

# **MONROE COUNTY BOARD OF EDUCATION**

## **POLICY MANUAL**

**NOVEMBER 10, 2011 ORIGINAL ADOPTION  
January 18,2017 LATEST REVISIONS**

## **Preface**

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

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

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

Any provision, feature, or aspect of Board policy that does not conform to governing law should be deemed void and superseded by such law.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

## Definitions

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

- a. “Board” or “Board of Education” means and refers to the Monroe County Board of Education.
- b. “State” means and refers to the State of Alabama.
- c. “System” or “school system” means and refers to all schools, facilities, and operations of the Monroe County Board of Education.
- d. “State Board of Education” means and refers to the Board that exercises general control and supervision over the public schools of the State of Alabama as constituted and authorized by ALA. CODE § 16-3-1, *et seq.* (1975).
- e. “Alabama (State) Department of Education” means and refers to the state agency that is charged with implementing the policies, procedures, and regulations of the State Board of Education as provided in ALA. CODE § 16-2-1, *et seq.* (1975).
- f. “He,” “his,” or “him” means and includes all genders.
- g. “Law” includes local, state, and federal statutes, regulations, ordinances, court decisions, and binding administrative orders or directives.
- h. “Certified” or “certificated,” when used to modify the words “teacher,” “personnel,” “employee,” “staff,” or similar terms, means and refers to Board employees who hold certificated or comparable forms of licensure issued by the State Superintendent of Education under authority of ALA. CODE §16-23-1 (1975).
- i. “Classified” or “support,” when used to modify the words “personnel,” “employee,” “staff,” or similar terms, means and refers to Board employees who do not hold certificates issued by the State Superintendent of Education under authority of ALA. CODE §16-23-1 (1975) and who, in general, hold employment positions of the type identified in ALA. CODE §36-26-100 (1975), of the Code of Alabama (1975).

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

***Monroe County Board of Education  
Policy Manual***

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# **I. Governing Principles**

The Board strives to provide educational opportunities of the highest quality and academic excellence in safe and orderly learning environments for students attending Monroe County Schools, preparing the students to achieve the highest potential as learners and citizens.

## II. School Board Operations

### 2.1 *Board Composition and Organization*

2.1.1 Composition – The Monroe County Board of Education is composed of five (5) members who are elected from geographic districts to six (6) year terms by qualified electors of Monroe County. Members may not be employees of the Board. Members will assume office at the next regular meeting of the Board in November following their election to office. In the event a vacancy occurs in the office of members of the Board, the vacancy shall be filled by appointment by a majority of the remaining members of the Board and the appointee shall serve for the unexpired term. Said appointee shall reside in and represent the same district as his/her predecessor. 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.

[Reference: ALA. CODE §§16-8-1, 2,6 (1975)]

2.1.2 Officers – The Board will elect from its members a president and vice-president at the annual meeting of the Board held in November of each year. The Superintendent will serve as both the Board’s chief executive officer and secretary. If the Superintendent’s position is vacant, the Board may appoint one of its members to act as secretary until such time as the Superintendent’s position is filled. If the President and Vice-President are absent from a meeting at which a quorum is present, the ranking member in terms of continuous service on the Board will preside

[Reference: ALA. CODE §16-8-4 (1975)]

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

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

The Board has the authority and responsibility to administer and supervise the public schools that are located within Monroe County, Alabama, and not under the purview of a city board of education. The primary responsibility of the Board is to establish, review and revise policy for the schools located in Monroe County, Alabama rather than to exercise day-to-day administrative functions. Board authority will only be exercised collectively through action taken in accordance with applicable statutory and parliamentary procedures. Individual Board members have no authority to bind the Board or to act on behalf of the Board except when authorized to do so by official action of the Board. The Board shall

periodically undertake a formal evaluation of its effectiveness through one or more means that are appropriate to that purpose.

### **2.3 Board Member Compensation**

Board members may be compensated for their services and reimbursed for expenses incurred in the performance of their official duties as authorized by law.

[Reference: ALA. CODE §16-8-5 (1975)]

### **2.4 Board Member Training**

2.4.1 General – Board members will participate in orientation and ongoing training provided by the Alabama Association of School Boards or approved in advance through an application process administered by AASB to develop and enhance their knowledge and effectiveness as Board members and to improve Board governance and operations in accordance with the requirements of state law.

2.4.2 Report – Board members will provide a report to the Board about training experiences at the next available Board meeting.

2.4.3 Board Self-Evaluation – The Board will conduct an annual evaluation that includes development of a list of recommended improvements in knowledge and skills of Board members.

[Reference: Ala. Code §§16-1-41 (1975); 16-1-41.1(e)(1975)]

### **2.5 Board Meetings**

2.5.1 General Provisions – The Board will hold regular and specially called meetings in accordance with applicable statutory requirements and as dictated by the needs of the school system. All meetings of the Board will be open to the public except as may otherwise be required or permitted by law.

[Reference: ALA. CODE §36-25A-1, *et seq.* (1975)]

2.5.2 Time and Place – The times and places for regularly scheduled meetings will be established by the Board at the annual meeting held in November of each year, provided that the Board may modify its meeting schedule in the exercise of its sound discretion. Public notice of the dates, times, and places of meetings of the Board will be given in the manner prescribed by law. Board members will be given such advance notice of specially called meetings as is practicable under the circumstances.

[Reference: ALA. CODE §§16-8-4, 36-25A-1 (1975)]

- 2.5.3 Rules of Order – Board meetings will be conducted in accordance with the most recently revised edition of *Robert’s Rules of Order*, provided that strict adherence to the formalities of the *Rules of Order* may be reasonably relaxed in order to facilitate conduct of Board business. A majority of the whole Board will constitute a quorum for purposes of transacting Board business except as may otherwise be provided by law.
- 2.5.4 Public Participation –A procedure for “Public Speaking at Board Meetings” will be developed by the Superintendent for approval by the Board.
- 2.5.5 Voting Method – There shall be no representation by proxy of any member of the Board at any time. All members present are authorized to speak on issues, offer and second motions, and vote. The voting method shall be determined by the Board, as appropriate. Any member may request a roll call vote. A roll call vote may be taken at the discretion of the presiding officer.

## **2.6 *Special (Called) Meetings***

Special meetings shall be called by the president (or chairperson) of the board, upon the written request (which may be conveyed by electronic mail) of a majority of the members of the board to the president, or by the superintendent. Notice of the call or request shall be simultaneously conveyed to all board members and to the superintendent, together with a statement of the reason for the call or request and the matters to be addressed at the meeting. The meeting shall be set as soon as is practicable, taking into account the reasonable availability of board members and the superintendent, the urgency of the matters to be addressed, and the necessity to provide public notice of the meeting as provided by law.

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

- 2.7.1 Role, Responsibilities, Qualifications, and Term – The Superintendent is appointed by the Board and serves as the chief executive officer of and secretary to the Board. The Superintendent may exercise such prerogatives and duties as are prescribed by statute, as are delegated or specified in an employment contract, or as are otherwise lawfully assigned by the Board. The Superintendent must possess the minimum qualifications for the position that are established by law and such other qualifications as may be specified by the Board. The term of the Superintendent’s appointment will be established by contract and may be renewed, extended, or modified, subject to any limitations regarding the extension or renewal of the appointment as are imposed by law.

[Reference: ALA. CODE § 16-12-3 (1975)]

2.7.2 Scope of Executive and Administrative Authority – The execution and implementation of Board policies will be the function of the Superintendent. In addition to specific grants of authority set forth in particular Board policies, the Superintendent is authorized to develop and implement such lawful and reasonable rules, regulations, operating procedures, administrative directives, or like measures as are directed to compliance with legal requirements or attainment of the objects of Board policy.

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

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

## **2.9 *Association Membership***

The Board will maintain membership in the Alabama Association of School Boards, and encourages the individual Board members to participate as fully as possible in the activities of the association.

## **2.9 *Code of Conduct for Local Boards of Education***

The Monroe County Board of Education desires to operate with the highest standards of stewardship and principals of public service possible and to that end the board adopts this Code of Conduct to provide that members of this public governing board will:

### **I. *Conduct of Individuals***

1. Take actions that reflect that the first and foremost concern is for the educational welfare of students attending system schools.
2. Attend and participate in regularly scheduled and called board meetings.
3. Be informed and prepared to discuss issues to be considered on the board agenda.
4. Recognize that the authority of the board rests only with the board as a whole and not with individual board members.
5. Uphold and enforce applicable laws, rules and regulations of the local board and the State Board of Education, and court orders pertaining specifically to the school system.
6. Render all decisions based on available facts by exercising independent judgment instead of the opinion of individuals or special interest groups.
7. Work with other board members and the superintendent to establish effective policies to further the educational goals of the school system.
8. Make decisions on policy matters only after full discussion at public board meetings.

9. Review and evaluate, at least annually, the effectiveness of policies and programs to improve system performance.
10. Devote sufficient time, thought and study to the performance of the duties and responsibilities as a member of the board.
11. Become informed about current educational issues through individual study and participation in programs providing education and training that meet the requirements of the School Board Governance improvement Act.
12. Communicate in a respectful, professional manner with and about fellow board members and the superintendent.
13. Take no private action that will compromise the board or school system administration.
14. Refrain from using the position of school board member for personal or partisan gain or to benefit any person or entity over the interest of the school system.
15. Avoid any possible conflict of interest by informing the superintendent and fellow board members of business relationships or personal relationships for any matter that will come before the board.
16. Abstain from voting on or seeking to influence personnel or other actions involving family members or business associates.

**II. Conduct of Individuals at Board Meetings**

1. Work with other board members in a spirit of harmony and cooperation in spite of differences of opinion that may arise during the discussion and resolution of issues at board meetings.
2. Take actions that reflect that the first and foremost concern is for the educational welfare of students attending system schools.
3. Communicate to the board and the superintendent public reaction to board policies and school programs.
4. Develop, in concert with the superintendent, the vision and goals for the school system to address student needs, advance student performance and monitor the implementation of policies and programs.
5. Communicate in a respectful, professional manner with and about fellow board members and the superintendent.
6. Make decisions in accordance with the interests of the school system as a whole based on system finances available to accomplish educational goals and comply with the School Fiscal Accountability Act.
7. Express opinions before votes are cast and abide by and support all majority decisions of the board.
8. Act on personnel recommendations of the superintendent in a timely manner, particularly regarding financial implications of such decisions.
9. Support the employment of those who will fulfill the school system's goals.
10. Approve operating budgets and budget amendments that are aligned with system goals and objectives and are fiscally responsible.
11. Announce potential conflicts of interests before board action is taken.



12. Advocate for the needs, resources and interests of the public school students and the school system.
13. Maintain the confidentiality of all discussions during executive session of the board.

**III. Conduct of Board as a Whole**

1. Recognize that the superintendent serves as the chief executive officer and secretary to the board and should be present at all meetings of the board except when his or her contract, salary or performance is under consideration.
2. Support the superintendent's authority for the day-to-day administration of the school system.
3. Honor the chain of command and refer problems or complaints consistent with the chain of command.
4. Act in ways that do not undermine the superintendent's authority or intrude into responsibilities that properly belong to the superintendent or school administration, including such functions as hiring, transferring or dismissing employees.
5. Make a reasonable effort to keep the superintendent informed of your concerns or specific recommendations and those of constituents and community members.
6. Work with the superintendent to ensure prudent and accountable uses of the resources of the school system.
7. Communicate to the superintendent public reaction to board policies and school programs.
8. Regularly and systematically communicate board plans and decisions to students, staff and the community.

## **III. Fiscal Management**

### **3.1 Chief School Financial Officer**

The Board will appoint a Chief School Financial Officer to oversee the financial operations of the Board and to perform the duties of the position that are set forth in state law and regulations. The Chief School Financial Officer may also be referred to as the Chief School Finance Officer.

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

### **3.2 Budget**

A budget will be developed and approved for each fiscal year, which extends from October 1<sup>st</sup> to September 30<sup>th</sup> of the following year. Preparation, presentation, submission, and approval of the budget will be undertaken and completed as provided for in state law and regulations. Budgets will be “balanced” such that the expenditures set forth in the budget for the fiscal year will not exceed revenues and any cash balances on hand.

[Reference: ALA. CODE §16-13-140, *et seq.* (1975)]

### **3.3 Accounting**

Generally accepted accounting standards and procedures will be employed in the administration of all Board and school finances. All Board and school accounts will be reconciled to financial records. All reports required by the State Department of Education will be completed in a timely manner.

### **3.4 Fund Balance Policy in Accordance with GASB Statement No. 54**

3.4.1 Governmental Funds Definitions – The following definitions will be used in reporting activity in governmental funds. The Board may or may not report all fund types in any given reporting period, based on actual circumstances and activity.

- a. The General Fund is used to account for and report all financial resources not accounted for and reported in another fund.
- b. Special Revenue Funds are used to account for and report the proceeds of specific revenue sources that are restricted or committed to expenditure for specified purposes other than debt service or capital projects.
- c. Debt Service Funds are used to account for and report financial resources that are restricted, committed, or assigned to expenditure for principal and interest, even if it is being accumulated for future

years' payments. Debt Service Funds should be used to report resources if legally mandated.

- d. Capital Projects Funds are used to account for and report financial resources that are restricted, committed, or assigned to expenditure for capital outlays, including the acquisition or construction of capital facilities and other capital assets.

3.4.2 Fund Balances – Fund balances will be reported in governmental funds under the following five categories using the definitions provided by GASB Statement No. 54:

- a. Nonspendable fund balances include amounts that cannot be spent because they are either (a) not in spendable form or (b) legally or contractually required to be maintained in-tact. Examples of nonspendable fund balance reserves for which fund balance shall not be available for financing general operating expenditures include: inventories, prepaid items, and long-term receivables.
- b. Restricted fund balances consist of amounts that are subject to externally enforceable legal restrictions imposed by creditors, grantors, contributors, or laws and regulations of other governments; or through constitutional provisions or enabling legislation. Examples of restricted fund balances include: restricted grants.
- c. Committed fund balances consist of amounts that are subject to a purpose constraint imposed by formal action of the Board before the end of the fiscal year and that require the same level of formal action to remove the constraint.
- d. Assigned fund balances consist of amounts that are intended to be used by the school system for specific purposes. The Board authorizes the Superintendent or Chief School Finance Officer to make a determination of the assigned amounts of fund balance. Such assignments may not exceed the available (spendable, unrestricted, uncommitted) fund balance in any particular fund. Assigned fund balances require the same level of authority to remove the constraint.
- e. Unassigned fund balances include all spendable amounts not contained in the other classifications. This portion of the total fund balance in the general fund is available to finance operating expenditures.

- 3.4.3 Priority – When expenditure is incurred for purposes for which both restricted and unrestricted (committed, assigned, or unassigned) amounts are available, it shall be the policy of the Board to consider restricted amounts to have been reduced first. When an expenditure is incurred for the purposes for which amounts in any of the unrestricted fund balance classifications could be used, it shall be the policy of the Board that committed amounts would be reduced first, followed by assigned amounts and then unassigned amounts.
- 3.4.4 Review and Reporting – The Board of Education along with the Superintendent and Chief School Finance Officer will periodically review all restricted, committed, and assigned fund balances. The Chief School Finance Officer will prepare and submit an annual report of all restricted, committed and assigned funds for the Board of Education.

### **3.5 *Finance Manual Authorized***

Financial transactions will be administered in accordance with a general finance manual and any local school finance manual that may be developed by the Superintendent or the Chief School Financial Officer and approved by the Board. The finance manual(s) will establish and describe specific practices and procedures that are to be followed in connection with all phases of financial administration, including, but not limited to such matters as accounting, bookkeeping, inventory maintenance, payroll, reconciliation, fund security, receipting, disbursement, purchasing, disposal of property, banking, and investments. The practices, procedures, and requirements set forth in the manual(s) will be disseminated or made available to all employees with administrative responsibilities involving the receipt, handling, or expenditure of school or school system funds, and training will be provided by the Superintendent and the Chief School Financial Officer regarding the contents of the manual(s).

[Reference: ALA. CODE §16-13A-1 (1975)]

### **3.6 *Audits***

Business and financial transactions of the Board and the records of Board financial accounts will be audited in accordance with state law and appropriate auditing and accounting standards.

[Reference: ALA. CODE §16-13A-7 (1975)]

### **3.7 *Inventories***

The Superintendent is required to establish effective procedures to account for all materials, equipment, and other Board property. These procedures will include an annual inventory and evaluation of tangible Board property (including fixed assets and supplemental property), to be completed no later than the end of each fiscal year, with appropriate reports submitted to the Superintendent and Chief School

Financial Officer. Inventories will be kept on forms prescribed or approved by the Chief School Financial Officer. Inventory forms will show items on hand at the beginning of the fiscal year, items lost, items disposed of, items purchased or otherwise added during the year, and items on hand at the end of the fiscal year.

[Reference: ALA. CODE §§16-13A-1, 6 (1975)]

### **3.8 *Purchasing***

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

### **3.9 *Deposit and Expenditure of Funds***

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

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

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

[Reference: ALA. CODE §16-13A-8 (1975)]

3.9.4 Consultants – The Superintendent may engage professional consultants, specialists and experts, including but not limited to medical, mental health, educational, legal, financial, technical (e.g., engineering, architectural, computer) experts and specialists for a term not to exceed ninety calendar days and the total fees and costs of which are not expected at the time of engagement to exceed \$15,000.00 without prior Board approval, provided that the expenditure is within the amount established for such purposes in the current, Board approved budget. All such expenditures shall be reported monthly to the Board of Education in the manner prescribed by §16-13A-8 of the Code of Alabama (1975).

3.9.5 Reserve Funds – The Superintendent or Chief School Finance 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 12. In

determining the General Fund expenditures and fund transfers out, the proposed budget or budget amendment shall be used.

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

[Reference: ALA. CODE §41-16-50, *et seq.* (1975)]

- 3.9.7 Authorized Signatures – Checks drawn on the general fund or any special fund, with the exception of school accounts, require the signature of the Superintendent, the Chief School Financial Officer, or their alternates as designated by the Board. Checks drawn on school accounts require the signature of the principal, or the school bookkeeper and Chief School finance Officer in his absence. All checks used will be prenumbered. Checks drawn on Board funds may be signed and processed by electronic means, under the direction of the Chief School Financial Officer or Superintendent.

### **3.10 Employee Compensation**

- 3.10.1 Salaries and Pay Rates – Except as established and governed by the terms of a special employment contract, Board employees will be compensated at rates of pay that are approved by the Board. When required, such salary or compensation rates will be included in a schedule to be developed and adopted by the Board in accordance with state law. Employees may receive supplements or other additional compensation when specifically approved by the Board. All compensation must be approved by the Board, regardless of the source of funding.

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

- 3.10.2 Local Supplements – School-related booster or support organizations may fund local supplements for individual Board employees if the Board approves such supplemental payments. Such payments may be approved only if the following conditions are satisfied:

- a. The payment is voted on and approved by the membership of the booster or support organization that proposes to fund the supplement at a regular meeting of the organization;
- b. Funding for the payment must be sufficient to cover benefits, expenses, and other payroll costs, contributions, and liabilities, if any;

- c. Sufficient unobligated funds are on hand to provide the supplemental payment;
- d. A check and letter of authorization for the payment is sent to the Board no later than the payroll cutoff date for the month in which the payment is to be made;
- e. The payments are accepted by the employee with the understanding that they do not constitute a part of any employment contract, salary schedule, or legal obligation that is enforceable against the Board, and that the Board has no continuing obligation to maintain supplemental payments to any employee that are provided, funded, or underwritten by a booster club, support organization, or similar third party; and
- f. The payments are subject to any payroll deductions that are required by law.

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

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

Deductions for membership dues will be made for organizations with at least 25% of Board employees as active members, as established by membership lists provided to the Board by the organization, if such deductions are allowed under state law and the organization has timely provided to the Board all certifications and expenditure reports required by law. Such membership lists will be corrected, updated, and returned to the organization no later than November 10 of each school year. Deductions will be based on the membership lists unless an employee revokes

authorization for such deductions by providing written notice to the Board on or before September 15<sup>th</sup> of each school year. Deductions will remain constant during the school year, except by the authorization of the Superintendent. The Board will not be liable for any good faith error made in implementing a salary deduction that has been authorized by the employee.

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

[Reference: ALA. CODE §16-22-6 ; 17-17-5]

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

3.10.6 Compensatory Time – Non-exempt employees who work more than forty (40) hours in a workweek may, upon agreement between the employee and the Board, be paid overtime in the form of compensatory time. Compensatory time will be based on time worked beyond forty (40) hours in a workweek, and will be recorded in minimum time units of one-quarter hour rounded to the nearest quarter of an hour. No more than two hundred forty (240) hours of compensatory time may be accumulated. The Board reserves the right to require an employee to use compensatory time as its needs require and may “pay down” any compensatory time balance in its discretion. The Superintendent is hereby authorized to develop procedures and forms for use in implementing this policy.

### **3.11 *Expense Reimbursement***

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



### **3.12 Fees, Payments, and Rentals**

- 3.12.1 Facility Use Fees – The Superintendent is authorized to develop a schedule of fees for use of Board facilities and property by individuals, groups, or organizations that shall be effective upon approval by the Board.
- 3.12.2 Copying and Other Charges – The Superintendent is authorized to establish a schedule of reasonable charges which, upon approval by the Board, will be applied uniformly in response to requests for copies of documents and records. Nothing in this policy or in any schedule of charges authorized hereunder creates or expands any entitlement to copies of records or access thereto beyond that which is established by law or specific Board policy.

### **3.13 School Accounts**

Funds held in school accounts, regardless of the funding source, will be maintained and accounted for in accordance with the State Department of Education’s Financial Procedures for Local Schools, and such procedures, rules, and regulations as may be developed by the Chief School Financial Officer or the Superintendent. The principal is ultimately responsible for all school funds and for ensuring that such funds are properly accounted for and secured.

### **3.14 Authority to Execute Contracts**

- 3.14.1 General Authority – The president of the Board, or, in the absence of the president, the vice-president, will have authority to execute contracts on behalf of the Board upon approval of the contract by the Board. The Board may also authorize the Superintendent to execute contracts on behalf of the Board as its chief executive officer.
- 3.14.2 Limitation on Authority to Bind the Board – Principals and other administrators will have authority to enter into agreements with third parties only when such agreements are made in accordance with Board policy, finance manual(s) created under authority of Board policy, or with the express authorization of the Board.

### **3.15 Affiliated Organizations**

- 3.15.1 School Sponsored Student Organizations – School-sponsored student organizations will be subject to Board policies and procedures concerning fiscal management and will maintain organization funds in school accounts. All books, records, and official documents pertaining to the management of such organizations will be maintained at the local school and will be subject to examination and audit by the Board, the Superintendent or his designee, or the principal. The use of funds

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

- 3.15.2 Booster Clubs, Parent-Teacher Associations, and Other Affiliated Organizations— Other organizations that are affiliated with local schools are permitted to operate or raise funds on Board property or at Board sanctioned events only in conformity with Board and State Department of Education policies, procedures, and standards concerning the fiscal management of such organizations. An affiliated organization must conduct an annual audit of its financial operations and make its books and financial records available to the Board for review or audit.

### **3.16 Fundraising**

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

- a. The activity will be held at a time and in a manner that will not be disruptive to the instructional program or to any other school or school system activity or function;
- b. The activity is designed and intended to support a *bona fide* school or school system program or activity, or an activity that is consistent with the mission and purposes of the school system;
- c. Adequate provision has been made for the security and proper accounting of funds collected;
- d. Other information regarding the nature, scope, and purpose of the activity is provided to school officials upon request; and
- e. Appropriate arrangements have been made for any special activities to be held in conjunction with the fundraising event.
- f. The activity is approved by the Superintendent and/or designee.

### **3.17 Child Nutrition**

The Superintendent may enter into a written agreement with the Child Nutrition Program at the State Department of Education in order to procure food and other food related products and services. The Board will comply with applicable state and federal laws and regulations governing participation in such child nutrition program.

Charged meals are not considered an allowable expense. Therefore, all uncollected charges will be the responsibility of the school where the charge was

made. All charges must be paid to the Child Nutrition Program at the end of the school year using non-public funds.

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

### **3.18 Worthless Checks**

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

## IV. General Administration

### 4.1 *Security / Access to Schools*

- 4.1.1 Security Measures Authorized – The Superintendent, principals, and facility administrators are authorized to take reasonable and lawful measures to protect against personal injury, trespass, vandalism, theft, and like threats to personal safety, property damage, and financial loss to or on Board property or at school functions and activities. The Superintendent should be made aware of any extraordinary or special measures that may be proposed in anticipation of or in response to any unusual security threat or risk (e.g., unusual surveillance, assignment of additional security personnel).
- 4.1.2 Access Restrictions Authorized – The Superintendent, principals, and facility administrators are authorized to regulate and restrict access to Board schools, buildings, and facilities in order to maintain appropriate security, minimize disruption and distraction within the learning environment, or to avoid a potential risk of harm to a student or employee. To that end, the Superintendent, principals, and facility administrators are authorized to implement building-level requirements and procedures governing access to Board owned or controlled buildings, grounds, property, events, and activities by school and non-school personnel, including family members and relatives, vendors, attorneys, and other visitors, and to adopt “check-in” and “check-out” requirements and procedures for students and employees.
- 4.1.3 Adult Sex Offenders – Adult sex offenders who have been convicted of a sex offense involving a minor must:
- a. Notify the principal of the school or his designee before entering school property or attending the K-12 school activity.
  - b. Immediately report to the principal of the school or his designee upon entering the property or arriving at the K-12 school activity; and
  - c. Cooperate with any efforts undertaken by the principal of the school or his designee to discreetly monitor their presence on school property or at the K-12 school activity.

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

Adult sex offenders have a duty to comply with this policy, and it shall not be construed as imposing an affirmative duty of any kind on the school principal, his designee, or any other employee, agent, or representative of the school or school system.

[Reference: Ala.Code § 15-20A-17]

## **4.2 Safe Schools Policy (Drugs, Alcohol, Tobacco, and Weapons)**

4.2.1 Prohibition on the Possession of Firearms – The possession of a firearm in a school building, on school grounds, on Board property, on school buses, or at school-sponsored functions is prohibited except for authorized law enforcement personnel and as provided by law. For purposes of this policy, the term “firearm” has the same definition as is found in 18 U.S.C §921.

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

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

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

iii. *Other Persons* – Other persons may be denied re-entry to school property.

b. *Notification of Law Enforcement* – The appropriate law enforcement authority, which may include the city police, county sheriff, and the local district attorney, will be notified by the principal of violations of this policy.

[Reference: ALA. CODE §16-1-24.1, 24.3 (1975); Ala. Admin. Code 290-3-1-.02; Federal Gun Free Schools Act, 20 U.S.C. 7151; Federal Gun Free School Zone Act of 1995 (20 U.S.C. §922(q))]

- 4.2.2 Prohibition on the Possession of Weapons – The possession of a deadly weapon or dangerous instrument in a school building, on school grounds, on school property, on school buses, or at school-sponsored functions is prohibited except for authorized law enforcement personnel. For purposes of this policy, the terms “deadly weapon” and “dangerous instruments” include but are not limited to explosives, incendiary devices, projectiles, knives, archery equipment, devices designed to expel projectiles at a high rate of speed, any device so classified under state or federal law, and any device either used or intended to be used in such manner as to inflict bodily harm, provided that the terms “deadly weapon” and “dangerous instruments” will exclude, to the extent permitted by law, devices and equipment that are used for the purpose of and in connection with school or Board sanctioned educational, team, or competitive activities.
- a. *Penalties for Violations* – In addition to any criminal penalties that may be imposed, the following penalties will be imposed for unauthorized possession of deadly weapons or dangerous instruments:
    - i. *Students* – Students will be disciplined in accordance with the Board’s Code of Student Conduct.
    - ii. *Employees* – Employees will be subject to adverse personnel action, which may include termination.
    - iii. *Other Persons* – Other persons may be denied re-entry to school property.
  - b. *Notification of Law Enforcement* – The appropriate law enforcement authority, which may include the city police, county sheriff, and the local district attorney, will be notified by the principal of violations of this policy.

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

- 4.2.3 Illegal Drugs and Alcohol – The use, possession, distribution, and sale of alcohol and the illegal use, possession, distribution, and sale of drugs in a school building, on school grounds, on Board property, on school buses, or at school-sponsored functions is prohibited.
- a. *Testing* – Any employee must submit alcohol or controlled substance testing whenever there is a reasonable suspicion by a supervisor or designee of alcohol misuse or the misuse of controlled or other illegal substances based on specific, contemporaneous, and articulable observations concerning the appearance, behavior, speech, or bodily odors of the employee.

Any employee who: (a) fails to cooperate with an investigation into possible violations of the drug and alcohol policy, (b) refuses to sign consent to or to take a drug or alcohol test, or (c) tests positive will be subject to disciplinary action up to and including termination.

- b. *Penalties for Violations* – In addition to any criminal penalties that may be imposed, the following penalties will be imposed for unauthorized possession of illegal drugs or alcohol:
  - i. *Students* – Students will be disciplined in accordance with the Board’s Code of Student Conduct.
  - ii. *Employees* – Employees will be subject to adverse personnel action, which may include termination.
  - iii. *Other Persons* – Other persons may be denied re-entry to school property.
- c. *Notification of Law Enforcement* – The appropriate law enforcement authority, which may include the city police, county sheriff, and the local district attorney, will be notified by the principal of violations of this policy.

4.2.4 Tobacco – The use of tobacco products and the illegal possession, distribution, and sale of tobacco products on school property is prohibited. These prohibitions also apply to electronic cigarettes, vape pens, hookah pens, e-hookahs, vape pipes and any similar type of device designed to deliver nicotine, flavor, and other chemicals via inhalation.

- a. *Penalties for Violations*
  - i. *Students* – Students who violate the tobacco prohibition will be disciplined in accordance with the Board’s Code of Student Conduct.
  - ii. *Employees* – Employees who violate the tobacco prohibition will be subject to adverse personnel action, which may include termination.
  - iii. *Other Persons* – Other persons who violate the tobacco prohibition may be denied re-entry to school property.
- b. *Parental Notification* – Parents and guardians may be notified of actual or suspected violations of the tobacco prohibition whether or not the student is charged with a violation of Board policy, which includes the Code of Student Conduct.

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

- 4.2.5 Searches – Law enforcement agencies are permitted to make periodic visits to all schools to detect the presence of illegal drugs or weapons and may use any lawful means at their disposal to detect the presence of such substances. The visits will be unannounced to anyone except the Superintendent and principal.

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

- 4.2.6 Drug and Alcohol Free Environment – All students, employees, volunteers, parents, visitors, and other persons are prohibited from possessing, using, consuming, manufacturing, or distributing illegal controlled substances and alcohol while on Board property or while attending any Board sponsored or sanctioned event, program, activity, or function. Persons who are intoxicated or impaired by the use, consumption, or ingestion of any illegal controlled substance or alcohol are not permitted to be on school property, or to attend or participate in any Board sponsored or sanctioned event, program, activity, or function.

[Reference: ALA. CODE §16-1-24.1, 25-5-330 (1975)]

- 4.2.7 Adoption of Statutory Penalties and Consequences – Persons who violate the Board’s prohibition of firearms, weapons, illegal drugs, or alcohol will be subject to all notification, referral, suspension, placement, re-admission, and other provisions set forth in ALA. CODE §16-1-24.1 and 24.3 (1975).

- 4.2.8 Safe and Drug-Free Schools- The Monroe County School District believes that research-validated effective drug and violence prevent programs will both prevent risk behaviors and create safe, disciplined, and drug-free schools conducive to setting high academic standards for all students. Youth development is essential to ensure that all student achieve academically. The programs we have selected are implemented with fidelity and evaluated regularly through the Advanced Ed Surveys and out District Climate Survey. The Monroe County School District believes that a comprehensive drug and violence prevention program, with age-appropriate and developmentally based activities, must be coordinated with other schools and community-based services. The programs selected by the Monroe County School District:

- Address the consequences of violence and the illegal use of drugs, as appropriate
- Promote a sense of individual responsibility
- Teach students that most people do not illegally use drugs
- Teach students to recognize social and



- peer pressure to use drugs illegally and the skills for resisting illegal drug use.
- Teach students about the dangers of emerging drugs
- Engage students in the learning process
- Incorporate activities that reinforce prevention activities implemented in elementary schools

As required by SDFSC (The Safe and Drug-Free Schools and Communities) and NCLB (No Child Left Behind), the MCBOE has, after extensive research and review by teachers, PTO, and local community members, selected the following “research-validated” curricula.

- a. *Elementary Schools*- used in ALL K-5 classrooms- The award-winning “Second Step” program teaches social and emotional skills for violence prevention. The program includes research based, teacher-friendly curricula, training for educators, and parent-education components.
- b. *Secondary Schools*-specifically taught in grades 6,7,and 9- Botvin’s Lifeskills is a school-based prevention program designed to reduce risk factors and enhance protective factors related to alcohol, tobacco and other drugs (ATOD) use among students. *Botvin’s LifeSkills* has a separate, developmentally appropriate curriculum for each grade level. Each curriculum builds on earlier grade levels, an instructional design which enables students to learn important skills sequentially and retain them year after year.
- c. *Other Programs*-Other Programs and services are used by schools and teachers throughout the district, but these are the programs supported district-wide.

4.29 Bullying- The District is committed to protecting students and preventing discrimination on our campuses. The District believes that our students have the right to be free from bullying., intimidations and harassment while on any of our campuses or associated with any school/district related activity. In accordance with these beliefs and commitments, MCBOE has adopted its policy.

“Bullying” is defined as: physical, verbal, nonverbal or written conduct that is so severe and pervasive that it affects a student’s ability to participate in or benefit from an education program or activity; creates an intimidating, hostile, or offensive educational environment; has the effect of substantially or unreasonably interfering with a student’s academic performance; or otherwise adversely affects a student’s educational opportunities.

### **4.3 Accreditation**

The Board will implement and adhere to such accreditation policies, principles, standards, and procedures as may be established or required by the State Department of Education as a condition to either receiving or maintaining accreditation.

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

4.4.1 Equipment, Supplies, Materials, Vehicles – Unless approved by the board in accordance with state law, equipment, supplies, materials, vehicles, and other movable or consumable property owned by or under lease to the Board may not be used by or made available to persons or entities for private or personal use, benefit, or consumption, or for any non-Board related use or purpose. Such property may not be removed from Board premises except as necessary to serve a school or Board-related function or purpose, and with the knowledge and approval of the appropriate supervisor, administrator, or the Superintendent.

4.4.2 Use of Board Facilities – Schools and other Board owned or controlled facilities may be made available for use by sanctioned or generally recognized school support organizations if the use of the facility will not disrupt school operations or be inconsistent with the purpose and mission of the school system, and if adequate advance provision is made for security, supervision, maintenance, damage prevention, post-event clean-up, liability insurance, and other risk management measures appropriate to the proposed use. Use of Board facilities for non-school organizations may be approved if the foregoing conditions are satisfied and a rental contract (or the equivalent thereof) that includes an established fee or rental charge and other appropriate terms and conditions is approved by the Board.

4.4.3 Advertising – The Superintendent is authorized to develop guidelines and procedures governing commercial advertising on Board property for approval by the Board.

### **4.5 Naming Board Facilities**

No facility, property, building, or part thereof, under the control of the Board will be named after or for any living person or for any person who has been deceased for fewer than two years.

### **4.6 Complaints and Grievances**

4.6.1 General Complaints (Grievances) – Subject to the limitations set forth below and elsewhere in this policy manual, any employee or member of the public may present to the Board a concern, complaint, grievance, or

request for corrective action regarding any aspect of school system operations. Before requesting corrective action or relief from the Superintendent or the Board, persons with such complaints, grievances, or requests should present them for resolution to the employee, supervisor, principal/assistant principal, or administrator at the lowest administrative level who has the authority and ability to address the problem or to implement the requested action. The Superintendent is authorized to develop specific procedures that will provide for fair consideration and orderly review of complaints and grievances. Such procedures may not unreasonably burden or delay the presentation or processing of such matters, and will be subject to Board review, modification, and approval.

- 4.6.2 Limitations Regarding Availability and Application of General Complaint/Grievance Policy – The general complaint/grievance policy and any procedures adopted there under do not apply to specific complaint or grievance policies and procedures that are established by Board policy or law for application to special factual or legal circumstances (e.g., sexual harassment grievance procedures; review of personnel matters governed by statute; “due process” hearings provided under the Individuals with

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

- 4.6.3 Student Complaints and Grievances – Complaints, grievances, and requests for corrective action may be brought to the attention of the Board by or on behalf of students with respect to academic, athletic, extracurricular, or other non-disciplinary matters, issues, and concerns only after reasonable efforts to resolve the matter at the school with the principal or assistant principal have been exhausted. The Superintendent is authorized to develop specific procedures that will provide for fair consideration and orderly review of such complaints and grievances. Such procedures will not unreasonably burden or delay the presentation or processing of the complaint or grievance and will be subject to review and approval by the Board. Administrative judgments concerning academic or curricular matters or participation in extracurricular activities may be set aside by the Board only upon a showing that the action or decision in question is arbitrary and capricious, fundamentally unfair, or that it violates Board policy or the student's legal rights.
- 4.6.4 Student Disciplinary Matters – The Board may consider appeals of student disciplinary decisions or actions in accordance with standards and procedures specified in the Code of Student Conduct.
- 4.6.5 Americans with Disabilities Act Complaint Procedure
- a. *Complaint Criteria* – Persons who believe that they have been discriminated against on the basis of disability in the provision of services, activities, programs, or benefits covered by Title II of the Americans with Disabilities Act may file a written complaint with the ADA Coordinator.
  - b. *Complaint Form* – The complaint should be in writing and contain information about the alleged discrimination including the name, address, phone number of complaining party and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint, will be made available for persons with disabilities upon request.

- c. *Complaint Process* – The complaint should be submitted to the ADA Coordinator as soon as possible, but no later than thirty (30) days after the alleged violation. The ADA Coordinator will meet with the complaining party to discuss the complaint and possible resolutions. Within fifteen (15) calendar days of the meeting, the ADA Coordinator will respond in writing, and where appropriate, in a format accessible to the complaining party, such as large print, Braille, or audio tape. The response will explain the position of the Board and offer options for substantive resolution of the complaint.
- d. *Appeal Procedure* – If the response by the ADA Coordinator does not satisfactorily resolve the issue, the complaining party may appeal the decision within fifteen (15) calendar days after receipt of the response to the Superintendent. Within fifteen (15) calendar days, the Superintendent will respond in writing, and where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.
- e. *Records Retention* – All written complaints received by the ADA Coordinator, appeals to the Superintendent, and records relating thereto will be retained by the Board for at least three (3) years.
- f. *Additional Procedures Authorized* – The Superintendent is authorized to develop such procedures as are necessary to implement this policy.

[Reference: 42 U.S.C.A. §12131, *et seq.*]

#### **4.7 Risk Management**

The Board may obtain such liability and other forms of insurance or enter into such risk management agreements, pools, cooperatives, and like arrangements, agreements, or undertakings as it deems necessary and appropriate to meet legal requirements or to protect the Board, its employees, or its property from risk of loss.

#### **4.8 Emergency Closing of Schools**

- 4.8.1 Authority of Superintendent to Close Schools – The Superintendent is authorized to close schools if such action is warranted by weather conditions or other circumstances that pose a risk to the safety and welfare of students and employees, or that render meaningful instruction impossible (e.g., loss of power or other utility services).
- 4.8.2 Make-Up Dates – To the extent not provided for in the school calendar, any days lost by reasons of an emergency closing will be made up and a revised school calendar approved, if necessary, to reflect any extension or

adjustment of the school year required by such action, unless approval to waive the days is obtained in accordance with state law.

[Reference: Ala. Act No. 2011-235]

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

- 4.9.1 Access to Technology Resources – The Board permits restricted and conditional access to and use of its technology resources, including but not limited to computers, the “Internet,” network storage areas, and electronic mail. Such access and use is restricted to employees, students, and other persons who are engaged in *bona fide* educational and administrative activities that serve and are consistent with identified educational objectives or authorized support functions, and who, by signing an “Acceptable Use Agreement,” agree to abide by all Board policies, rules, and regulations regarding technology use. The Acceptable Use Agreement will be developed by the Superintendent for approval by the Board.
- 4.9.2 Restriction or Loss of Technology Privileges – Persons who violate any Board policy, rule, or regulation regarding technology use may be denied use of the Board’s technology resources and may be subject to additional disciplinary action.
- 4.9.3 Ownership of Technology Resources and Data – All technology resources, including network and Internet resources, e-mail systems, and computers or other access devices owned, leased, or maintained by the Board are the sole property of the Board. Board personnel may, at any time and without prior notice, access, search, examine, inspect, collect, or retrieve information of any kind from the Board’s technology resources, including computer or related equipment, files, and data, to determine if a user is in violation of any of the Board’s policies, rules, and regulations regarding access to and use of technology resources, for or in connection with any other matter or reason related to the safe and efficient operation or administration of the school system, or for any other reason not prohibited by law. Users of school system technology resources have no personal right of privacy or confidentiality with respect to the use or content of such resources.
- 4.9.4 Adoption of Rules and Regulations – The Superintendent is authorized to develop for Board approval additional or more specific rules and regulations regarding access to and use of its technology resources and to require adherence to such rules and regulations through such means as the “Acceptable Use Agreement” and application of appropriate disciplinary policies and procedures. Such rules and regulations will address or provide:

- a. Measures to block or filter Internet access to pictures that are obscene, that constitute child pornography, or that are harmful to minors;
- b. Restriction of access by minors to inappropriate material on the Internet;
- c. The safety and security of minors when they are using electronic mail, chat rooms, and other forms of direct electronic communications;
- d. Prevention of “hacking” and other forms of unauthorized use of or access to computer or Internet files, sites, databases or equipment; and
- e. Unauthorized disclosure, use, and dissemination of personal information regarding minors; and
- f. Restriction of minors’ access to harmful material.

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

[Reference: 47 U.S.C. §254(h) and (l)]

#### **4.10 *Data Governance and Use***

The Superintendent is authorized to establish procedures governing the storage, use and sharing of data maintained electronically by the school system. Such procedures shall comply with applicable state and federal law and shall include provisions for data security (including physical security measures), access controls, quality control, and data exchange and reporting (including external data requests, and third party data use). Nothing in this policy or in any procedures authorized hereunder creates or expands any entitlement to confidentiality of records beyond that which is established by law or specific Board policy.

Any unauthorized access, use, transfer, or distribution of Board data by any employee, student, or any other individual may result in disciplinary action (up to and including termination for employees) and other legal action.

#### **4.11 *Political Activity***

Board employees may participate in political activities to the full extent permitted by the United States Constitution and federal and state laws securing the right to

engage in such activities, subject to the following restrictions:

- a. Employees may not appropriate Board property or resources for use in political campaigns, and may not engage in partisan political activities (including but not limited to the distribution of campaign material or literature) during regular school or duty hours or at Board sponsored or sanctioned events, functions, or at activities at which the employee is on duty or assigned official responsibilities;
- b. Employees may not represent their political beliefs or positions on political matters to be those of the Board or other Board officials, or to falsely assert or imply that their political activities or positions are endorsed by or undertaken in the name of the Board or other Board officials;
- c. Candidates and representatives of candidates for political office may not invite or allow announced candidates for political office to address student groups except when such candidates are participating in a forum or like format that is designed to provide all candidates the opportunity to participate. Such forums may be conducted only for appropriate age groups, and with the advance approval of the school principal and the Superintendent; and
- d. Political signs may not be placed on schools or school board property. Campaign literature and other material may not be distributed on Board property during the regular school day or work day, and may not be distributed at school or Board sponsored events or activities in a manner that impedes the normal and safe movement of pedestrian or vehicular traffic, that creates any other safety hazard or risk, or that disturbs or disrupts the function, activity, or event.

#### ***4.12 Automatic External Defibrillator (AED)***

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

#### ***4.13 Anaphylaxis Preparedness***

It is the policy of the Monroe County Board of Education that an Anaphylaxis Preparedness Program be implemented as part of the school health services.

The program shall incorporate three levels of preparedness:

**Level 1, Primary Prevention:** Education programs that address food allergies and anaphylaxis through both classroom and individual instruction for staff and students.



**Level II, Secondary Prevention:** Identification and management of chronic illness which could lead to anaphylaxis.

**Level III, Tertiary Prevention:** The development of a planned response to anaphylaxis-related emergency in the school setting.

The Monroe County School System, in collaboration with a supervising physician, shall develop and maintain procedures for emergency response that shall include a supply of premeasured auto-injectable epinephrine to treat potentially life threatening allergic reactions.

## V. Personnel

### 5.1 *Employee Qualifications and Duties*

5.1.1 General Requirements – Employees have a duty to perform their jobs responsibly and in a conscientious manner. In addition to any specific job requirements set forth in job descriptions or elsewhere, employees are expected to meet the following general performance and service standards:

- a. Employees are required to be punctual and to attend work regularly.
- b. Employees are required to perform the duties and responsibilities that are assigned to them by the Board, the Superintendent, or their supervisor(s). Such duties and assignments may extend beyond or outside the instructional day and may include off-campus functions, events, and activities.
- c. Employees are expected to treat all students, co-employees, visitors, and guests of the Board with respect. Employees are expected to demonstrate moderation, restraint, and civility in their dealings with others and, in general, to serve as appropriate role models for students in their behavior and demeanor.
- d. Employees are required to obey all laws, ordinances, Board policies, supervisory directives, and other pertinent authority while carrying out duties for the Board.
- e. Employees whose duties include the instruction or supervision of students must provide effective supervision, discipline, organization, and instruction of the students.
- f. Employees must complete and submit required reports accurately and in a timely fashion.
- g. Employees must respect, protect, and exercise due care in the handling, use, and operation of Board property and equipment.

### 5.1.2 Special Requirements

- a. *Work Schedules (Administrators)* – Supervisory and leadership duties of principals commence a minimum of forty-five (45) minutes prior to the regularly scheduled school day and conclude forty-five (45) minutes after the end of the school day.
- b. *Work Schedules (Teachers)* – Supervisory and instructional duties of teachers commence a minimum of fifteen (15) minutes prior to

the actual arrival and conclude fifteen (15) minutes after the departure of students or as otherwise may be assigned by administrator. Except as may otherwise be provided or required by the Board, the minimum instructional day for teachers is seven (7) hours. Assignments and duties may extend beyond the instructional day and may include off-campus functions, events, and activities; conferences and meetings with parents; supervision of student arrival and departure; and preparation for the following instructional day. Teachers will be provided a minimum of thirty (30) minutes free of instructional and supervisory responsibilities each instructional day.

- c. *Work Schedules (Support Personnel)* – The Superintendent is authorized to establish work schedules, including minimum work times, for support personnel for the Board’s approval.
- d. *Professional Certification* – In addition to requirements established by the State Board of Education and the pertinent job description, professional employees must hold a degree from an accredited college or university and hold a current, valid, and properly endorsed Alabama Teacher’s Certificate, which will be maintained in the Superintendent’s office. A teacher who has completed the certification process but has not received the certificate may be employed on tentative or temporary compensation pending verification of certification from the State Department of Education. Upon receipt of such verification, appropriate adjustments will be made to the teacher’s salary. If a teacher earns a higher certificate that merits increased compensation under the approved salary schedule, any salary increase will become effective upon Board approval following receipt of documentation of the new certification from the State Department of Education.
- e. *Substitute Teachers* – Substitute teachers must, at a minimum, possess a high school diploma and valid and current Alabama Substitute Teacher’s Certificate or Alabama Teacher’s Certificate.
- f. *Payment for Extended Substitute Teaching* – Substitutes holding a teacher’s certificate will be paid at the regular daily substitute teacher rate for the first ten (10) consecutive days substituted for the same teacher. For consecutive days substituted for the same teacher exceeding ten (10) days, the substitute holding a teacher’s certificate will be paid double the regular daily substitute teacher rate if the regular teacher has leave days to cover the absence. If the regular teacher does not have leave days to cover the absence, the substitute will be paid at the current daily rate for a teacher holding a BS degree for any consecutive days substituted for the same teacher exceeding ten (10) days. After the first ten (10)

consecutive days, the substitute will be paid at the applicable higher rate for all consecutive days worked for the same teacher.

- g. *Teacher Assistants* – Teacher assistants must, at a minimum, possess (i) a high school diploma or its equivalent; (ii) a two year diploma from a college or university (or the equivalent hours) or pass the Work Keys Assessment; and (iii) a certificate from the State Department of Education verifying a “clear” status resulting from a background check.
- h. *Bus Drivers* – The Board expects compliance with all state, local, and federal procedures.

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

## 5.2 *Hiring*

- 5.2.1 Application Procedures – Job applicants for all positions must file a written application with the Superintendent’s office. Applications must be completed in full. All information provided in the application must be truthful. Any misrepresentation of a material fact on an employment application may disqualify the applicant from consideration for the position and may subject an employee to adverse employment action, including termination.
- 5.2.2 Qualifications – Applicants must meet the minimum qualifications of the position as provided in Board policy, the job description for the position, the posted advertisement for the position, or as may otherwise be established by the Board, applicable law, or regulation. Applicants must hold such degrees, licenses, certificates, and like credentials as may be necessary, appropriate, or customary for the position in question.
- 5.2.3 Hiring Authority – The Board is responsible for making all final hiring decisions, and no hiring decision is official, final, or effective unless and until it is approved by a vote of the Board. No principal, administrator, supervisor, or other employee has authority to hire an applicant without Board approval or to commit the Board to specific action regarding employment.
- 5.2.4 At-Will Employment – Except as may otherwise be provided or required by law, by contract, or by the specific terms of their appointment, all personnel are deemed “at-will” employees and may be terminated, demoted, reassigned, suspended, or disciplined with or without pay, or with reduced pay, and with or without cause.

### 5.2.5 Nepotism

- a. *Supervisory Relationships* – Employment decisions and relationships that violate any provision of Alabama law, including state ethics and nepotism laws, are prohibited. The Superintendent is authorized to take action to identify and correct violations of the policy in a manner consistent with applicable law.
- b. *Employment of Family Members* – Board members, administrators, or supervisors may not use their positions to directly or indirectly seek or secure the employment of any family member as defined in the Alabama Ethics Law.
- c. *Selection of Impartial Person* – When law or policy mandates the recusal of an official or employee (“disqualified official”) from involvement in a decision involving the employment or possible employment of a relative or other person or permits or requires an objective, neutral, or impartial person (“the surrogate official”) to exercise some or all of the functions of the disqualified official with respect to the decision or action in question, the surrogate official shall be deemed objective, neutral or impartial if he or she:
  - Is not related by blood or marriage to the disqualified official or the person whose employment status is at issue, or of any applicant in a multi-member field of persons under consideration for employment or advancement;
  - Does not work under the direct or indirect supervision of the disqualified official, of any person who selects the surrogate official, or of any person whose employment status could be affected by the action or decision at issue;
  - Has no personal or financial connection to the disqualified official, to any person whose employment status could be affected by the action or decision at issue, or to any other person involved or affected by the action or decision at issue in a way that would call into question the surrogate official’s objectivity, neutrality, or impartiality; and
  - By education, training and experience has a sufficient understanding of the employment qualifications and other factors and considerations that bear upon the action or decision at issue to make an informed report and recommendation to the board.

After considering any report or recommendation that may be made by the surrogate official, the board may approve such recommendation or remand the matter in question for a different recommendation.

### **5.3 *Probationary Employment***

Employees are required to serve the maximum period of any probationary service provided or permitted by law before tenure, non-probationary status, or any other statutorily sanctioned form of employment security will be recognized by the Board.

### **5.4 *Non-Teaching Supplemental Duties***

Compensation in the form of supplements may be paid for noninstructional supplemental duties in accordance with rates specified or established for such duties in the Board's official salary schedule. Such duties include coaching and sponsorship of athletic support organizations (e.g., cheerleaders, flag teams, drill teams) as well as scholastic support activities (e.g., yearbook, service clubs, academic honoraries). Such supplemental duties are considered additional nonteaching assignments to be made and approved on an annual basis or otherwise as the needs of the school require. Such supplemental duties are not considered to be a part of a teaching contract or appointment, and no tenure, continuing service status, non-probationary status, or contractual right to continued employment or compensation for such supplemental assignment will be recognized or implied in the absence of a separate written contract of employment providing for such rights.

### **5.5 *Professional Development***

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

### **5.6 *Employee Conflicts of Interest***

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

- a. Employees will not engage in outside business activities or render any service for another employer during such time as duties and responsibilities have been assigned by the Board;

- b. Employees will not accept outside employment that would interfere with or impair the ability of the employee to perform duties as a Board employee effectively;
- c. Employees may not accept work that could compromise the employee's independent judgment in the exercise of duties for the Board;
- d. Employees may not use or disclose confidential information acquired through Board employment for their personal gain or for the benefit of a third party.
- e. Employees shall not receive pay or other compensation for private tutoring of students enrolled in classes they teach in Monroe County Schools, unless the students are enrolled in a separate tutoring program for which the teacher has been selected to tutor students.

### **5.7 *Employee Gifts***

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

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

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

### **5.8 *Employee Evaluations***

- 5.8.1 Certified Personnel – Certified employees (other than contract principals) will be evaluated in accordance with an evaluation program approved for use by the Alabama State Board of Education. Contract principals will be evaluated in accordance with rules, regulations, and requirements promulgated by the State Department of Education or as may otherwise be permitted by law.
- 5.8.2 Non-Certified Personnel – Non-certified personnel will be evaluated in accordance with criteria and procedures to be developed by the Superintendent and approved by the Board. The evaluation criteria and procedures will, at a minimum, include the following:

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

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

5.8.4 Special Evaluation Situations – The Superintendent, the Chief School Financial Officer, and other employees who serve in positions of special trust or sensitivity may be evaluated by such means as the Board deems appropriate and as may be permitted by law or applicable regulation.

5.8.5 Exempt Personnel – Except when required by law or contract, temporary, substitute, and occasional employees, or employees appointed to supplemental positions (e.g., coaches, extracurricular activity sponsors) will not be formally evaluated in those roles.

## **5.9 Personnel Records**

5.9.1 Content of Personnel Files – A central personnel file will be maintained for all regular employees. The personnel file may contain information



regarding the employee's current assignment, payroll status, and work history, including but not limited to job qualifications, certification, licenses, employment contract(s), evaluation data, disciplinary information, and such other documents, written materials, and data as may be reasonably deemed necessary and appropriate by the Board for sound and efficient personnel administration. Anonymous material and other matters that are prohibited by law, regulation, or Board policy from being maintained in personnel files may not be included therein. Employees may reasonably supplement or respond in writing to any material contained in the personnel file with which they disagree and such responses will also be included in the personnel file.

- 5.9.2 Alternate Data Storage – Personnel file data may be stored or maintained electronically.
- 5.9.3 Confidentiality – In general, the contents of an employee's personnel file will be deemed confidential except for documents, information, and materials that are matters of public information or public record under applicable state or federal law.
- 5.9.4 Access to Personnel Files – Board members, the Superintendent, Board administrators (including principals), employees of the Central Board Office and other persons whose duties reasonably require access to personnel files are authorized to view, copy, and use the contents of personnel files for purposes that are required by or in keeping with their official duties on behalf of the Board. Employees are entitled to inspect and review the contents of the employee's personnel file. An employee's file may be inspected and reviewed by the employee's representative(s) or designee(s) with the employee's permission

## **5.10 Employee Leave**

- 5.10.1 Work Attendance an Essential Job Function – Punctual, regular attendance is an essential job function of every job and position, and employees are expected to report to work when scheduled to work and to remain at work each working day.
- 5.10.2 Absences – Except as otherwise authorized under Board policy, employees may be absent from work only in the following circumstances:
  - a. Illness, injury or other qualifying reason for sick leave or on-the-job injury leave under state law or the Family Medical Leave Act;
  - b. Personal leave;
  - c. Vacation leave;

- d. Professional leave;
- e. Military leave;
- f. Court leave;
- g. Other unpaid leave that is specifically approved by the Board upon a showing of substantial hardship or extraordinary circumstances.

Employees who know in advance that they will be absent from work must notify the Board of the expected absence in accordance with procedures specified by the Superintendent or the Board. In the event of an emergency or incapacity that makes advance notice impractical, employees must notify the Board of their absence as early as possible. Except as otherwise provided or permitted, an employee who is absent from work without approved leave will be considered absent without leave in violation of Board policy and subject to appropriate disciplinary measures. Employees who are approved for paid leave or absences will be paid at the regular daily rate of pay; however, a day of paid leave or absence will not be counted as a day worked for the purposes of computing overtime under the Fair Labor Standards Act. Pay will be reduced on a *pro rata* basis for leaves or absences not covered by sick, vacation, personal, or other appropriate form of paid leave. The continuation of benefits during an approved absence is subject to the provisions of the particular benefit policy or plan.

### 5.10.3 Paid Sick Leave

- a. *Persons Eligible for Paid Sick Leave* – All regular full time employees are eligible for paid sick leave.
- b. *Earning and Accumulation of Paid Sick Leave* – All eligible employees earn sick leave days at the rate provided for in state law. Eligible employees may accumulate sick leave as provided by state law.
- c. *Use of Sick Leave* – Eligible employees may only use paid sick leave for absences caused by the following:
  - 1. Personal illness;
  - 2. Incapacitating personal injury;
  - 3. Attendance upon an ill member of the employee’s immediate family, defined as a spouse, parent, child, sibling or any person with a close personal tie;

4. Death of a family member, including a spouse, parent, child, sibling, mother or father-in-law, son or daughter-in-law, brother or sister-in-law, nephew or niece, grandparent, grandchild, aunt or uncle;
  5. Death or care of an individual with whom unusually strong personal ties exist because of a relationship other than those listed above.
- d. *Certification* – Employees must certify that sick leave was used for one of the reasons provided in state law and specify the reason. If the employee’s principal or department head has probable cause to believe that an employee has abused or misused sick leave, a physician’s statement verifying the existence and nature of the illness or medical condition may be required by the Board. Abuse of sick leave may subject the employee to disciplinary action.

[Reference: ALA. CODE §16-1-18.1 (1975)]

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

- a. The injured employee submits written medical certification from the attending licensed physician stating that the employee was injured and cannot return to work due to a specified injury, if there is a reasonable expectation that the employee will return to work and, if so, the expected date of that return. The Board may require a second opinion from a Board specified physician, at its expense.
- b. The employee submits a signed written account of the accident attested by a principal or department head within twenty-four (24) hours after the injury occurred. If the injured employee is not able to notify the Board, another person reasonably knowledgeable about the employee’s condition and circumstances leading to the injury may provide the required notification.

Upon a determination that the employee has been injured on the job and cannot return to work, the Board may maintain the employee’s salary and benefits for the period of incapacity caused by the injury, not to exceed ninety (90) days. An employee who is injured on the job may file a request for unreimbursed medical expenses and costs with the State Board of Adjustment. The Board will provide such reasonable assistance to the

employee in filing the Board of Adjustment claim as is required by law, but assumes and will have no responsibility or liability for processing the claim or directly reimbursing the employee any unreimbursed medical expenses and costs. On-the-job injury leave will be administered in accordance with and subject to the requirements and limitations imposed by state law regarding such leave.

[Reference: ALA. CODE §16-1-18.1 (1975)]

5.10.5 Personal Leave – All regular, full time employees are eligible for two (2) non-cumulative personal leave days each scholastic year without loss of pay. Employees are permitted three (3) additional personal leave days, with their pay reduced at the rate of the daily rate of pay for a substitute for their position. Personal leave must be requested in writing in accordance with such procedures as may be established by the Superintendent or the Board. Unused personal leave days are automatically converted to sick leave unless an employee requests in writing to be paid for those days at the end of the school year. Compensation for unused personal leave days will be the same daily rate of pay used for substitute teachers. Certified employees may choose to convert unused personal leave days to sick leave days at the end of the school year. Certificated employees may choose to convert unused personal leave days or be compensated for unused personal leave at the same daily rate of pay for substitute teachers.

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

#### 5.10.6 Vacation

- a. *Eligible Employees* – Twelve-month full-time employees are eligible for paid vacation.
- b. *Vacation Benefits* – Eligible employees will earn vacation benefits as follows:
  - c. Employees with at least one year of consecutive service with the Board will accrue ten (10) days of vacation on July 1.
  - d. Employees with less than one year of consecutive service with the Board as of July 1 will accrue ten (10) days of vacation upon the completion of six (6) months of consecutive service with the Board
- e. *Accrual and Accumulation of Vacation Time* – Vacation time must be used by June 30; however, up to ten (10) days of vacation time may be carried over into the next year. Any accrued vacation days in excess of ten (10) days are forfeited if not used by June 30 of that year. Vacation days may not be bought, sold, or donated. No

payment will be made for any vacation leave that is unused as of the employee's resignation, retirement, termination or death.

- f. *Scheduling* – Vacations must be scheduled with the knowledge and approval of the employee's department head and the Superintendent/designee.

5.10.7 Professional Leave – The Superintendent/designee is authorized to grant professional leave with pay to Board employees to engage in educational activities which, in the judgment of the Superintendent, serve the needs and interests of the school system.

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

5.10.9 Court Leave – Permanent and full-time employees are entitled to regular compensation while performing jury duty (ALA. CODE §12-8-25) or when the employee is summoned under subpoena or other legal requirement to testify at trial in a court of law or in an administrative proceedings constituted under the statutory authority of the agency conducting the proceedings. Paid leave is not authorized for employees to meet with attorneys, to attend depositions, or to otherwise prepare for legal proceedings unless the presence of the employee is requested or required by the Board.

5.9.10 Voting Official - School Board employee may not be excused with pay for serving as a voting official.

## ***5.11 Family and Medical Leave Act (FMLA)***

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

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

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

For the birth, adoption, or foster placement of a child, the entitlement to leave for child care expires at the end of the twelve (12) month period beginning on the date of birth, adoption, or placement. Leave associated with the illness of a child will only be provided if the child is under eighteen (18) years of age or is incapable of self care due to physical or mental disability.

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

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

5.11.4 Military Family Leave Provided by the Act

- a. *Qualifying Exigency Leave* – Under the FMLA, an eligible employee with a spouse, child, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may utilize the twelve (12) week medical leave entitlement to address qualifying exigencies resulting from that service.
- b. *Military Caregiver Leave* – An eligible employee, who is the spouse, child, parent, or next of kin of a covered service member,

is entitled to take up to twenty-six (26) weeks (including any medical leave provided by the Act) of unpaid leave during any twelve (12) month period (beginning the first day of the leave) to care for an individual covered service member with a serious injury or illness incurred in the line of duty while on active duty that may render the service member medically unfit to perform the duties of the member's office, grade, rank, or rating. A covered service member is a member of the Armed Forces, including the National Guard and Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness incurred in the line of duty on active duty.

- 5.11.5 Spouse Employed by the Board – Spouses who are both employed by the Board are limited to a combined total of twelve (12) weeks of family leave for the birth and care of a newborn child, for the placement of a child for adoption or foster care, for the care of a parent who has a serious health condition, and for qualifying exigency leave. Spouses who are both employed by the Board are limited to a combined total of twenty-six (26) weeks for military caregiver leave.
- 5.11.6 Intermittent Leave – An employee may take leave intermittently or on a reduced leave schedule only when medically necessary to care for a spouse, parent, or child or to receive planned medical treatment. Intermittent leave should be scheduled to the extent practicable so as not to unduly disrupt the operations of the Board. Intermittent leave may be further limited for teachers in accordance with federal law.
- 5.11.7 Use of Vacation and Sick Leave – If an employee has available sick leave, vacation leave or other applicable paid leave, the employee must utilize those forms of leave before taking unpaid leave under the FMLA. In that instance, the paid leave and the FMLA leave will run concurrently and the employee's twelve (12) weeks of unpaid FMLA leave will be reduced by the paid leave utilized, as long as the need for such leave results from one or more of the qualifying reasons under the FMLA.
- 5.11.8 Notice – Employees seeking leave under the FMLA must provide thirty (30) days advance notice of the need to take leave when the need is foreseeable. When the need for leave is unforeseeable, employees should notify their supervisors as soon as possible. Employees must also provide notice of the need for qualifying exigency leave as soon as practicable.
- 5.11.9 Certification for Medical or Military Caregiver Leave – Every request for FMLA leave based upon the serious health condition of the employee or employee's spouse, children, or parents, or leave as a military caregiver must be supported by medical certification issued by the appropriate health care provider on forms provided by the Board.

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

- 5.11.10 Certification for Qualifying Exigency Leave – Certification will be required by the Board for requests for qualifying exigency leave. Certification must be timely submitted on forms available from the Board. For the first such request, certification may include a copy of the military service member's duty orders or other military documentation.
- 5.11.11 Return to Work – The Board may require an employee who has taken leave due to the employee's own serious medical condition to provide the Board with a healthcare provider's certification in order to return to work. Any employee who takes leave under these provisions will be entitled to be restored to the original position held when the leave commenced or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment.
- 5.11.12 Maintenance of Benefits – Benefits accrued by the employee before leave is taken are not lost when approved FMLA leave is taken. Employees who are on approved FMLA leave will remain eligible to participate in benefit programs in which the employee was enrolled at the time of the leave, provided that the employee will continue to be responsible for payment of employee's portion of any cost, premium, or like payment that is required to maintain eligibility for the coverage or benefit. An employee that does not return to work after FMLA leave, will be required to reimburse the Board for the cost of benefits coverage extended to the employee during the leave, unless the reason for the employee's failure to return to work is (i) a continuing serious health condition suffered by either the employee or a family member, or (ii) other circumstances beyond the employee's control.
- 5.11.13 Instructional Employees – Medical leave taken by eligible instructional employees is subject to further limitations and provisions established by the FMLA. The Superintendent or his designee is authorized to develop additional information and guidelines concerning Instructional Employees.

## **5.12 Sick Leave Bank**

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



- a. *Sick Leave Bank Committee* – The Sick Leave Bank Committee will be composed of one member representing the Board and four members representing participating members of the sick leave bank.
  - 1. *Board Representative* – The Member representing the Board will be appointed by the Superintendent, subject to Board approval
  - 2. *Participant Representatives* – The participant representatives will be selected by the sick leave bank members.
  
- b. *Procedures for Selecting Employee Representatives on Committee*
  - 1. *Nomination* – Before each election of participant representatives, the Board will hold an open nomination period. Any employee who is eligible to participate in the sick leave bank may be nominated for one of the participant representative positions. Nominations must be written and must be received in the Superintendent’s office by the deadline specified in a notice to be provided by the Superintendent or his designee through Board publications and other means of communication that are generally used for such purposes.
  - 2. *Voting* – Each eligible nominee will be placed on the Sick Leave Bank Committee ballot. Voting will take place by ballot at Board facilities at the time specified or as may otherwise be provided by the Board. Supervision of voting will be by local facility personnel. Voting members will be required to verify their ballot by signing the Board’s voter record. Votes will be forwarded to the Superintendent’s office for final tabulation. The four candidates receiving the highest number of votes will serve as participant representatives on the Sick Leave Bank Committee.
  
- c. *Term of Committee Members* – Sick Leave Bank Committee members will serve for a term of one year and may not serve for more than five years.
  
- d. *Chairman of the Sick Leave Bank Committee* – The Sick Leave Bank Committee will elect a chairman from among its representatives at its first annual meeting. The chairman will be responsible for recording organizational minutes, for conducting meetings, and for organizing meetings as necessary.

- e. *Meetings* – The Sick Leave Bank Committee will meet at least annually following each enrollment period. The Committee will also meet as necessary in its discretion.
- f. *Sick Leave Bank Committee Duties* – The Sick Leave Bank Committee will develop proposed rules and regulations for the Sick Leave Bank, to be submitted to participating members for approval. At a minimum, said rules and regulations must include those terms and provisions that are required by statute. The Committee has the authority to review both participation in the Bank and requests for leave to ensure compliance with state law, Board policy, and such rules and regulations as may be adopted by the Sick Leave Bank Committee.
- g. *Employee Participation* – Participation in the Sick Leave Bank is voluntary and open to all full-time employees of the Board. However, employee participation is subject to such rules and regulations regarding enrollment procedures, deposits, withdrawals, and participation as may be developed by the Committee.

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

### **5.13 *Administrative Leave***

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

### **5.14 *Equal Employment Opportunity***

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

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

### **5.15 *Sexual Harassment***

The Board strictly prohibits unlawful discrimination in all of its programs, offices, departments and facilities. Sexual harassment, as defined by law, is a form of unlawful discrimination and will not be tolerated from employees or other persons associated with the Board.

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

- a. Submission to such conduct or communication is made a term or condition, either explicitly or implicitly, of employment or other employment benefits provided by the Board;
- b. Submission to or rejection of such conduct by an individual is used as the basis for decisions affecting the individual's employment, or other benefits provided by the Board; or
- c. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

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

- a. Verbal harassment or abuse of a sexual nature, including graphic or derogatory comments, the display of sexually suggestive objects or pictures, and sexual propositions;
- b. Repeated unwelcome solicitation of sexual activity or sexual contact;
- c. Unwelcome, inappropriate sexual touching;

- d. Demands for sexual favors accompanied by implied or overt promises of preferential treatment or threats with regard to an individual's employment status.

#### 5.15.3 Employee Complaint Resolution Procedure

- a. *Reporting* – Any employee with reason to believe that he or she has been or is being subjected to any form of sexual harassment should report the matter immediately. Under no circumstances will an employee be required to present the complaint to the person who is the subject of the complaint.
- b. *Informal Complaint* – An employee may choose to submit a sexual harassment complaint to a supervisor for investigation and resolution at the departmental or local level without resorting to formal complaint procedures. If the supervisor is the subject of the complaint, the complaint may be submitted to the Superintendent for resolution. If the complaint is not resolved informally to the satisfaction of the complaining employee, the employee must contact the Superintendent to initiate formal complaint procedures.

#### 5.15.4 Formal Complaint Procedure

- a. *Persons Responsible For Receiving and Investigating Formal Complaints* – The Superintendent is responsible for receiving and investigating formal complaints regarding sexual harassment. The Director of Special Services is an additional official to which formal complaints can be reported. If the Superintendent is unavailable or is the subject of the complaint, the alternate should be contacted regarding the formal complaint.
- b. *Complaint form, contents* – Formal complaints should be made in writing, signed by the complainant, and fully describe the circumstances surrounding the alleged harassment. Harassment complaints that cannot be made in writing should be memorialized by the Superintendent or designated alternate official.
- c. *Investigation* – The Superintendent will promptly investigate the complaint, review the results of any investigation with legal counsel or other appropriate officials, make any findings that are supported by the investigation, and recommend appropriate action based on these findings. The complainant will be informed of any action that is taken as a result of the investigation.
- d. *Review by the Superintendent and the Board* – A complaining party who is not satisfied with the investigation or resolution of the complaint may request that the Superintendent take additional or

different action or present the complaint to the Board for its review and action. In such case, the Board will render a final decision as soon as practicable.

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

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

### 5.16.1 Definition and Scope

- a. This policy applies to reductions-in-force that are implemented by “layoffs” as contemplated by Ala. Code §16-1-33 (1975).
- b. A reduction-in-force may be declared by the Board of Education and layoffs approved thereunder if the Board determines that decreased student enrollment or a shortage of revenues requires a reduction in the work force (beyond normal attrition) in order to maintain effective provision of educational services or to meet the Board’s financial, legal, or operational obligations
- c. A “layoff” within the meaning of this policy is a separation from employment with the Board of Education. However, employees who are laid off under authority of this policy are eligible for recall to employment as conditionally provided in this policy. Nor does the term “layoff” include or apply to the expiration of temporary, occasional, or “at-will” appointments or to decisions not to renew or extend employment beyond the expiration of annual or other specified terms of appointment.

### 5.16.2 Criteria for Implementing Layoffs.

- a. The order, priority, rank, or selection of individual employees who are to be laid off under authority of this policy shall be determined on the basis of objective criteria. However, nothing herein shall be deemed or construed to limit or abridge the Board’s legislative

discretion to identify areas, departments, groupings, or classifications for reductions (layoffs). (For example, the Board is not required to justify by objective criteria or otherwise a decision to implement layoffs in noninstructional categories or employees before doing so with instructional staff).

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

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

- a. The nature of the position and qualifications therefore have not materially changed;
- b. The laid-off employee remains properly qualified, licensed, or certified; and

- c. The laid-off employee confirms in writing his or her availability for an interest in re-employment to the Superintendent's office in accordance with any directives that may be contained in or transmitted in conjunction with the notice of layoff.

Circumstances permitting, and to the extent practicable, the selection of employees for recall will be based on the criteria that were applied to the layoffs themselves if there are more employees eligible for recall than positions available to fill. When layoffs occur over a period of time, the Board will take relative length of separation from service into consideration in assigning recall priority, other factors being equal. In no case will any right to be recalled to employment extend beyond one year from the effective date of the employee's layoff. Recalled employees will retain credit for the tenure, years of service, and the pay and benefit status they held on the effective date of their layoff. No pay, benefits, status, or additional rights will accrue or be credited to the recalled employee for the time he or she has been laid off.

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

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

## **5.17 *Unauthorized Payments***

- 5.17.1 Notification to the Employee – Upon discovery of any unauthorized or erroneous payment or disbursement of funds to an employee, the Board will attempt in good faith to notify the employee of such unauthorized payment and to reach agreement with the employee, if possible, regarding the amount and terms of repayment. Notification to the employee will consist of a letter mailed or delivered to the employee's last known address. The notice will specify the amount owed, the method by which the amount was calculated, a proposed schedule of repayment, an opportunity for the employee to review or examine any documents or other evidence supporting the claimed overpayment, and an opportunity for the employee to object in person or in writing to the amount or manner of the proposed withholding to provide an alternative plan of repayment. Unless the Board's ability to recover funds in question could be jeopardized by doing so, the Board will arrange a reasonable schedule of repayment so as to avoid undue hardship to the employee.

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

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

- 5.18.1 Scope – The Board will conduct employee drug and alcohol testing for employees in safety sensitive positions as required by and in accordance with federal law. Testing will be required for all employees holding a commercial drivers’ license (CDL) or who occupy a safety sensitive position as designated by the Board (“covered employees”).
- 5.18.2 Prohibited Alcohol and Controlled Substance-Related Conduct – In addition to activities identified in other policies, rules, and procedures, Board employees are prohibited from the following:
- a. Reporting for duty or remaining on duty to perform safety-sensitive functions while having an alcohol concentration in excess of the standard set by the Federal Highway Administration (FHWA);



- b. Being on duty or operating a vehicle while possessing alcohol
- c. Consuming alcohol while performing safety-sensitive functions;
- d. Consuming alcohol within eight hours following an accident for which a post-accident alcohol test is required, or prior to undergoing a post-accident alcohol test, whichever comes first;
- e. Refusing to submit to an alcohol or controlled substance test required by post-accident, random, reasonable suspicion, or follow-up testing requirements;
- f. Consuming alcohol or being under the influence of alcohol within eight (8) hours of going on duty, operating, or having physical control of a vehicle;
- g. Reporting for duty or remaining on duty when using any controlled substance, except when instructed by a physician who has advised the driver and the Board that the substance does not adversely impact the performance of any safety-sensitive duty;
- h. Reporting for duty, remaining on duty, or performing safety sensitive functions with controlled substances in the employee's system.

In the event of a violation of this policy, the employee shall be removed immediately from safety-sensitive duties and shall be subject to such further actions, including disciplinary action up to and including termination, as deemed appropriate by the Superintendent and the Board.

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

- a. *Pre-employment Testing* – Prior to the first time a covered employee performs a safety-sensitive function for the Board, the employee must undergo testing for alcohol and controlled substances.
- b. *Post-accident Testing* – Each surviving driver of an accident, as defined by the FHWA, will be tested for alcohol and controlled substances. In addition, covered employees who are involved in an accident involving injury to a person, or property damage in excess of five hundred dollars (\$500.00) will be subject to post-accident testing.

- c. *Random Testing* – The Board will conduct unannounced random alcohol and controlled substance testing of its covered employees.
- d. *Reasonable Suspicion Testing* – A covered employee must submit to alcohol or controlled substance testing whenever there is reasonable suspicion of alcohol misuse or the use of controlled substances based on specific, contemporaneous, and articulable observations concerning the appearance, behavior, speech, or bodily odors of the employee.
- e. *Return-to-Duty Testing* – A covered employee must submit to return-to-work alcohol and/or controlled substance test before being permitted to return to work following a positive alcohol or controlled substance test or other violation of this policy or federal regulations.
- f. *Follow-up Testing* – Any employee who continues performing safety-sensitive functions for the Board, following a determination that the employee requires assistance in resolving problems associated with alcohol misuse or the use of controlled substances, shall be subject to unannounced follow-up alcohol or controlled substance testing as directed by the Board..

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

[Reference: Omnibus Transportation and Employment Act of 1991]

## **5.19 Searches (Personnel)**

- a. *Board Property* – All school system property, facilities, and grounds may be entered, inspected, and searched for any lawful purpose by Board officials or their designees at any time, without prior notice and to the fullest extent permitted by law. The right to enter, inspect, and search includes and extends to (but is not limited to) Board owned or controlled offices, desks, file cabinets, lockers, storage areas, computers, files, documents, data, and devices however and wherever kept, stored, or maintained.
- b. *Employee Property* – The Board reserves the right to inspect employees’ vehicles, purses, files, and other personal property if a supervisor forms a reasonable individualized suspicion that the property contains evidence of a violation of Board policy or contains any material, object, or substance

that otherwise creates or presents a risk of harm or injury to the school, the workplace, or persons therein.

- c. *Use of Recovered Items* – Property, material, substances, information, or records that are obtained, discovered, or recovered as a result of a search may be retained and used for any lawful purpose.

## VI. Students

### 6.1 *Admissions and Attendance*

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

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

### 6.1.2 Admission to Schools

- a. *Resident Students* – School-age children who reside within Monroe County, Alabama, and not within the limits of a city operating an independent municipal school system, may be admitted to Monroe County Schools. For purposes of this policy, the residence of the student will be the residence of the custodial parent or legal guardian. If custody of the child is shared, alternating, or unclear, or if the child does not reside with a custodial parent or legal guardian, the domicile or actual physical residence of the child will control, except when there is evidence that the claimed residence of the child is not his actual residence, or that the claimed residence is fraudulently given as a means of avoiding or violating admission, enrollment, attendance, and residency standards and requirements.
- b. *Non-resident Students* – The Board may permit students who do not reside within the Monroe County School District to attend schools within the school system. The Board may establish criteria for admission of non-resident students, and may require the payment of tuition as a prerequisite to enrollment. The Board will not provide transportation to and from school or homebound instruction outside of the county limits of Monroe County.
- c. *Homeless Students* –
- (i) Enrollment. Homeless students will be permitted to enroll without regard to residency status and may be entitled to other accommodations under federal law.
  - (ii) Dispute Resolution. In keeping with the official plan of Monroe County Schools for homeless students, 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 by the school district. The school will provide the parent, guardian, or unaccompanied youth with a written explanation of the decision, a statement of the right to appeal, and the procedure for appealing the placement decision. The principal of the school will notify the Board's Homeless Liaison of the dispute. The Homeless Liaison will expeditiously carry out the system's dispute resolution procedures as detailed in the Board's homeless student plan.

- d. *Students Expelled or Suspended from Other School Systems* – Any student who is under suspension or expulsion from another school system or a private, parochial, or other school will not be permitted to enroll until the student has satisfied the conditions for readmission set by the expelling or suspending board or authority in addition to generally applicable admission requirements established by the Board. Any student assigned to an alternative school setting from another school system or a private, parochial, or other school will be placed in the C. P. Carmichael Alternative Learning Center pending fulfillment of the alternative assignment.
- e. *Required Documentation* – Students entering the school system for the first time, regardless of grade level, are not required to submit a birth certificate, but may be requested to submit a birth certificate or another form of acceptable documentation to verify the student's age. A social security number may also be requested, but such request is voluntary and is not a requirement of enrollment.

In addition, students may also be required to submit other registration materials as school officials may reasonably require including, but not limited to, a certificate of immunization or an exemption as prescribed by the Department of Public Health and signed by a private physician or appropriate health department official. The Superintendent may accept alternate forms of evidence or modify otherwise applicable requirements as necessary and appropriate to accommodate migrant, immigrant, limited English proficient or homeless students.

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

### 6.1.3 Attendance Zone and Class Assignment

- b. *Attendance Zone Assignment* – Students will be assigned to the school serving the attendance zone in which his parent(s) or legal guardian reside(s). A student whose parent or legal guardian

moves from one attendance zone to another during the school year will be transferred to the school attendance zone in which the new residence is located. The student may be permitted to remain in the school attendance zone that serves the former residence until the end of the semester with the approval of the Superintendent.

- c. *Class Assignment* – Principals will assign students to classes in keeping with school accreditation standards and any procedures or criteria that may be established at the system or school level.

6.1.4 Absences and Excuses – Students are not permitted to be absent from school without a valid excuse. Absences will be designated as excused or unexcused. Excused absences will be permitted for the following reasons:

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

Documentation supporting an excused absence must be submitted in a timely manner or the absence will be deemed to be unexcused. Excessive unexcused absences may result in a loss of academic credit or referral of the matter to juvenile or other appropriate legal authorities for investigation.

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

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

## **6.2 *Transfers and Withdrawals***

6.2.1 Transfers – The Board may permit transfers between schools within the system for good cause in accordance with applicable legal requirements. Transfer requests must be in writing and must include detailed reasons for the request. Transfers between schools shall be approved or denied by the Superintendent in accordance with requirements and standards established by applicable court order, as set forth in the order and separately promulgated procedure guidelines developed by the Superintendent.

6.2.2 Withdrawals – No student of compulsory attendance age will be permitted to withdraw from school except in accordance with state law and any withdrawal procedures that may be developed by the Superintendent.

### **6.3 *Student Fees, Fines, and Charges***

Reasonable fees, fines, and charges not prohibited by law may be established by the Superintendent. All such fees, fines, and charges will be collected and accounted for in accordance with the procedures, rules, and regulations to be developed by the Chief School Financial Officer or in a manner approved by the Alabama State Department of Education.

### **6.4 *Extracurricular Activities***

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

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

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

6.4.2 Athletics – Participation in Board sanctioned athletic programs will be on such terms and conditions as may be approved by the Board and any athletic association of which the Board is a member. Schools may establish terms and conditions for participation in such programs as long as school eligibility criteria are not inconsistent with system-wide eligibility or participation criteria, rules, regulations, or standards established by any athletic association or organization of which the Board is a member, or any rule, principle, or provision of applicable law.

6.4.3 Academic Ineligibility – The Board prescribes the following regulations for eligibility in this school system to participate in all extracurricular activities.

Students entering Grades 10 through 12 must, for the immediate preceding school year, have passing grades of at least a 70 composite numerical average and earn the appropriate number of credits in each of six (6) subjects that total six (6) Carnegie units of credit, including four (4) credits from the four (4) core subjects composed of English, science, social studies, and mathematics.

- a. Physical education may count as only one (1) unit per year.
- b. No more than two (2) Carnegie units may be made up during summer school. If a unit(s) or subject(s) is repeated in summer school, the higher numerical grade for the unit(s) or subject(s) may be used to compute the composite grade average.
- c. Eligibility will be determined on the first day of the local school year and will remain in effect for one (1) complete school year. Students ineligible at the beginning of an academic year may become eligible at the end of the first semester if they meet all academic requirements at that time. *Bona fide* transfers may be dealt with according to the rules of the Alabama High School Athletic Association for sports and rules to be developed by this Board of Education as they pertain to other extracurricular activities.
- d. Each eligible student involved in athletics must meet the definition of a regular student as defined by the Alabama High School Athletic Association.
- e. Any student who earns more than four (4) credits in the core curriculum in any given year or who accumulates a total in excess of the required four (4) per year may be exempt from earning the four (4) core courses in the succeeding year as long as that student remains on schedule for graduation with his/her class.

Students entering Grades 8 and 9 must, for the immediately preceding school year, have a passing grade in five (5) subjects with a composite numerical average of 70 with all other rules applying the same as to students in Grades 10 – 12.

Students promoted to the seventh grade for the first time are eligible.

For the purposes of this subsection, extracurricular activities associated with athletics are defined as those recognized and sanctioned by the Alabama High School Athletic Association, and other extracurricular activities are defined as those that are sanctioned by a public school that are not related to a student's



academic requirements or success in a course(s). Regular curricular activities are defined as those that are required for satisfactory course completion. School sponsors are required to submit a request for each curricular activity that occurs outside the regular school day and/or school to the principal, Superintendent, and the local Board of Education for approval. Each request for full participation by all students, regardless of academic standing, in a curricular activity will be granted if the principal, Superintendent, and the local Board of Education approve participation in the activity as an extension of a course(s) requirement(s) and it is an event sanctioned by a state/national subject matter association. Notwithstanding anything to the contrary in this policy, student participation in extracurricular activities offered by the school through math, science, band, choral, music, and other courses at events such as athletic events (pre-game, game, halftime, or other breaks), club conventions, parades, amusement park trips and competitions, trips by tour companies, performance at various meetings, etc. are extracurricular, and students academically ineligible under this policy will not be allowed to participate.

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

6.4.4. Concussions – Any student athlete who exhibits signs, symptoms or behaviors consistent with a concussion shall be removed from the contest and shall not return to play until a medical release is issued by a medical doctor.

Any health care professional or Alabama High School Athletic Association certified coach may identify concussive signs, symptoms or behaviors of a student athlete during any type of athletic activity. Once concussive signs are identified, only a medical doctor can clear the athlete to return to play. Any school in violation of the AHSAA policy application or National Federation rule will be subject to sanctions.

An online NFHS Concussion Course is required for all certified coaches (faculty and non-faculty). The free educational course will aid in identifying symptoms of a concussion and the procedure to follow when these symptoms are recognized. The course is available at [www.nfhs.org](http://www.nfhs.org).

## 6.5 *Off-Campus Events*

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

- a. The destination is an activity, event, or function that services a *bona fide* educational or related extracurricular purpose, or is an athletic event or function sponsored or sanctioned by the school or the school system and the state athletic association;
- b. Adequate information regarding the trip (e.g., destination, duration, purpose, educational purpose, mode of transportation, nature and extent of student participation) has been provided to the principal, program director, and Superintendent.
- c. Adequate arrangements are made for supervision (not to exceed 15 students per adult chaperone) and other risk management considerations (e.g., parental permission, medical treatment authorization, special insurance requirements);
- d. Properly certified and qualified drivers have been selected and arrangements for the costs of the trip (e.g., salary, fuels, maintenance, lodging) have been made; and
- e. The trip is approved by the Superintendent and/or designee.

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

#### **6.6 *Student Publications***

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

#### **6.7 *Student Employment (Work Release)***

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

- a. The employment does not violate state or federal law;
- b. The employment does not conflict with the student's academic coursework;
- c. The employment is necessary for the student to continue in school;
- d. Written approval is obtained from the student's parent or legal guardian and the Superintendent or his designee;

- e. Other rules, regulations, and requirements, including those pertaining to early dismissal or checkout, are observed; and
- f. Other rules and regulations that may be developed by the Superintendent and approved by the Board.

## **6.8 *Equal Educational Opportunities***

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

## **6.9 *Title IX***

6.9.1 Prohibition – In accordance with Title IX (20 U.S.C. §1681, *et seq.*), the Board strictly prohibits discrimination on the basis of sex or gender in its programs or activities, including sexual harassment, as defined by law and Board policy. Sexual harassment complaints should be filed and reviewed under the Board’s student sexual harassment policy. All other complaints under Title IX will be filed and reviewed according to the Board’s general complaint and grievance procedures.

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

## **6.10 *Student Sexual Harassment***

6.10.1 Sexual Harassment Prohibited – Sexual harassment in any form that is directed toward students is prohibited. Persons who violate the policy will be subject to the full range of disciplinary consequences up to and including termination (for employees) and expulsion (for students) as dictated by the nature and severity of the violation and other relevant considerations. If appropriate, the circumstances constituting the violation may be reported to law enforcement agencies or child welfare agencies for further investigation and action.

6.10.2 Definition – For purposes of this policy, sexual harassment means unwelcome sexual advances, requests for sexual favors, other physical or verbal conduct or communications of a sexual nature, and any other gender-based harassment, whether initiated by students, school employees, or third parties, when:

- a. Submission to the conduct is made explicitly or implicitly a term or condition of the student’s education, including any aspect of the

- student's participation in school-sponsored activities, or any other aspect of the student's education;
- b. Submission to or rejection of the conduct is used as the basis for decisions affecting the student's academic performance, participation in school-sponsored activities, or any other aspect of the student's education;
  - c. The conduct has the purpose and effect of unreasonably interfering with a student's academic performance or participation in school-sponsored activities or creating an intimidating, hostile, or offensive education environment.

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

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

- 6.10.3 Sexual Harassment Complaint Procedures Authorized – The Superintendent is authorized and directed to establish, implement and revise more detailed sexual harassment complaint procedures that are designed to provide students who believe that they are victims of unlawful sexual harassment with a thorough, discreet, and prompt internal procedure for investigating and resolving sexual harassment complaints. The procedures will be drafted so as to facilitate the gathering of relevant facts and evidence, permit timely assessment of the merits of the complaint, provide an opportunity for informal resolution of complaint where appropriate, eliminate any harassment that is established by the investigation, and prevent any retaliation based upon the filing of the complaint. The procedures will reflect due regard for the legal rights and interests of all persons involved in the complaint, and will be drafted, explained, and implemented so as to be understandable and accessible to all student population groups and ages.
- 6.10.4 Initial Confrontation of Accused Harasser Not Required – A student who invokes the harassment complaint procedure will not be required to

present the complaint to the accused or suspected harasser for resolution. Students will be permitted to report allegations of suspected harassment to any appropriate Board administrator, teacher, counselor, or employee, and such persons have a duty to promptly refer such allegations to the Superintendent or to take such action as may be required by the procedures established under “Sexual Harassment Complaint Procedures Authorized” (6.10.3) above. In no case will any employee who is the subject of a complaint be permitted to conduct, review, or otherwise exercise decisionmaking responsibility in connection with the processing of the complaint.

6.10.5 Notice of Policy to be Promulgated – The Superintendent will promulgate and disseminate this policy and the complaint procedures to the schools and will take such other steps and measures as may be reasonably available and expedient for informing the school community of the conduct prohibited by this policy and the recourse available to students who believe that they have been subjected to sexual harassment.

## **6.11 *Protection of Pupil Rights Amendment***

6.11.1 Consent – The Board will obtain parental consent before students are required to participate in a survey that concerns one or more of the following protected areas ("protected information survey") if the survey is funded in whole or in part by a program of the U.S. Department of Education (ED):

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

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

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

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

- a. Protected information surveys of students;
- b. Instruments used to collect personal information from students for any of the above marketing, sales, or other distribution purposes; and
- c. Instructional material used as part of the educational curriculum.

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

6.11.5 Additional Policies and Procedures Authorized – In consultation with parents, the Superintendent is authorized to develop additional policies, and arrangements to protect student privacy in the administration of protected information surveys and in the collection, disclosure, or use of personal information for marketing, sales, or other distribution purposes. The Board will directly notify parents of these policies and procedures at the beginning of each school year and after any substantive changes are approved.

[Reference: 20 U.S.C. §1232h; 34 CFR Part 98]

6.11.6 Voluntary Religious Expression-The Board does not discriminate against students or their parents or guardians on the basis of their religious viewpoints or their expression of such viewpoints. Such views and

expressions are treated in the same manner as a nonreligious viewpoints, activities, or expressions.

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

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

[Reference: Act of Alabama No. 2015-129]

<sup>1</sup> For boards that previously participated in the AASB Policy Project, AASB recommends that this new policy be included in section VI of the policy manual. The numbering provided is an estimate of where the policy should be inserted in those school boards' policy manuals and should be updated accordingly.

## **6.12 *Student Records***

Educational records as defined by law or Board policy will be available for examination and review by authorized persons in the manner prescribed and to the

extent required by law. Except where the context requires otherwise, the term “educational records” has the meaning given in 20 U.S.C. 1232g(a)(4). Copies of such records may likewise be provided to the extent required and under circumstances specified by applicable law or regulation. The Superintendent is authorized to establish administrative standards and for the reproduction thereof. Parents will be provided required annual notification regarding educational records through the student handbook or by other appropriate means.

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

### **6.13 *Student Health Services***

The Board may offer limited student health services that are designed to address minor medical issues that may arise during the school day or to assist with special or chronic health problems. In cases of acute or contagious illnesses, parents or guardians may be notified and required to pick up the student. If a parent or guardian is not available, the principal or school nurse may contact the Department of Public Health. School officials are authorized to take reasonable and appropriate steps to provide or arrange for the provision of emergency medical services to students who require immediate medical attention. In case of illness or accidental injury not requiring immediate medical attention, standard first aid procedures may be followed. The Superintendent is authorized to develop and promulgate procedures, rules, and regulations concerning the taking, administration, and handling of medication at school consistent with state law and appropriate health standards.

### **6.14 *Student Service Animal***

The Monroe County Board of Education allows the use of service animals to support students with certain physical limitations.

### **6.15 *Student Conduct***

The Superintendent will prepare and present to the Board for adoption and periodic revision a Code of Student Conduct, with input from teachers, school personnel, students, parents and guardians, and other members of the education community and, as appropriate, the community at large. The Student Code of Conduct will comprehensively describe the rules and standards of conduct and discipline that will be maintained and enforced within Monroe County Schools. The Student Code of Conduct will set forth the specific grounds for disciplinary action, the penalties, sanctions, or consequences that may be imposed for a violation of the Student Code of Conduct, the methods and procedures by which violations of the Student Code of Conduct will be determined, and any appeal or review procedures that are available to students. The Student Code of Conduct will incorporate applicable statutory and regulatory requirements, and the hearing and appeal procedures specified in the Student Code of Conduct will conform to applicable statutory and constitutional standards and requirements. The Student



Code of Conduct may be incorporated in a student handbook and will be made available to all teachers, school personnel, students, parents and guardians at the beginning of each school year. The Student Code of Conduct will be deemed an extension of Board policy and will have the force and effect thereof.

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

### **6.16 Searches (Students)**

- a. *Board Property* – All school system property, facilities, and grounds may be entered, inspected, and searched for any lawful purpose by Board officials or their designees at any time, without prior notice and to the fullest extent permitted by law. The right to enter, inspect, and search includes and extends to (but is not limited to) Board owned or controlled offices, desks, file cabinets, lockers, computers, files, documents, data, and devices however and wherever kept, stored, or maintained.
- b. *Personal Property* – Personal property, including but not limited to vehicles, purses, wallets, gym bags, book bags, cell phones, computers, and “personal digital assistant” (PDA) devices may be searched by authorized school officials, including school principals or their designees, when reasonable suspicion exists that the property contains prohibited materials, illegal substances, weapons, or other items that are reasonably deemed to present a risk or threat to the safety or welfare of the school community.
- c. *Personal Searches* – Students may be searched whenever reasonable suspicion exists that the student possesses prohibited materials, illegal substances, weapons, or other items that are reasonably deemed to present a risk or threat to the safety and welfare of the school community. Student searches must be conducted by a school administrator in the presence of another certified school employee and may include a frisk or “pat down” of the student, a search of personal items and clothing, or a more thorough search upon specific approval of the Superintendent. Personal searches will be conducted with due regard for the age and gender of the student. Searches that require physical contact between the school official and the student, removal of clothing, or examination of the student in a way that would implicate privacy concerns must be conducted and witnessed by officials of the same gender as the student and in a way that preserves the dignity of the student to the extent practicable under the circumstances. Refusal to submit to a search or to cooperate in a search as provided in this policy may be grounds for disciplinary action.
- d. *Use of Recovered Items* – Property, material, substances, information, or records that are obtained, discovered, or recovered as a result of a search may be retained and used for any lawful purpose.

### **6.17 Corporal Punishment**

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

The parent of a student will be responsible for notifying the school principal, in writing, of any physical condition or health impairment that would render corporal punishment inadvisable for the student. However, such notice will not prohibit the use of corporal punishment unless there is written direction from the Superintendent to the educator who administered corporal punishment that the specific student is not to be corporally punished.

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

[Reference: ALA. CODE §16-28A-1, *et seq.* (1975)]

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

In order to maintain order, minimize the risk of potential personal injury, property damage or disruption, or to permit an orderly investigation and evaluation of a suspected violation of school or school system rules, standards, or policies, principals may temporarily suspend a student pending a conference with the parent or guardian of the student and a final disciplinary decision. Suspension may also be imposed as a disciplinary measure as provided in the Code of Student Conduct. Suspensions will be counted as excused absences. Make up work will be permitted for such absences unless permitting such work under the circumstances would be impractical or impossible, would serve no purpose, would place school personnel at risk of harm, or would be unreasonable in light of the grounds for the suspension. Suspension of students with disabilities will be subject to applicable limitations and requirements imposed by the Individuals with Disabilities Education Act ("IDEA") and its implementing regulations.

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

Students may be expelled from school for offenses serious enough to warrant such action as provided in Code of Student Conduct or other Board disciplinary policies. Students who are recommended for expulsion may be suspended until such time as the Board meets to consider the recommendation for expulsion. Reasonable notice of the proposed action, the reasons therefore, and an opportunity to be heard will be afforded to the student and the student's parent or guardian prior to a final decision by the Board regarding expulsion. The

Superintendent will notify the student or the student's parent or guardian, in writing, of any action taken by the Board. The term of an expulsion may extend to the maximum permitted by law. The Board may impose such reasonable limitations on the student's right to re-enroll in the school system following expiration of expulsion as may be permitted by law. A student who withdraws from school prior to the Board's consideration of a proposed expulsion may not re-enroll in the school system until the Board holds a hearing or other appropriate proceedings regarding the recommended expulsion. Expulsion of students with disabilities will be subject to applicable limitations and requirements imposed by the Individuals with Disabilities Education Act ("IDEA") and its implementing regulations.

## **6.20 *Electronic Communication Devices***

The use of personal, wireless communication devices by students is prohibited on school grounds or while students are being transported on a school bus, except as provided for herein. Personal, wireless communication devices include, but are not limited to, cellular telephones, pocket pagers, email devices, "walkie talkies," or any other electronic communication device. Students are permitted to keep personal wireless devices only in lockers, the school office, or other locations approved by the principal or his designee. The Board assumes no responsibility for theft, loss, or damage to any personal/wireless communication device. The principal or his designee may approve the use of such devices during medical emergencies, natural disasters, after regular school hours, at events or under circumstances in which the use of the devices serves safety and convenience without disrupting academic or school operations. Principals or their designees will also have the authority to further restrict or deny the use of personal/ wireless communication devices by any student to prevent the misuse, abuse, or violation of school rules regarding the use of such devices. School officials may read, examine, or inspect the contents of any such device upon reasonable suspicion that the device contains evidence of a violation of Board policy, the Code of Student Conduct, or other school rules, provided that the nature and extent to such examination shall be reasonably related and limited to the suspected violation.

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

## **6.21 *Drivers' License***

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

Circumstances beyond the control of the student may be found with respect to:

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

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

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

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

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

In order to promote the safety and welfare of students and others who work on or visit school campuses, to encourage the development of safe and responsible driving practices, and to serve the general purposes of maintaining a drug and alcohol free school environment, students will be granted the privilege of driving and parking on school property only if they are free of the effects of alcohol or other illegal or controlled substances. Accordingly, any student who desires to drive a vehicle on school property or park on school property may be required to submit to periodically or randomly administered sobriety or drug tests as a condition to issuance of a permit authorizing the operation or parking of a motor vehicle on school grounds. Principals may impose reasonable additional conditions or requirements for the privilege of driving or parking a vehicle on school property including, for example, conditions relating to maintenance of academic and attendance standards and the payment of fees. Principals may also establish priorities for issuance and assignment of parking permits. The Board reserves the right to require that sobriety or drug tests or screenings be passed as a condition to maintaining parking or vehicle permits, or privileges relating to use of a motor vehicle. Such testing or screening may also be performed whenever a school official observes or is made aware of circumstances that provide reasonable suspicion or belief that the student has used alcohol, illegal drugs, or other substances in violation of the Board's substance abuse policies. All such

testing or screening will be performed in accordance with local, state and federal laws, and procedures that are developed by the Superintendent for approval by the Board.

### **6.23 *Student Competitive Extracurricular Activity Substance Abuse Policy***

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

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

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

#### 6.24.2 Definitions –

- a. The term “harassment” as used in this policy means a continuous pattern of intentional behavior that takes place on school property, on a school bus, or at a school-sponsored function including, but not limited to, written, electronic, verbal, or physical acts that are reasonably perceived as being motivated by any characteristic of a student, or by the association of a student with an individual who has a particular characteristic, if the characteristic falls into one of the categories of personal characteristics set forth in Section 6.23.2(b) below. To constitute harassment, a pattern of behavior may do any of the following:
  1. Place a student in reasonable fear of harm to his or her person or damage to his or her property.

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

#### 6.24.3 Description of Behavior Expected of Students -

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

b. Violence, threats of violence, harassment, and intimidation are prohibited and will be subject to disciplinary consequences and sanctions if the perpetrator of such action is found to have based the prohibited action on one or more of the following personal characteristics of the victim of such conduct:

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

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

6.24.5 Reporting, Investigation, and Complaint Resolution Procedures -

Complaints alleging violations of this policy must be made on Board approved complaint forms available at the principal and/or counselor's office. The complaint must be signed by the student alleging the violation or by the student's parent or legal guardian and delivered to the principal or the principal's designee either by mail or personal delivery. At the request of the complaining student or the student's parent or legal guardian, incidental or minor violations of the policy may be presented and resolved informally.

Upon receipt of the complaint, the principal or the principal's designee will, in their sole discretion, determine if the complaint alleges a serious violation of this policy. If the principal or the principal's designee determines that the complaint alleges a serious violation, the principal or the principal's designee will undertake an investigation of the complaint. The investigation will entail the gathering of relevant facts and evidence and will be conducted in a reasonably prompt time period taking into account the circumstances of the complaint. If the investigation establishes a violation, appropriate disciplinary sanctions will be imposed on the offending student(s). Other measures that are reasonably calculated to prevent a recurrence of the violation(s) may also be imposed by the principal or the school system.

The person reporting the violation may, upon request, be given an explanation of the outcome of the investigation and of any steps taken to prevent a recurrence of the violation, subject to any limitations on the

disclosure thereof that may be imposed by law. A person reporting a violation who is not satisfied with the outcome of the investigation may appeal the decision in writing to the local Superintendent.

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

The complaint form developed to report violations of this policy will include a provision for reporting a threat of suicide by a student. If a threat of suicide is reported, the principal or the principal's designee will inform the student's parent or guardian of the report.

- 6.24.6 Promulgation of Policy and Related Procedures, Rules, and Forms – This policy and any procedures, rules, and forms developed and approved to implement the policy will be published, disseminated, and made available to students, parents and legal guardians, and employees by such means and methods as are customarily used for such purposes.
- 6.24.7 Construction of Policy – This policy is supplemental to other Board policies and procedures and does not repeal, replace, or supersede any other prohibition on harassment, violence, threats of violence or intimidation found elsewhere in Board policy or procedure, including the Code of Student Conduct. This policy shall not be construed to allow harassment, violence, threats of violence, or intimidation for any reason not specifically listed in this policy or to prohibit the Board from disciplining students for acts of harassment, violence, threats of violence or intimidation not specifically listed herein. Students who engage in harassment, violence, threats of violence or intimidation not specifically covered by this policy may be subject to appropriate disciplinary action in accordance with the Code of Student Conduct.

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

## **6.25 Seclusion and Physical Restraint of Students**

In compliance with Alabama Administrative Code 290-3-1-02-.01(f) the board is authorized to develop procedures for the seclusion and physical restraint of students.



## VII. Instructional Program

### 7.1 Curriculum

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

### 7.2 Textbooks

Textbooks will be purchased and distributed in accordance with State Department of Education regulations. Only textbooks recommended by the local textbook committee will be approved by the Board, upon the recommendation of the Superintendent. The local textbook committee will be appointed by the Board and will consist of parents, teachers, and community representatives who will serve a term of one year. Students are loaned textbooks for the duration of the course that requires the textbook and are responsible for the care of the textbook. Students must reimburse the Board for the cost of any textbooks that are lost or damaged beyond reasonable wear and tear.

[Reference: ALA. CODE §16-36-62 (1975)]

### 7.3 Academic Standards

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

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

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

7.3.2 Advanced Placement and Honors Grade Scale – Numerical grades in Advanced Placement courses (approved by the College Board) will be weighted by adding ten (10) points. When calculating the grade point average on a four point scale, one (1) point will be added for Advanced Placement courses. Numerical grades in Pre-AP courses will be weighted by adding seven and one-half (7.5 points). When calculating the grade point average on a four-point scale, three-fourths (.75) will be added for

Pre-AP courses. Numerical grades in Honors courses (approved by the Board) will be weighted by adding five (5) points. When calculating the grade point average on a four point scale, one-half (.5) will be added for Honors courses.

- 7.3.3 Special Education Grading Standards – Students who are receiving special educational services may be graded according to an individualized educational plan, and nothing in Board policy or procedure prohibits the extension of appropriate academic modifications or accommodations to students who may be eligible for such modifications or accommodations under provisions of state and federal law.
- 7.3.4 Report Cards – Report cards reflecting student progress will be provided to the parents or legal guardians of students on a regularly scheduled basis.
- 7.3.5 Promotion – Students are promoted from grade to grade on the basis of academic credit earned during the school year, in summer school programs, or in such other academic programs as may be approved or recognized by the Board. Students who are eligible for promotion from grade to grade may nevertheless be retained by agreement of the parents and appropriate school officials.
- 7.3.6 Class Rankings – Beginning with the ninth grade of high school, all students will be ranked based on the four point grade point average scale (GPA) (calculated and weighted as described herein). The GPA calculation will be carried out four decimal places and rounded off.
- 7.3.7 Credit Recovery – The Superintendent is authorized to develop procedures for a program through which a student may recover credits in one or more failed courses, in compliance with regulations promulgated by the State Department of Education. The curriculum will align with the State Board of Education course of study and study content standards in which the student seeking credit recovery is deficient.
- [Reference: Ala. Admin. Code 290-3-1-.02(12)]
- 7.3.8 Grade/Subject/Credit Advancement Policy - The Monroe County Board of Education offers students who exhibit proficiency beyond the level required for all students the opportunity to pursue grade/subject/credit advancement as an alternative to the traditional grade/subject/course completion offered by the local school system. The guidelines and procedures will be included in the Monroe County Schools Gifted Education Plan.
- 7.3.9 Retention for Middle School Students (Grades 5-8) – For students in grades 5-8, the need to be retained due to failure will follow the guidelines below:

- a. The student's yearly average in each subject will be considered.
- b. If the student has a failing grade in either Reading or Math, the student must attend summer school to be considered for promotion to the next grade.
- c. If a student fails any 2 core subjects, the student must attend summer school to be considered for promotion to the next grade.
- d. Successful completion of the summer school course(s) will be a determining factor in the promotion of the student.

#### **7.4 Testing**

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

#### **7.5 Summer School Operations**

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

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

#### **7.6 Dual Enrollment**

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

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

#### **7.7 Correspondence or Online Courses**

Credit for correspondence and online courses will be recognized if the conditions and criteria established by the Alabama State Department of Education for such programs are met.

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

## **7.8 Career and Technical Education Programs**

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

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

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

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

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

## **7.9 Foreign Exchange Programs**

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

### **7.10 *Extended Programs: Community Education***

Upon their approval by the Board, the Superintendent is authorized to implement programs and projects designed to meet the needs of the community served by the school system in accordance with any laws or regulations governing such programs. Such programs may include Summer Enrichment and Extended Day programs, and other such offerings as may be approved by the Board.

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

### **7.11 *Graduation, Certificate of Completion, and Commencement***

Students who have satisfactorily completed requisite course work, met minimum attendance criteria, and passed required examinations are eligible for graduation. Students who have fulfilled coursework requirements but who have not passed the required graduation examination are not eligible to participate in graduation ceremonies and will be presented with a “certificate of completion.” Student participation in graduation ceremonies and related graduation activities will be subject to the principal’s approval and payment of outstanding financial obligations. Participation in a graduation-related ceremony may be prohibited by the principal if the student violates disciplinary standards or if, in the judgment of the principal, the student’s participation could lead or contribute to disorder or disruption of the ceremony or activity.

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

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

7.11.2 Valedictorian/Salutatorian

- a. *Criteria* – The valedictorian and salutatorian for the graduating class of each high school must qualify for the most advanced academic diploma offered and have been enrolled in the school system for a minimum of two (2) consecutive semesters prior to the date of graduation. The student with the highest numerical

grade average (calculated and weighted on the 100 point scale as prescribed in the grading section above) will be the class valedictorian. The student with the second highest numerical grade average shall be the class salutatorian. In calculating the numerical grade average, all semester grades will be used, beginning with the ninth grade through the semester immediately preceding graduation. The calculated average will be carried out four decimal places and rounded off. In the case of a tie, students having the same average will be recognized as co-valedictorians and co-salutatorians.

- b. *Grade Conversion* – Where letter grades are present on a candidate’s transcript from a previously attended school, the candidate must have the respective school(s) submit the grades in numerical form. If school officials of the school the student previously attended cannot or will not convert the letter grades to numerical grades, the letter grades will be converted to numerical grades as follows:

A+ = 99	B+ = 89	C+ = 79	D+ = 69	F = 59
A = 95	B = 85	C = 75	D = 65	
A- = 90	B- = 80	C- = 70	D- = 60	

Issues or uncertainties regarding eligibility or grade calculation will be resolved by the school principal in consultation with the Superintendent.

7.11.3 Fifth Year Seniors – Upon the recommendation of the counselor and approval of the principal, a student who has completed four full academic years of high school but who has not completed the required course work for graduation will be allowed to attend the number of class periods necessary to complete the courses required for graduation.

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

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

## 7.12 *School Wellness*

Research shows that two components, good nutrition and physical activity before, during, and after the school day, are strongly correlated with positive academic success. Studies have proven that students, who eat breakfast each day, consume healthy fruits and vegetables each day and are physically active throughout the day do better academically, have fewer absences, score higher on standardized test and have fewer visits to the school

nurse. (Resources available in appendix B)

The final rule of the Healthy, Hunger-Free Kids Act of 2010 requires all local educational agencies that participate in the National School Lunch and School Breakfast Programs to meet expanded local school wellness policy requirements with minimum content requirements for local school wellness policies including an effort to ensure stakeholder participation in the development and updates of such policies, to periodically assess the policy and disclose to the public the school's compliance with local school wellness policies that strengthen the ability of a local education agency to create a school nutrition environment that promotes student's health, well-being, and ability to learn. These regulations will increase transparency for the public with regard to school wellness policies and contribute to the integrity in the school nutrition program.

MCBOE (the District) is committed to the best overall development of each student. The District believes that for students to have the opportunity to achieve personal, academic, developmental, and social success, we need to create positive, safe, and healthy learning environments at every level, in every setting, throughout the school year.

This policy outlines the District's approach to ensuring environments and opportunities for all students to practice healthy eating and physical activity throughout the school day.

The District has set forth goals that will ensure:

- Students in the District have access to healthy foods throughout the school day—both through the National School Breakfast and Lunch Program and other foods available throughout the school campus—in accordance with Federal and State nutrition standards;
- Students receive quality nutrition education that helps them develop lifelong healthy eating behaviors;
- Students have opportunities to be physically active before, during, and after school;
- Schools engage in nutrition and physical activity promotion and other activities that promote student wellness;
- School staff are encouraged and supported to practice healthy nutrition and physical activity behaviors within the school environment;
- The community is engaged in supporting the work of the District in creating continuity between school and other settings for students and staff to practice lifelong healthy habits; and
- The District establishes and maintains a foundation for management, oversight, implementation, communication about, and monitoring of the policy and its established goals and objectives.

This policy applies to all students, staff, and schools in the District and will be updated on a three-year term.

#### 7.12.1 District Wellness Committee (DWC)

- a. *Committee Role and Membership*-The District will assemble a representative district wellness committee to be appointed for three-year terms (hereto referred to as the DWC) that meets at least four times per year to establish goals for and

oversee school health and safety policies and programs, including development, implementation, and periodic review and update of this district-level wellness policy.

The DWC membership meets all federal guidelines set forth and represents all school levels (elementary and secondary schools), includes parents and caregivers; students; representatives of the school nutrition program, physical education teachers; school health professionals and mental health and social services staff, school administrators, a school board member; and the general public. To the extent possible, the DWC will include representatives from each school building and reflect the diversity of the community

- b. *Leadership:* The Superintendent will appoint the DWC for a 3-year term, will assist with development and updates to the wellness policy, and will ensure each school's compliance with the policy.

#### 7.12.2 School Wellness Committee (SWC):

Each school within the District will establish an ongoing School Wellness Committee (SWC) that convenes to review school-level issues, in coordination with the DWC. Each school will designate a School Wellness Coordinator, who will ensure compliance with the policy at the local school level.

#### 7.12.3 Wellness Policy Implementation

The District will develop and maintain a plan for implementation to manage and coordinate the execution of this wellness policy. The plan defines roles, responsibilities, and actions specific to each school, and includes information and specific goals and objectives for nutrition standards for all foods and beverages available on the school campus, food and beverage marketing, nutrition promotion and education, physical activity, physical education, and other school-based activities that promote student wellness.

This wellness policy and the progress reports can be found at:  
[www.monroe.k12.al.us](http://www.monroe.k12.al.us)

- a. *Recordkeeping-*The District will retain records to document compliance with the requirements of the wellness policy at Superintendent's office and/Child Nutrition Program Director's office. Documentation maintained in this location will include but will not be limited to:
- The written wellness policy
  - Documentation demonstrating compliance with community involvement requirements:
  - Efforts to actively solicit DWC membership from the required stakeholder



groups.

- Participants in the development, implementation, and periodic review and update of the wellness policy
  - Documentation of annual policy progress reports for each school under its jurisdiction.
  - Documentation of the triennial assessment\* of the policy for each school.
  - Documentation demonstrating compliance with public notification requirements:
  - Methods by which the wellness policy, annual progress reports, and triennial assessments are made available to the public; and
  - Efforts to actively notify families about the availability of wellness policy.
- b. *Annual Progress Reports*-The District will compile and publish an annual report to share basic information about the wellness policy and report on the progress of the schools within the district in meeting wellness goals. This annual report will be published around the same time each year in *June*, and will include information from each school within the District. This report will include, but is not limited to:
- The website address for the wellness policy and how the public can obtain a copy of the policy;
  - A description of each school's progress in meeting the wellness policy goals;
  - A summary of each school's events or activities related to wellness policy implementation;
  - The name, position title, and contact information of the designated District policy leader(s) identified in Section I; and
  - Information on how individuals and the public can get involved with the DWC or SWC.

The annual report will be available in English and any other appropriate language spoken within the district by request.

The District and each school within the district will actively notify households/families of the availability of the annual report.

The DWC, will establish and monitor goals and objectives for each School Wellness Committee, specific and appropriate for each instructional unit (elementary or secondary OR elementary, middle, and high school, as appropriate), for each of the components listed in Sections III-V of this policy.

- c. *Triennial Progress Assessments*-At least once every three years, the District will evaluate compliance with the wellness policy to assess the implementation of the policy and include:
- The extent to which schools under the jurisdiction of the District are in compliance with the wellness policy;
  - A description of the progress made in attaining the goals of the District's wellness policy.

The District will actively notify households/families of the availability of the triennial progress report.

- d. *Revisions and Updating the Policy*-The DWC will update or modify the wellness policy based on the results of the annual progress reports and triennial assessments at least every **three** years, following the triennial assessment and based upon Federal and State guidelines for updates.
- e. *Community Involvement, Outreach, and Communications*-The District is committed to being open to community input and bringing awareness of the wellness policy, as well as how to get involved and support the policy.

The District will actively communicate through use of the district’s website, newsletters, presentations at PTO meetings, or sending information home to parents about ways in which representatives of DWC, district employees, parents and community members can participate in the development, implementation, and periodic review and update of the wellness policy. The District will ensure that all families are notified of the updates to the wellness policy and reports **annually in June**. The District will also make sure that communications are culturally and linguistically appropriate to the community.

#### 7.13.4 Nutrition Component

##### a. *School Meals*

Our school district is committed to serving healthy meals to children, with an abundance of fruits, vegetables, whole grains, fat-free and low-fat milk. Meals are moderate in sodium, low in saturated fat, and zero grams trans-fat per serving in order to meet the nutrition needs of school children within their age groups. The school nutrition program aims to improve and promote the diet and health of all school children, to help lessen childhood obesity, and encourage lifelong healthy eating patterns. The School Nutrition Program will also make reasonable accommodations for special dietary needs, as well as cultural and religious food preferences.

All schools within the District participate in USDA Child Nutrition Program including the National School Lunch Program (NSLP), the School Breakfast Program (SBP), The Summer Food Service Program (SFSP) is offered to all students from two central feeding sites: Monroe County High School and Monroe Intermediate School.

The District also operates additional nutrition-related programs and activities at various schools:

- Farm to School, Breakfast in the Classroom, Mobile Breakfasts Carts, Grab-n-Go Salads, Salad Bar Option

All schools within the District are committed to offering school meals through the NSLP and SBP programs that:

- Are accessible to all students;
- Are appealing and attractive to children;
- Are served in clean and pleasant settings
- Meet [USDA nutrition standards](#).
- All schools promote healthy food and beverage choices using techniques for Smarter Lunchroom:
  - Fresh fruit options are displayed at the in the line on sight and reach, as well as the Point of Sale.
  
  - Daily vegetable options as a Reimbursable Meal are bundled into grab and go salads or are available on a salad bar.
  - All staff members have been trained to politely prompt students to select and consume the daily vegetable options with their meal.
  - White milk is placed in front of other beverages in all coolers to encourage consumption of white milk.
  - Alternative entrée options (e.g., salad bar, grab and go salads, yogurt parfaits, etc.) are highlighted within all service and dining areas
  - Daily announcements are used to promote and market menu options.
  - Menus will be posted on the District website and will include nutrient content and ingredients.
  - School meals are managed by a team of child nutrition professionals.
  - Students will be allowed at least 10 minutes to eat breakfast and at least 20 minutes to eat lunch.
  - Students are served lunch at a reasonable and appropriate time of day.
  - Participation in Federal child nutrition programs will be promoted among students and families to help ensure that families know what programs are available in their children's school.
  - The District will implement and Promote Farm to School (F2S) activities:
    - Alabama grown products are incorporated into the school meal program;
    - Messages about agriculture and nutrition are reinforced throughout the learning environment;
    - School hosts a school garden;

- School utilizes promotions or special events to support farm to school participation and projects.

#### 7.12.4 Staff Qualifications and Professional Development

All school nutrition program directors, managers, and staff will meet or exceed hiring and annual continuing education/training requirements in the [USDA professional standards for child nutrition professionals](#). These school nutrition personnel will refer to [USDA’s Professional Standards for School Nutrition Standards website](#) to search for training that meets their learning needs.

#### 7.12.4 Water

To promote hydration, free, safe, unflavored drinking water will be available to all students throughout the school day\* and throughout every school campus\* (“school campus” and “school day” are defined in the glossary). The District will make drinking water available where school meals are served during mealtimes if a water fountain is not present.

#### 7.12.5 Competitive Foods and Beverages

The District is committed to ensuring that all foods and beverages available to students on the school campus\* during the school day\* support healthy eating. The foods and beverages sold and served outside of the school meal programs (i.e., “competitive” foods and beverages) will meet the USDA Smart Snacks in School nutrition standards, at a minimum. Smart Snacks aim to improve student health and well-being, increase consumption of healthful foods during the school day, and create an environment that reinforces the development of healthy eating habits. A summary of the standards and information are available at: <http://www.fns.usda.gov/healthierschoolday/tools-schools-smart-snacks>.

To support healthy food choices and improve student health and well-being, all foods and beverages outside the reimbursable school meal programs that are sold to students on the school campus during the school day\* will meet USDA Smart Snacks nutrition standards. These standards will apply in all locations and through all services where foods and beverages are sold, which may include, but are not limited to, a la carte options in cafeterias, vending machines, school stores, and snack or food carts.

#### 7.12.6 Celebrations and Rewards

The district will provide a list of foods and beverages that meet Smart Snack nutrition standards on the district website, as well as healthy party ideas for celebrations and suggestions for classroom snacks brought by parents and teachers, including non-food celebration ideas.

The District will provide information regarding ways to reward children other than food on the district website [www.Monroe.k12.al.us](http://www.Monroe.k12.al.us) go to Departments/Child Nutrition/Wellness Policy. [List of alternative ways to reward children.](#)

Foods and beverages will not be withheld as punishment for any reason, such as for performance or behavior.

#### 7.12.7 Fundraising

Foods and beverages that meet or exceed the USDA Smart Snacks in Schools nutrition standards may be sold through fundraisers on the school campus\* during the school day\*. The District will make available to parents and teachers a list of healthy fundraising ideas on the district website. [Examples from the [Alliance for a Healthier Generation](#) and the [USDA](#)].

**\*\* Only approved exempt fundraisers will involve foods that do not meet the Smart Snack Nutrition Standards.**

#### 7.12.8 Nutrition Promotion

The district will promote nutrition education that positively influences lifelong eating behaviors by using evidence-based techniques and nutrition messages, and

by creating food environments that encourage participation in school meal programs.

Nutrition promotion also includes marketing and advertising nutritious foods and beverages to students and is most effective when implemented consistently through a comprehensive approach by school staff and teachers, parents, students, and the community.

The District will promote healthy food and beverage choices for all students throughout the school campus by implementing evidence-based healthy food promotion techniques through the school meal programs using [Smarter Lunchroom techniques](#).

#### 7.12.9 Nutrition Education

The District aims to teach, model, encourage, and support healthy eating by students. Schools will provide nutrition education that promotes:

- Knowledge and skills necessary to promote and protect their health;

- Enjoyable, developmentally-appropriate, culturally-relevant, and participatory activities, such as healthy food promotions, taste-testing, farm visits, and school gardens;
- Fruits, vegetables, whole-grain products, low-fat and fat-free dairy products, and healthy food preparation methods;
- Link with school meal programs, cafeteria nutrition promotion activities, Farm to School programs.

#### 7.12.10 Essential Healthy Eating Topics in Health Education

The District includes in the health education curriculum the following essential topics on healthy eating and personal health and disease prevention:

- Food guidance from [MyPlate](#)
- Reading and using USDA's food labels
- Eating a variety of foods every day
- Balancing food intake and physical activity
- Risks of unhealthy weight control practices
- Accepting body size differences
- Food safety
- Importance of water consumption and additional information as available.

[USDA's Team Nutrition](#) provides free nutrition education and promotion materials, including standards-based nutrition education curricula and lesson plans, posters, interactive games, menu graphics, and more.

#### 7.12.11 Food and Beverage Marketing in Schools

The District is committed to providing a school environment that ensures opportunities for all students to practice healthy eating and physical activity behaviors throughout the school day while minimizing commercial distractions. The District strives to teach students how to make informed choices about nutrition, health, and physical activity. It is the intent of the District to protect and promote student's health by permitting advertising and marketing for only those foods and beverages that are permitted to be sold on the school campus.

#### 7.12.12 Physical Activity Component

Children and adolescents should participate in 60 minutes of physical activity every day. A substantial percentage of students' physical activity can be provided through a comprehensive, school-based physical activity program (CSPAP) that includes these components: physical education, recess, classroom-based physical activity, walk and bicycle to school, and out-of-school time activities and the district is committed to providing these opportunities. Schools will ensure that these varied

opportunities are in addition to, and not as a substitute for, physical education. All schools in the district will be required to participate in *Alabama School Assessment*.

Physical activity during the school day (including but not limited to recess, physical activity breaks, or physical education) **will not be withheld** as punishment for any reason [*insert if appropriate: "This does not include participation on sports teams that have specific academic requirements*].

To the extent practicable, the District will ensure that its grounds and facilities are safe and that equipment is available to students to be active. The District will conduct necessary inspections and repairs.

*a. Physical Education*

The District will provide students with physical education, using an age-appropriate, sequential physical education curriculum consistent with national and state standards for physical education. The physical education curriculum will promote the benefits of a physically active lifestyle and will help students develop skills to engage in lifelong healthy habits, as well as incorporate essential health education concepts.

All students will be provided equal opportunity to participate in physical education classes. The District will make appropriate accommodations to allow for equitable participation for all students and will include adaptive physical education classes and equipment as necessary.

All District **elementary students** in each grade will receive physical education for at least 60-89 minutes per week throughout the school year.

All [District] **secondary students** (middle and high school) are required to take the equivalent of one academic year of physical education.

The District physical education program will promote student physical fitness through individualized fitness and activity assessments such as Alabama Physical Fitness Assessment with a Pre-test in October and Post-test in March and will use criterion-based reporting for each student. All physical education lesson plans will follow NASPE guidelines.

b. *Essential Physical Activity Topics in Health Education*

The District will offer health education curriculum to all schools grades 9-12 to include the physical, psychological, or social benefits of physical activity.

c. *Recess (Elementary)*

All elementary schools will offer at least **20 minutes of recess** on all or most days during the school year if recess is offered before lunch, schools will have appropriate hand-washing facilities and/or hand-sanitizing mechanisms located just inside/outside the cafeteria to ensure proper hygiene prior to eating and students are required to use these mechanisms before eating. Hand-washing time, as well as time to put away coats/hats/gloves, will be built in to the recess transition period/timeframe before students enter the cafeteria.

*This policy may be waived on early dismissal or late arrival days.*

**Outdoor recess** will be offered when weather is feasible for outdoor play. In the event that the school or district must conduct **indoor recess**, teachers and staff will follow the indoor recess guidelines that promote physical activity for students, to the extent practicable.

Recess will complement, not substitute, physical education class. Recess monitors or teachers will encourage students to be active, and will serve as role models by being physically active alongside the students whenever feasible.

d. *Physical Activity Breaks (Elementary and Secondary)*

The District recognizes that students are more attentive and ready to learn if provided with periodic breaks when they can be physically active or stretch. The District provides recommendations to teachers for short (3-5 minute) physical activity breaks to students during and between classroom times. These physical activity breaks will complement, not substitute, for physical education class, recess, and class transition periods.

The District will provide resources and links to resources, tools, and technology with ideas for physical activity breaks.

e. *Active Academics*

Teachers will incorporate movement and kinesthetic learning



approaches into “core” subject instruction when possible (e.g., science, math, language arts, social studies, and others) and do their part to limit sedentary behavior during the school day.

The District will support classroom teachers incorporating physical activity and employing kinesthetic learning approaches into core subjects by providing annual professional development opportunities and resources, including information on leading activities, activity options, as well as making available background material on the connections between learning and movement.

Teachers will serve as role models by being physically active alongside the students whenever feasible.

*f. Before and After School Activities*

The District offers opportunities for students to participate in physical activity either before and/or after the school day (or both) through a variety of methods and activities. The District will encourage students to be physically active before and after school.

7.12.16.1 Other Wellness and Safety Activities Component:

The District will promote initiatives related to physical activity, physical education, nutrition, and other wellness components so all efforts are complementary, not duplicative, and work towards the same set of goals and objectives promoting student well-being, optimal development, and strong educational outcomes.

Schools in the District are encouraged to coordinate content across curricular areas that promote student health, such as teaching nutrition concepts in mathematics, with consultation provided by either the school or the District’s

curriculum experts.

All efforts related to obtaining federal, state, or association recognition for efforts, or grants/funding opportunities for healthy school environments will be coordinated with and complementary of the wellness policy, including but not limited to ensuring the involvement of the DWC/SWC.

All school-sponsored wellness events will include physical activity

opportunities.

*a. Community Partnerships*

The District will work to incorporate relationships with community partners in support of this wellness policy's implementation. Existing and new community partnerships and sponsorships will be evaluated to ensure that they are consistent with the wellness policy and its goals.

*b. Community Health Promotion and Engagement*

The District will promote to parents/caregivers, families, and the general community the benefits of and approaches for healthy eating and physical activity throughout the school year. Families will be informed and invited to participate in school-sponsored activities and will receive information about health promotion efforts.

As described in the "Community Involvement, Outreach, and Communications" subsection, the District will use electronic mechanisms (such as email or displaying notices on the district's website), as well as non-electronic mechanisms, (such as newsletters, presentations to parents, or sending information home to parents), to ensure that all families are actively notified of opportunities to participate in school-sponsored activities and receive information about health promotion efforts.

*c. Staff Wellness and Health Promotion*

The district will promote staff wellness with a focus on issues regarding staff wellness that identify and disseminate wellness resources, and support staff wellness in coordination with human resources staff.

The District will promote and encourage staff member participation in health promotion programs and will support programs for staff member wellness that are accessible and free or low-cost.

*d. Professional Learning*

When feasible, the District will offer annual professional learning opportunities and resources for staff to increase knowledge and skills about promoting healthy behaviors in the

classroom and school (e.g., increasing the use of kinesthetic teaching approaches or incorporating nutrition lessons into math class). Professional learning will help District staff understand the connections between academics and health and the ways in which health and wellness are integrated into ongoing district reform or academic improvement plans/efforts.

### **7.13 *Selection of Instructional Materials and Materials for the School Libraries***

The Superintendent is authorized to develop criteria for approval by the Board for selection of materials (other than textbooks) that are used in conjunction with student instruction and for circulation in school libraries. The Superintendent is further authorized to develop a procedure for review of objections to instructional and library materials.

### **7.14 *School/Family Partnership***

The goal of the Monroe County Board of Education is to develop a strong partnership between home and school. Families and school working as partners in the daily activities of the student help to increase student achievement, positive attitudes about self and school. Research shows that parental involvement in student education confers great benefits both intellectual and emotional. The partnership between home and school will be supported by:

- a. The development of a foundation to continually assess plans and implement strategies that builds the partnership.
  1. A district wide committee of parents, teachers, administrators and representatives from cooperative agencies to guide overall program efforts and serve as a home-school partnership network.
  2. Cooperation of activities through the staff development system in area of communication with families, teacher in-service and assessment of teaching strengths toward creation of the best possible experience for each child.
- b. Self-study of family involvement practices by teams of family members, teachers, counselors, and administrators in each school using the following seven basic principles considered essential to home/school partnerships. Each school will develop a family/school program to meet the community's specific needs.
  1. Every aspect of the school climate is open, helpful, and friendly.
  2. Communications with families (whether about school policies, workshops, brochures, parent handbook, or newsletters) are frequent, meaningful, and prepared in a

language parents can understand.

3. Families are treated as collaborators in the educational process, with a strong complementary role to play in their children's school learning and behavior.
4. Family members are encouraged, both formally and informally, to comment on school policies and to share in the decision making process.
5. The school encourages volunteer participation from families and the community at large.
6. The principal and other school administrators actively express and promote the philosophy of partnership with all families.
7. The entire school recognizes its responsibility to forge a partnership with all families in the school, not simply those most easily available.

The Monroe County Board of Education and staff will provide leadership in the development of clear and meaningful avenues of family involvement. Full realization of the partnership will be achieved through the on-going commitment and active participation by both the home and the school.

#### **7.15 *Virtual School Program***

The Monroe County Board of Education will provide a virtual pathway for students in grades 9-12 via ACCESS courses. Students enrolled in the virtual program option will complete all coursework virtually from their computers. The coursework allows student scheduling flexibility to complete the course requirements.

Students must meet the following eligibility criteria to participate in the virtual program option:

- 7 Own an operational home computer
- 8 Maintain a reliable home internet connection
- 9 Have an adult willing to serve as the learning coach
- 10 Be proficient in reading, writing, and math
- 11 Attend all mandatory meetings in person, including the beginning orientation meeting

Students must meet the established attendance criteria to participate in the virtual option. Attendance and academic progress will be monitored daily by the local school staff. Students are required to attend class daily by logging into the assigned ACCESS courses.

All quarterly and state mandated testing will be conducted at the local school. Upon satisfying all graduation requirements, students enrolled in the virtual program option will receive a Monroe County Public School System diploma.

Students enrolled in the virtual program option are eligible to participate in extracurricular activities in the school attendance zone in which they reside, and are subject to the same requirements, including Alabama High School Athletic Association rules.