The district attorney shall vigorously enforce this section to ensure proper conduct and required attendance by any child enrolled in public school.

(School Code 1927, §305; Code 1940, T. 52, §302; Acts 1993, No. 93-672, p. 1213, §1; Acts 1994, 1st Ex. Sess., No. 94-782, p. 70, §1.)

Section 16-28-4

Minimum age at which child may enter.

(a) A child who is six years of age on or before September 1 or the date on which school begins in the enrolling district shall be entitled to admission to the public elementary schools at the opening of such schools for that school year or as soon as practicable thereafter. A child who is under six years of age on September 1 or the date on which school begins in the enrolling district shall not be entitled to admission to the first grade in the public elementary schools during that school year; except, that an underage child who transfers from the first grade of a school in another state may be admitted to school upon approval of the board of education in authority, and an underage child who has moved into this state having completed or graduated from a mandated kindergarten program in another state shall be entitled to admission to the public elementary schools regardless of age. A child who becomes six years of age on or before February 1 may, on approval of the board of education in authority, be admitted at the beginning of the second semester of that school year to schools in school systems having semiannual promotions of pupils.

(b) A child who is five years of age on or before September 1 or the date on which school begins in the enrolling district shall be entitled to admission to the local public school kindergartens at the opening of such schools for that school year or as soon as practicable thereafter; a child who is under five years of age on September 1 or the date on which school begins in the enrolling district shall not be entitled to admission to such schools during that school year; except that, an underage child who transfers from the public school kindergarten in another state may be admitted to local public kindergarten on the prior approval of the local board of education on a space available basis. The aforementioned underage children transferring from the public school kindergartens of another state, upon successful completion of the kindergarten in the local public schools, will then be allowed admission to the first grade of the local public schools.

(c) Students who were four years of age on or before October 1, 1989, and are enrolled in a public, private or church four-year-old program or kindergarten during the 1989-90 school year will be allowed to enroll in a five-year-old public kindergarten, applicable only for the 1990-91 school year and to enroll in grade one of a public school, applicable only for 1991-92 school year. Students who are already enrolled in a public, private or church kindergarten will be allowed to enroll in grade one of a public school, applicable only for the 1990-91 school year.

(d) No public school system shall lose any teacher unit as a result of this section. The State Board of Education is authorized to adopt policies for local boards of education for the implementation of this section.

(Acts 1935, No. 246, p. 646, § 1; Code 1940, T. 52, §298; Acts 1947, No. 234, p. 103; Acts 1950, 2nd Ex. Sess. No. 4, p. 24, § 1; Acts 1967, No. 596, p. 1382, § 1; Acts 1982, No. 82-553, p. 914, §1, 2; Acts 1989, No. 89-854, p. 1704, §1; Acts 1990, No. 90-578, p. 983, §§ 1, 2; Acts 1991, No. 91-323, p. 602, §13.)

Section 16-28A-1

Legislative findings.

It is the finding of the Alabama Legislature that the people of Alabama have two basic expectations of their public schools: (1) that students be allowed to learn in a safe classroom setting where order and discipline are maintained; and (2) that students learn at the level of their capabilities and achieve accordingly. The Legislature finds further that every child in Alabama is entitled to have access to a program of instruction which gives him or her the right to learn in a non-disruptive environment. No student has a right to be unruly in his or her classroom to the extent that such disruption denies fellow students of their right to learn. The teacher in each classroom is expected to maintain order and discipline. Teachers are hereby given the authority and responsibility to use appropriate means of discipline up to and including corporal punishment as may be prescribed by the local board of education. So long as teachers follow approved policy in the exercise of their responsibility to maintain discipline in their classroom, such teacher shall be immune from civil or criminal liability. It shall be the responsibility of the local boards of education and the administrators employed by them to provide legal support to each teacher exercising his or her authority and responsibility to maintain order and discipline in his or her classroom as long as the teacher follows the local board of education's policy. Such support for the teacher shall include, but not be limited to, providing appropriate legal representation to defend the teacher against charges, filing of a written report pursuant to Section 16-1-24, seeking the issuance of a warrant or warrants for any person or persons threatening or assaulting a teacher, and the timely assistance and cooperation with the appropriate authorities in the prosecution of any person or persons threatening or assaulting a teacher. Local school board authorities and school administrators providing such support shall be absolutely immune from civil and criminal liability for actions authorized or required by this section.

(Acts 1995, No. 95-539, p. 1121, §1.)

Section 16-28A-1

Legislative findings.

It is the finding of the Alabama Legislature that the people of Alabama have two basic expectations of their public schools: (1) that students be allowed to learn in a safe classroom setting where order and discipline are maintained; and (2) that students learn at the level of their capabilities and achieve accordingly. The Legislature finds further that every child in Alabama is entitled to have access to a program of instruction which gives him or her the right to learn in a non-disruptive environment. No student has a right to be unruly in his or her classroom to the extent that such disruption denies fellow students of their right to learn. The teacher in each classroom is expected to maintain order and discipline. Teachers are hereby given the authority and responsibility to use appropriate means of discipline up to and including corporal punishment as may be prescribed by the local board of education. So long as teachers follow approved policy in the exercise of their responsibility to maintain discipline in their classroom, such teacher shall be immune from civil or criminal liability. It shall be the responsibility of the local boards of education and the administrators employed by them to provide legal support to each teacher exercising his or her authority and responsibility to maintain order and discipline in his or her classroom as long as the teacher follows the local board of education's policy. Such support for the teacher shall include, but not be limited to, providing appropriate legal representation to defend the teacher against charges, filing of a written report pursuant to Section 16-1-24, seeking the issuance of a warrant or warrants for any person or persons threatening or assaulting a teacher, and the timely assistance and cooperation with the appropriate authorities in the prosecution of any person or persons threatening or assaulting a teacher. Local school board authorities and school administrators providing such support shall be absolutely immune from civil and criminal liability for actions authorized or required by this section.

(Acts 1995, No. 95-539, p. 1121, §1.)

Section 16-28A-2

Exemption of teachers and other employees from application of Title 26.

The provisions of Title 26 shall not apply to public school teachers in relation to corporal punishment of students when the punishment is consistent with established written policies of the employing board of education. Neither shall the provisions of Title 26 apply to public school teachers or other employees while maintaining order and discipline in the classroom and on public school property, including school buses, consistent with written policies of the employing board of education.

(Acts 1995, No. 95-539, p. 1121, §2.)

Section 16-28A-3

Local boards of education required to develop and disseminate student discipline and behavior policies.

To fully implement the provisions of this chapter, the State Board of Education shall require each local board of education to develop a written policy on student discipline and behavior and to broadly disseminate them following its adoption. Copies of the student discipline and behavior policy shall be given to all teachers, staff, parents and students.

(Acts 1995, No. 95-539, p. 1121, §3.)

Section 16-29-1

Required; scope; suspension of infected child.

The Department of Education and the State Board of Health shall in conjunction arrange for the examination of each and every child attending the public schools of this state, both male and female, for any physical defects of any kind, embracing mental deficiency; diseases of the ear, eye, nose and throat, mouth and teeth; any deformity or dislocation of the hip joints or spinal disease; phymosis; hookworm disease and any and all other communicable or contagious diseases where either the county board of education or a city board of education or the State Department of Education has cause to believe that such child has a communicable or contagious disease; and any disease requiring medical or surgical aid in developing the child into a strong and healthy individual. The several county boards of education and county boards of health shall cooperate fully with the State Board of Education and the State Board of Health in the promotion of this work. The county superintendent of education shall arrange with the county health officer a schedule of dates for this examination of the children in the public schools under his supervision, and the city superintendent of schools shall make like schedule for the schools under his supervision.

The county or city board of education, upon receipt of a report from the medical officer, may suspend said child from attendance of any public school if said medical examiner is of the opinion that said communicable or contagious disease or any other disease will endanger the health of the child attending said school.

The ruling of said city or county board is subject to review before the state board and a three-man panel of medical examiners appointed by said board.

Said child may be suspended for so long as said contagious or communicable disease or diseases enumerated above exist, or endanger the pupils attending said school, within the discretion of the examining authorities and boards before mentioned.

(School Code 1927, §619; Code 1940, T. 52, §553; Acts 1965, 3rd Ex. Sess., No. 53, p. 264.)

Section 16-29-2

When examination made.

Each and every child shall be examined before October 1 in each and every year by the county health officer, and the State Superintendent of Education shall have blanks printed to be furnished by the county superintendent of education to the various school districts. The county health officer of each county shall make such physical examinations of the school children and he shall secure such assistance from the county board of health as is necessary. All examinations held under this chapter shall be without charge to the child or his parents.

(School Code 1927, §620; Code 1940, T. 52, §554.)

Section 16-29-3

Certificate of examination furnished pupil.

Each child shall be furnished with a certificate of examination, which shall be recorded by the teacher in a record kept for that purpose, the certificate to be returned to the parent or guardian of the child.

(School Code 1927, §622; Code 1940, T. 52, §556.)

Section 16-29-5

Tests.

The State Board of Health shall have all necessary tests made at the state laboratory upon the request of the county health officer.

(School Code 1927, §624; Code 1940, T. 52, §558.)

Section 16-29-6

County board of health to cooperate.

To the end that the objects and purposes of this chapter may be fully carried into effect and the health of the school children of Alabama may be materially improved, the cooperation of the county board of health in various counties of Alabama, in conjunction with the county health officers, is expected without charge to the parent of the child.

(School Code 1927, §625; Code 1940, T. 52, §559.)

Section 16-30-1

Immunization or testing for certain diseases.

The State Health Officer is authorized, subject to the approval of the State Board of Health, to designate diseases against which children must be immunized or for which they must be tested prior to, or, in certain instances after entry into the schools of Alabama.

(Acts 1973, No. 1269, p. 2113, §1; Acts 1979, No. 79-677, p. 1208, §1.)

Section 16-30-2

Responsibilities of parents.

It shall be the responsibility of the parents or guardians of children to have their children immunized or tested as required by Section 16-30-1.

(Acts 1973, No. 1269, p. 2113, §2.)

Section 16-30-3

Exceptions to chapter.

The provisions of this chapter shall not apply if:

- (1) In the absence of an epidemic or immediate threat thereof, the parent or guardian of the child shall object thereto in writing on grounds that such immunization or testing conflicts with his religious tenets and practices; or
- (2) Certification by a competent medical authority providing individual exemption from the required immunization or testing is presented the admissions officer of the school.

(Acts 1973, No. 1269, p. 2113, §3.)

Section 16-30-4

Presentation of certificate upon initial entrance into school.

The boards of education and the governing authority of each private school shall require each pupil who is otherwise entitled to admittance to kindergarten or first grade, whichever is applicable, or any other entrance into an Alabama public or private school, to present a certification of immunization or testing for the prevention of those communicable diseases designated by the State Health Officer, except as provided in Section 16-30-3. Provided, however, that any student presently enrolled in a school in this state, not having been immunized upon initial entrance to school, is hereby required to present a certification of immunization as described in this section upon

commencement of the next school year. Section 16-30-1 and this section shall apply only to kindergarten through 12th grade and not to the institutions of higher learning.

(Acts 1973, No. 1269, p. 2113, §4; Acts 1979, No. 79-677, p. 1208, §2.)

Section 16-30-5

Rules and regulations.

The State Health Officer shall promulgate rules and regulations necessary to carry out this chapter.

(Acts 1973, No. 1269, p. 2113, §5.)

Section 16-30-4

Presentation of certificate upon initial entrance into school.

The boards of education and the governing authority of each private school shall require each pupil who is otherwise entitled to admittance to kindergarten or first grade, whichever is applicable, or any other entrance into an Alabama public or private school, to present a certification of immunization or testing for the prevention of those communicable diseases designated by the State Health Officer, except as provided in Section 16-30-3. Provided, however, that any student presently enrolled in a school in this state, not having been immunized upon initial entrance to school, is hereby required to present a certification of immunization as described in this section upon commencement of the next school year. Section 16-30-1 and this section shall apply only to kindergarten through 12th grade and not to the institutions of higher learning.

(Acts 1973, No. 1269, p. 2113, §4; Acts 1979, No. 79-677, p. 1208, §2.)

Section 16-3-18

Vocational education.

The State Board of Education and the State Superintendent of Education shall cooperate with the Federal Board for Vocational Education in the administration of all federal acts relating to vocational education. The State of Alabama accepts the benefits of these acts, passed by the Senate and House of Representatives of the United States of America in Congress assembled, as provided in this title.

(School Code 1927, §48; Code 1940, T. 52, §22.)

Section 16-35-4

Minimum course content; maximum number of courses.

The State Board of Education, on the recommendations of the State Superintendent of Education, shall prescribe the minimum contents of courses of study for all public, elementary and high schools in the state, and shall fix the maximum number of courses which are compulsory in each grade of the elementary schools.

(School Code 1927, §426; Code 1940, T. 52, §403.)

Section 16-35-5

Studies required to be taught in elementary school.

In every elementary school in the state there shall be taught reading, spelling and writing, arithmetic, oral and written English, geography, history of the United States and Alabama, elementary science, health education, physical education and such other studies as may be prescribed by the State Board of Education.

(School Code 1927, §431; Code 1940, T. 52, §408.)

Section 16-36-62

Local textbook committee.

(a) A local textbook committee or committees shall be appointed by each separate local board of education. The number, size, and composition, which shall include parents, of the committee or committees shall be determined by each local board of education. A copy of local school board policies in regard to local textbook committees shall be kept on file by each local superintendent. Names of each person serving on a local textbook committee shall also be kept on file by each local superintendent.

(b) In order to qualify as a member of the committee, each member of the local textbook committee and its secretary shall prepare an affidavit to be filed with the local board of education within 10 days after notice of the member's appointment stating each of the following:

(1) The member agrees to discharge faithfully all the duties imposed upon him or her as a member or as secretary of the textbook committee.

(2) The member has no interest, directly or indirectly, in any contract that may be made under this article for the purchase of textbooks.

(3) The member has no interest as author, as associate author, as publisher, or as a representative of the author or publisher of any textbooks.

(4) The member has no pecuniary interest, directly or indirectly, in the business or profits of any person, firm, or corporation engaged in manufacturing, publishing, or selling textbooks.

(5) The member agrees not to accept any emolument or promise of future reward of any kind from any publisher of textbooks, the publisher's agent, or anyone interested in or intending to bias the member's judgment in any way in the selection of any textbook for adoption.

(c) Members shall serve for terms of one year.

(d) The local textbook committee shall meet on call of the chairperson of the local board of education for the purpose of recommending textbooks to the local board of education from the list of adoptions by the State Board of Education or from a list submitted to the committee for consideration by the local superintendent or his or her designee, or from both lists. Textbooks which have been rejected by the State Board of Education shall not be considered for future adoption by the local board of education, except for the length of an existing local contract approved by the state superintendent. The recommendations of a local textbook committee shall be by majority vote for each textbook. No textbook shall be used in any public school of this state unless recommended by a local textbook

committee and, upon the recommendation of a local superintendent, adopted by the local board of education.

(e) The adoption of a textbook by a local board of education shall be by majority vote of the local board of education and shall be for a period determined by the State Superintendent of Education. Not later than 30 days after the date of the local adoption, the local superintendent of education shall file a report with the State Superintendent of Education listing the title, the name of the author, the publisher, and the date of adoption of the textbook with verification to the state superintendent that all procedures described in subsection (d) have been followed. This procedure shall apply each time a textbook is adopted for use in a local school or school system.

(f) Publishers shall furnish samples of all state-adopted textbooks to each local board of education for evaluation by the local textbook committee. One copy of each textbook adopted by the local textbook committee shall be retained by the local board of education as an official sample. All samples not adopted by the local boards shall be returned to the publishers at the expense of the publishers, and samples of those books adopted shall become the property of the local boards of education. If the publisher fails to reclaim samples of nonadopted books within 90 days, the sample books shall become the property of the local board of education.

(g) Any textbook publisher that solicits a local textbook committee or local board to adopt their textbooks and has not participated in the state adoption process shall provide the reason for not participating in the state adoption process in writing to the local textbook committee and local board at the time of the solicitation. A copy of the document submitted to the local textbook committee and the local board of education shall also be sent to the State Superintendent of Education.

(Act 98-320, p. 544, §3.)

Section 16-36-68

Purchasing textbooks and accountability for textbooks.

- (a) The local boards of education, county commissions, and municipal councils or other governing boards of a municipality may appropriate funds for the purpose of creating local revolving funds to be used in securing and distributing textbooks and for the purpose of contributing to the expense of furnishing textbooks. These revolving funds shall be reimbursed from moneys received from sales of textbooks.
- (b) Local boards of education, county commissions, and other like governing bodies of the counties or municipalities may appropriate funds for the purpose of purchasing textbooks for free distribution or for rental to the patrons of its public schools under such rules and regulations as shall be prescribed by the respective local boards of education.
- (c) All books contracted for shall be shipped upon purchase orders of the local boards of education. The publisher or publishing company shipping the books shall prepare triplicate invoices or bills for the books shipped. These invoices or bills shall be mailed to the local superintendent of education to whom the books are shipped.
- (d) The local superintendent of education, upon receipt of any shipment of books as provided herein, shall forthwith determine if the shipment is in accordance with the invoices or bills. Payment shall be made by the local board of education for such purchase and charged against the Foundation Program funds distributed to the local board of education for such purposes or other funds available to the local board of education for such purposes.
- (e) Each local board of education shall provide for the safe and dry storage and distribution of all new and used textbooks and, in the case of used textbooks, provide for the collection, storage, and maintenance, including necessary repairs, renovation, and fumigation. The local boards of education shall also provide for the repair of used textbooks and, in compliance with the advice of the State Board of Health, the occasion for and manner of fumigation of used textbooks so as to protect pupils from any diseases which may be transmitted through the reissue of such textbooks.
- (f) The local superintendent shall maintain at all times an accurate and up-to-date inventory and shall keep on file such accounting records as may be required or as necessary.
- (g) The state Department of Examiners of Public Accounts shall make periodic audits of all accounting books and records pertaining to the textbooks which have been so furnished at state or local expense, requiring a complete accounting for all such textbooks as shown by the records.

(Act 98-320, p. 544, §9.)

Section 16-36-69

Use of textbooks.

- (a) All textbooks furnished free of charge to pupils shall be the property of the local board of education, as long as textbook funds are expended as prescribed by law.
- (b) When distributed to pupils the textbooks shall be retained for normal use only during the period they are engaged in a course of study for which the textbooks are selected. At the completion of each course of study or otherwise at the instructions of the principal or teacher in charge, the textbooks shall be returned as directed. A receipt shall be required from each pupil, parent, or guardian upon issuance of any textbook, which receipt shall be retained until the return of the textbook.
- (c) The parent, guardian, or other person having custody of a child to whom textbooks are issued shall be held liable for any loss, abuse, or damage in excess of that which would result from the normal use of the textbooks. In computing the loss or damage of a textbook which has been in use for a year or more, the basis of computation shall be a variable of 50 to 75 percent of the original cost of the book to the local board of education. If the parent, guardian, or person having custody of the child to whom the textbook was issued fails to pay the assessed damages within 30 days after notification, the student shall not be entitled to further use of the textbooks until remittance of the amount of loss or damage has been made.
- (d) All remittances for damages or from the sale of textbooks shall be deposited to the credit of the local textbook fund and shall be used for the repair, maintenance, and replacement of textbooks.
- (e) The respective local boards of education may waive the payment as provided in this section if in their judgment the respective parent or guardian is not financially able to make the payment. The local system shall contribute from local funds sums equal to the amount waived.
- (f) Pupils enrolled in the public schools or any parent or guardian of the pupil may buy textbooks at the price paid for them by the local board of education. All contracts made with publishers shall so provide. Each local board of education may provide for the sale of such textbooks as may be needed by pupils for whose grades or courses free textbooks are not furnished. Sale of these textbooks may be made by the local board of education in the school system of which the pupil is enrolled. The local board of education may make such sales through a designated employee or agent thereof. No handling charge allowed from the sale shall inure to any member, officer, or employee of any local board of education.
- (g) All books issued by the separate schools and school systems may be used by pupils to whom issued in the same manner and to the same extent as though the books were owned by the pupils, their parents, or guardians as the case may be, except that such pupils,

parents, or guardians shall be liable for such loss or damage to books as provided in this section and for the return of the textbook.

(h) Any local agent, dealer, clerk, or other person handling or selling the books adopted as school textbooks, who shall demand or receive for any copy of any of the books so adopted more than the contract price shall be guilty of a misdemeanor and, upon conviction, shall for each offense be punished by a fine of not less than fifty dollars (\$50) nor more than five hundred dollars (\$500).

(Act 98-320, p. 544, §10.)

Section 16-37-1

Acceptance of provisions of federal act.

The State of Alabama hereby accepts all of the provisions and benefits of an act passed by the United States Congress entitled "an act to provide for the promotion of vocational education, to provide for cooperation with the states in the promotion of vocational education, to provide for cooperation with the states in the promotion of such education in agriculture and the trades and industries, to provide for cooperation with the states in the preparation of teachers of vocational subjects and to appropriate money and regulate its expenditure," (20 U.S.C.A., §§11 through 28) approved February 23, 1917.

(School Code 1927, §403; Code 1940, T. 52, §381.)

Section 16-37-4

Authority of state board as to vocational education.

The State Board of Education shall have all necessary authority to cooperate with the federal Department of Health, Education and Welfare in the administration of the act of Congress accepted in Section 16-37-1; to administer any legislation pursuant thereto enacted by the State of Alabama and to administer the funds provided by the federal government and the State of Alabama, under the provisions of this chapter, for the promotion of vocational education in agricultural subjects, trade and industrial subjects and home economics subjects. It shall have full authority to formulate plans for the promotion of vocational education in such subjects as an essential and integral part of the public school system of education in the State of Alabama and to provide for the preparation of teachers of such subjects. It shall have authority to fix the compensation of such officials and assistants as may be necessary to administer the federal act and this chapter for the State of Alabama, and to pay such compensation and other necessary expenses of administration from funds appropriated in this chapter. It shall have authority to make studies and investigations relating to vocational education in such subjects; to promote and aid in the establishment by local communities of schools, departments or classes giving training in such subjects; to cooperate with local communities in the maintenance of such schools, departments or classes; to prescribe qualifications for the teachers, directors and supervisors of such subjects, and to have full authority to provide for the certification of such teachers, directors and supervisors; to cooperate in the maintenance of classes supported and controlled by the public for the preparation of teachers, directors and supervisors of such subjects or to maintain such classes under its own direction and control; to establish and determine by general regulations the qualifications to be possessed by persons engaged in the training of vocational teachers.

(School Code 1927, §406; Code 1940, T. 52, §384.)

Section 16-39-3

Education required for exceptional children; source of funds.

Each school board shall provide not less than 12 consecutive years of appropriate instruction and special services for exceptional children, beginning with those six years of age, in accordance with the provisions of this chapter. Such public school instruction and special services shall be made available at public expense for each school year to exceptional children as provided herein. The funds for such instruction and special services shall be derived from state, county, municipal, district, federal or other sources or combinations of sources. Each school board shall set aside from its revenues from all such sources such amounts as are needed to carry out the provisions of this chapter, if such funds are available without impairment of regular classes and services provided for nonexceptional children. If sufficient funds are not available to a school board to provide fully for all the provisions of this chapter as well as the educational needs of nonexceptional children, such board must prorate all funds on a per capita basis between exceptional and nonexceptional children. No matriculation or tuition fees or other fees or charges shall be required or asked of exceptional children or their parents or guardians, except such fees or charges as may be charged uniformly of all public school pupils.

(Acts 1971, No. 106, p. 373, §3.)

Section 16-40-8

Cardiopulmonary resuscitation.

(a) Effective upon the effective dates of this section, all students enrolled in health classes in the tenth grade in the public schools of Alabama shall receive instruction in the techniques of cardiopulmonary resuscitation, hereinafter referred to as "CPR."

(b) The State Department of Education shall administer the CPR instruction program and be responsible for the training of personnel, and shall provide proper CPR training for teacher personnel from September 1, 1983, to be completed by September 1, 1984.

(1) CPR training programs for instructors shall continue after this period of time to provide for refresher courses and updating of new techniques and information. Specific personnel within local school districts are required to receive training and be certified prior to providing classroom instruction.

(2) In those school systems which have trained and certified personnel available, classroom instruction shall begin as of September 1, 1983. Teaching materials and training courses provided by the American Heart Association and similar organizations may be utilized.

(c) All persons providing instruction in cardiopulmonary resuscitation shall be certified as CPR instructors by the American Heart Association or the American Red Cross.

(d) Standards utilized in the instruction of CPR shall be those prescribed by the American Heart Association or the American Red Cross.

(Acts 1983, No. 83-510, p. 719, §§1-4.)

Section 16-43-1

Display of flags.

(a) Each school and educational institution located in this state, that is supported in whole or in part by public funds, shall display the United States Flag and the Alabama State Flag at all times when the school or educational institution is in session in accordance with appropriate flag display protocol. Both the United States Flag and the Alabama State Flag shall be displayed on a flag pole or flag poles located in front of the main building of the educational institution.

(b) Each local board of education building located in this state and each administrative building associated with an educational institution located in this state, that is supported in whole or in part by public funds, shall prominently display the Alabama State Flag at all times that the United States Flag is flown. The flags shall be flown in accordance with appropriate flag display protocol, on a flag pole or flag poles located near the main entrance of each building.

(c) Any municipality with a population of 1,000 or less, according to the most recent federal decennial census, shall be exempt from this section and Section 16-43-4 unless other flags are being flown in the municipality by the municipality.

(School Code 1927, p. 629, §615; Code 1940, T. 52, p. 629, §549; Act 2001-472, p. 629, p. 629, §4.)

Section 16-43-5

Students to be afforded opportunity to voluntarily recite pledge of allegiance to United States flag.

The State Board of Education shall afford all students attending public kindergarten, primary and secondary schools the opportunity each school day to voluntarily recite the pledge of allegiance to the United States flag.

(Acts 1976, No. 360, p. 425.)

Section 16-6B-1

Student achievement.

(a) The Legislature finds that the people of Alabama desire two basic things from their public schools:

(1) High achievement for students.

(2) A safe and orderly environment in which to learn.

(b) The Legislature encourages the State Board of Education to assist local boards of education in the development of a strong disciplinary policy and directs the State Board of Education to develop a program to closely monitor student achievement.

(1) The State Board of Education shall require implementation of an assessment program for the public schools of Alabama. The assessment program may include nationally normed tests or criterion referenced tests, or both. These tests may be used to assist in the assessment of student achievement. The State Board of Education may also require the use of other tests and assessments as the board may deem necessary.

(2) In grades 11 and 12, the State Board of Education shall implement an assessment and remediation program to monitor and promote the academic achievement of students in those grades and prepare them for successfully completing the graduation examination.

(c) There is no legislative intent to interfere with the provisions of Section 16-3-18.3, and it is the intent of the Legislature that the development of the total assessment program for student performance, exclusive of the requirements of student performance herein, shall be the function of the State Board of Education. The State Board of Education is instructed to develop courses of study to provide Alabama students with the content and information to enter the workforce, to compete nationally and internationally with other students, and to successfully compete at the postsecondary level. This shall include the content necessary to successfully achieve on nationally normed tests and any other tests that may be required by the State Board of Education.

(Acts 1995, No. 95-313, p. 620, §1; Act 2000-753, p. 1705, §1.)

Section 16-6B-10

Budget requirements for Foundation and Vocational/Technical Education Program.

(a) Foundation Program. It is the intent of the Legislature to see that funds allocated for classroom instructional support actually reach the classroom. To that end, the State Department of Education shall monitor the flow of funds appropriated for various instructional purposes. Classroom instructional support shall be defined as those funds appropriated for instructional supplies, library enhancement, textbooks, technology and professional development. The Legislature believes that the classroom instructional support funds have a direct impact upon the ability of classroom teachers to have the resources and assistance necessary to assist them in the performance of their responsibilities. School budgets for instructional supplies shall be developed within each school as is required by Section 16-1-30 relating to the adoption of school board policies. It is the intent of the Legislature that teachers shall have direct input in the development of their school's budget for classroom instructional support and in the expenditure of these funds. The Legislature realizes that teachers and principals cannot be held accountable unless they have the authority to use resources provided them by legislative appropriations. As each school's budget is developed, local boards of education shall ensure principals and classroom teachers are given the opportunity to participate in decisions concerning the appropriate use and expenditure of classroom instructional support funds. Where the principal or the teachers have not been granted the right to have direct input in the development of their school's budget or are restrained in the expenditure of instructional supply funds, they may petition the State Superintendent of Education for relief pursuant to rules and regulations promulgated by the State Department of Education. Because the Legislature believes classroom instructional support funds to be critically important, the following conditions will apply to the budgeting process of each local board of education:

- (1) Classroom instructional materials and supplies must be budgeted for all teachers at the rate appropriated per teacher unit by the Legislature in the Foundation Program.
- (2) Textbook funds must be budgeted for all students based on the rate appropriated per student by the Legislature in the Foundation Program.
- (3) Technology funds must be budgeted for all teachers based on their rate appropriated per teacher unit by the Legislature in the Foundation Program.
- (4) Professional development funds must be budgeted for all teachers based on the rate appropriated per teacher unit by the Legislature in the Foundation Program.
- (5) Library enhancement funds must be budgeted for all teachers based on the rate appropriated per teacher unit by the Legislature in the Foundation Program. The library enhancement appropriation shall be for K-12 Public School Library/Media Centers and is an absolute appropriation. Expenditures may include books, book binding, repair, CD Roms, computer software, computer equipment, cataloging, audiovisual materials, newspapers, magazines, recordings, and video tapes.

(6) In addition to classroom instructional support, leave (sick and personal) must be budgeted for all teachers based on the number of days and the rate per day used by the Legislature in calculating the cost in the Foundation Program.

(7) The principal of a local school in consultation with the teacher(s) so affected may request a waiver from subdivisions (2) through (5). The waiver shall be presented to the local superintendent of education. Upon concurrence, the local superintendent of education shall request a waiver from the State Superintendent of Education, which application shall be deemed to be granted unless affirmatively rejected in writing by the state superintendent within 30 days of its receipt.

(b) Vocational/Technical Education Program. It is the intent of the Legislature to see that funds allocated for classroom instructional support actually reach the classroom. To that end, the State Department of Education shall monitor the flow of funds appropriated for various instructional support which shall be defined as those funds appropriated for instructional supplies, textbooks, technology, and professional development. The Legislature believes that the classroom instructional support funds have a direct impact upon the ability of classroom teachers to have the resources and assistance necessary to assist them in the performance of their responsibilities. School budgets for classroom instructional support shall be developed within each school as it is required by Section 16-1-30. It is the intent of the Legislature that teachers shall have direct input in the development of their school's budget for classroom instructional support and in the expenditure of these funds. The Legislature realizes that teachers and principals cannot be held accountable unless they have the authority to use resources provided them by legislative appropriations. As each school's budget is developed, local boards of education shall ensure classroom teachers are given the opportunity to make decisions concerning the appropriate use and expenditures of classroom instructional support funds. Where the principal or the teachers have not been granted the right to have direct input in the development of their school's budget or are restrained in the expenditure of classroom instructional support funds, they may petition the State Superintendent of Education for relief pursuant to rules and regulations promulgated by the State Department of Education. Because the Legislature believes classroom instructional support funds to be critically important, the following conditions will apply to the budgeting process of each local board of education:

(1) Classroom instructional materials and supplies must be budgeted for all teachers at the rate appropriated per teacher unit by the Legislature in the Vocational/Technical Education Program.

(2) Textbook funds must be budgeted for all students based on the rate appropriated per student by the Legislature in the Vocational/Technical Education Program.

(3) Professional development funds must be budgeted for all teachers based on the rate appropriated per teacher unit by the Legislature in the Vocational/Technical Education Program.

(4) In addition to classroom instructional support, leave (sick and personal) must be budgeted for all teachers based on the number of days and rate per day used by the Legislature in calculating the cost in the Vocational/Technical Education Program.

(5) The principal of a local school in consultation with the teacher(s) so affected may request a waiver from subdivisions (2) and (3). The waiver shall be presented to the local superintendent of education. Upon concurrence, the local superintendent of education shall request a waiver from the State Superintendent of Education, which application shall be deemed to be granted unless affirmatively rejected in writing by the state superintendent within 30 days of its receipt.

(Acts 1995, No. 95-313, p. 620, §10; Act 98-320, p. 544, §12.)

Section 16-6B-3

Assistance programs.

(a) Student strategy. The superintendent of the local board of education along with the staff of each school shall develop an assistance program at each school for at-risk students performing below the standards set by the State Board of Education. The standards shall include the results of the required assessment program adopted by the State Board of Education with emphasis on students who are found to be at one or more grade levels below the prescribed norm. The local board of education shall budget at least one hundred dollars (\$100) per student so identified to be expended on tutorial assistance programs including, but not limited to, after-school, Saturday school, or summer school, or any combination of these programs. These funds may be budgeted from state or federal funds. However, federal funds already budgeted for at-risk students may not be counted toward the minimum one hundred dollars (\$100) requirement set aside to be expended for at-risk students as defined in this chapter. In addition, these funds may be expended for any of the following purposes:

- (1) Programs to encourage at-risk five-year olds to attend an approved preschool program.
- (2) Programs to identify at-risk students in the first grade.
- (3) Programs to ensure strict enforcement of truancy laws.
- (4) Programs to create alternative or disciplinary schools in which children who consistently exhibit behaviors or patterns of behaviors that interfere with the learning environment of other students would be placed and would be provided counseling and instruction in basic skills.
- (5) Programs to encourage parental involvement of parents of at-risk children.
- (6) Programs to encourage literacy of parents of at-risk children.

(b) School strategy. The State Board of Education shall develop an assistance program for a school in need of assistance. A school in need of assistance shall mean any school which has a majority of its students scoring one or more grade levels below the prescribed norm on the state adopted student assessments. Local superintendents and local boards of education will be expected to make the effort and commit the resources necessary to improve the instructional program for a school in need of assistance and shall be required to budget all funds earned by that school in the cost calculations of the Foundation Program. Local superintendents and local boards of education are encouraged to use assistance from the State Department of Education, colleges of education, accrediting agencies and other sources.

The State Board of Education's plan for an assistance program shall consist of the following components:

(1) The faculty and staff of each school in need of assistance shall engage in a self-study to examine the problem of low achievement within that school and shall develop steps which may be taken to improve student achievement. Parents of students in the schools shall be consulted as part of this self-study.

(2) If, after two years, student achievement has not improved, the State Superintendent of Education shall designate a team of practicing professionals to visit the school, conduct a study, consult with parents of students in the school, analyze causes of poor student achievement, and make specific recommendations which shall become a part of a school improvement plan for the succeeding year.

(3) As a final step, when insufficient or no improvement as determined by the State Board of Education is evident from the implementation of steps one and two above, the State Superintendent of Education is required to intervene and to appoint a person or persons to run the day-to-day operation of the school. In considering intervention, the State Board of Education shall consider factors which may have affected the prescribed norm test score. Factors shall include drop-out rates, attendance rates, special education enrollment, and any other data necessary to properly interpret student achievement in each school.

(c) School system strategy. The State Board of Education shall develop an assistance program for a local board of education identified as being in need of assistance. A local board of education in need of assistance shall mean any local board of education which has a majority of its schools, or a majority of the students in a system, in which the students are scoring one or more grade levels below the prescribed norm.

The State Board of Education shall require a local board of education in need of assistance to do the following:

(1) The local board of education and the local superintendent with input from other administrators, teachers, staff, parents of students in the school, and the local community shall engage in a self-study to examine the problem of low achievement within the system and to develop steps which may be taken to improve student achievement.

(2) If, after two years, student achievement has not improved, the state superintendent shall develop a system-wide school improvement plan in consultation with teachers, parents of students in the school, and the local community. This school improvement plan shall become a part of the local board of education's program and financial operations for the succeeding year.

(3) If, after the implementation of the school improvement plan, student achievement has not sufficiently improved, relative to the previous year's performance, the State Board of Education shall require the State Superintendent of Education to intervene and assume

the direct management and day-to-day operation of the local board of education for such period of time as may be necessary for student achievement to improve. In considering intervention, the State Board of Education shall consider factors which may have affected the prescribed norm test score. Factors shall include drop-out rates, attendance rates, special education enrollment, and any other data necessary to properly interpret student achievement in each system.

(d) It is the intent of the Legislature that intervention is not to occur when a school or school system scores below the prescribed average. Intervention by the State Board of Education is to occur only after the three-year period provided in this chapter during which a school or school system fails to show improvement. So long as improvement is being shown, the State Board of Education shall not intervene but shall continue to encourage the school to improve.

(Acts 1995, No. 95-313, p. 620, §3; Act 2000-753, p. 1705, §1.)

Section 16-6B-5

School safety and discipline accountability.

In addition to providing quality instruction in classrooms and fiscal soundness, all local boards of education shall be accountable for compliance with statutes and regulations regarding school safety and discipline. The State Department of Education shall send to all local boards of education and all local superintendents of education, on or before August 1 of each year, a manual containing all acts of the Legislature and all regulations promulgated by the State Board of Education which pertain to school safety and discipline. Within thirty (30) days of receipt of this manual, each local board of education shall provide to the State Board of Education a report, in the form prescribed by the State Department of Education, describing its compliance with these acts and regulations. If a local board of education is determined by the State Board of Education to have failed to comply in any material respect with these acts and regulations, the State Department of Education shall provide assistance to obtain compliance. If after one year, the State Board of Education determines that a local board of education refuses or fails to come into compliance with these acts and regulations, the State Superintendent of Education shall intervene in and assume the direct management and day-to-day operation of the local board of education for such period of time as the State Board of Education deems necessary to bring that local board of education into compliance with these acts and regulations.

(Acts 1995, No. 95-313, p. 620, §5.)

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(Acts 1995, No. 95-313, p. 620, §5.)

Section 16-6B-7

Accountability reports to the public.

(a) The local board of education shall prepare an annual accountability report for each school and area vocational/technical center under its jurisdiction, and for itself, to be provided to the public under regulations promulgated by the State Board of Education. Such accountability reports shall include, but not be limited to, all of the following:

(1) A Funding and Expenditure Report which shall include those documents specified in Section 16-6B-4 and which shall include the amount of Foundation Program funds or vocational/technical education funds, or both, earned and of all funds expended and any other data deemed necessary by the local board of education or the State Board of Education to inform the public about the financial status of each school.

(2) A Student Achievement Report which shall include a comparison of the immediately previous school year with the previous five years regarding student performance on testing required by the State Board of Education, dropout rates, attendance rates, graduation rates, college attendance, and any other data deemed necessary by the local board of education or the State Board of Education to inform the public about student achievement in each school.

(3) A School Safety and Discipline Report which shall include statistical information relating to student safety and discipline in each school and any other data deemed necessary by the local board of education or the State Board of Education to inform the public about safety and discipline in each school.

(b) These reports shall be released to the media, presented to parent organizations, members of the Legislature who represent the schools covered in each report, and the State Superintendent of Education. These reports shall be made available to the public upon request on or before ninety (90) days after the end of the fiscal year.

(Acts 1995, No. 95-313, p. 620, §7.)

Section 16-8-1

Composition; election; single member election districts; qualifications.

(a) The county board of education shall be composed of five members, who shall be elected by the qualified electors of the county.

(b) County boards of education unless otherwise provided by law may use the provisions of this subsection to establish single member election districts with one board member elected from each district. School boards exercising this option may establish five or seven such districts. Such plan shall be considered only after two weeks public notice has been given, outlining generally the school districts under consideration. The members so elected must be residents of the district in which election is sought. Such residency shall have been established at least one year before the general election at which the candidate is to be elected. The boundaries of such single member districts shall be determined by a majority vote of the county board of education. The county board of education shall apportion the districts according to the last federal decennial census for the county utilizing the principle of equal representation. Thereafter, each county board of education choosing to implement single member election districts shall reapportion those districts within six months following the publication of the results of each federal decennial census. They shall be persons of good moral character, with at least a fair elementary education, of good standing in their respective communities and known for their honesty, business ability, public spirit and interest in the good of public education. No member of the county board of education shall be an employee of said board; provided, that in counties having populations of not less than 96,000 nor more than 106,000 according to the most recent federal decennial census, not more than one classroom teacher employed by the board may serve as a board member and also as a teacher. Members shall not be required to hold teachers' certificates.

(School Code 1927, §§87, 92; Code 1940, T. 52, §§63, 68; Acts 1949, No. 369, p. 542, § 1; Acts 1949, No. 667, p. 1031; Acts 1964, 1st Ex. Sess., No. 249, p. 346, § 1; Acts 1969, No. 331, p. 705, § 1; Acts 1987, No. 87-282, p. 392, § 1.)

- [Section 16-8-1](#) Composition; election; single member election districts; qualifications.
- [Section 16-8-2](#) When members elected; terms of office; oath of office.
- [Section 16-8-3](#) Special annual public meeting; notice.
- [Section 16-8-4](#) Organizational, regular and special meetings; rules of procedure; majority vote.
- [Section 16-8-5](#) Compensation.
- [Section 16-8-6](#) Vacancies.
- [Section 16-8-7](#) Appointment, duties and bond of superintendent as secretary of board.
- [Section 16-8-8](#) Administration and supervision of schools generally.
- [Section 16-8-9](#) Exercise of supervision of schools.
- [Section 16-8-11](#) Uniform system of schools maintained.
- [Section 16-8-12](#) Property vested in county board; permissible conveyance.
- [Section 16-8-12.1](#) Authority to enter into cooperative agreements, programs, etc.

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Section 16-8-2

When members elected; terms of office; oath of office.

At the general election of state and county officers, a member or members shall be elected for terms of six years to succeed the member or members whose term or terms of office expire at that time. The members of the county board of education shall hold office until their successors have been elected and qualified. Before exercising any authority or performing any duties as a member of the county board of education, each member thereof shall qualify by taking and subscribing to the oath of office prescribed by Article XVI of the state constitution, the certificate whereof shall be filed in the office of the judge of probate of the county.

(School Code 1927, §89; Code 1940, T. 52, §65.)

Section 16-8-12.1

Authority to enter into cooperative agreements, programs, etc.

In addition to all authority previously granted by statute, county boards of education may enter into cooperative agreements, projects and programs with the county commission, and may take such other actions as they deem necessary and appropriate for the proper management of the public schools; provided, however, that such agreements, projects, and programs shall not be in conflict with nor inconsistent with any law or policy of the State Board of Education and shall not conflict with the purposes for which the school system is established. Provided, further, that such authority shall not be used to deny any employee any legal or constitutional rights to which he or she is entitled, nor shall such authority be used in such a way that employees are denied any benefits established and required by law, nor shall such authority be construed as authorizing county boards of education to levy any taxes not otherwise authorized by law.

(Acts 1987, No. 87-602, p. 1046, §1.)

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(School Code 1927, §89; Code 1940, T. 52, §65.)

Section 16-8-23

Appointment and removal of teachers.

The county board of education shall appoint, upon the written recommendation of the county superintendent, all principals, teachers, clerical and professional assistants authorized by the board. The county board may suspend or dismiss for immorality, misconduct in office, insubordination, incompetency or willful neglect of duty, or whenever, in the opinion of the board, the best interests of the school require it, superintendents, principals, teachers or any other employees or appointees of the board, subject to the provisions of Chapter 24 of this title.

(School Code 1927, §117; Code 1940, T. 52, §86.)

Section 16-8-24

Full-time employment of teachers by county board.

Nothing shall be construed as preventing a county board of education from contracting with teachers and other employees for a longer period of time than that actually devoted to teaching or the conduct of the schools while actually in session. But no teacher or employee shall be entitled to receive any payment from public funds unless his time has been employed as required by the contract of employment and unless all current records for which such teacher or employee is responsible shall have been kept with care and accuracy, and no teacher or employee of the board shall be entitled to receive any payment from public funds unless all records and reports required by the State Superintendent of Education or county board of education shall have been properly made and submitted.

(School Code 1927, §175; Code 1940, T. 52, §135.)

Section 16-8-25

Vacations and leaves of absence.

The county board of education shall have the authority, under the rules and regulations promulgated from time to time by the State Board of Education, to provide for leaves of absence and vacations by the employees of the boards and for the payment from public funds to the employees of the boards for leaves of absence or vacations, or both. The boards may provide leaves of absence during the times the schools are not in session for the teachers and employees on full pay when the teacher or employee devotes the leave of absence to instructing in or attending schools for teacher training or in the manner approved by the State Board of Education as beneficial to the educational work of the county and may also provide for the payment of any full-time teachers for absences during the time schools are in session where the absence results from sickness or some other unavoidable cause which prevents the teacher from discharging his or her duties. Notwithstanding the foregoing, any teacher not utilizing or being paid for the sick leave accrued in any one year pursuant to regulations of the State Department of Education may accumulate days at the rate of one day per month for the months employed and carry over the unutilized days to the next consecutive year or years of employment for the same school system, or for any other school system in which the educator may later be employed, until he or she shall accumulate the maximum number of days as provided in subsection (b) of Section 16-1-18.1. Pay for the absences resulting from unavoidable causes other than sickness shall not be allowed for a longer time than one week during any one year. The allowance of such pay shall at all times be in the discretion of the county board of education.

(School Code 1927, §176; Acts 1931, No. 85, p. 164; Code 1940, T. 52, §136; Acts 1963, 2nd Ex. Sess., No. 90, p. 255, §1; Acts 1969, No. 1100, p. 2035, § 1; Acts 1977, No. 802, p. 1383, §1; Acts 1982, No. 82-616, p. 1158, §1; Acts 1988, No. 88-261, p. 402, §2; Acts 1993, No. 93-714, p. 1399, §1; Acts 1994, 1st Ex. Sess., No. 94-

Section 16-8-28

Courses of study.

The county board of education shall prescribe, on the written recommendation of the county superintendent of education, courses of study for the schools under its jurisdiction, and a printed copy of these courses of study shall be supplied to every teacher and to every interested citizen of the county, subject to the provisions of this title.

(School Code 1927, §118; Code 1940, T. 52, §87.)

Section 16-8-30

Uniform opening date of schools.

The county board of education, in order to expedite the payment of teachers' salaries and to make possible efficient supervision, shall fix a uniform date each year for the opening of all schools in the county under its jurisdiction, and all schools as far as in the opinion of the county board of education may be practicable shall open on said date. If for any reason the board shall permit any schools to open at later date, the reports and records of such schools shall be made so as to conform to the scholastic months, counting from the uniform date hereinabove mentioned.

(School Code 1927, §120; Code 1940, T. 52, §89.)

Section 16-8-35

Conditions of promotion of pupils.

The county board of education, upon the recommendation of the county superintendent of education, shall prescribe the conditions on which pupils in the elementary schools, limited to the first six grades of elementary instruction, may be admitted to junior high schools, and also the conditions upon which pupils in junior high schools may be admitted to senior high schools.

(School Code 1927, §128; Code 1940, T. 52, §96.)

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(School Code 1927, §128; Code 1940, T. 52, §96.)

Section 16-8-37

Annual report published.

The county board of education shall publish annually in the month of October in the county newspaper at the county seat of each county a full and complete statement of the receipts by source and disbursements by function of the county for the 12 months' period ending September 30 in such form as is required by the State Superintendent of Education at the same time it forwards said statement to the State Superintendent of Education. The county board of education shall also publish annually in the county newspaper at the county seat of each county in the month of October, a statement of the outstanding indebtedness of the board of education on September 30, which statement must show the schedule by years for retiring said indebtedness and shall separate funded indebtedness from unfunded indebtedness, and the statement shall show the resources available to pay such unfunded indebtedness. The county board of education may also cause to be prepared and published annually in sufficient quantities for distribution among the citizens of the county a report covering the condition, current accomplishments and needs for the improvement of the schools. The refusal or negligent failure of any member of the county board of education to comply with the provisions of this section shall constitute a misdemeanor, and the State Superintendent of Education shall withhold the payment of public school funds until the provisions of this section have been complied with.

(School Code 1927, §123; Code 1940, T. 52, §92; Acts 1943, No. 313, p. 300; Acts 1953, No. 130, p. 178, § 1.)

Section 16-8-4

Organizational, regular and special meetings; rules of procedure; majority vote.

The county board of education shall hold an annual meeting each year in November. At this meeting the board shall elect each year one of its members to serve as president and one to serve as vice-president. Each board shall hold at least five additional regular meetings during the school year, and such special meetings may be held, at such place as the duties and the business of the board may require. Public notice shall be given of regular meetings. The rules generally adopted by deliberative bodies for their government shall be observed by the county board of education. No motion or resolution shall be declared adopted without the concurrence of the majority of the whole board.

(School Code 1927, §91; Code 1940, T. 52, §67; Acts 1969, Ex. Sess., No. 92, p. 171, § 1; Acts 1988, 1st Ex. Sess., No. 88-876, p. 418, §2.)

Section 16-8-40

Acquisition of property; right to sue and contract; execution of process.

(a) The county board of education shall have the right to acquire, purchase by the institution of condemnation proceedings if necessary, lease, receive, hold, transmit and convey the title to real and personal property for school purposes.

(b) It may sue and contract. All contracts shall be made after resolutions have been adopted by the board and spread upon its minutes.

(c) All processes shall be executed by service on the executive officer of the board.

(School Code 1927, §132; Acts 1933, Ex. Sess., No. 87, p. 81; Code 1940, T. 52, §99.)

Section 16-8-42

Insurance on schools.

The county board of education is charged with the duty of seeing that every school building whose title is vested in the state, county or school district is insured for its insurable value and to this end may use a part of the proceeds of incidental fees, district tax levies or such other funds as may be specifically set apart for such purpose by the county board of education.

(School Code 1927, §134; Code 1940, T. 52, §101.)

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The county board of education is charged with the duty of seeing that every school building whose title is vested in the state, county or school district is insured for its insurable value and to this end may use a part of the proceeds of incidental fees, district tax levies or such other funds as may be specifically set apart for such purpose by the county board of education.

(School Code 1927, §134; Code 1940, T. 52, §101.)

Section 16-8-43

Sanitary rest rooms.

The county board of education shall provide sanitary, hygienic, suitable and convenient rest rooms for the children of the public schools under its jurisdiction, not less than two for each school or building when both sexes are in attendance, with separate means of access to each. It shall be the duty of said boards to make provisions for keeping the said rest rooms in a clean, comfortable, sanitary and hygienic condition.

(School Code 1927, §99; Code 1940, T. 52, §75.)

Section 16-8-6

Vacancies.

In the event a vacancy occurs in the office of members of the county board of education, the vacancy shall be filled by appointment by a majority of the remaining members of the county board of education, and the appointee shall hold for the unexpired term. In the event the vacancy is not filled by the remaining members of the county board within 30 days, the State Superintendent of Education shall fill such vacancy by appointment. The county superintendent of education shall notify the State Superintendent of Education when a vacancy in the office of a member of the county board of education has not been filled within 30 days.

(School Code 1927, §88; Code 1940, T. 52, §64.)

Section 16-8-7

Appointment, duties and bond of superintendent as secretary of board.

The county board of education shall appoint as its executive officer a county superintendent of education who shall also be the secretary of the county board of education. As secretary he shall conduct all correspondence of the board, keep and preserve all of its records, receive all reports required by the board and see that such reports are in proper form, complete and accurate. He shall have the right to advise on any question under consideration by the board, but shall have no vote. In case the office of the county superintendent of education is temporarily vacant, or when the county superintendent of education is absent by reason of the nature of business in hand, or otherwise, the board shall appoint one of its members to act for the time being as secretary. The bond of the county superintendent of education shall be responsible for the faithful performance of duties by the member of the county board of education appointed to act as secretary in the absence of the county superintendent.

(School Code 1927, §93; Code 1940, T. 52, §69.)

Section 16-8-8

Administration and supervision of schools generally.

The general administration and supervision of the public schools of the educational interests of each county, with the exception of cities having a city board of education, shall be vested in the county board of education; provided, that such general administration and supervision of any city having a city board of education may be consolidated with the administration and control of educational matters affecting the county and vested in the county board of education.

(School Code 1927, §86; Code 1940, T. 52, §62.)

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(School Code 1927, §86; Code 1940, T. 52, §62.)

Section 16-8-9

Exercise of supervision of schools.

The county board of education shall exercise through its executive officer, the county superintendent of education and his professional assistants control and supervision of the public school system of the county. The board shall consult and advise through its executive officer and his professional assistants with school trustees, principals, teachers and interested citizens and shall seek in every way to promote the interest of the schools under its jurisdiction.

(School Code 1927, §98; Code 1940, T. 52, §74.)

Section 16-9-1

Chief executive and secretary of board of education; superintendent of schools.

There shall be a county superintendent of education in each county of this state who shall act as the chief executive officer of the county board of education and who shall also be secretary of the county board of education. The county board of education of each county shall appoint a superintendent of schools for a term of from two to four years from the first day of July next succeeding his appointment.

(School Code 1927, §138; Code 1940, T. 52, §102.)

Section 16-9-12

Full-time office; salary; traveling expenses.

The county superintendent of education shall devote his entire time to public school business. In counties in which the maximum salary of the county superintendent of education is not fixed by law, the county superintendent of education shall receive such compensation, including salary and travel expenses, as the county board of education shall direct. In counties where superintendents of education are elected by a direct vote of the qualified electors, the salary for the office must be fixed prior to the beginning of the term of office. The boards of education in counties where the maximum salary of the superintendent of education is prescribed by law are hereby empowered to fix, approve and authorize the payment of the traveling expenses not in excess of \$600.00 annually incurred by the superintendent in the performance of his official duties within and without the county.

(School Code 1927, §149; Acts 1936-37, Ex. Sess., No. 160, p. 181, § 1; Code 1940, T. 52, §111; Acts 1943, No. 313, p. 300.)

Section 16-9-13

Powers and duties as executive officer of board.

The county superintendent of education, as the executive officer of the county board of education, shall see that the laws relating to the schools, the rules and regulations of the state and county boards of education are carried into effect. The county superintendent of education shall have authority to administer oaths and to examine witnesses, under oath, in any part of the county on any matter pertaining to the public schools of the county, and to cause the examination to be reduced to writing.

(School Code 1927, §150; Code 1940, T. 52, §112.)

Section 16-9-14

Recommendations as to kind, location, etc., of schools and compulsory school attendance districts.

The county superintendent of education, subject to the provisions of this title, shall recommend for approval and adoption by the county board of education the kind, grade and location of schools to be established and maintained and the compulsory school attendance districts to be established.

(School Code 1927, §151; Code 1940, T. 52, §113.)

Section 16-9-16

Conferences called and conducted.

The county superintendent of education, as executive officer of the county board of education, shall call and conduct conferences with principals, teachers, attendance officers, school trustees and other interested citizens and shall in every way seek to foster in teachers professional insight and efficiency and to develop public interest in education.

(School Code 1927, §153; Code 1940, T. 52, §115.)

Section 16-9-18

Condemnation and improvement of buildings and playgrounds; approval of contracts.

The county superintendent of education shall recommend to the county board of education for condemnation school buildings which are unsanitary and unfit for use. He shall recommend in writing all repairs, purchase of playgrounds and school sites and buildings to be erected with state, county and local aid and shall see to it that the plans and specifications and the rules and regulations of the State Board of Education, with reference to the erection, repair and equipment of the school buildings, are carefully

followed. He shall approve in writing all contracts of whatever kind entered into by the county board of education.

(School Code 1927, §155; Code 1940, T. 52, §117.)

Section 16-9-17

Building program; local attendance district boundaries.

- (a) The county superintendent of education shall recommend a building program adequate to the present and future needs of the schools in the county, subject to the provisions of this title.
- (b) He shall recommend a plan for the laying out of such local attendance district or districts as will best serve the interests of the entire county and shall submit the same for approval and adoption by the county board of education.

(School Code 1927, §154; Code 1940, T. 52, §116.)

Section 16-9-18

Condemnation and improvement of buildings and playgrounds; approval of contracts.

The county superintendent of education shall recommend to the county board of education for condemnation school buildings which are unsanitary and unfit for use. He shall recommend in writing all repairs, purchase of playgrounds and school sites and buildings to be erected with state, county and local aid and shall see to it that the plans and specifications and the rules and regulations of the State Board of Education, with reference to the erection, repair and equipment of the school buildings, are carefully followed. He shall approve in writing all contracts of whatever kind entered into by the county board of education.

(School Code 1927, §155; Code 1940, T. 52, §117.)

Section 16-9-2

Qualifications of superintendent.

(a) The county superintendent of education shall be chosen for his general fitness and character and shall be a person of recognized ability as a school administrator. No person shall be eligible for appointment by any county board of education or for any political party nomination, or for election to the office of county superintendent of education unless such person:

(1) Holds an Alabama certificate in administration and supervision based upon requirements established by the State Board of Education for such certificate;

(2) Has had not less than five years of experience in public school work at the time he assumes office;

(3) Submits proof to the State Superintendent of Education of three years of successful educational experience as a teacher, principal, supervisor, superintendent, educational administrator or instructor in school administration during the five years next preceding his appointment or election;

(4) Submits proof to the county board of education that he holds a degree from a recognized four-year college or university; and

(5) If such person is to be appointed by the county board of education, submits proof to the county board that he is knowledgeable in school administration.

(b) A county superintendent of education, whether elected or appointed, need not be a resident or qualified elector of the county in which he is to serve. In every county where the county superintendent of education is elected by popular vote, he shall be nominated and elected in the same manner as other county officers are nominated and elected under the state election laws.

(School Code 1927, §139; Acts 1927, No. 511, p. 606, § 1, 1 1/2; Code 1940, T. 52, §103; Acts 1943, No. 313, p. 300; Acts 1947, No. 20, p. 6, § 1; Acts 1959, No. 298, p. 871, § 1; Acts 1969, Ex. Sess., No. 38, p. 95, §1.)

Section 16-9-21

Courses of study.

Subject to the rules and regulations of the State Board of Education, the county superintendent of education shall prescribe courses of study for the schools of the county and submit the same for approval and adoption by the county board of education. Printed copies of these courses of study shall be supplied to every teacher and interested citizen of the county.

(School Code 1927, §158; Code 1940, T. 52, §120.)

Section 16-9-23

Nomination, assignment, removal, etc., of teachers, employees, etc.

The county superintendent of education shall nominate in writing for appointment by the county board of education all principals, teachers and all other regular employees of the board. He shall assign them to their positions, transfer them as the needs of the schools require, recommend them for promotion, suspend them for cause and recommend them for dismissal, subject to the provisions of Chapter 24 of this title.

(School Code 1927, §161; Code 1940, T. 52, §123.)

Section 16-9-23

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The county superintendent of education shall nominate in writing for appointment by the county board of education all principals, teachers and all other regular employees of the board. He shall assign them to their positions, transfer them as the needs of the schools require, recommend them for promotion, suspend them for cause and recommend them for dismissal, subject to the provisions of Chapter 24 of this title.

(School Code 1927, §161; Code 1940, T. 52, §123.)

Section 16-9-24

Supervisors; clerical assistants; offices; equipment.

The county board of education may in its discretion provide upon the nomination of the county superintendent of education, at least the following assistants: an elementary school supervisor and a statistical and stenographic clerk. No person shall be eligible for appointment as such supervisor who does not hold a certificate of administration and supervision as required of county superintendents of education. The county board of education may employ additional clerical and professional assistants, including health supervisors, and may reimburse them for all actual traveling expenses necessary in the performance of their official duties. The county superintendent is hereby required to maintain an office at the county seat. The county commission shall provide the county superintendent of education and his professional and clerical assistants with ample, convenient and comfortable office quarters. The county commission shall also provide necessary furniture, office equipment, stationery, postage, forms and supplies required by the county superintendent of education and his assistants.

(School Code 1927, §169; Code 1940, T. 52, §130.)

Section 16-9-24

Supervisors; clerical assistants; offices; equipment.

The county board of education may in its discretion provide upon the nomination of the county superintendent of education, at least the following assistants: an elementary school supervisor and a statistical and stenographic clerk. No person shall be eligible for appointment as such supervisor who does not hold a certificate of administration and supervision as required of county superintendents of education. The county board of education may employ additional clerical and professional assistants, including health supervisors, and may reimburse them for all actual traveling expenses necessary in the performance of their official duties. The county superintendent is hereby required to maintain an office at the county seat. The county commission shall provide the county superintendent of education and his professional and clerical assistants with ample, convenient and comfortable office quarters. The county commission shall also provide necessary furniture, office equipment, stationery, postage, forms and supplies required by the county superintendent of education and his assistants.

(School Code 1927, §169; Code 1940, T. 52, §130.)

Section 16-9-27

Report forms.

The county superintendent of education, subject to the provisions of this title, shall prepare forms and blanks on which school trustees, supervisors, attendance officers, principals, teachers, janitors and other regular employees shall make such reports as shall be required by the county board of education and shall submit the same for approval and adoption by the county board of education.

(School Code 1927, §164; Code 1940, T. 52, §126.)

Section 16-9-28

Annual statement of receipts and disbursements.

It shall be the duty of the county superintendent of education to prepare, in accordance with the direction of the county board of education, the annual statement of receipts and disbursements which is required to be published in a newspaper and such other reports as the county board of education may require to be published for distribution among the citizens of the county. The refusal or negligent failure of the county superintendent of education to comply with the provisions of this section shall constitute a misdemeanor.

(School Code 1927, §165; Code 1940, T. 52, §127; Acts 1943, No. 313, p. 300.)

Section 16-9-31

Report on schools to state superintendent; examination of books, accounts, etc., by state superintendent.

The county superintendent of education shall, on or before the first day of November of each year, forward to the State Superintendent of Education on blanks to be furnished him by the latter an annual report of the public schools of his county for the preceding year. In the event any county superintendent shall fail to make and forward to the State Superintendent of Education any report required under this chapter within 10 days after the time it should be made, he shall be liable to impeachment, and the resolution of the State Board of Education duly adopted setting forth such failure shall be prima facie evidence of such fact. The books, accounts and vouchers of the county superintendent of education may be examined at any time by the State Superintendent of Education in person or by his duly authorized agent.

(School Code 1927, §170; Code 1940, T. 52, §131.)

Section 16-9-32

Payrolls — Preparation.

(a) The county superintendent of education shall, at such times and in such manner as directed by the county board of education and approved by the State Superintendent of Education, prepare his payroll or payrolls for the payment of teachers, employees, bills and other items authorized by the county board of education. The State Board of Education shall have the power to promulgate rules and regulations governing the time, manner and method of preparing such payrolls, and such rules and regulations shall be binding on all to whom they are made applicable.

(b) The county superintendent of education, unless otherwise directed under the authority of subsection (a) of this section, at the end of each scholastic month following the date fixed for the opening of the schools in the county shall prepare a payroll covering all teachers and employees payable by the scholastic month; and at the end of the calendar month shall prepare a payroll covering all teachers, employees, bills and items authorized by the county board of education payable by the calendar month.

(School Code 1927, §§171, 172; Code 1940, T. 52, §§132, 133.)

Section 17-17-4

Improper use of official authority or position for political activities.

Any person who attempts to use his or her official authority or position for the purpose of influencing the vote or political action of any person shall be guilty, upon conviction, of a Class C felony.

(Act 2006-570, p. 1331, §86.)

Section 17-17-5

Improper use of state property, time, etc., for political activities

No person in the employment of the State of Alabama, a county, or a city whether classified or unclassified, shall use any state, county, or city funds, property, or time, for any political activities. Any person who is in the employment of the State of Alabama, a county, or a city shall be on approved leave to engage in political action or the person shall be on personal time before or after work and on holidays. It shall be unlawful for any officer or employee to solicit any type of political campaign contributions from other employees who work for the officer or employee in a subordinate capacity. It shall also be unlawful for any officer or employee to coerce or attempt to coerce any subordinate employee to work in any capacity in any political campaign or cause. Any person who violates this section shall be guilty of the crime of trading in public office and upon conviction thereof, shall be fined or sentenced, or both, as provided by Section 13A-10-63.

(Act 2006-570, p. 1331, §86.)

Section 31-2-13

Service benefits for government employees, etc.

(a) Military leave of absence. - All officers and employees of the State of Alabama, or of any county, municipality, or other agency or political subdivision thereof, or officers or employees of any public or private business or industry who are active members of the Alabama National Guard, Naval Militia, the Alabama State Guard organized in lieu of the National Guard, or of any other reserve component of the armed forces of the United States, shall be entitled to military leave of absence from their respective civil duties and occupations on all days that they are engaged in field or coast defense or other training or on other service ordered under the National Defense Act, or of the federal laws governing the United States reserves, without loss of pay, time, efficiency rating, annual vacation, or sick leave. Notwithstanding the foregoing, no person granted a leave of absence with pay shall be paid for more than 168 working hours per calendar year, and those persons shall be entitled, in addition thereto, to be paid for no more than 168 working hours at any one time while called by the Governor to duty in the active service of the state. This section shall apply to all schools and institutions of learning supported by state funds.

(b) Credit for active federal service. - Service in the National Guard or Naval Militia of Alabama, when called, drafted, or ordered into the service of the United States, shall be considered as equivalent service in the Alabama National Guard or Naval Militia for any and all state purposes regarding privileges, honors, pay, allowances, and exemptions provided by law for members of the National Guard and Naval Militia of Alabama.

(Acts 1936, Ex. Sess., No. 143, p. 105; Acts 1939, No. 509, p. 774; Code 1940, T. 35, §§12, 13; Acts 1959, No. 588, p. 1476; Acts 1973, No. 1038, p. 1572, §13; Acts 1995, No. 95-256, p. 429, §1.)

Section 36-12-2

Public officers and servants to accurately maintain and preserve from loss, destruction, etc., complete books, papers, files, etc.

All public officers and servants shall correctly make and accurately keep in and for their respective offices or places of business all such books or sets of books, documents, files, papers, letters and copies of letters as at all times shall afford full and detailed information in reference to the activities or business required to be done or carried on by such officer or servant and from which the actual status and condition of such activities and business can be ascertained without extraneous information, and all of the books, documents, files, papers, letters, and copies of letters so made and kept shall be carefully protected and safely preserved and guarded from mutilation, loss or destruction.

(Acts 1915, No. 237, p. 287, § 1; Code 1923, §2690; Code 1940, T. 41, §139.)

Section 36-12-2

Public officers and servants to accurately maintain and preserve from loss, destruction, etc., complete books, papers, files, etc.

All public officers and servants shall correctly make and accurately keep in and for their respective offices or places of business all such books or sets of books, documents, files, papers, letters and copies of letters as at all times shall afford full and detailed information in reference to the activities or business required to be done or carried on by such officer or servant and from which the actual status and condition of such activities and business can be ascertained without extraneous information, and all of the books, documents, files, papers, letters, and copies of letters so made and kept shall be carefully protected and safely preserved and guarded from mutilation, loss or destruction.

(Acts 1915, No. 237, p. 287, § 1; Code 1923, §2690; Code 1940, T. 41, §139.)

Section 36-12-40

Rights of citizens to inspect and copy public writings; exceptions.

Every citizen has a right to inspect and take a copy of any public writing of this state, except as otherwise expressly provided by statute. Provided however, registration and circulation records and information concerning the use of the public, public school or college and university libraries of this state shall be exempted from this section. Provided further, any parent of a minor child shall have the right to inspect the registration and circulation records of any school or public library that pertain to his or her child.

Notwithstanding the foregoing, records concerning security plans, procedures, assessments, measures, or systems, and any other records relating to, or having an impact upon, the security or safety of persons, structures, facilities, or other infrastructures, including without limitation information concerning critical infrastructure (as defined at 42 U.S.C. §5195c(e) as amended) and critical energy infrastructure information (as defined at 18 C.F.R. §388.113(c)(1) as amended), the public disclosure of which could reasonably be expected to be detrimental to the public safety or welfare, and records the disclosure of which would otherwise be detrimental to the best interests of the public shall be exempted from this section. Any public officer who receives a request for records that may appear to relate to critical infrastructure or critical energy infrastructure information, shall notify the owner of such infrastructure in writing of the request and provide the owner an opportunity to comment on the request and on the threats to public safety or welfare that could reasonably be expected from public disclosure on the records.

(Code 1923, §2695; Code 1940, T. 41, §145; Acts 1983, No. 83-565, p. 866, §3; Act 2004-487, p. 906, §1.)

Section 36-12-40

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(Code 1923, §2695; Code 1940, T. 41, §145; Acts 1983, No. 83-565, p. 866, §3; Act 2004-487, p. 906, §1.)

Section 36-19-10

Regulation of fire drills and doors and exits in schools, factories, hospitals, etc.

The Fire Marshal, his deputies and assistants shall require officials and teachers of public and private schools and educational institutions to have at least one fire drill each month and to have all doors and exits at such schools and educational institutions open out and that all such doors and exits shall be unlocked during school hours and that the doors and exits of factories, asylums, hospitals, churches, halls, theatres, amphitheatres and other places in which numbers of persons live, work or congregate from time to time, for any purpose or purposes, shall open out.

(Acts 1919, No. 701, p. 1013, § 13; Code 1923, §981; Code 1940, T. 55, §55.)

Section 36-19-11

Inspection of buildings, etc., by Fire Marshal, deputies or assistants; issuance of order for removal of combustible matter, correction of inflammable conditions, etc.

The Fire Marshal, his deputies or assistants, upon the complaint in writing of any citizen, or whenever he or they shall deem it necessary, shall inspect at all reasonable hours any and all buildings or premises within their jurisdiction. When any such officer shall find any building or other structure which, for want of repairs, lack of sufficient fire escapes, automatic or other fire alarm apparatus or fire extinguishing equipment or by reason of age or dilapidated condition or from any other cause, is especially liable to fire and is situated so as to endanger life or property, and whenever any such officer shall find in any building combustible or explosive matter or inflammable conditions dangerous to the safety of such building, he or they shall order the same removed or remedied, and such order shall be immediately complied with by the owner or occupant of such premises or buildings.

(Acts 1919, No. 701, p. 1013, § 8; Code 1923, §967; Code 1940, T. 55, §39.)

Section 36-25-1

Definitions.

Whenever used in this chapter, the following words and terms shall have the following meanings:

(1) **BUSINESS.** Any corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, or any other legal entity.

(2) **BUSINESS WITH WHICH THE PERSON IS ASSOCIATED.** Any business of which the person or a member of his or her family is an officer, owner, partner, board of director member, employee, or holder of more than five percent of the fair market value of the business.

(3) **CANDIDATE.** This term as used in this chapter shall have the same meaning ascribed to it in Section 17-22A-2.

(4) **COMMISSION.** The State Ethics Commission.

(5) **COMPLAINT.** Written allegation or allegations that a violation of this chapter has occurred.

(6) **COMPLAINANT.** A person who alleges a violation or violations of this chapter by filing a complaint against a respondent.

(7) **CONFIDENTIAL INFORMATION.** A complaint filed pursuant to this chapter, together with any statement, conversations, knowledge of evidence, or information received from the complainant, witness, or other person related to such complaint.

(8) **CONFLICT OF INTEREST.** A conflict on the part of a public official or public employee between his or her private interests and the official responsibilities inherent in an office of public trust. A conflict of interest involves any action, inaction, or decision by a public official or public employee in the discharge of his or her official duties which would materially affect his or her financial interest or those of his or her family members or any business with which the person is associated in a manner different from the manner it affects the other members of the class to which he or she belongs. A conflict of interest shall not include any of the following:

a. A loan or financial transaction made or conducted in the ordinary course of business.

b. An occasional nonpecuniary award publicly presented by an organization for performance of public service.

c. Payment of or reimbursement for actual and necessary expenditures for travel and subsistence for the personal attendance of a public official or public employee at a

convention or other meeting at which he or she is scheduled to meaningfully participate in connection with his or her official duties and for which attendance no reimbursement is made by the state.

d. Any campaign contribution, including the purchase of tickets to, or advertisements in journals, for political or testimonial dinners, if the contribution is actually used for political purposes and is not given under circumstances from which it could reasonably be inferred that the purpose of the contribution is to substantially influence a public official in the performance of his or her official duties.

(9) DAY. Calendar day.

(10) DEPENDENT. Any person, regardless of his or her legal residence or domicile, who receives 50 percent or more of his or her support from the public official or public employee or his or her spouse or who resided with the public official or public employee for more than 180 days during the reporting period.

(11) FAMILY MEMBER OF THE PUBLIC EMPLOYEE. The spouse or a dependent of the public employee.

(12) FAMILY MEMBER OF THE PUBLIC OFFICIAL. The spouse, a dependent, an adult child and his or her spouse, a parent, a spouse's parents, a sibling and his or her spouse, of the public official.

(13) GOVERNMENTAL CORPORATIONS AND AUTHORITIES. Public or private corporations and authorities, including but not limited to, hospitals or other health care corporations, established pursuant to state law by state, county or municipal governments for the purpose of carrying out a specific governmental function. Notwithstanding the foregoing, all employees, including contract employees, of hospitals or other health care corporations and authorities are exempt from the provisions of this chapter.

(14) HOUSEHOLD. The public official, public employee, and his or her spouse and dependents.

(15) LAW ENFORCEMENT OFFICER. A full-time employee of a governmental unit responsible for the prevention or investigation of crime who is authorized by law to carry firearms, execute search warrants, and make arrests.

(16) LEGISLATIVE BODY. The Senate of Alabama, the House of Representatives of Alabama, a county commission, city council, city commission, town council, or municipal council or commission, and any committee or subcommittee thereof.

(17) LOBBYING. The practice of promoting, opposing, or in any manner influencing or attempting to influence the introduction, defeat, or enactment of legislation before any legislative body; opposing or in any manner influencing the executive approval, veto, or amendment of legislation; or the practice of promoting, opposing, or in any manner

influencing or attempting to influence the enactment, promulgation, modification, or deletion of regulations before any regulatory body; provided, however, that providing public testimony before a legislative body or regulatory body or any committee thereof shall not be deemed lobbying.

(18) LOBBYIST.

a. The term lobbyist includes any of the following:

1. A person who receives compensation or reimbursement from another person, group, or entity to lobby.
2. A person who lobbies as a regular and usual part of employment, whether or not any compensation in addition to regular salary and benefits is received.
3. A person who expends in excess of one hundred dollars (\$100) for a thing of value, not including funds expended for travel, subsistence expenses, and literature, buttons, stickers, publications, or other acts of free speech, during a calendar year to lobby.
4. A consultant to the state, county, or municipal levels of government or their instrumentalities, in any manner employed to influence legislation or regulation, regardless whether the consultant is paid in whole or part from state, county, municipal, or private funds.
5. An employee, a paid consultant, or a member of the staff of a lobbyist, whether or not he or she is paid, who regularly communicates with members of a legislative body regarding pending legislation and other matters while the legislative body is in session.

b. The term lobbyist does not include any of the following:

1. A member of a legislative body on a matter which involves that person's official duties.
2. A person or attorney rendering professional services in drafting bills or in advising clients and in rendering opinions as to the construction and effect of proposed or pending legislation, executive action, or rules or regulations, where those professional services are not otherwise connected with legislative, executive, or regulatory action.
3. Reporters and editors while pursuing normal reportorial and editorial duties.
4. Any citizen not expending funds as set out above in paragraph a.3. or not lobbying for compensation who contacts a member of a legislative body, or gives public testimony on a particular issue or on particular legislation, or for the purpose of influencing legislation and who is merely exercising his or her constitutional right to communicate with members of a legislative body.

5. A person who appears before a legislative body, a regulatory body, or an executive agency to either sell or purchase goods or services.

6. A person whose primary duties or responsibilities do not include lobbying, but who may, from time to time, organize social events for members of a legislative body to meet and confer with members of professional organizations and who may have only irregular contacts with members of a legislative body when the body is not in session or when the body is in recess.

(19) MINOR VIOLATION. Any violation of this chapter in which the public official or public employee receives an economic gain in an amount less than two hundred fifty dollars (\$250) or the governmental entity has an economic loss of less than two hundred fifty dollars (\$250).

(20) PERSON. A business, individual, corporation, partnership, union, association, firm, committee, club, or other organization or group of persons.

(21) PRINCIPAL. A person or business which employs, hires, or otherwise retains a lobbyist. Nothing in this chapter shall be deemed to prohibit a principal from simultaneously serving as his or her own lobbyist.

(22) PROBABLE CAUSE. A finding that the allegations are more likely than not to have occurred.

(23) PUBLIC EMPLOYEE. Any person employed at the state, county, or municipal level of government or their instrumentalities, including governmental corporations and authorities, but excluding employees of hospitals or other health care corporations including contract employees of those hospitals or other health care corporations, who is paid in whole or in part from state, county or municipal funds. For purposes of this chapter, a public employee does not include a person employed on a part-time basis whose employment is limited to providing professional services other than lobbying, the compensation for which constitutes less than 50 percent of the part-time employee's income.

(24) PUBLIC OFFICIAL. Any person elected to public office, whether or not that person has taken office, by the vote of the people at state, county, or municipal level of government or their instrumentalities, including governmental corporations, and any person appointed to a position at the state, county, or municipal level of government or their instrumentalities, including governmental corporations. For purposes of this chapter, a public official includes the chairs and vice-chairs or the equivalent offices of each state political party as defined in Section 17-16-2.

(25) REGULATORY BODY. A state agency which issues regulations in accordance with the Alabama Administrative Procedure Act or a state, county, or municipal department, agency, board, or commission which controls, according to rule or regulation, the activities, business licensure, or functions of any group, person, or persons.

(26) REPORTING PERIOD. The reporting official's or employee's fiscal tax year as it applies to his or her United States personal income tax return.

(27) REPORTING YEAR. The reporting official's or employee's fiscal tax year as it applies to his or her United States personal income tax return.

(28) RESPONDENT. A person alleged to have violated a provision of this chapter and against whom a complaint has been filed with the commission.

(29) STATEMENT OF ECONOMIC INTERESTS. A financial disclosure form made available by the commission which shall be completed and filed with the commission prior to April 30 of each year covering the preceding calendar year by certain public officials and public employees.

(30) SUPERVISOR. Any person having authority to hire, transfer, suspend, lay off, recall, promote, discharge, assign, or discipline other public employees, or any person responsible to direct them, or to adjust their grievances, or to recommend personnel action, if, in connection with the foregoing, the exercise of the authority is not of a merely routine or clerical nature but requires the use of independent judgment.

(31) THING OF VALUE.

a. Any gift, benefit, favor, service, gratuity, tickets or passes to an entertainment, social or sporting event offered only to public officials, unsecured loan, other than those loans made in the ordinary course of business, reward, promise of future employment, or honoraria.

b. The term, thing of value, does not include any of the following, provided that no particular course of action is required as a condition to the receipt thereof:

1. Campaign contribution.

2. Seasonal gifts of an insignificant economic value of less than one hundred dollars (\$100) if the aggregate value of such gifts from any single donor is less than two hundred fifty dollars (\$250) during any one calendar year.

3. Hospitality extended to a public official, public employee, and his or her respective household as a social occasion in the form of food and beverages where the provider is present, lodging in the continental United States and Alaska incidental to the social occasion, and tickets to social or sporting events if the hospitality does not extend beyond three consecutive days and is not continuous in nature and the aggregate value of such hospitality in excess of two hundred fifty dollars (\$250) within a calendar day is reported to the commission by the provider provided that the reporting requirement contained in this section shall not apply where the expenditures are made to or on behalf of an organization to which a federal income tax deduction is permitted under subparagraph (A) of paragraph (1) of subsection (b) of Section 170 of the Internal Revenue Code of

1986, as amended, or any charitable, education or eleemosynary cause of Section 501 of Title 26 of the U.S. Code, and where the public official or public employee does not receive any direct financial benefit. The reporting shall include the name or names of the recipient or recipients, the value of the entire expenditure, the date or dates of the expenditure, and the type of expenditure.

4. Reasonable transportation, food and beverages where the provider is present, and lodging expenses in the continental United States and Alaska which are provided in conjunction with an educational or informational purpose, together with any hospitality associated therewith; provided, that such hospitality is less than 50 percent of the time spent at such event, and provided further that if the aggregate value of such transportation, lodging, food, beverages, and any hospitality provided to such public employee, public official, and his or her respective household is in excess of two hundred fifty dollars (\$250) within a calendar day the total amount expended shall be reported to the commission by the provider. The reporting shall include the name or names of the recipient or recipients, the value of the entire expenditure, the date or dates of the expenditure, and the type of expenditure.

5. Payment of or reimbursement for actual and necessary expenditures for travel and subsistence of a public official or public employee in connection with an economic development research or trade mission, or for attendance at a mission or meeting in which he or she is scheduled to meaningfully participate, or regarding matters related to his or her official duties, and for which attendance no reimbursement is made by the state; provided, that any hospitality in the form of entertainment, recreation, or sporting events shall constitute less than 25% of the time spent in connection with the event. If the aggregate value of any such hospitality extended to the public employee, public official, and his or her respective household is in excess of two hundred fifty dollars (\$250) within a calendar day, the total amount expended for that day shall be reported to the commission by the provider. The reporting shall include the name or names of the recipient or recipients, the value of such expenditures, the date or dates of the expenditure, and the type of expenditure.

6. Promotional items commonly distributed to the general public and food or beverages of a nominal value.

c. Nothing in this chapter shall be deemed to limit, prohibit, or otherwise require the disclosure of a personal gift made to a public official or public employee from a spouse, intended spouse, dependent, adult child, sibling, parent, grandparent, uncle, aunt, nephews, nieces or cousins of the public official or public employee, except as otherwise provided by law.

d. Nothing in this chapter shall be deemed to limit, prohibit, or otherwise require the disclosure of gifts through inheritance received by a public employee or public official.

(32) VALUE. The fair market price of a like item if purchased by a private citizen.

(Acts 1973, No. 1056, p. 1699, §2; Acts 1975, No. 130, p. 603, §1; Acts 1979, No. 79-698, p. 1241, § 1; Acts 1982, No. 82-429, p. 677, § 1; Acts 1986, No. 86-321, p. 475, §1; Acts 1995, No. 95-194, p. 269, §1; Acts 1997, No. 97-651, p. 1217, &

Section 36-25-1

Definitions.

Whenever used in this chapter, the following words and terms shall have the following meanings:

(1) **BUSINESS.** Any corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, or any other legal entity.

(2) **BUSINESS WITH WHICH THE PERSON IS ASSOCIATED.** Any business of which the person or a member of his or her family is an officer, owner, partner, board of director member, employee, or holder of more than five percent of the fair market value of the business.

(3) **CANDIDATE.** This term as used in this chapter shall have the same meaning ascribed to it in Section 17-22A-2.

(4) **COMMISSION.** The State Ethics Commission.

(5) **COMPLAINT.** Written allegation or allegations that a violation of this chapter has occurred.

(6) **COMPLAINANT.** A person who alleges a violation or violations of this chapter by filing a complaint against a respondent.

(7) **CONFIDENTIAL INFORMATION.** A complaint filed pursuant to this chapter, together with any statement, conversations, knowledge of evidence, or information received from the complainant, witness, or other person related to such complaint.

(8) **CONFLICT OF INTEREST.** A conflict on the part of a public official or public employee between his or her private interests and the official responsibilities inherent in an office of public trust. A conflict of interest involves any action, inaction, or decision by a public official or public employee in the discharge of his or her official duties which would materially affect his or her financial interest or those of his or her family members or any business with which the person is associated in a manner different from the manner it affects the other members of the class to which he or she belongs. A conflict of interest shall not include any of the following:

a. A loan or financial transaction made or conducted in the ordinary course of business.

b. An occasional nonpecuniary award publicly presented by an organization for performance of public service.

c. Payment of or reimbursement for actual and necessary expenditures for travel and subsistence for the personal attendance of a public official or public employee at a

convention or other meeting at which he or she is scheduled to meaningfully participate in connection with his or her official duties and for which attendance no reimbursement is made by the state.

d. Any campaign contribution, including the purchase of tickets to, or advertisements in journals, for political or testimonial dinners, if the contribution is actually used for political purposes and is not given under circumstances from which it could reasonably be inferred that the purpose of the contribution is to substantially influence a public official in the performance of his or her official duties.

(9) DAY. Calendar day.

(10) DEPENDENT. Any person, regardless of his or her legal residence or domicile, who receives 50 percent or more of his or her support from the public official or public employee or his or her spouse or who resided with the public official or public employee for more than 180 days during the reporting period.

(11) FAMILY MEMBER OF THE PUBLIC EMPLOYEE. The spouse or a dependent of the public employee.

(12) FAMILY MEMBER OF THE PUBLIC OFFICIAL. The spouse, a dependent, an adult child and his or her spouse, a parent, a spouse's parents, a sibling and his or her spouse, of the public official.

(13) GOVERNMENTAL CORPORATIONS AND AUTHORITIES. Public or private corporations and authorities, including but not limited to, hospitals or other health care corporations, established pursuant to state law by state, county or municipal governments for the purpose of carrying out a specific governmental function. Notwithstanding the foregoing, all employees, including contract employees, of hospitals or other health care corporations and authorities are exempt from the provisions of this chapter.

(14) HOUSEHOLD. The public official, public employee, and his or her spouse and dependents.

(15) LAW ENFORCEMENT OFFICER. A full-time employee of a governmental unit responsible for the prevention or investigation of crime who is authorized by law to carry firearms, execute search warrants, and make arrests.

(16) LEGISLATIVE BODY. The Senate of Alabama, the House of Representatives of Alabama, a county commission, city council, city commission, town council, or municipal council or commission, and any committee or subcommittee thereof.

(17) LOBBYING. The practice of promoting, opposing, or in any manner influencing or attempting to influence the introduction, defeat, or enactment of legislation before any legislative body; opposing or in any manner influencing the executive approval, veto, or amendment of legislation; or the practice of promoting, opposing, or in any manner

influencing or attempting to influence the enactment, promulgation, modification, or deletion of regulations before any regulatory body; provided, however, that providing public testimony before a legislative body or regulatory body or any committee thereof shall not be deemed lobbying.

(18) LOBBYIST.

a. The term lobbyist includes any of the following:

1. A person who receives compensation or reimbursement from another person, group, or entity to lobby.
2. A person who lobbies as a regular and usual part of employment, whether or not any compensation in addition to regular salary and benefits is received.
3. A person who expends in excess of one hundred dollars (\$100) for a thing of value, not including funds expended for travel, subsistence expenses, and literature, buttons, stickers, publications, or other acts of free speech, during a calendar year to lobby.
4. A consultant to the state, county, or municipal levels of government or their instrumentalities, in any manner employed to influence legislation or regulation, regardless whether the consultant is paid in whole or part from state, county, municipal, or private funds.
5. An employee, a paid consultant, or a member of the staff of a lobbyist, whether or not he or she is paid, who regularly communicates with members of a legislative body regarding pending legislation and other matters while the legislative body is in session.

b. The term lobbyist does not include any of the following:

1. A member of a legislative body on a matter which involves that person's official duties.
2. A person or attorney rendering professional services in drafting bills or in advising clients and in rendering opinions as to the construction and effect of proposed or pending legislation, executive action, or rules or regulations, where those professional services are not otherwise connected with legislative, executive, or regulatory action.
3. Reporters and editors while pursuing normal reportorial and editorial duties.
4. Any citizen not expending funds as set out above in paragraph a.3. or not lobbying for compensation who contacts a member of a legislative body, or gives public testimony on a particular issue or on particular legislation, or for the purpose of influencing legislation and who is merely exercising his or her constitutional right to communicate with members of a legislative body.

5. A person who appears before a legislative body, a regulatory body, or an executive agency to either sell or purchase goods or services.

6. A person whose primary duties or responsibilities do not include lobbying, but who may, from time to time, organize social events for members of a legislative body to meet and confer with members of professional organizations and who may have only irregular contacts with members of a legislative body when the body is not in session or when the body is in recess.

(19) MINOR VIOLATION. Any violation of this chapter in which the public official or public employee receives an economic gain in an amount less than two hundred fifty dollars (\$250) or the governmental entity has an economic loss of less than two hundred fifty dollars (\$250).

(20) PERSON. A business, individual, corporation, partnership, union, association, firm, committee, club, or other organization or group of persons.

(21) PRINCIPAL. A person or business which employs, hires, or otherwise retains a lobbyist. Nothing in this chapter shall be deemed to prohibit a principal from simultaneously serving as his or her own lobbyist.

(22) PROBABLE CAUSE. A finding that the allegations are more likely than not to have occurred.

(23) PUBLIC EMPLOYEE. Any person employed at the state, county, or municipal level of government or their instrumentalities, including governmental corporations and authorities, but excluding employees of hospitals or other health care corporations including contract employees of those hospitals or other health care corporations, who is paid in whole or in part from state, county or municipal funds. For purposes of this chapter, a public employee does not include a person employed on a part-time basis whose employment is limited to providing professional services other than lobbying, the compensation for which constitutes less than 50 percent of the part-time employee's income.

(24) PUBLIC OFFICIAL. Any person elected to public office, whether or not that person has taken office, by the vote of the people at state, county, or municipal level of government or their instrumentalities, including governmental corporations, and any person appointed to a position at the state, county, or municipal level of government or their instrumentalities, including governmental corporations. For purposes of this chapter, a public official includes the chairs and vice-chairs or the equivalent offices of each state political party as defined in Section 17-16-2.

(25) REGULATORY BODY. A state agency which issues regulations in accordance with the Alabama Administrative Procedure Act or a state, county, or municipal department, agency, board, or commission which controls, according to rule or regulation, the activities, business licensure, or functions of any group, person, or persons.

(26) REPORTING PERIOD. The reporting official's or employee's fiscal tax year as it applies to his or her United States personal income tax return.

(27) REPORTING YEAR. The reporting official's or employee's fiscal tax year as it applies to his or her United States personal income tax return.

(28) RESPONDENT. A person alleged to have violated a provision of this chapter and against whom a complaint has been filed with the commission.

(29) STATEMENT OF ECONOMIC INTERESTS. A financial disclosure form made available by the commission which shall be completed and filed with the commission prior to April 30 of each year covering the preceding calendar year by certain public officials and public employees.

(30) SUPERVISOR. Any person having authority to hire, transfer, suspend, lay off, recall, promote, discharge, assign, or discipline other public employees, or any person responsible to direct them, or to adjust their grievances, or to recommend personnel action, if, in connection with the foregoing, the exercise of the authority is not of a merely routine or clerical nature but requires the use of independent judgment.

(31) THING OF VALUE.

a. Any gift, benefit, favor, service, gratuity, tickets or passes to an entertainment, social or sporting event offered only to public officials, unsecured loan, other than those loans made in the ordinary course of business, reward, promise of future employment, or honoraria.

b. The term, thing of value, does not include any of the following, provided that no particular course of action is required as a condition to the receipt thereof:

1. Campaign contribution.

2. Seasonal gifts of an insignificant economic value of less than one hundred dollars (\$100) if the aggregate value of such gifts from any single donor is less than two hundred fifty dollars (\$250) during any one calendar year.

3. Hospitality extended to a public official, public employee, and his or her respective household as a social occasion in the form of food and beverages where the provider is present, lodging in the continental United States and Alaska incidental to the social occasion, and tickets to social or sporting events if the hospitality does not extend beyond three consecutive days and is not continuous in nature and the aggregate value of such hospitality in excess of two hundred fifty dollars (\$250) within a calendar day is reported to the commission by the provider provided that the reporting requirement contained in this section shall not apply where the expenditures are made to or on behalf of an organization to which a federal income tax deduction is permitted under subparagraph (A) of paragraph (1) of subsection (b) of Section 170 of the Internal Revenue Code of

1986, as amended, or any charitable, education or eleemosynary cause of Section 501 of Title 26 of the U.S. Code, and where the public official or public employee does not receive any direct financial benefit. The reporting shall include the name or names of the recipient or recipients, the value of the entire expenditure, the date or dates of the expenditure, and the type of expenditure.

4. Reasonable transportation, food and beverages where the provider is present, and lodging expenses in the continental United States and Alaska which are provided in conjunction with an educational or informational purpose, together with any hospitality associated therewith; provided, that such hospitality is less than 50 percent of the time spent at such event, and provided further that if the aggregate value of such transportation, lodging, food, beverages, and any hospitality provided to such public employee, public official, and his or her respective household is in excess of two hundred fifty dollars (\$250) within a calendar day the total amount expended shall be reported to the commission by the provider. The reporting shall include the name or names of the recipient or recipients, the value of the entire expenditure, the date or dates of the expenditure, and the type of expenditure.

5. Payment of or reimbursement for actual and necessary expenditures for travel and subsistence of a public official or public employee in connection with an economic development research or trade mission, or for attendance at a mission or meeting in which he or she is scheduled to meaningfully participate, or regarding matters related to his or her official duties, and for which attendance no reimbursement is made by the state; provided, that any hospitality in the form of entertainment, recreation, or sporting events shall constitute less than 25% of the time spent in connection with the event. If the aggregate value of any such hospitality extended to the public employee, public official, and his or her respective household is in excess of two hundred fifty dollars (\$250) within a calendar day, the total amount expended for that day shall be reported to the commission by the provider. The reporting shall include the name or names of the recipient or recipients, the value of such expenditures, the date or dates of the expenditure, and the type of expenditure.

6. Promotional items commonly distributed to the general public and food or beverages of a nominal value.

c. Nothing in this chapter shall be deemed to limit, prohibit, or otherwise require the disclosure of a personal gift made to a public official or public employee from a spouse, intended spouse, dependent, adult child, sibling, parent, grandparent, uncle, aunt, nephews, nieces or cousins of the public official or public employee, except as otherwise provided by law.

d. Nothing in this chapter shall be deemed to limit, prohibit, or otherwise require the disclosure of gifts through inheritance received by a public employee or public official.

(32) VALUE. The fair market price of a like item if purchased by a private citizen.

(Acts 1973, No. 1056, p. 1699, §2; Acts 1975, No. 130, p. 603, §1; Acts 1979, No. 79-698, p. 1241, § 1; Acts 1982, No. 82-429, p. 677, § 1; Acts 1986, No. 86-321, p. 475, §1; Acts 1995, No. 95-194, p. 269, §1; Acts 1997, No. 97-651, p. 1217, §1.)

Section 36-25-1

Definitions.

Whenever used in this chapter, the following words and terms shall have the following meanings:

(1) **BUSINESS.** Any corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, or any other legal entity.

(2) **BUSINESS WITH WHICH THE PERSON IS ASSOCIATED.** Any business of which the person or a member of his or her family is an officer, owner, partner, board of director member, employee, or holder of more than five percent of the fair market value of the business.

(3) **CANDIDATE.** This term as used in this chapter shall have the same meaning ascribed to it in Section 17-22A-2.

(4) **COMMISSION.** The State Ethics Commission.

(5) **COMPLAINT.** Written allegation or allegations that a violation of this chapter has occurred.

(6) **COMPLAINANT.** A person who alleges a violation or violations of this chapter by filing a complaint against a respondent.

(7) **CONFIDENTIAL INFORMATION.** A complaint filed pursuant to this chapter, together with any statement, conversations, knowledge of evidence, or information received from the complainant, witness, or other person related to such complaint.

(8) **CONFLICT OF INTEREST.** A conflict on the part of a public official or public employee between his or her private interests and the official responsibilities inherent in an office of public trust. A conflict of interest involves any action, inaction, or decision by a public official or public employee in the discharge of his or her official duties which would materially affect his or her financial interest or those of his or her family members or any business with which the person is associated in a manner different from the manner it affects the other members of the class to which he or she belongs. A conflict of interest shall not include any of the following:

a. A loan or financial transaction made or conducted in the ordinary course of business.

b. An occasional nonpecuniary award publicly presented by an organization for performance of public service.

c. Payment of or reimbursement for actual and necessary expenditures for travel and subsistence for the personal attendance of a public official or public employee at a

convention or other meeting at which he or she is scheduled to meaningfully participate in connection with his or her official duties and for which attendance no reimbursement is made by the state.

d. Any campaign contribution, including the purchase of tickets to, or advertisements in journals, for political or testimonial dinners, if the contribution is actually used for political purposes and is not given under circumstances from which it could reasonably be inferred that the purpose of the contribution is to substantially influence a public official in the performance of his or her official duties.

(9) DAY. Calendar day.

(10) DEPENDENT. Any person, regardless of his or her legal residence or domicile, who receives 50 percent or more of his or her support from the public official or public employee or his or her spouse or who resided with the public official or public employee for more than 180 days during the reporting period.

(11) FAMILY MEMBER OF THE PUBLIC EMPLOYEE. The spouse or a dependent of the public employee.

(12) FAMILY MEMBER OF THE PUBLIC OFFICIAL. The spouse, a dependent, an adult child and his or her spouse, a parent, a spouse's parents, a sibling and his or her spouse, of the public official.

(13) GOVERNMENTAL CORPORATIONS AND AUTHORITIES. Public or private corporations and authorities, including but not limited to, hospitals or other health care corporations, established pursuant to state law by state, county or municipal governments for the purpose of carrying out a specific governmental function. Notwithstanding the foregoing, all employees, including contract employees, of hospitals or other health care corporations and authorities are exempt from the provisions of this chapter.

(14) HOUSEHOLD. The public official, public employee, and his or her spouse and dependents.

(15) LAW ENFORCEMENT OFFICER. A full-time employee of a governmental unit responsible for the prevention or investigation of crime who is authorized by law to carry firearms, execute search warrants, and make arrests.

(16) LEGISLATIVE BODY. The Senate of Alabama, the House of Representatives of Alabama, a county commission, city council, city commission, town council, or municipal council or commission, and any committee or subcommittee thereof.

(17) LOBBYING. The practice of promoting, opposing, or in any manner influencing or attempting to influence the introduction, defeat, or enactment of legislation before any legislative body; opposing or in any manner influencing the executive approval, veto, or amendment of legislation; or the practice of promoting, opposing, or in any manner

influencing or attempting to influence the enactment, promulgation, modification, or deletion of regulations before any regulatory body; provided, however, that providing public testimony before a legislative body or regulatory body or any committee thereof shall not be deemed lobbying.

(18) LOBBYIST.

a. The term lobbyist includes any of the following:

1. A person who receives compensation or reimbursement from another person, group, or entity to lobby.
2. A person who lobbies as a regular and usual part of employment, whether or not any compensation in addition to regular salary and benefits is received.
3. A person who expends in excess of one hundred dollars (\$100) for a thing of value, not including funds expended for travel, subsistence expenses, and literature, buttons, stickers, publications, or other acts of free speech, during a calendar year to lobby.
4. A consultant to the state, county, or municipal levels of government or their instrumentalities, in any manner employed to influence legislation or regulation, regardless whether the consultant is paid in whole or part from state, county, municipal, or private funds.
5. An employee, a paid consultant, or a member of the staff of a lobbyist, whether or not he or she is paid, who regularly communicates with members of a legislative body regarding pending legislation and other matters while the legislative body is in session.

b. The term lobbyist does not include any of the following:

1. A member of a legislative body on a matter which involves that person's official duties.
2. A person or attorney rendering professional services in drafting bills or in advising clients and in rendering opinions as to the construction and effect of proposed or pending legislation, executive action, or rules or regulations, where those professional services are not otherwise connected with legislative, executive, or regulatory action.
3. Reporters and editors while pursuing normal reportorial and editorial duties.
4. Any citizen not expending funds as set out above in paragraph a.3. or not lobbying for compensation who contacts a member of a legislative body, or gives public testimony on a particular issue or on particular legislation, or for the purpose of influencing legislation and who is merely exercising his or her constitutional right to communicate with members of a legislative body.

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(19) MINOR VIOLATION. Any violation of this chapter in which the public official or public employee receives an economic gain in an amount less than two hundred fifty dollars (\$250) or the governmental entity has an economic loss of less than two hundred fifty dollars (\$250).

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(25) REGULATORY BODY. A state agency which issues regulations in accordance with the Alabama Administrative Procedure Act or a state, county, or municipal department, agency, board, or commission which controls, according to rule or regulation, the activities, business licensure, or functions of any group, person, or persons.

(26) REPORTING PERIOD. The reporting official's or employee's fiscal tax year as it applies to his or her United States personal income tax return.

(27) REPORTING YEAR. The reporting official's or employee's fiscal tax year as it applies to his or her United States personal income tax return.

(28) RESPONDENT. A person alleged to have violated a provision of this chapter and against whom a complaint has been filed with the commission.

(29) STATEMENT OF ECONOMIC INTERESTS. A financial disclosure form made available by the commission which shall be completed and filed with the commission prior to April 30 of each year covering the preceding calendar year by certain public officials and public employees.

(30) SUPERVISOR. Any person having authority to hire, transfer, suspend, lay off, recall, promote, discharge, assign, or discipline other public employees, or any person responsible to direct them, or to adjust their grievances, or to recommend personnel action, if, in connection with the foregoing, the exercise of the authority is not of a merely routine or clerical nature but requires the use of independent judgment.

(31) THING OF VALUE.

a. Any gift, benefit, favor, service, gratuity, tickets or passes to an entertainment, social or sporting event offered only to public officials, unsecured loan, other than those loans made in the ordinary course of business, reward, promise of future employment, or honoraria.

b. The term, thing of value, does not include any of the following, provided that no particular course of action is required as a condition to the receipt thereof:

1. Campaign contribution.

2. Seasonal gifts of an insignificant economic value of less than one hundred dollars (\$100) if the aggregate value of such gifts from any single donor is less than two hundred fifty dollars (\$250) during any one calendar year.

3. Hospitality extended to a public official, public employee, and his or her respective household as a social occasion in the form of food and beverages where the provider is present, lodging in the continental United States and Alaska incidental to the social occasion, and tickets to social or sporting events if the hospitality does not extend beyond three consecutive days and is not continuous in nature and the aggregate value of such hospitality in excess of two hundred fifty dollars (\$250) within a calendar day is reported to the commission by the provider provided that the reporting requirement contained in this section shall not apply where the expenditures are made to or on behalf of an organization to which a federal income tax deduction is permitted under subparagraph (A) of paragraph (1) of subsection (b) of Section 170 of the Internal Revenue Code of

1986, as amended, or any charitable, education or eleemosynary cause of Section 501 of Title 26 of the U.S. Code, and where the public official or public employee does not receive any direct financial benefit. The reporting shall include the name or names of the recipient or recipients, the value of the entire expenditure, the date or dates of the expenditure, and the type of expenditure.

4. Reasonable transportation, food and beverages where the provider is present, and lodging expenses in the continental United States and Alaska which are provided in conjunction with an educational or informational purpose, together with any hospitality associated therewith; provided, that such hospitality is less than 50 percent of the time spent at such event, and provided further that if the aggregate value of such transportation, lodging, food, beverages, and any hospitality provided to such public employee, public official, and his or her respective household is in excess of two hundred fifty dollars (\$250) within a calendar day the total amount expended shall be reported to the commission by the provider. The reporting shall include the name or names of the recipient or recipients, the value of the entire expenditure, the date or dates of the expenditure, and the type of expenditure.

5. Payment of or reimbursement for actual and necessary expenditures for travel and subsistence of a public official or public employee in connection with an economic development research or trade mission, or for attendance at a mission or meeting in which he or she is scheduled to meaningfully participate, or regarding matters related to his or her official duties, and for which attendance no reimbursement is made by the state; provided, that any hospitality in the form of entertainment, recreation, or sporting events shall constitute less than 25% of the time spent in connection with the event. If the aggregate value of any such hospitality extended to the public employee, public official, and his or her respective household is in excess of two hundred fifty dollars (\$250) within a calendar day, the total amount expended for that day shall be reported to the commission by the provider. The reporting shall include the name or names of the recipient or recipients, the value of such expenditures, the date or dates of the expenditure, and the type of expenditure.

6. Promotional items commonly distributed to the general public and food or beverages of a nominal value.

c. Nothing in this chapter shall be deemed to limit, prohibit, or otherwise require the disclosure of a personal gift made to a public official or public employee from a spouse, intended spouse, dependent, adult child, sibling, parent, grandparent, uncle, aunt, nephews, nieces or cousins of the public official or public employee, except as otherwise provided by law.

d. Nothing in this chapter shall be deemed to limit, prohibit, or otherwise require the disclosure of gifts through inheritance received by a public employee or public official.

(32) VALUE. The fair market price of a like item if purchased by a private citizen.

(Acts 1973, No. 1056, p. 1699, §2; Acts 1975, No. 130, p. 603, §1; Acts 1979, No. 79-698, p. 1241, § 1; Acts 1982, No. 82-429, p. 677, § 1; Acts 1986, No. 86-321, p. 475, §1; Acts 1995, No. 95-194, p. 269, §1; Acts 1997, No. 97-651, p. 1217, §1.)

Section 36-25-2

Legislative findings and declarations; purpose of chapter.

(a) The Legislature hereby finds and declares:

(1) It is essential to the proper operation of democratic government that public officials be independent and impartial.

(2) Governmental decisions and policy should be made in the proper channels of the governmental structure.

(3) No public office should be used for private gain other than the remuneration provided by law.

(4) It is important that there be public confidence in the integrity of government.

(5) The attainment of one or more of the ends set forth in this subsection is impaired whenever there exists a conflict of interest between the private interests of a public official or a public employee and the duties of the public official or public employee.

(6) The public interest requires that the law protect against such conflicts of interest and establish appropriate ethical standards with respect to the conduct of public officials and public employees in situations where conflicts exist.

(b) It is also essential to the proper operation of government that those best qualified be encouraged to serve in government. Accordingly, legal safeguards against conflicts of interest shall be so designed as not to unnecessarily or unreasonably impede the service of those men and women who are elected or appointed to do so. An essential principle underlying the staffing of our governmental structure is that its public officials and public employees should not be denied the opportunity, available to all other citizens, to acquire and retain private economic and other interests, except where conflicts with the responsibility of public officials and public employees to the public cannot be avoided.

(c) The Legislature declares that the operation of responsible democratic government requires that the fullest opportunity be afforded to the people to petition their government for the redress of grievances and to express freely to the legislative bodies and to officials of the Executive Branch, their opinions on legislation, on pending governmental actions, and on current issues. To preserve and maintain the integrity of the legislative and administrative processes, it is necessary that the identity, expenditures, and activities of certain persons who engage in efforts to persuade members of the legislative bodies or members of the Executive Branch to take specific actions, either by direct communication to these officials, or by solicitation of others to engage in such efforts, be publicly and regularly disclosed. This chapter shall be liberally construed to promote complete disclosure of all relevant information and to insure that the public interest is fully protected.

(d) It is the policy and purpose of this chapter to implement these objectives of protecting the integrity of all governmental units of this state and of facilitating the service of qualified personnel by prescribing essential restrictions against conflicts of interest in public service without creating unnecessary barriers thereto.

(Acts 1973, No. 1056, p. 1699, §1; Acts 1975, No. 130, §1; Acts 1995, No. 95-194, p. 269, §1.)

Section 36-25-5

Use of official position or office for personal gain.

(a) No public official or public employee shall use or cause to be used his or her official position or office to obtain personal gain for himself or herself, or family member of the public employee or family member of the public official, or any business with which the person is associated unless the use and gain are otherwise specifically authorized by law. Personal gain is achieved when the public official, public employee, or a family member thereof receives, obtains, exerts control over, or otherwise converts to personal use the object constituting such personal gain.

(b) Unless prohibited by the Constitution of Alabama of 1901, nothing herein shall be construed to prohibit a public official from introducing bills, ordinances, resolutions, or other legislative matters, serving on committees, or making statements or taking action in the exercise of his or her duties as a public official. A member of a legislative body may not vote for any legislation in which he or she knows or should have known that he or she has a conflict of interest.

(c) No public official or public employee shall use or cause to be used equipment, facilities, time, materials, human labor, or other public property under his or her discretion or control for the private benefit or business benefit of the public official, public employee, any other person, or principal campaign committee as defined in Section 17-22A-2, which would materially affect his or her financial interest, except as otherwise provided by law or as provided pursuant to a lawful employment agreement regulated by agency policy. Provided, however, nothing in this subsection shall be deemed to limit or otherwise prohibit communication between public officials or public employees and eleemosynary or membership organizations or such organizations communicating with public officials or public employees.

(d) No person shall solicit a public official or public employee to use or cause to be used equipment, facilities, time, materials, human labor, or other public property for such person's private benefit or business benefit, which would materially affect his or her financial interest, except as otherwise provided by law.

(e) No public official or public employee shall, other than in the ordinary course of business, solicit a thing of value from a subordinate or person or business with whom he or she directly inspects, regulates, or supervises in his or her official capacity.

(f) A conflict of interest shall exist when a member of a legislative body, public official, or public employee has a substantial financial interest by reason of ownership of, control of, or the exercise of power over any interest greater than five percent of the value of any corporation, company, association, or firm, partnership, proprietorship, or any other business entity of any kind or character which is uniquely affected by proposed or pending legislation; or who is an officer or director for any such corporation, company, association, or firm, partnership, proprietorship, or any other business entity of any kind or character which is uniquely affected by proposed or pending legislation.

(Acts 1973, No. 1056, p. 1699, §3; Acts 1975, No. 130, p. 603, §1; Acts 1995, No. 95-194, p. 269, §1; Act 2000-797, p. 1895, §1.)

- [Section 36-25-5](#) Use of official position or office for personal gain.
- [Section 36-25-6](#) Use of contributions.
- [Section 36-25-7](#) Offering, soliciting, or receiving things of value for purpose of influencing official action; money solicited or received in addition to that received in official capacity.
- [Section 36-25-8](#) Use or disclosure of confidential information for private financial gain.
- [Section 36-25-9](#) Service on regulatory boards and commissions regulating business with which person associated; members who have financial interest in matter prohibited from voting.
- [Section 36-25-10](#) Representation of client or constituent before board, regulatory body, department, etc.
- [Section 36-25-11](#) Public officials or employees entering into contracts which are to be paid out of government funds.
- [Section 36-25-12](#) Offering, soliciting, etc., thing of value to or by member of regulatory body.
- [Section 36-25-13](#) Actions of former public officials or public employees prohibited for two years after departure.
- [Section 36-25-14](#) Filing of statement of economic interests.

Section 36-25-5

Use of official position or office for personal gain.

(a) No public official or public employee shall use or cause to be used his or her official position or office to obtain personal gain for himself or herself, or family member of the public employee or family member of the public official, or any business with which the person is associated unless the use and gain are otherwise specifically authorized by law. Personal gain is achieved when the public official, public employee, or a family member thereof receives, obtains, exerts control over, or otherwise converts to personal use the object constituting such personal gain.

(b) Unless prohibited by the Constitution of Alabama of 1901, nothing herein shall be construed to prohibit a public official from introducing bills, ordinances, resolutions, or other legislative matters, serving on committees, or making statements or taking action in the exercise of his or her duties as a public official. A member of a legislative body may not vote for any legislation in which he or she knows or should have known that he or she has a conflict of interest.

(c) No public official or public employee shall use or cause to be used equipment, facilities, time, materials, human labor, or other public property under his or her discretion or control for the private benefit or business benefit of the public official, public employee, any other person, or principal campaign committee as defined in Section 17-22A-2, which would materially affect his or her financial interest, except as otherwise provided by law or as provided pursuant to a lawful employment agreement regulated by agency policy. Provided, however, nothing in this subsection shall be deemed to limit or otherwise prohibit communication between public officials or public employees and eleemosynary or membership organizations or such organizations communicating with public officials or public employees.

(d) No person shall solicit a public official or public employee to use or cause to be used equipment, facilities, time, materials, human labor, or other public property for such person's private benefit or business benefit, which would materially affect his or her financial interest, except as otherwise provided by law.

(e) No public official or public employee shall, other than in the ordinary course of business, solicit a thing of value from a subordinate or person or business with whom he or she directly inspects, regulates, or supervises in his or her official capacity.

(f) A conflict of interest shall exist when a member of a legislative body, public official, or public employee has a substantial financial interest by reason of ownership of, control of, or the exercise of power over any interest greater than five percent of the value of any corporation, company, association, or firm, partnership, proprietorship, or any other business entity of any kind or character which is uniquely affected by proposed or pending legislation; or who is an officer or director for any such corporation, company, association, or firm, partnership, proprietorship, or any other business entity of any kind or character which is uniquely affected by proposed or pending legislation.

(Acts 1973, No. 1056, p. 1699, §3; Acts 1975, No. 130, p. 603, §1; Acts 1995, No. 95-194, p. 269, §1; Act 2000-797, p. 1895, §1.)

Section 36-25-7

Offering, soliciting, or receiving things of value for purpose of influencing official action; money solicited or received in addition to that received in official capacity.

(a) No person shall offer or give to a public official or public employee or a member of the household of a public employee or a member of the household of the public official and none of the aforementioned shall solicit or receive a thing of value for the purpose of influencing official action.

(b) No public official or public employee shall solicit or receive a thing of value for himself or herself or for a family member of the public employee or family member of the public official for the purpose of influencing official action.

(c) No person shall offer or give a family member of the public official or family member of the public employee a thing of value for the purpose of influencing official action.

(d) No public official or public employee, shall solicit or receive any money in addition to that received by the public official or public employee in an official capacity for advice or assistance on matters concerning the Legislature, lobbying a legislative body, an executive department or any public regulatory board, commission or other body of which he or she is a member. Notwithstanding the foregoing, nothing in this section shall be construed to prohibit a public official or public employee from the performance of his or her official duties or responsibilities.

(Acts 1973, No. 1056, p. 1699, §5; Acts 1975, No. 130, p. 603, §1; Acts 1995, No. 95-194, p. 269, §1.)

Section 36-25-8

Use or disclosure of confidential information for private financial gain.

No public official, public employee, former public official or former public employee, for a period consistent with the statute of limitations as contained in this chapter, shall use or disclose confidential information gained in the course of or by reason of his or her position or employment in any way that could result in financial gain other than his or her regular salary as such public official or public employee for himself or herself, a family member of the public employee or family member of the public official, or for any other person or business.

(Acts 1973, No. 1056, p. 1699, §6; Acts 1975, No. 130, p. 603, §1; Acts 1995, No. 95-194, p. 269, §1.)

- [Section 36-25A-1](#) Purpose; short title.
- [Section 36-25A-2](#) Definitions.
- [Section 36-25A-3](#) Notice requirements.
- [Section 36-25A-4](#) Maintenance of records.
- [Section 36-25A-5](#) Rules of parliamentary procedure; voting.
- [Section 36-25A-6](#) Recording of meeting.
- [Section 36-25A-7](#) Executive sessions.
- [Section 36-25A-8](#) Immunity from suit.
- [Section 36-25A-9](#) Enforcement; hearings; penalties and remedies.
- [Section 36-25A-10](#) Limitation period.
- [Section 36-25A-11](#) Repealer and construction.

Alabama Open Meetings Act (Legislative Act # 2005-40)

Section 36-26-100

Definition of employees.

The term "employees," as used in this article, is deemed to mean and include all persons employed by county and city boards of education, two-year educational institutions under the control and auspices of the State Board of Education, the Alabama Institute for Deaf and Blind, including production workers at the Alabama Industries for the Blind, and educational and correctional institutions under the control and auspices of the Alabama Department of Youth Services, who are so employed by any of these employers as bus drivers, lunchroom or cafeteria workers, maids and janitors, custodians, maintenance personnel, secretaries and clerical assistants, full-time instructors as defined by the State Board of Education, supervisors, and all other persons not otherwise certified by the State Board of Education. Only full-time employees who are not otherwise covered by the state Merit System or the teacher tenure law at the time this article is adopted are intended to be covered by this article. Full-time employees include (1) adult bus drivers and (2) other employees whose duties require 20 or more hours in each normal working week of the school term, employing board holidays excepted. Substitute teachers and substitute employees are excluded from this article.

(Acts 1983, No. 83-644, p. 1004, §1; Act 2002-508, p. 1313, §1.)

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(Acts 1983, No. 83-644, p. 1004, §1; Act 2002-508, p. 1313, §1.)

Section 36-26-101

Probationary period; notice of termination.

- (a) All employees as defined in Section 36-26-100 shall be deemed employed on a probationary status for a period not to exceed three years from the date of his or her initial employment, or a lesser period which may be fixed by the employing authority.
- (b) During said probationary period, the employing authority shall cause the employee's performance to be evaluated.
- (c) At any time during the employee's probationary period, the employing authority may remove an employee by furnishing said employee written notification at least 15 days prior to the effective day of termination.

(Acts 1983, No. 83-644, p. 1004, §2.)

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(Acts 1983, No. 83-644, p. 1004, §2.)

Section 36-26-102

Nonprobationary status; causes for termination.

Upon the completing by the employee of said probationary period, said employee shall be deemed employed on a nonprobationary status and said employee's employment shall thereafter not be terminated except for failure to perform his or her duties in a satisfactory manner, incompetency, neglect of duty, insubordination, immorality, justifiable decrease in jobs in the system, or other good and just causes; provided, however, such termination of employment shall not be made for political or personal reasons on the part of any party recommending or voting to approve said termination.

(Acts 1983, No. 83-644, p. 1004, §3.)

Section 36-26-38

Political activities prohibited.

(a) No person shall be appointed or promoted to or demoted or dismissed from any position in the classified service or in any way favored or discriminated against with respect to employment in the classified service because of his political or religious opinions or affiliations. No person shall seek or attempt to use any political endorsement in connection with any appointment to a position in the classified service. No person shall use or promise to use, directly or indirectly, any official authority or influence, whether possessed or anticipated, to secure or attempt to secure for any person an appointment or advantage in appointment to a position in the classified service or an increase in pay or other advantage in employment in any such position for the purpose of influencing the vote or political action of any person or for any consideration. No employee in the classified service and no member of the board shall, directly or indirectly, pay or promise to pay any assessment, subscription or contribution for any political organization or purpose or solicit or take any part in soliciting any such assessment, subscription or contribution under coercion; provided, however, it shall be unlawful for any officer or employee to solicit any type political campaign contributions from other employees who work for said officer or employee in a subordinate capacity. No employee in the classified service shall be a member of any national, state or local committee of a political party or an officer of a partisan political club or a candidate for nomination or election to any public office or shall take any part in the management or affairs of any political party or in any political campaign, except on his personal time and to exercise his right as a citizen privately to express his opinion and to cast his vote; provided, however, that nothing in this section shall prohibit any person in the classified service from serving out the term of a party office which he had been elected at the time this chapter goes into effect. Any employee in the classified service may engage in political action or political activities on personal time before and after work, holidays and during approved leave.

(b) Any officer or employee in the classified service who violates any of the foregoing provisions of this section shall forfeit his office or position.

(Acts 1939, No. 58, p. 68, § 26; Code 1940, T. 55, §317; Acts 1983, No. 83-497, p. 696, §2.)

Section 36-9-1

How offices vacated generally.

Any office in this state is vacated:

- (1) By the death of the incumbent;
- (2) By the resignation of the incumbent, except in such cases as are excepted by law;
- (3) By the incumbent's ceasing to be a resident of the state or of the division, district, circuit or county for which he was elected or appointed;
- (4) By the decision of a competent tribunal declaring the election or appointment of the incumbent void or his office vacant;
- (5) By the act of the Legislature abridging the term of office of the incumbent, when the same is not fixed by the constitution; and
- (6) In such other cases as are or may be declared by law.

(Code 1852, §161; Code 1867, §200; Code 1876, §213; Code 1886, §308; Code 1896, §3140; Code 1907, §1556; Code 1923, §2697; Code 1940, T. 41, §160.)

Section 39-1-1

Bonds required of persons contracting for public works; commencement, etc., of actions upon bond by persons supplying labor, etc., to contractor; offer to accept judgment; notice of completion of project by contractor and final settlement; applicability.

(a) Any person entering into a contract with an awarding authority in this state for the prosecution of any public works shall, before commencing the work, execute a performance bond, with penalty equal to 100 percent of the amount of the contract price. In addition, another bond, payable to the awarding authority letting the contract, shall be executed in an amount not less than 50 percent of the contract price, with the obligation that the contractor or contractors shall promptly make payments to all persons supplying labor, materials, or supplies for or in the prosecution of the work provided in the contract and for the payment of reasonable attorneys' fees incurred by successful claimants or plaintiffs in civil actions on the bond.

(b) Any person that has furnished labor, materials, or supplies for or in the prosecution of a public work and payment has not been made may institute a civil action upon the payment bond and have their rights and claims adjudicated in a civil action and judgment entered thereon. Notwithstanding the foregoing, a civil action shall not be instituted on the bond until 45 days after written notice to the surety of the amount claimed to be due and the nature of the claim. The civil action shall be commenced not later than one year from the date of final settlement of the contract. The giving of notice by registered or certified mail, postage prepaid, addressed to the surety at any of its places of business or offices shall be deemed sufficient under this section. In the event the surety or contractor fails to pay the claim in full within 45 days from the mailing of the notice, then the person or persons may recover from the contractor and surety, in addition to the amount of the claim, a reasonable attorney's fee based on the result, together with interest on the claim from the date of the notice.

(c) Every person having a right of action on the last described bond as provided in this section shall, upon written application to the authority under the direction of whom the work has been prosecuted, indicating that labor, material, foodstuffs, or supplies for the work have been supplied and that payment has not been made, be promptly furnished a certified copy of the additional bond and contract. The claimant may bring a civil action in the claimant's name on the bond against the contractor and the surety, or either of them, in the county in which the work is to be or has been performed or in any other county where venue is otherwise allowed by law.

(d) In the event a civil action is instituted on the payment bond, at any time more than 15 days before the trial begins, any party may serve upon the adverse party an offer to accept judgment in favor of the offeror or to allow judgment to be entered in favor of the offeree for the money or as otherwise specified in the offer. If within 10 days after the service of the offer, the adverse party serves written notice that the offer is accepted, either party may then file the offer and notice of acceptance together with proof of service and the clerk of the court shall enter judgment. An offer not accepted shall be deemed withdrawn.

and evidence of the offer shall not be admissible. If the judgment finally obtained by the offeree is less favorable than the offer, the offeree shall pay the reasonable attorney's fees and costs incurred by the offeror after the making of the offer. An offer that is made but not accepted does not preclude a subsequent offer. When the liability of one party to another party has been determined by verdict, order, or judgment, but the amount or extent of the liability remains to be determined by further proceedings, any party may make an offer of judgment, which shall have the same effect as an offer made before trial if the offer is made no less than 10 days prior to the commencement of hearings to determine the amount or extent of liability.

(e) This section shall not require the taking of a bond to secure contracts in an amount less than fifty thousand dollars (\$50,000).

(f) The contractor shall, immediately after the completion of the contract, give notice of the completion by an advertisement in a newspaper of general circulation published within the city or county in which the work has been done, for a period of four successive weeks. A final settlement shall not be made upon the contract until the expiration of 30 days after the completion of the notice. Proof of publication of the notice shall be made by the contractor to the authority by whom the contract was made by affidavit of the publisher and a printed copy of the notice published. If no newspaper is published in the county in which the work is done, the notice may be given by posting at the courthouse for 30 days, and proof of same shall be made by the judge of probate, sheriff, and the contractor.

(g) Subsection (f) shall not apply to contractors performing contracts of less than fifty thousand dollars (\$50,000) in amount. In such cases, the governing body of the contracting agency, to expedite final payment, shall cause notice of final completion of the contract to be published one time in a newspaper of general circulation, published in the county of the contracting agency and shall post notice of final completion on the agency's bulletin board for one week, and shall require the contractor to certify under oath that all bills have been paid in full. Final settlement with the contractor may be made at any time after the notice has been posted for one entire week.

(Acts 1927, No. 39, p. 37; Acts 1935, No. 39, p. 70; Code 1940, T. 50, §16; Acts 1983, No. 83-737, p. 1203; Acts 1989, No. 89-650, p. 1284, §1; Acts 1994, No. 94-207, p. 270, §1; Acts 1997, No. 97-225, p. 348, §1.)

Section 39-2-1

Definitions.

As used in this title, the following words shall have the meanings ascribed to them as follows:

(1) AWARDING AUTHORITY. Any governmental board, commission, agency, body, authority, instrumentality, department, or subdivision of the state, its counties and municipalities. This term includes, but shall not be limited to, the Department of Transportation, the State Building Commission, the State Board of Education, and any other entity contracting for public works. This term shall exclude the State Docks Department and any entity exempted from the competitive bid laws of the state by statute.

(2) FORCE ACCOUNT WORK. Work paid for by reimbursing for the actual costs for labor, materials, and equipment usage incurred in the performance of the work, as directed, including a percentage for overhead and profit, where appropriate.

(3) PERSON. Natural persons, partnerships, limited liability companies, corporations, and other legal entities.

(4) PUBLIC PROPERTY. Real property which the state, county, municipality, or awarding authority thereof owns or has a contractual right to own or purchase, including easements, rights-of-way, or otherwise.

(5) PUBLIC WORKS. The construction, repair, renovation, or maintenance of public buildings, structures, sewers, waterworks, roads, bridges, docks, underpasses, and viaducts as well as any other improvement to be constructed, repaired, renovated, or maintained on public property and to be paid, in whole or in part, with public funds or with financing to be retired with public funds in the form of lease payments or otherwise.

(Acts 1947, No. 492, p. 338, §13; Acts 1961, No. 715, p. 1013; Acts 1997, No. 97-225, p. 348, §1.)

Section 39-2-2

Advertisement for and opening of sealed bids for public works contracts; violations; exclusions; emergency actions; sole source specification.

(a) Before entering into any contract for a public works involving an amount in excess of fifty thousand dollars (\$50,000), the awarding authority shall advertise for sealed bids. If the awarding authority is the state or a county, or an instrumentality thereof, it shall advertise for sealed bids at least once each week for three consecutive weeks in a newspaper of general circulation in the county or counties in which the improvement or some part thereof, is to be made. If the awarding authority is a municipality, or an instrumentality thereof, it shall advertise for sealed bids at least once in a newspaper of general circulation published in the municipality where the awarding authority is located. If no newspaper is published in the municipality, the awarding authority shall advertise by posting notice thereof on a bulletin board maintained outside the purchasing office and in any other manner and for the length of time as may be determined. In addition to bulletin board notice, sealed bids shall also be solicited by sending notice by mail to all persons who have filed a request in writing with the official designated by the awarding authority that they be listed for solicitation on bids for the public works contracts indicated in the request. If any person whose name is listed fails to respond to any solicitation for bids after the receipt of three such solicitations, the listing may be canceled. With the exception of the Department of Transportation, for all public works contracts involving an estimated amount in excess of five hundred thousand dollars (\$500,000), awarding authorities shall also advertise for sealed bids at least once in three newspapers of general circulation throughout the state. The advertisements shall briefly describe the improvement, state that plans and specifications for the improvement are on file for examination in a designated office of the awarding authority, state the procedure for obtaining plans and specifications, state the time and place in which bids shall be received and opened, and identify whether prequalification is required and where all written prequalification information is available for review. All bids shall be opened publicly at the advertised time and place. No public work as defined in this chapter involving a sum in excess of fifty thousand dollars (\$50,000) shall be split into parts involving sums of fifty thousand dollars (\$50,000) or less for the purpose of evading the requirements of this section.

(b) An awarding authority may let contracts for public works involving fifty thousand dollars (\$50,000) or less with or without advertising or sealed bids.

(c) All contracts for public works entered into in violation of this title shall be null, void, and violative of public policy. Anyone who willfully violates this article concerning public works shall be guilty of a Class C felony.

(d) Excluded from the operation of this title shall be contracts with persons who shall perform only architectural, engineering, construction management, program management, or project management services in support of the public works and who shall not engage in actual construction, repair, renovation, or maintenance of the public works with their own forces, by contract, subcontract, purchase order, lease, or otherwise.

(e) In case of an emergency affecting public health, safety, or convenience, as declared in writing by the awarding authority, setting forth the nature of the danger to the public health, safety, or convenience which would result from delay, contracts may be let to the extent necessary to meet the emergency without public advertisement. The action and the reasons for the action taken shall immediately be made public by the awarding authority upon request.

(f) No awarding authority may specify in the plans and specifications for the improvement the use of materials, products, systems, or services by a sole source unless all of the following requirements are met:

(1) Except for contracts involving the construction, reconstruction, renovation, or replacement of public roads, bridges, and water and sewer facilities, the awarding authority can document to the satisfaction of the State Building Commission that the sole source product, material, system, or service is of an indispensable nature for the improvement, that there are no other viable alternatives, and that only this particular product, material, system, or service fulfills the function for which it is needed.

(2) The sole source specification has been recommended by the architect or engineer of record as an indispensable item for which there is no other viable alternative.

(3) All information substantiating the use of a sole source specification, including the recommendation of the architect or engineer of record, shall be documented and made available for examination in the office of the awarding authority at the time of advertisement for sealed bids.

(g) In the event of a proposed public works project, acknowledged in writing by the Alabama Homeland Security Department as (1) having a direct impact on the security or safety of persons or facilities and (2) requiring confidential handling for the protection of such persons or facilities, contracts may be let without public advertisement but with the taking of informal bids otherwise consistent with the requirements of this title and the requirements of maintaining confidentiality. Records of bidding and award shall not be disclosed to the public, and shall remain confidential.

(Acts 1947, No. 492, p. 338, §1; Acts 1961, No. 715, p. 1013; Acts 1980, No. 80-726, p. 1468; Acts 1989, No. 89-665, p. 1319, §1; Acts 1994, No. 94-207, p. 270, §1; Acts 1997, No. 97-225, p. 348, §1; Act 2004-487, §1.)

Section 39-2-4

Filing of guaranties by bidders; prequalification procedures and criteria; responsibility of prequalified bidders; revocation of prequalification; rejection of bidder.

(a) The bidder shall be required to file with his or her bid either a cashier's check drawn on an Alabama bank or a bid bond executed by a surety company duly authorized and qualified to make such bonds in the State of Alabama, payable to the awarding authority for an amount not less than five percent of the awarding authority's estimated cost or of the contractor's bid, but in no event more than ten thousand dollars (\$10,000). The bid guaranties as provided in this section shall constitute all of the qualifications or guaranty to be required of contractors as prerequisites to bidding for public works, except as required by the State Licensing Board for General Contractors and the prequalification as required by the Department of Transportation, the Building Commission, or any other awarding authority.

(b) With the exception of the Department of Transportation which has prequalification procedures and criteria set forth by statute, any awarding authority that proposes to prequalify bidders shall establish written prequalification procedures and criteria that (1) are published sufficiently in advance of any affected contract so that a bona fide bidder may seek and obtain prequalification prior to preparing a bid for that contract, such publication to be accomplished by the methods specified in subsection (a) of Section 39-2-2; (2) are related to the purpose of the contract or contracts affected; (3) are related to contract requirements or the quality of the product or service in question; (4) are related to the responsibility, including the competency, experience, and financial ability, of a bidder; and (5) will permit reasonable competition at a level that serves the public interest. The prequalification publication may run concurrently with the publication required under subsection (a) of Section 39-2-2, provided it produces the above required advance notice.

(c) Within the bounds of good faith, the awarding authority retains the right to determine whether a contractor has met prequalification procedures and criteria.

(d) Any bidder who has prequalified pursuant to the requirements in subsection (b) shall be deemed "responsible" for purposes of award unless the prequalification is revoked by the awarding authority under the following procedures: (1) No later than five working days or the next regular meeting after the opening of bids, the awarding authority issues written notice to the bidder of its intent to revoke prequalification and the grounds therefor; (2) the bidder is then provided an opportunity to be heard before the awarding authority on the intended revocation; (3) the awarding authority makes a good faith showing of a material inaccuracy in the prequalification application of a bidder or of a material change in the responsibility of the bidder since submitting its prequalification application; and (4) the revocation of prequalification is determined no later than 10 days after written notice of intent to revoke, unless the bidder whose qualification is in question agrees in writing to an extension in time.

(e) Nothing in this section shall preclude the rejection of a bidder determined not responsible nor the inclusion of criteria in the bid documents which would limit contract awards to responsible bidders where no prequalification procedure is employed by the awarding authority.

(Acts 1947, No. 492, p. 338, §3; Acts 1949, No. 577, p. 907; Acts 1997, No. 97-225, p. 348, §1.)

Section 39-2-5

Return of proposal guaranties to bidders generally; disposition of proposal guaranty when award not made within 30 days of opening of proposals.

All bid guaranties, except those of the three lowest bona fide bidders, shall be returned immediately after bids have been checked, tabulated, and the relation of the bids established. The bid guaranties of the three lowest bidders shall be returned as soon as the contract bonds and the contract of the successful bidder have been properly executed and approved. When the award is deferred for a period of time longer than 15 days after the opening of the bids, all bid guaranties, except those of the potentially successful bidders, shall be returned. If no award is made within 30 days after the opening of the bids, or such other time as specified in the bid documents, all bids shall be rejected and all guaranties returned, except for any potentially successful bidder that agrees in writing to a stipulated extension in time for consideration of its bid, in which case the awarding authority may permit the potentially successful bidder to substitute a satisfactory bidder's bond for the cashier's check submitted with its bid as a bid guaranty.

(Acts 1947, No. 492, p. 338, §4; Acts 1997, No. 97-225, p. 348, §1.)

Section 41-13-1

Public records defined.

As used in this article, the term "public records" shall include all written, typed or printed books, papers, letters, documents and maps made or received in pursuance of law by the public officers of the state, counties, municipalities and other subdivisions of government in the transactions of public business and shall also include any record authorized to be made by any law of this state belonging or pertaining to any court of record or any other public record authorized by law or any paper, pleading, exhibit or other writing filed with, in or by any such court, office or officer.

(Acts 1945, No. 293, p. 486, §1.)

Section 41-1-5

Nepotism in state service prohibited.

No officer or employee of the state or of any state department, board, bureau, committee, commission, institution, corporation, authority or other agency of the state shall appoint any person related to him within the fourth degree of affinity or consanguinity to any job, position or office of profit with the state or with any of its agencies. Any person related to the appointing authority within the prohibited degree shall be ineligible to serve in any capacity with the state under authority of such an appointment, and any appointment so attempted shall be void. Whoever violates this section is guilty of a misdemeanor and shall be punished by a fine not to exceed \$500.00 or by imprisonment not to exceed one year, or both. This section shall not apply, however, in the case of an appointment of a person to a position in the classified service of the state made from the register of persons eligible as certified by the State Director of Personnel.

The provisions of this section shall not apply to any individual or individuals employed as of September 16, 1963, in any branch, department or bureau of the state or the reappointment of any individuals employed on September 16, 1963.

(Acts 1963, No. 588, p. 1285.)

Section 41-16-50

Contracts for which competitive bidding required generally.

(a) With the exception of contracts for public works whose competitive bidding requirements are governed exclusively by Title 39, all expenditure of funds of whatever nature for labor, services, work, or for the purchase of materials, equipment, supplies, or other personal property involving seven thousand five hundred dollars (\$7,500) or more, and the lease of materials, equipment, supplies, or other personal property where the lessee is, or becomes legally and contractually, bound under the terms of the lease, to pay a total amount of seven thousand five hundred dollars (\$7,500) or more, made by or on behalf of any state trade school, state junior college, state college, or university under the supervision and control of the State Board of Education, the city and county boards of education, the district boards of education of independent school districts, the county commissions, the governing bodies of the municipalities of the state, and the governing boards of instrumentalities of counties and municipalities, including waterworks boards, sewer boards, gas boards, and other like utility boards and commissions, except as hereinafter provided, shall be made under contractual agreement entered into by free and open competitive bidding, on sealed bids, to the lowest responsible bidder. Prior to advertising for bids for an item of personal property, where the county, a municipality, or an instrumentality thereof is the awarding authority, the awarding authority may establish a local preference zone consisting of either the legal boundaries or jurisdiction of the awarding authority, or the boundaries of the county in which the awarding authority is located, or the boundaries of the Standard Metropolitan Statistical Area (SMSA) in which the awarding authority is located. If no such action is taken by the awarding authority, the boundaries of the local preference zone shall be deemed to be the same as the legal boundaries or jurisdiction of the awarding authority. In the event a bid is received for an item of personal property to be purchased or contracted for from a person, firm, or corporation deemed to be a responsible bidder, having a place of business within the local preference zone where the county, a municipality, or an instrumentality thereof is the awarding authority, and the bid is no more than three percent greater than the bid of the lowest responsible bidder, the awarding authority may award the contract to the resident responsible bidder. In the event only one bidder responds to the invitation to bid, the awarding authority may reject the bid and negotiate the purchase or contract, providing the negotiated price is lower than the bid price.

(b) The governing bodies of two or more contracting agencies, as enumerated in subsection (a) within the same county or adjoining counties, or the governing bodies of two or more counties, or the governing bodies of two or more city or county boards of education, may provide, by joint agreement, for the purchase of labor, services, or work, or for the purchase or lease of materials, equipment, supplies, or other personal property for use by their respective agencies. The agreement shall be entered into by similar ordinances, in the case of municipalities, or resolutions, in the case of other contracting agencies, adopted by each of the participating governing bodies, which shall set forth the categories of labor, services, or work, or for the purchase or lease of materials, equipment, supplies, or other personal property to be purchased, the manner of advertising for bids and the awarding of contracts, the method of payment by each

participating contracting agency, and other matters deemed necessary to carry out the purposes of the agreement. Each contracting agency's share of expenditures for purchases under any agreement shall be appropriated and paid in the manner set forth in the agreement and in the same manner as for other expenses of the contracting agency. The contracting agencies entering into a joint agreement, as herein permitted, may designate a joint purchasing agent, and the agent shall have the responsibility to comply with this article. Purchases, contracts, or agreements made pursuant to a joint purchasing agreement shall be subject to all terms and conditions of this article.

In the event that utility services are no longer exempt from competitive bidding under this article, non-adjointing counties may not purchase utility services by joint agreement under authority granted by this subsection.

(c) All bidders shall furnish a bid bond on any contract exceeding ten thousand dollars (\$10,000) if bonding is available for the services, equipment, or materials.

(Acts 1967, Ex. Sess., No. 217, p. 259, §1; Acts 1975, No. 1136, p. 2234, §1; Acts 1979, No. 79-452, p. 732; Acts 1979, No. 79-662, p. 1160; Acts 1980, No. 80-429, p. 598; Acts 1981, No. 81-434, p. 679, §1; Acts 1985, No. 85-281, p. 180, §1; Acts 1989, No. 89-687, p. 1351, §3; Acts 1994, No. 94-207, p. 270, §1; Acts 1995, No. 95-630, p. 1334, §1; Acts 1997, No. 97-225, p. 348, §1; Act 2000-153, p. 216, §1; Act 2006-621, p. 1702, §1.)

Section 41-16-50

Contracts for which competitive bidding required generally.

(a) With the exception of contracts for public works whose competitive bidding requirements are governed exclusively by Title 39, all expenditure of funds of whatever nature for labor, services, work, or for the purchase of materials, equipment, supplies, or other personal property involving seven thousand five hundred dollars (\$7,500) or more, and the lease of materials, equipment, supplies, or other personal property where the lessee is, or becomes legally and contractually, bound under the terms of the lease, to pay a total amount of seven thousand five hundred dollars (\$7,500) or more, made by or on behalf of any state trade school, state junior college, state college, or university under the supervision and control of the State Board of Education, the city and county boards of education, the district boards of education of independent school districts, the county commissions, the governing bodies of the municipalities of the state, and the governing boards of instrumentalities of counties and municipalities, including waterworks boards, sewer boards, gas boards, and other like utility boards and commissions, except as hereinafter provided, shall be made under contractual agreement entered into by free and open competitive bidding, on sealed bids, to the lowest responsible bidder. Prior to advertising for bids for an item of personal property, where the county, a municipality, or an instrumentality thereof is the awarding authority, the awarding authority may establish a local preference zone consisting of either the legal boundaries or jurisdiction of the awarding authority, or the boundaries of the county in which the awarding authority is located, or the boundaries of the Standard Metropolitan Statistical Area (SMSA) in which the awarding authority is located. If no such action is taken by the awarding authority, the boundaries of the local preference zone shall be deemed to be the same as the legal boundaries or jurisdiction of the awarding authority. In the event a bid is received for an item of personal property to be purchased or contracted for from a person, firm, or corporation deemed to be a responsible bidder, having a place of business within the local preference zone where the county, a municipality, or an instrumentality thereof is the awarding authority, and the bid is no more than three percent greater than the bid of the lowest responsible bidder, the awarding authority may award the contract to the resident responsible bidder. In the event only one bidder responds to the invitation to bid, the awarding authority may reject the bid and negotiate the purchase or contract, providing the negotiated price is lower than the bid price.

(b) The governing bodies of two or more contracting agencies, as enumerated in subsection (a) within the same county or adjoining counties, or the governing bodies of two or more counties, or the governing bodies of two or more city or county boards of education, may provide, by joint agreement, for the purchase of labor, services, or work, or for the purchase or lease of materials, equipment, supplies, or other personal property for use by their respective agencies. The agreement shall be entered into by similar ordinances, in the case of municipalities, or resolutions, in the case of other contracting agencies, adopted by each of the participating governing bodies, which shall set forth the categories of labor, services, or work, or for the purchase or lease of materials, equipment, supplies, or other personal property to be purchased, the manner of advertising for bids and the awarding of contracts, the method of payment by each

participating contracting agency, and other matters deemed necessary to carry out the purposes of the agreement. Each contracting agency's share of expenditures for purchases under any agreement shall be appropriated and paid in the manner set forth in the agreement and in the same manner as for other expenses of the contracting agency. The contracting agencies entering into a joint agreement, as herein permitted, may designate a joint purchasing agent, and the agent shall have the responsibility to comply with this article. Purchases, contracts, or agreements made pursuant to a joint purchasing agreement shall be subject to all terms and conditions of this article.

In the event that utility services are no longer exempt from competitive bidding under this article, non-adjointing counties may not purchase utility services by joint agreement under authority granted by this subsection.

(c) All bidders shall furnish a bid bond on any contract exceeding ten thousand dollars (\$10,000) if bonding is available for the services, equipment, or materials.

(Acts 1967, Ex. Sess., No. 217, p. 259, §1; Acts 1975, No. 1136, p. 2234, §1; Acts 1979, No. 79-452, p. 732; Acts 1979, No. 79-662, p. 1160; Acts 1980, No. 80-429, p. 598; Acts 1981, No. 81-434, p. 679, §1; Acts 1985, No. 85-281, p. 180, §1; Acts 1989, No. 89-687, p. 1351, §3; Acts 1994, No. 94-207, p. 270, §1; Acts 1995, No. 95-630, p. 1334, §1; Acts 1997, No. 97-225, p. 348, §1; Act 2000-153, p. 216, §1; Act 2006-621, p. 1702, §1.)

Section 41-16-51

Contracts for which competitive bidding not required generally.

(a) Competitive bids shall not be required for utility services, the rates for which are fixed by law, regulation, or ordinance, and the competitive bidding requirements of this article shall not apply to:

(1) The purchase of insurance.

(2) The purchase of ballots and supplies for conducting any primary, general, special, or municipal election.

(3) Contracts for securing services of attorneys, physicians, architects, teachers, superintendents of construction, artists, appraisers, engineers, consultants, certified public accountants, public accountants, or other individuals possessing a high degree of professional skill where the personality of the individual plays a decisive part.

(4) Contracts of employment in the regular civil service.

(5) Contracts for fiscal or financial advice or services.

(6) Purchases of products made or manufactured by the blind or visually handicapped under the direction or supervision of the Alabama Institute for Deaf and Blind in accordance with Sections 21-2-1 to 21-2-4, inclusive.

(7) Purchases of maps or photographs from any federal agency.

(8) Purchases of manuscripts, books, maps, pamphlets, or periodicals.

(9) The selection of paying agents and trustees for any security issued by a public body.

(10) Existing contracts up for renewal for sanitation or solid waste collection, recycling, and disposal between municipalities or counties, or both, and those providing the service.

(11) Purchases of computer and word processing hardware when the hardware is the only type that is compatible with hardware already owned by the entity taking bids and custom software.

(12) Professional services contracts for codification and publication of the laws and ordinances of municipalities and counties.

(13) Contractual services and purchases of commodities for which there is only one vendor or supplier and contractual services and purchases of personal property which by their very nature are impossible to award by competitive bidding.

(14) Purchases of dirt, sand, or gravel by a county governing body from in-county property owners in order to supply a county road or bridge project in which the materials will be used. The material shall be delivered to the project site by county employees and equipment used only on projects conducted exclusively by county employees.

(15) Contractual services and purchases of products related to, or having an impact upon, security plans, procedures, assessments, measures, or systems, or the security or safety of persons, structures, facilities, or infrastructures.

(16) Subject to the limitations in this subdivision, purchases of goods made as a part of the purchasing cooperative sponsored by the National Association of Counties, or its successor organization. This subdivision shall not apply to goods for which a service or service contract, whether subject to competitive bidding under this article or not, is necessary to utilize the goods. Such purchases may only be made if all of the following occur:

a. The goods being purchased are available as a result of a competitive bid process approved by the Alabama Department of Examiners of Public Accounts for each bid.

b. The goods are either not at the time available to counties on the state purchasing program or are available at a price equal to or less than that on the state purchasing program.

c. The purchase is made through a participating Alabama vendor holding an Alabama business license if such a vendor exists.

(b) This article shall not apply to:

(1) Any purchases of products where the price of the products is already regulated and established by state law.

(2) Purchases made by individual schools of the county or municipal public school systems from moneys other than those raised by taxation or received through appropriations from state or county sources.

(3) The purchase, lease, sale, construction, installation, acquisition, improvement, enlargement, or expansion of any building or structure or other facility designed or intended for lease or sale by a medical clinic board organized under Sections 11-58-1 to 11-58-14, inclusive.

(4) The purchase, lease, or other acquisition of machinery, equipment, supplies, and other personal property or services by a medical clinic board organized under Sections 11-58-1 to 11-58-14, inclusive.

(5) Purchases for public hospitals and nursing homes operated by the governing boards of instrumentalities of the state, counties, and municipalities.

(6) Contracts for the purchase, lease, sale, construction, installation, acquisition, improvement, enlargement, or extension of any plant, building, structure, or other facility or any machinery, equipment, furniture, or furnishings therefor designed or intended for lease or sale for industrial development, other than public utilities, under Sections 11-54-80 to 11-54-99, inclusive, or Sections 11-54-20 to 11-54-28, inclusive, or any other statute or amendment to the Constitution of Alabama authorizing the construction of plants or other facilities for industrial development or for the construction and equipment of buildings for public building authorities under Sections 11-56-1 to 11-56-22, inclusive.

(7) The purchase of equipment, supplies, or materials needed, used, and consumed in the normal and routine operation of any waterworks system, sanitary sewer system, gas system, or electric system, or any two or more thereof, that are owned by municipalities, counties, or public corporations, boards, or authorities that are agencies, departments, or instrumentalities of municipalities or counties and no part of the operating expenses of which system or systems have, during the then current fiscal year, been paid from revenues derived from taxes or from appropriations of the state, a county, or a municipality.

(8) Purchases made by local housing authorities, organized and existing under Chapter 1 of Title 24, from moneys other than those raised by state, county, or city taxation or received through appropriations from state, county, or city sources.

(c) The state trade schools, state junior colleges, state colleges, and universities under the supervision and control of the State Board of Education, the city and county boards of education, the district boards of education of independent school districts, the county commissions, and the governing bodies of the municipalities of the state shall establish and maintain such purchasing facilities and procedures as may be necessary to carry out the intent and purpose of this article by complying with the requirements for competitive bidding in the operation and management of each state trade school, state junior college, state college, or university under the supervision and control of the State Board of Education, the city and county boards of education, the district boards of education of independent school districts, the county commissions, and the governing bodies of the municipalities of the state and the governing boards of instrumentalities of counties and municipalities, including waterworks boards, sewer boards, gas boards, and other like utility boards and commissions.

(d) Contracts entered into in violation of this article shall be void and anyone who violates the provisions of this article shall be guilty of a Class C felony.

(Acts 1967, Ex. Sess., No. 217, p. 259, §2; Acts 1967, No. 209, p. 573; Acts 1967, No. 769, p. 1625; Acts 1969, No. 763, p. 1352; Acts 1980, No. 80-463, p. 723; Acts 1982, No. 82-425, p. 667, §1; Acts 1982, No. 82-508, p. 840, §1; Acts 1983, No. 83-515, p. 778; Acts 1984, No. 84-298, p. 666; Acts 1989, No. 89-665, p. 1319; Acts 1993, No. 93-615, p. 1009, §1; Acts 1995, No. 95-630, p. 1334, §1; Act 98-148, p. 249, §1; Act 2004-487, p. 906, §1; Act 2006-279, p. 489, §1.)

Section 41-16-57

Awarding of contracts generally; preference to be given to Alabama commodities, firms, etc., in contracts for purchase of personal property or contractual services; when sole source may be specified; rejection of bids; records as to awarding of contract to be open to public inspection; maximum duration of contracts for purchase of personal property or contractual services.

(a) When purchases are required to be made through competitive bidding, awards shall be made to the lowest responsible bidder taking into consideration the qualities of the commodities proposed to be supplied, their conformity with specifications, the purposes for which required, the terms of delivery, transportation charges, and the dates of delivery.

(b) The awarding authority in the purchase of or contract for personal property or contractual services shall give preference, provided there is no sacrifice or loss in price or quality, to commodities produced in Alabama or sold by Alabama persons, firms, or corporations. Notwithstanding the foregoing, no county official, county commission, school board, city council or city councilmen, or other public official, state board, or state agency charged with the letting of contracts or purchase of materials for the construction, modification, alteration, or repair of any publicly owned facility may specify the use of materials or systems by a sole source, unless:

(1) The governmental body can document to the satisfaction of the State of Alabama Building Commission that the "sole source" product or service is of an "indispensable" nature, all other viable alternatives have been explored, and it has been determined that only this product or service will fulfill the function for which the product is needed. Frivolous features will not be considered.

(2) The sole source specification has been recommended by the architect or engineer of record and who also documents that there is no other product available and that the use of the requirement is of an indispensable nature and why.

(3) All information substantiating the use of a sole source specification is documented in writing and is filed into the project file.

(c) The awarding authority or requisitioning agency may reject any bid if the price is deemed excessive or quality of product inferior.

(d) Each record, with the successful bid indicated thereon, and with the reasons for the award if not awarded to the lowest bidder, shall, after award of the order or contract, be open to public inspection.

(e) Contracts for the purchase of personal property or contractual services shall be let for periods not greater than three years. "Lease-purchase" contracts for capital improvements

and repairs to real property shall be let for periods not greater than 10 years and all other lease-purchase contracts shall be let for periods not greater than 10 years.

(Acts 1967, Ex. Sess., No. 217, p. 259, §9; Acts 1975, No. 1136, §3; Acts 1985, No. 85-281, p. 180, §2; Acts 1989, No. 89-665, p. 1319; Acts 1990, No. 90-300, p. 408, §2; Acts 1993, No. 93-647, p. 1118, §1; Acts 1994, 1st Ex. Sess., No. 94-801, p. 106, §1.)

Section 41-16-57

Awarding of contracts generally; preference to be given to Alabama commodities, firms, etc., in contracts for purchase of personal property or contractual services; when sole source may be specified; rejection of bids; records as to awarding of contract to be open to public inspection; maximum duration of contracts for purchase of personal property or contractual services.

(a) When purchases are required to be made through competitive bidding, awards shall be made to the lowest responsible bidder taking into consideration the qualities of the commodities proposed to be supplied, their conformity with specifications, the purposes for which required, the terms of delivery, transportation charges, and the dates of delivery.

(b) The awarding authority in the purchase of or contract for personal property or contractual services shall give preference, provided there is no sacrifice or loss in price or quality, to commodities produced in Alabama or sold by Alabama persons, firms, or corporations. Notwithstanding the foregoing, no county official, county commission, school board, city council or city councilmen, or other public official, state board, or state agency charged with the letting of contracts or purchase of materials for the construction, modification, alteration, or repair of any publicly owned facility may specify the use of materials or systems by a sole source, unless:

(1) The governmental body can document to the satisfaction of the State of Alabama Building Commission that the "sole source" product or service is of an "indispensable" nature, all other viable alternatives have been explored, and it has been determined that only this product or service will fulfill the function for which the product is needed. Frivolous features will not be considered.

(2) The sole source specification has been recommended by the architect or engineer of record and who also documents that there is no other product available and that the use of the requirement is of an indispensable nature and why.

(3) All information substantiating the use of a sole source specification is documented in writing and is filed into the project file.

(c) The awarding authority or requisitioning agency may reject any bid if the price is deemed excessive or quality of product inferior.

(d) Each record, with the successful bid indicated thereon, and with the reasons for the award if not awarded to the lowest bidder, shall, after award of the order or contract, be open to public inspection.

(e) Contracts for the purchase of personal property or contractual services shall be let for periods not greater than three years. "Lease-purchase" contracts for capital improvements

and repairs to real property shall be let for periods not greater than 10 years and all other lease-purchase contracts shall be let for periods not greater than 10 years.

(Acts 1967, Ex. Sess., No. 217, p. 259, §9; Acts 1975, No. 1136, §3; Acts 1985, No. 85-281, p. 180, §2; Acts 1989, No. 89-665, p. 1319; Acts 1990, No. 90-300, p. 408, §2; Acts 1993, No. 93-647, p. 1118, §1; Acts 1994, 1st Ex. Sess., No. 94-801, p. 106, §1.)

Section 41-16-60

Conflicts of interest of members or officers of governing bodies or instrumentalities of counties, municipalities and certain state and local institutions generally; making of purchases or awarding of contracts in violation of article.

No member or officer of the said state trade schools, state junior colleges, state colleges and universities under the supervision and control of the State Board of Education, the city and county boards of education, the district boards of education of independent school districts, the county commissions and the governing bodies of the municipalities of the state and the governing boards of instrumentalities of counties and municipalities, including waterworks boards, sewer boards, gas boards and other like utility boards and commissions, shall be financially interested or have any personal beneficial interest, either directly or indirectly, in the purchase of or contract for any personal property or contractual service, nor shall any person willfully make any purchase or award any contract in violation of the provisions of this article.

Any violation of this section shall be deemed a misdemeanor, and any person who violates this section shall, upon conviction, be imprisoned for not more than 12 months or fined not more than \$500.00 or both. Upon conviction thereof, any person who willfully makes any purchase or awards any contract in violation of the provisions of this article shall be removed from office.

(Acts 1967, Ex. Sess., No. 217, p. 259, §3.)

Section 41-5-14

Periodic examinations and audits of state and county offices, departments, boards, etc.

(a) The books, records, vouchers and accounts of every state and county office, officer, bureau, board, commission, corporation, institution, department and agency shall be examined and audited at least once in every period of two years and more frequently or continuously if that is deemed necessary or desirable by the Chief Examiner. The books, records, vouchers and accounts of municipal boards of education may be examined and audited upon request.

(b) Examinations and audits shall be made at the expense of the state.

(Acts 1947, No. 351, p. 231, §1.)

ST. CLAIR COUNTY BOARD OF EDUCATION

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