

# Shelby County Board of Education



# Policy Manual

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## Preface

The Shelby 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 the Shelby County, and of promoting the interests of the Shelby 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Any provision, feature, or aspect of Board policy that does not conform to governing law should be deemed void and superseded by such law.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” and “Board of Education” means and refers to the Shelby 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 Shelby 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 §16-24C-3(2)(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 provides additional or more detailed information regarding the subject matter of the policy. The citations are not exhaustive and are subject to repeal, amendment, or invalidation by court rulings. Such changes may not be reflected in the policy.

## **I. Governing Principles**

The Shelby County Board of Education is committed to empower all students to develop their full potential through an innovative educational system characterized by a committed staff, challenging curriculum, and collaborative community partnerships.

## II. School Board Operations

### 2.1 Board Composition and Organization

#### 2.1.1 Composition

The Shelby County Board of Education is composed of five (5) members who are elected to six (6) year terms by qualified electors of Shelby County, Alabama. Members may not be employees of the Board.

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

#### 2.1.2 Resignation

Prior to the completion of a term of office, a Board member may submit a written resignation for approval by the Board. Additionally, a Board member is considered resigned when his permanent residence is no longer in Shelby County. Any resulting vacancy shall be filled pursuant to state law.

[Reference: ALA. CODE §16-8-6]

#### 2.1.3 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.

[Reference: ALA. CODE §§16-8-4 (1975)]

#### 2.1.4 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 Shelby County, Alabama. 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.

### 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)]

#### 2.3.1 Board Member Training

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

- a. Orientation for newly elected or appointed school board members;
- b. Training or consulting workshop for the local Board as a whole;

- c. State or national school board association event addressing Board governance or operation, or other Board member development opportunities relating to leadership development, Board governance, or Board operations.

### **2.3.2 Source of Training and Report**

The Board recommends the requirements of this policy be satisfied by participation in training provided by the Alabama Association of School Boards or other sources considered knowledgeable in school board governance and leadership and approved by the Board.

### **2.3.3 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)]

## **2.4 Board Meetings**

### **2.4.1 General Provisions**

The Board will hold regular and specially called meetings in accordance with applicable statutory requirements and as dictated by the needs of the 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)]

### **2.4.2 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, *et seq.* (1975)]

### **2.4.3 Agenda Preparation and Dissemination**

A written agenda for each regular board meeting shall be prepared by the superintendent in consultation with the board president and distributed to each board member 48 hours in advance of the meeting, and, if practicable, 24 hours prior to special meetings.

### **2.4.4 Rules of Order**

Board meetings will be conducted in accordance with the rules generally adopted by deliberated bodies for their governance shall be observed by the Shelby County Board of Education. A majority of the whole Board will constitute a quorum for purposes of transacting Board business except as may otherwise be provided by law.

### **2.4.5 Public Participation**

It shall be the policy of the Board of Education to conduct all meetings in full view of and with welcomed participation by the public.

All delegations or individuals who wish to appear before the Board shall submit such requests in writing to the Superintendent for consideration at least ten (10) days prior to the meeting date, stating what matters are to be presented. The Superintendent shall have the authority to

determine whether items requested warrant an appearance before the Board.

Each delegation appearing before the Board shall select one person in advance as its spokesperson and provide that name to the Superintendent. Only persons or groups properly requesting an appearance before the Board shall be given the opportunity to speak. The Board, at its discretion, may address questions to persons who address the Board after the presentation is completed.

The Board shall have authority to terminate the remarks or remove any persons when such remarks become personal in nature or such person disrupts, becomes boisterous, or interferes in any manner with the orderly process of the meeting.

All those appearing before the Board shall be given three minutes to make their presentation. Any supplemental materials may be supplied prior to the board meeting. The Board shall be guided by its previously adopted policies in arriving at a decision on matters brought up by any such delegation.

[Reference: ALA. CODE §16-8-9 (1975)]

## **2.5 Superintendent’s Responsibilities, Qualifications, and Term**

### **2.5.1 Role, Responsibilities, Qualifications, and Term**

The Superintendent serves as the chief executive officer of and secretary to the Board. The Superintendent may exercise such prerogatives and duties as are prescribed by statute, as are delegated or specified in an employment agreement, or as are otherwise lawfully assigned by the Board. The Superintendent must possess the minimum qualifications for the position that are established by law. The Superintendent’s term will be as established by law.

[Reference: ALA. CODE §16-8-7 (1975)], 16-9-1, et. seq.

### **2.5.2 Scope of Executive and Administrative Authority**

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

### **2.5.3 Superintendent’s Duties**

The Superintendent shall act as the chief executive officer of the Board. He shall have, under the direction and policies of the Board and in accordance with state law and regulations of the State Board of Education, responsibility for the management of the school system and the supervision of all personnel in the system. The Superintendent shall be authorized to delegate to other employees of the Board such responsibilities imposed on him by the Board as he may deem necessary. Delegation of responsibility to other personnel of the system shall not relieve the Superintendent of his responsibility for the total operation of the schools. The general scope of duties of the Superintendent shall include, but not be limited to, the following:

1. To exercise, pursuant to state statutes and under the direction of the Board, general supervision of all the public schools in the school district.
2. To enforce all provisions of law and all regulations relating to the management of the schools, and other educational, social, and recreational activities under

the direction of the Board of Education.

3. To attend all meetings of and have a seat on the Board of Education; to have the right to speak on all matters but not the right to vote; and to bring such matters before the Board as seem to him necessary for the general welfare of the schools.
4. To keep abreast of and to keep the Board of Education informed concerning acceptable, modern school practices, and to make such recommendations to the Board as shall lead to the establishment of standards which will assure growth and progress of the school district.
5. To carry out the policies adopted by the Board under such powers as may be delegated by the Board. To initiate those matters required of the Superintendent under Alabama law as set forth in ALA. CODE §16-8-1, et. seq., §16-9-1, et. seq. and other applicable areas respecting the duties and responsibilities of the county superintendent.
6. To exercise general supervision over all employees, and have the right to nominate, assign, suspend, and transfer all employees. All appointments and transfers are subject to a written recommendation from the Superintendent and the approval of the Board.
7. To suspend any pupil from the schools whenever, in his judgment, the best interests of the schools are served.
8. To assure the proper maintenance of all school district records.
9. To plan, prepare, and administer the budget as enacted by the Board, acting at all times within legal requirements and in accordance with policies of the Board.
10. To represent the School System in community affairs.
11. To perform such official duties as may be prescribed by law or the Board.
12. The Shelby County Board of Education believes that strategic planning is the process by which the guiding members of an organization envision its future and develop the necessary procedures and operations to achieve that future. It is the process of self-examination, the confrontation of difficult choices, and the establishment of priorities. It requires an agreement on the beliefs and mission of the system and the establishment and attainment of clear goals and objectives to achieve the desired results within specified time frames. To collaborate and consult with the Board to maintain a continuing strategic planning process that results in focusing the system's human and financial resources on a strategic plan which defines the system's shared vision and values.

13. The Superintendent shall promptly notify Board Members of any emergency which occurs in the schools.  
[Ref: ALA. CODE §16-8-7, §16-9-12 to 34 (1975).]

## **2.6 Association Membership**

### **2.7 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

The Board will maintain membership in the Alabama Association of School Boards.

[Reference: ALA. CODE §§16-1-3 through 5; 16-8-34; 36-12-1, *et seq.* (1975)]



## 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 1st to September 30th 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 balances on hand, except under conditions set forth by Alabama law governing the issuance of school warrants.

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

### 3.3 Accounting

Generally accepted accounting standards as prescribed by the Government Accounting Standards Board (GASB) or other governing authority will be applicable in the administration of all Board and school finances. All Board and school accounts will be recorded and reconciled in the financial records in a timely manner. All reports required by the State Department of Education will be completed in a timely manner with copies provided to Board members.

### 3.4 Accounting & Fiscal Operations Manual Authorized

Financial transactions will be administered in accordance with an accounting and fiscal operations manual that will be developed by the Superintendent or the Chief School Financial Officer and approved by the Board. The accounting and fiscal operations manual 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, fundraisers, fees, record retention, purchasing, disposal of property, banking, and investments. The practices, procedures, and requirements set forth in the manual will be disseminated or made available to 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/or the Chief School Financial Officer regarding the contents of the manual.

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

### 3.5 Audits

Business and financial transactions of the Board and the records of the Board financial accounts will be audited in accordance with auditing standards generally accepted in the United States of America and in accordance with Alabama state law.

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

### 3.6 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, including items lost, disposed of, purchased or otherwise added during the year, resulting in items on hand at the end of the fiscal year.

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

### 3.7 Purchasing

#### 3.7.1 General

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 accounting and fiscal operations manual.

#### 3.7.2 Adherence to Ethics Law

Employees shall adhere at all times to the provisions of the Alabama Ethics Law in all matters related to purchasing.

#### 3.7.3 Conflict of Interest

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

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

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

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

defines conflict of interest as:

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

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

Situations and circumstances presenting an actual conflict of interest or the appearance of a conflict of interest should be brought to the immediate attention of the superintendent. A board employee, board member, or agent of the board who has knowledge of a possible conflict of interest should identify the conflict and notify the superintendent. The superintendent will document his or her actions related to the reported conflict of interest. Resolution can consist of disqualification, recusal, waiver, or other appropriate measures. Appropriate measures may include reporting a conflict of interest to the State Ethics Commission, the Alabama State Board of Education, or the appropriate federal agency.

## **2.1 Cash Management, Deposit and Expenditure of Funds**

### **3.8.1 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 and the accounting and fiscal operations manual. The Board requires that school funds be deposited on a daily basis, whenever possible.

### **3.8.2 Investments**

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

### **3.8.3 Expenditures**

The Superintendent or his designee may spend funds budgeted for operations without prior Board approval unless the expenditure involves an amount in excess of fifty thousand dollars (\$50,000) for personal services contracts. Any capital project requires Board approval.

### **3.8.4 Procurement**

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 accounting and fiscal operations manual. The Superintendent is authorized to enter into cooperative purchasing agreements with other school systems or local governments as may be permitted by law. The board will follow state laws for the procurement of property and services. The primary state procurement laws for Alabama school boards are:

- Alabama Competitive Bid Laws (Chapter 13B of Title 16, Code of Alabama 1975);
- Joint Information Technology Purchasing Agreement (Chapter 13B of Title 16, Code of Alabama 1975); and,
- Public Works Law (Title 39, Code of Alabama 1975)

To the extent allowed by state laws, the board will utilize state, local, regional, and national purchasing agreements where appropriate for the procurement or use of goods and services. All procurement transactions are subject to the board's Conflict of Interest Policy and the procurement decisions of the board will:

- Avoid acquisition of unnecessary or duplicative goods and services;
- Use the most economical and efficient approach for acquisitions;
- Award acquisition contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of the proposed procurement;
- Consider contractor integrity, compliance with public policy, record of past performance, and financial and technical resources prior to awarding procurement contracts;
- Maintain records sufficient to document the history of the procurement ; and,
- Conduct procurement transactions in a manner that provides full and open competition.

Procurement transactions for federal programs and child nutrition programs that are not subject to the state procurement laws, but exceed the aggregate amount of the federal micro-purchase threshold, will be obtained by utilizing price or rate quotes from two or more qualified sources. State procurement laws include requirements that comply with the other Uniform Administrative Requirements for procurement of property and services.

The board will request proposals for those professional service contracts (excluding architectural and engineering services) that are exempt under state procurement laws if the contracts exceed \$150,000 and will be paid from federal or child nutrition program funds. The board will utilize a team of three or more qualified individuals to conduct a technical evaluation of proposals received and for selecting recipients. As a part of the evaluation, the individuals on the evaluation team will sign an assurance that each of the individuals is in compliance with the board's conflict of interest policy.

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

### **3.8.5 Authorized Signatures**

Checks drawn on the general fund or any special fund, with the exception of school accounts, require the signature of the Superintendent and 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 their alternates as approved by the Superintendent. 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 alternate approved by the Board.

### **3.8.6 Cash Management for Federal Funds**

The Board agrees to minimize the time between the receipt of federal funds from the United States Treasury, the Alabama Department of Education, or other pass-through entity, and the disbursement of those federal funds. Federal funds will only be requested to meet immediate cash needs for reimbursement not covered by prior receipts and anticipated disbursements that are generally fixed, such as monthly program salaries and benefits. Disbursements will be made within twenty days after receipt of funds. The Chief School Financial Officer will maintain financial records that account for the receipt, obligation, and expenditure of each federal program fund. Cash balances for each federal program fund and for the aggregate of all federal program funds will be monitored daily by the Chief School Financial Officer or designee.

## **3.9 Employee Compensation**

### **3.9.1 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. The Board authorizes the Superintendent to develop procedures for the purpose of assigning supplements to employees.

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

### **3.9.2 Local Supplements**

School-related booster or support organizations may fund local supplements for individual Board employees. Such payments may be approved by the Superintendent and/or his designee 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. The Board of Education accepts no responsibility for the funding source of local supplements.

### **3.9.3 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, with the exception of eligible first year teachers who may be paid over thirteen (13) months upon the recommendation of the Superintendent. 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.

#### **3.9.4 Salary Deductions**

Mandatory salary deductions will be made in accordance with applicable law, and employees are required to complete and submit all forms and provide such information as may be required or reasonably required for such purpose. The Board will make voluntary deductions as a service to employees upon written request of the individual employee. Deductions for membership dues will be made for organizations with an active membership of at least 20 active members, as established by membership lists provided to the Board by the organization. Such membership lists will be corrected, updated, and returned to the Board by the organization no later than September 15 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 15th of each school year. Upon termination of employment, any amounts owed under the terms of an employee authorization will be deducted from the employee's final pay. The Board will not be liable for any good faith error made in implementing a salary deduction that has been authorized by the employee.

[Reference: ALA. CODE §16-22-6 (1975)]

#### **3.9.5 Minimum Wage and Overtime**

In compliance with the Fair Labor Standards Act ("FLSA"), the Board will pay required minimum hourly wages and approved overtime to all employees who are non-exempt employees under the FLSA. For purposes of determining overtime, the workweek begins at 12:01 a.m. on Tuesday and ends at midnight on the succeeding Monday. All non-exempt employees who are approved to work more than forty (40) hours in a work week will be paid overtime. Employees must accurately report all time worked for the Board in the manner prescribed by the Superintendent. 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, or his designee.

#### **3.9.6 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 forty (40) hours of compensatory time may be accumulated and any overtime accrued in excess of the forty (40) hours maximum will be paid as overtime compensation. 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.

#### **3.9.7 Payroll Direct Deposit**

The Shelby County Board of Education makes available direct deposit to their employees. Effective July 1, 2012, all newly hired employees shall be required to participate in the direct deposit of the employees payroll check. The appropriate direct deposit forms shall be made available through the Human Resources Department. In the event that the payroll payment cannot be directly deposited into the employees account, then a check will be issued to the payroll address of record or delivered by other means as directed by the Chief School Financial Officer. The employee will be responsible for notifying the payroll department in writing of any change in

banks, bank account numbers, or account closing concerning the direct deposit account.

### **3.10 Travel Policy/Expense Reimbursement**

Board members and employees will be reimbursed for reasonable travel and subsistence expenses incurred in connection with official Board business. Travel costs are the expenses for transportation, lodging, subsistence, and related items incurred by board employees who are in travel status on official business of the board. The board's travel policy provides for reimbursement and payments for travel costs of employees paid from federal funds that are consistent with the travel costs for board employees paid from state or local funds. Reimbursement will be in accordance with approved rates and such procedures and standards for submitting and documenting such expenditures as may be developed by the Chief School Financial Officer or provided in the approved Finance Manual. For approved overnight travel, the Superintendent or designee may approve payment in advance for up to seventy-five percent (75%) of the estimated travel expenses.

Reference: ALA. CODE §16-8-5 (1975), §16-8-7, §16-11-9 and §16-12-3(a)]

### **3.11 Fees, Payments, and Rentals**

#### **3.11.1 Facility Use Fees**

The Superintendent is authorized to develop a schedule of reasonable fees for use of Board facilities and property by individuals, groups, or organizations.

#### **3.11.2 Copying and Other Charges**

The Superintendent is authorized to establish a schedule of reasonable charges which, 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.

### **3.12 School Accounts**

Funds held in school accounts, regardless of the funding source, will be maintained and accounted for in accordance with the Board's accounting and fiscal operations manual, and such procedures, rules, and regulations as may be developed by the Chief School Financial Officer or the Superintendent. The principal is ultimately responsible for all school funds and for ensuring that such funds are properly accounted for and secured.

### **3.13 Authority to Execute Contracts**

#### **3.13.1 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.

#### **3.13.2 Limitation on Authority to Bind the Board**



Principals and other administrators will have authority to enter into agreements only when such agreements are made in accordance with Board policy and accounting and fiscal operations manual created under authority of Board policy, or with the express authorization of the Board.

### **3.14 Affiliated Organizations**

#### **3.14.1 School Sponsored 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 Examiners of Public Accounts, Internal Auditors under the Chief School Financial Officer's direction or the Board. 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.

#### **3.14.2 Other Affiliated Organizations**

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

#### **3.14.3 Outside 501-C Boosters, Parent Organizations, Other School Related Organizations**

The Board of Education requires Parent, Booster and related school 501-c organizations that maintain financial operations outside the control of the school to, at a minimum, comply with the State Department of Education guidelines for financial operations of school related organizations. The outside legal entities authorized under I.R.S. Code section 501-c may provide funds to provide an additional supplement including employer matching benefits for salaries agreed to by the employee and the related organization unless such payments are in violation of Title IX, other federal, state, or local laws and regulations. The additional supplement agreed to by the outside legal entities and employees does not obligate in any way the Shelby County Board of Education or related school resources or fund balances. All supplement payments to employees shall be processed through the Shelby County Board of Education Central Office payroll department with appropriate payroll withholding.

### **3.15 Fundraising**

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

- a. The activity has been pre-approved by the local school principal or the Superintendent;
- b. 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;



- c. The activity is designed and intended to support a *bona fide* school or school system program or activity, or an activity that is consistent with the mission and purposes of the school system;
- d. Adequate provision has been made for the security and proper accounting of funds collected;
- e. Other information regarding the nature, scope, and purpose of the activity is provided to school officials upon request; and
- f. Appropriate arrangements have been made for any special activities to be held in conjunction with the fundraising event.

### 3.16 School Properties Disposal

The Board of Education shall be advised by the Superintendent in the event that certain real or personal property is no longer needed for public school purposes.

The Board, upon receipt of such report, may at such time as it deems proper and at its discretion declare that such property is no longer needed for public school purposes.

Once real property is declared as surplus by the Board, the Superintendent or his designee shall be authorized to take appropriate action in disposing of such property as outlined below:

- a. Obtain an appraisal(s) reflecting the fair market value.
- b. Notify local governmental authorities that such property is no longer needed for school purposes and invite a proposal if there is a need for such property.
- c. Follow the procedures in the manner prescribed by state law for the sale of real property.

[Reference: ALA. CODE §16-8-40; Att’y Gen Rept. V. 91 at 49 (1948). V. 142 at 18 through 21 (1971)]

### 3.17 Child Nutrition Procurements

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

[Reference: ALA. ADMIN. CODE 290-8-3-.01, *et seq.*]

### 3.18 Bonding

The Superintendent and the designated Chief School Finance Officer will be bonded in an amount fixed by the State Superintendent of Education. A certified copy of such bond shall be placed on file with the State Department of Education. School principals will be bonded for not less than one

thousand dollars (\$1,000.00). Other Board employees may be bonded in an amount approved by the Board. All bonds will be obtained from a reputable surety company authorized to do business in Alabama.

[Reference: ALA. CODE §§16-13-8, 9, 12; 16-30A-5]

## 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 to request permission before entering school property or attending the K – 12 school activity; the principal may deny an offender’s request to come onto the school campus.
- b. Immediately report to the principal of the school 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 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 who 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:
  1. *Students* – Students will be expelled for a period of one year. The expulsion requirement may be modified in writing by the Board upon recommendation of the Superintendent on a case-by-case basis. 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.
  2. *Employees* – Employees will be subject to adverse personnel action, which may include termination.
  3. *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.

### 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 with a blade length of more than two (2) inches, archery equipment, devices designed to expel projectiles at a high rate of speed, any device so classified under state or federal law, and any device either used or intended to be used in such manner as to inflict bodily harm, provided that the terms “deadly weapon” and “dangerous 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:

1. *Students* – Students will be disciplined in accordance with the Board’s Code of Conduct.
  2. *Employees* – Employees will be subject to adverse personnel action, which may include termination.
  3. *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. *Penalties for Violations* – In addition to any criminal penalties that may be imposed, the following penalties will be imposed for unauthorized possession of illegal drugs or alcohol:
  1. *Students* – Students will be disciplined in accordance with the Board’s Code of Conduct.
  2. *Employees* – Employees will be subject to adverse personnel action, which may include termination.
  3. *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.

#### **4.2.4 Tobacco**

The use of tobacco products and the illegal possession, distribution, and sale of tobacco products on school property is prohibited.

- a. *Penalties for Violations*
  1. *Students* – Students who violate the tobacco prohibition will be disciplined in accordance with the Board’s Code of Conduct.
  2. *Employees* – Employees who violate the tobacco prohibition will be subject to adverse personnel action, which may include termination.

3. *Other Persons* – Other persons who violate the tobacco prohibition may be denied re-entry to school property.

b. *Parental Notification* – Parents and guardians may be notified of actual or suspect violations of the tobacco prohibition whether or not the student is charged with a violation of Board policy, which includes the Code of 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 Accident**

The Board of Education shall require all accidents occurring on school grounds or in school facilities to be reported immediately to the principal's office. The principal shall contact the parents or legal guardian in case of accident or injury, whenever possible. Any student suffering an accident or injury shall not be left unattended. The teacher or other staff member to whom a child is responsible at the time of the accident or injury shall provide a written report of all circumstances surrounding the accident to the principal and Superintendent.

### **4.3 Accreditation**

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

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

#### **4.4.1 Annual Reports**

Annual reports shall be provided to the Board relative to maintenance needs, safety, utility and attractiveness of schools plants and grounds within the school district.

#### **4.4.2 Equipment, Supplies, Materials, Vehicles**

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

#### **4.4.3 Use of Board Facilities**

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

#### **4.4.4 Advertising**

Board property will not be used for commercial advertising except upon such terms and conditions as may be expressly approved by the Board.

### **4.5 Naming Board Facilities**

When naming schools, school facilities, buildings on school ground and/or any structure on property belonging to the Shelby Board of Education, the decision will be left to the discretion of the Board of Education. Requests to name or rename any board property, including buildings, portions of a building, and other district facilities should be submitted to the superintendent with a justification giving the rationale for the name to be selected. Under most circumstances, the board will name schools in order to reflect their location and relationship to the communities served by the school system.

### **4.6 Complaints and Grievances**

#### **4.6.1 General Complaints (Grievances)**

Subject to the limitations set forth below, 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, or administrator at the lowest administrative level who has the authority and ability to address the problem or to implement the requested action. The Superintendent is authorized to develop specific procedures that will provide for fair consideration

and orderly review of complaints and grievances. Such procedures may not unreasonably burden or delay the presentation or processing of such matters, and will be subject to Board review, modification, and approval.

#### **4.6.2 Limitations Regarding Availability and Application of General Complaint/ Grievance Policy**

The general complaint/grievance policy and any procedures adopted thereunder do not apply to specific complaint or grievance policies and procedures that are established by Board policy or law for application to special factual or legal circumstances (e.g., sexual harassment grievance procedures; review of personnel matters under the Alabama Student's First Act or fair dismissal laws; "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 and administrative levels have been exhausted and in accordance specified in the Code of Conduct. 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 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 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.

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

### **4.9.1 Access to Technology Resources**

The Board permits restricted and conditional access to and use of its technology. 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. The Board also reserves the right to place conditions on, restrict, or prohibit the use of personally-owned technology resources on its property. The term technology refers to all forms of digital hardware, devices, software, or accounts. Although cell phones and smart phones can be used for many of the same activities as other forms of technology, additional rules apply to the possession and use of these devices.

This policy applies to all technology, regardless of ownership, used on school property during school hours or during other school-related activities. It also applies to the use of Board-owned technology regardless of location or time of day.

The Superintendent is authorized to develop Acceptable Use Practices (AUP) for employees, students, and other persons, as well as other rules and regulations having to do with technology use. Employees, students and other persons using the Board's technology resources, using personally-owned devices or accounts on Board property, or using personally-owned accounts in connection with their role as an employee or student are expected to read and agree to these rules and regulations prior to their technology use, whether or not a signed agreement is required.

### **4.9.2 Restrictions or Loss of Privileges**

Persons who violate any Board policy, rule, or regulation regarding technology use may be denied the use of the Board's technology resources, may be prohibited from bringing personally-owned technology onto Board property, and may be subject to additional disciplinary action. Persons are responsible for their behavior as it relates to technology, and should therefore, keep their login and passwords secure at all times.

### **4.9.3 Ownership of Resources and Expectations of Privacy**

All technology resources, including but not limited to, network and Internet resources, accounts, electronic systems, computers or other devices owned, leased, or maintained by the Board are the sole property of the Board. Authorized 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, maintenance, 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. In addition, school officials may read, examine, or inspect the contents of any personally-owned technology devices upon reasonable suspicion that the contents or recent utilization of the device contains evidence of a violation of Board Policy, the Code of Conduct, Acceptable Use Practices, or other school or system rules or regulations.. The Board of Education will cooperate with any properly executed request from any local, State, or Federal law enforcement agency or civil court.

#### **4.9.4 Adoption of Rules and Regulations**

The Superintendent is authorized to develop additional or more specific rules and regulations regarding access to and use of technology resources and to require adherence to such rules and regulations through such means as “Acceptable Use Practices”, which may be published independently or as part other publications such as the “Student Code of Conduct and Attendance” or employee handbooks, and application of appropriate disciplinary policies and procedures. Such publications may or may not require students, their parents, or employees to sign an associated agreement form. Failure of the Board to request or obtain signed agreement forms or of the student, parent or employee to sign and return any such agreement form does not alleviate the individual of their responsibility to comply with these rules and regulations.

#### **4.9.5 Internet Safety**

The Superintendent is authorized to develop additional and more specific rules, procedures, and protections regarding Internet safety in order to comply with the Children’s Internet Protection Act<sup>1</sup>. Such rules, procedures, and protections will address or provide:

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

#### **4.9.6 Limitations of Liability**

The Board makes no warranties of any kind, either expressed or implied, that the functions or the services provided by or through the Board’s technology resources will be error-free or without defect. The Board will not be responsible for any damage users may suffer, including but not limited to loss of data, interruption of services, or due to a failure to block or filter inappropriate Internet sites or electronic communications.

Although the Board claims ownership of its various technology resources, all user-generated data, including email content and digital images, is implicitly understood to be representative of the author’s individual point of view and not that of the school or school system. Students and their parents must also be aware that the Board cannot assume any liability arising out of the illegal or inappropriate use of technology resources.

[References: Pub. L. No. 106-554 and 47 USC §254(h) and (l)].

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

#### 4.10 Data Use and Governance Policy

The Shelby County Schools Data Use and Governance Policy is based upon, but not limited to, maintaining compliance with the Family Educational Rights and Privacy Act (FERPA). The Superintendent is authorized to establish, implement, and maintain data use and governance measures. These measures shall include establishing data security classifications; implementing procedural, physical, and electronic security controls; managing external data requests; maintaining records regarding security access, and establishing a Data Governance Committee. The data governance measures will apply to Board employees and all Board operations. In addition, this policy will apply to all individuals who are granted access to data in conjunction with any services that they provide at the request of the Board. Any unauthorized access, use, transfer, or distribution of Board data by an employee, student, or other individual, may result in disciplinary action that may include a recommendation for termination 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 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.

## 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.
- h. Employees shall at all times maintain appropriate, “professional” demeanor from students and shall not engage in conduct including communication of any kind that constitutes, solicits, or suggests sexual, romantic, or inappropriately familiar interaction with students.
- i. Employees are required to report to work or to school functions in attire that is appropriate to their position and the nature of the function and that is in keeping with generally accepted standards of decorum and professionalism. Service and other employees who are issued uniforms shall wear uniforms when required.
- j. Employees shall promptly disclose to the Board any fact that would disqualify

them from employment or that renders them unable to perform their essential job functions.

- k. The Board of Education shall not prohibit outside employment by an employee. Under no condition, however, will the Board permit outside work by an employee to interfere with his efficiency in carrying out his responsibilities. The Board reserves the authority to deny any employee the privilege of working at another job if such employment lessens or interferes with the employee's efficiency and work in his assigned duties.

#### 5.1.2 Special Requirements

- a. *Work Schedules (Teachers)* – Supervisory and instructional duties of teachers commence a minimum of fifteen (15) minutes prior to the actual arrival and conclude ten (10) minutes after the departure of students. Except as may otherwise be provided by the Board or required, 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.
- b. *Work Schedules (Support Personnel, Central Office Staff, and Administrators)* – The Superintendent is authorized to establish work schedules, including minimum work times, for support personnel, central office staff, and administrators.
- c. *Professional Certification* – In addition to requirements established by the State Board of Education and the pertinent job description, professional employees must hold a degree from an accredited college or university and hold a current, valid, and properly endorsed Alabama Teacher's Certificate, which will be maintained in the 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.
- d. *Substitute Teachers* – Substitute teachers must, at a minimum, possess a high school diploma and valid and current Alabama Substitute Teacher's Certificate or Alabama Teacher's Certificate.
- e. *Teacher Aides* – 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.

- f. *Bus Drivers* – In addition to the requirements established by the State Board of Education, a bus driver must: (i) hold a valid commercial driver’s license, (ii) complete a minimum of twelve (12) hours of approved instruction in school bus driving, (iii) satisfactorily complete a written examination driver’s performance test approved or administered by the State Department of Education of State Superintendent, (iv) complete additional Board requirements as required by the Superintendent or his designee. A bus driver must also meet any requirements of the entity providing the Board’s automobile liability coverage.  
[Reference: ALA. CODE §16-27-4 (1975)]

## 5.2 Hiring

### 5.2.1 Application Procedures

Job applicants for all positions must file an on-line application with the Shelby County Board of Education. 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* – No employee may be assigned to a work location or to a position in which the employee would report to or be under the immediate supervision of another family member as defined in the Alabama Ethics Law, ALA. CODE §16-22-15.1(12) (1975). Any inadvertent employment or assignment of a family member that violates this policy must be promptly disclosed to the Superintendent upon its discovery, and all involved employees

must cooperate in accepting reassignments or taking other measures necessary to correct the violation.

- b. *Employment of Family Members* – Board members, administrators, or supervisors may not use their positions to directly or indirectly seek or secure the employment of any family member as defined in the Alabama Ethics Law. ALA. CODE §16-22-15.1 (12) (1975).

### **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.

## 5.7 Employee Evaluations

### 5.7.1 Certified Personnel

Certified employees (other than contract principals) will be evaluated in accordance with an evaluation program approved for use by the state or local 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.

### 5.7.2 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.

### 5.7.3 Use of Evaluations in Connection With Employment Decisions

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.

#### **5.7.4 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.

#### **5.7.5 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.

### **5.8 Personnel Records**

#### **5.8.1 Content of Personnel Files**

A central personnel file will be maintained for all regular employees. The personnel file may contain information regarding the employee's current assignment, payroll status, and work history, including but not limited to job qualifications, certification, licenses, employment contract(s), evaluation data, disciplinary information, and such other documents, written materials, and data as may be 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.

#### **5.8.2 Alternate Data Storage**

Personnel file data may be stored or maintained electronically or digitally.

#### **5.8.3 Confidentiality**

In general, the contents of an employee's personnel file will be deemed confidential except for documents, information, and materials that are matters of public information or public record under applicable state or federal law.

#### **5.8.4 Access to Personnel Files**

Board members, the Superintendent, Board administrators (including principals), employees of the Human Resources Department, and other persons whose duties reasonably require access to personnel files are authorized to view, copy, and use the contents of personnel files for purposes that are required by or in keeping with their official duties on behalf of the Board.

### **5.9 Substitute Teachers**

#### **5.9.1 General**

The Superintendent will maintain a list of properly qualified substitute teachers from which principals, assistant principals, or designated representatives may secure substitute teachers. It is the responsibility of the principal to secure a substitute teacher. Long term substitute teachers will be selected by the school principal and are subject to approval by the Superintendent.

#### **5.9.2 Compensation**

Substitute teachers will be compensated according to the Board approved salary schedule. A substitute teacher filling a teaching position for more than twenty (20) consecutive school days will be compensated on a daily rate equal to Rank II – Step 0 Beginning Teacher’s Salary beginning on the twenty-first (21st) school day. A substitute teacher will not qualify for benefits and will be paid monthly for the number of days actually worked. Substitute teachers are not eligible for continuing service status and time worked as a substitute will not be counted toward continuing service status, even where the substitute teacher later is employed in a permanent position with the Board.

## **5.10 Employee Leave**

### **5.10.1 Work Attendance an Essential Job Function**

Punctual, regular attendance is an essential job function of every job and position, and employees are expected to report to work when scheduled to work and to remain at work each working day.

### **5.10.2 Absences**

Except as otherwise authorized 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. Professional leave;
- c. Vacation leave;
- d. Personal leave;
- e. Military leave;
- f. Court leave;
- g. Unpaid Educational Leave;
- h. Other unpaid leave that is specifically approved by the Board upon a showing of substantial hardship or extraordinary circumstances.

### **5.10.3 Absences Require Notice**

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 their designated supervisor of their absence as early as possible. Except as otherwise provided or permitted, an employee who is absent from work without approved leave will be considered absent without leave in violation of Board policy and subject to appropriate disciplinary measures. Employees who are approved for paid leave or absences will be paid at the regular daily rate of pay; however, a day of paid leave or absence will not be counted as a day worked for 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.

#### **5.10.4 Paid Sick Leave**

- a. *Persons Eligible for Paid Sick Leave* – All regular full time employees are eligible to accrue (earn, accumulate) 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. Death or care of an individual with whom unusually strong personal relationship or responsibility exist because of a relationship other than those listed above.
- d. *Certification* – Employees must certify that sick leave was used for one of the reasons provided in state law and specify the reason. If the employee’s principal or department head has probable cause to believe that an employee has abused or misused sick leave, a physician’s statement verifying the existence and nature of the illness or medical condition may be required by the Superintendent or his designee. Abuse of sick leave may subject the employee to disciplinary action.

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

#### **5.10.5 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)]

**5.10.6 Personal Leave**

All regular, full time employees are eligible for five (5) non- cumulative personal leave days each scholastic year (3 fully paid and 2 partially paid). Personal leave must be requested in writing in accordance with such procedures as may be established by the Superintendent or the Board. Employees may be compensated for unused personal leave at the end of the school year at the same daily rate of pay used for substitute teachers. Full time employees may choose to convert unused personal leave days to sick leave days at the end of the school year.

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

**5.10.7 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:
  - 1. A proportionate number of five (5) vacation days will be awarded as follows when the eligible employee is hired during a contract year (July 1 to June 30):

Initial Employment (between)	Number of Vacation Days
July 1 and July 14	10
July 15 and August 31	9
September 1 and October 31	8
November 1 and January 31	7
February 1 and March 31	6
April 1 and June 30	5

- 2. A proportionate number of ten (10) vacation days will be awarded as follows when the eligible employee begins work at the beginning of a contract year but has not yet been employed by the Board for a full contract year:

Initial Employment (Between)	Number of Vacation Days
July 1 and July 31	5
August 1 and September 30	4
October 1 and November 30	3
December 1 and January 31	2
February 1 and March 31	1
April 1 and June 30	0

3. Ten (10) vacation days will be awarded to an eligible employee previously employed by the Board for at least a full contract year as an eligible employee.
  4. Only consecutive service with the Board will be considered in establishing length of service for purposes of determining vacation benefits.
- c. *Accrual and Accumulation of Vacation Time* – Vacation must be used by December 31<sup>ST</sup> of the following year or be forfeited. Vacation days may not be bought, sold, or donated. Accumulated vacation time will be forfeited if not used prior to the effective date of resignation or retirement. No payment will be made for any vacation leave that is unused as of the employee’s resignation, termination or death.
- d. *Scheduling* – Vacations must be scheduled with the knowledge and approval of the employee’s department head.

**5.10.8 Professional Leave**

The Superintendent 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. The number of days approved for such leave will be at the discretion of the Superintendent; provided, however, that any such leave exceeding five days in a scholastic year must be approved by the Superintendent and/or his designee.

**5.10.9 Military Leave**

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

**5.10.10 Court Leave**

Permanent and full-time employees are entitled to regular compensation while performing jury duty 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.

[ALA. CODE §§16-8-25, 12-16-8 (1975)]

#### **5.10.11 Educational or Study Leave**

Permanent and full time employees may be permitted an unpaid leave of absence for educational or study reasons without loss of continuing service status upon the specific advance approval of the Board. The following terms and conditions will apply to any such request:

- a. The leave must not unduly disrupt the operation of the Board or school. For classroom teachers, such leave must be taken in semester blocks.
- b. The leave of absence must be for the purpose of receiving additional educational training or engaging in other activities that will benefit the instructional program and/or the operation of the school or the Board. Said leave will not be approved for an employee who wishes to receive training for a position or job outside of education.
- c. An employee requesting leave must be a tenured employee and have at least five (5) years of service as an employee of the Board.
- d. Request for such a leave of absence must be made on the leave request form developed by the Superintendent, with all requested information provided.

The Board retains the sole discretion to approve the request for such leave and may consider the extent of disruption to the Board, benefits to the school system that will be derived as a result of the leave, the ability to secure a suitable substitute for the period of leave, length of service of the employee requesting leave, and any other factor the Board deems appropriate.

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

#### **5.11.7 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.

#### **5.11.8 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 child;
- b. The adoption or foster placement of a child;
- c. The care of a “serious health condition” of an immediate family member;
- d. When the employee is unable to work because of a serious health condition; and
- e. Qualifying exigencies arising out of the fact that the employee’s spouse, son, daughter or parent is on active duty or call to active duty status as a member of the National Guard or Reserves in support of a contingency operation (for more

information you can visit the U.S. Department of Labor’s website at [www.dol.gov](http://www.dol.gov))

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.

#### **5.11.9 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.

#### **5.11.10 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.

**5.11.11 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.

**5.11.12 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.

**5.11.13 Use of Leave**

If an employee has available sick leave, catastrophic leave or comp time 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. **EFFECTIVE 7/1/13**

**5.11.14 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.

**5.11.15 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.

**5.11.16 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.

**5.11.17 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.

**5.11.18 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.

**5.11.19 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.

**5.11.20 Leave of Absence – Medical or Birth/Adoption**

An employee may be granted a one-year leave of absence without pay for each birth/adoption of a child, or personal illness when proper application is made to the Shelby County Board of Education. For valid extenuating circumstances, the Board may extend the leave of absence for up to one additional year. Such leave granted by the Board shall not be deemed to interrupt the continuing service of the employee. Should an employee who qualifies for FMLA leave and is also granted Medical or Birth/Adoption leave, the first twelve weeks of that leave shall be deemed to be FMLA leave.

## 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 Superintendent and four members representing participating members of the bank.

*Board Representative* – The Member representing the Superintendent will be appointed by the Superintendent. *Participant Representatives* – The participant representatives will be selected by the sick leave bank members.

## 5.12 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 Human Resources Department 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 Human Resources Department for final tabulation. The four candidates receiving the highest number of votes will serve as participant representatives on the Sick Leave Bank Committee.
  - a. *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.
  - b. *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.
  - c. *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.

- d. *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.
- e. *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.

#### **5.12.1 Catastrophic Sick Leave**

Members of the Sick Leave Bank who meet the qualifications required for Catastrophic Sick Leave are eligible to receive sick leave donations from other employees. Individual members may contribute a maximum of 30 days to one person. Catastrophic leave forms are available at [http://www.shelbyed.k12.al.us/intranet/forms/english/ill\\_inj\\_req.pdf](http://www.shelbyed.k12.al.us/intranet/forms/english/ill_inj_req.pdf)

[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**

#### **5.14.7 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.

- a. *Reporting* – Any employee with reason to believe that he or she has been or is being subjected to any form of discrimination 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 discrimination

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.

#### **5.14.8 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.

#### **5.15.7 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.

#### **5.15.8 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.

#### **5.15.9 Employee Complaint Resolution Procedures**

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

#### **5.15.10 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 Assistant Superintendent of Human Resources/Personnel or Assistant Superintendent of Administration 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.

**5.15.11 Confidentiality**

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

**5.15.12 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.

**5.15.13 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**

**5.16.7 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. Moreover, layoffs are not terminations for cause within the meaning of the Alabama Teacher Tenure or Fair Dismissal laws and are not subject to the procedural or substantive requirements thereof. 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.

**5.16.8 Criteria for Implementing Layoffs**

- a. Employees who are to be laid off under authority of this policy shall be determined on the basis of objective criteria.
- 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), the application of which would consistently affect the same employees in the same way without regard to the identity, personal preferences, or individual judgment of the person applying the standard(s). By way of example and not limitation, objective criteria could include seniority, minimum years of experience, degree(s), certification, or licensure, type of position, classification, or field of employment.

#### **5.16.9 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 Board’s Director of Human Resources in accordance with any directives that may be contained in or transmitted in conjunction with the notice of layoff.

Circumstances permitting the selection of employees for recall will be based on the criteria that were applied to 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.

#### **5.16.10 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**

### **5.17.7 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.

### **5.17.8 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.

### **5.17.9 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.

### **5.17.10 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 Substance Abuse Policy - Employees

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").

- a. Effective July 1, 2014 the Board will adopt for all "covered employees" provisions in the U.S. DOT regulations (FMCSA) 49 CFR Parts 382 and 392, regarding the use of prescription controlled substance medications. Using, possessing or being under the influence of the following drugs/controlled substances while on duty is prohibited:
  1. Schedule 1 substances (e.g. heroin, marijuana, LSD);
  2. Amphetamines, narcotics and other controlled substances UNLESS prescribed by a licensed medical practitioner who has advised the employee that the medication(s) will NOT affect the employee's ability to safely perform his/her duties.

### 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 four (4) hours of going on duty, operating, or having physical control of a vehicle;
- g. Reporting for duty or remaining on duty when using any controlled substance, except when instructed by a physician who has advised the driver and the Board that the substance does not adversely impact the performance of any safety-sensitive duty;
- h. Reporting for duty, remaining on duty, or performing safety sensitive functions with controlled substances in the employee's system.

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

#### **5.18.3 Testing Program Authorized**

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

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

#### **5.18.4 Administration of Program**

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

[Reference: Omnibus Transportation and Employment Act of 1991]

## 5.19 Searches (Personnel)

- 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 §16-28-3.1 (1975)]

#### 6.1.2 Admission to Schools

- a. *Resident Students* – School-aged children who reside within Shelby County, Alabama and not within the limits of a city school system, may be admitted to Shelby County Schools. The Board of Education shall admit students to the schools of the school district on an individual basis under such rules and regulations as the Board may prescribe. The Board of Education has established school attendance zones. Students must attend school in the zone in which they reside with a parent or legal guardian, where the guardian has been appointed for reasons other than to attend school in Shelby County.
  
- b. *Foreign Exchange Students* – The residence of students attending a Board school as part of a foreign exchange student program will be the residence of the host family. The Shelby County Board of Education understands and appreciates the cultural and language contribution to education made possible by the interaction of students from other countries with our own and shall make accommodations for having such students attend our schools. Because of the increasing number of opportunities for foreign students to obtain a visa and reside temporarily in our district, either through organized foreign exchange programs or through informal arrangements with families of relatives or friends, the superintendent and/or his designee shall develop procedures to be followed for admission of foreign students. Foreign exchange students may be admitted only to attend grades 10 or 11 in the district. The Shelby County Board of Education authorizes each school to enroll a maximum of 1% of the student population of the sophomore and junior class, up to a maximum of 4 students per school. The superintendent may grant permission to enroll more than 4 students upon the request of the school principal. No more than two students from any one country shall be enrolled at the same time at the same school. The standards for successful completion of a course and the granting of credit for the course shall be the same for foreign exchange students as they are for resident students.  

All foreign exchange students who wish to enroll, should present their request to the school system Coordinator of Student Services as soon as possible but no later than June 15, except as may be authorized by the superintendent.
  
- c. *Homeless Students* – Homeless students will be permitted to enroll without regard to residency status and may be entitled to other accommodations under

federal law.

[Reference: McKinney-Vento Homeless Assistance Act, (42 U.S.C. 11431) et. seq., 34 CFR 200.6]

- 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.
- e. *Required Documentation* – Students entering the school system for the first time, regardless of grade level, will be required to submit a certified birth certificate, documentation or other proof of residency, and such 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 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.
- g. *Students living in Foster Care* – Students living in foster care will be permitted to enroll without regard to residency status and may be entitled to other accommodations under federal law.  
[Reference: Fostering Connect Act 475(l)(G)]

### **6.1.3 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:

- a. Illness
- b. Death in immediate family
- c. Inclement weather which would be dangerous to the life and health of the child as determined by the principal
- d. Legal quarantine
- e. Emergency conditions as determined by the principal
- f. Prior permission of the principal upon request of the parent or legal guardian

Documentation supporting an excused absence must be submitted in a timely manner (3 school days) 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.

#### **6.1.4 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 school system for good cause. Transfer requests must be submitted in writing and must include detailed reasons for the request. The Superintendent may approve or deny a transfer request in light of the stated reasons for the request, the capacity and resources of the schools, the student's record (including behavior, grades, attendance, and other factors), and the best interests of the student and of the school system. The existence or availability of a transfer process does not create or give rise to any right to attend a particular school, and school assignment remains wholly with the discretion of the Board.

### **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.

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

## **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 as provided in the Board finance or local school finance manual(s).

## **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 of requirements.

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

#### **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 minimum regulations and standards for eligibility to participate in extracurricular activities within this school system.

Students entering grades 10 through 12 must have maintained for the immediately preceding school year, a passing grade in each of at least six (6) Carnegie unit credit courses and a minimum composite numerical grade average of seventy (70) for all Carnegie unit credit courses. Students entering grades 8 and 9 must have maintained for the immediately preceding year, a passing grade in at least five (5) subjects and a minimum composite numerical grade average of seventy (70) for all five (5) credit courses. Subject to other restrictions, students entering grade 7 for the first time are eligible to participate in extracurricular activities.

- a. Of the courses used to determine eligibility, four (4) of the credits must be core curriculum courses (i.e., English, Science, Social Studies, and Math). If the student is otherwise on track with the Board's graduation requirements in the core curriculum courses, the student may be exempt from the core curriculum requirement.
- b. Physical education and other related courses may only count as one (1) of the subjects used to determine eligibility.
- c. The use of up to two (2) Carnegie unit credits and the accompanying cumulative grades obtained during summer school may be used in computing in the credits required for eligibility.
- d. 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 the Board as they pertain to other extracurricular activities.

- e. At the end of each grading period, the head coach or sponsor of each extracurricular activity will check the current grades of all students participating in the activity. If a student fails to maintain the academic standards in all of the courses during the preceding grading period, the student will be placed on probation from extracurricular activities, whereby the principal will be notified, and the student placed in a mandated academic remediation program (Academics First) to address the academic performance of the student.
- f. During the probation period, modifications in the student's participation in extracurricular activities may be made by the principal if such modification is necessary to ensure the student's ability to improve academic performance.
- g. Academic remediation will last a minimum of one grading period.
- h. At the end of each grading period while a participant in academic remediation, students must show evidence of satisfactory participation in the remediation program in order to maintain participation in extracurricular activities.

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

#### **6.4.4 Extra-Curricular Fees**

All fees charged for extra-curricular activities shall be approved by the Board annually.

### **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 and other risk management considerations (e.g., parental permission, medical treatment authorization, special insurance requirements);
- d. Properly licensed 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. Prior Administrative approval of the trip is obtained.
- f. All out-of-state filed trips must be approved by the Board.

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 and in accordance with the Shelby County Code of Conduct.

## **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 publication.

## **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.

### **6.8.1 Alabama Student Religious Liberties Policy**

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

## **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 touching's;
- 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" (6.8.3) above. In no case will any employee who is the subject of a complaint be permitted to conduct, review, or otherwise exercise decision making responsibility in connection with the processing of the complaint.

#### **6.10.5 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 there course available to students who believe that they have been subjected to sexual harassment.

## 6.11 Anti-Harassment Policy

### 6.11.1 Harassment, Violence, and Threats of Violence Prohibited

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

### 6.11.2 Definitions

The term “harassment” as used in this policy means a continuous pattern of intentional behavior that takes place on school property, on a school bus, or at a school-sponsored function including, but not limited to, written, electronic, verbal, or physical acts that are reasonably perceived as being motivated by any characteristic of a student, or by the association of a student with an individual who has a particular characteristic, if the characteristic falls into one of the categories of personal characteristics set forth in Section 3 (b) below. To constitute harassment, a pattern of behavior may do any of the following:

- Place a student in reasonable fear or harm to his or her person or damage to his or her property.
- Have the effect of substantially interfering with the educational performance, opportunities, or benefits of a student.
- Have the effect of substantially disrupting or interfering with the orderly operation of the school.
- Have the effect of creating a hostile environment in the school, on school property, on a school bus, or at a school-sponsored function.
- Have the effect of being sufficiently severe, persistent, or pervasive enough to create an intimidating, threatening, or abusive educational environment for a student.

(a) 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.

(b) 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.

(c) The term “intimidation” as used in this policy means a threat or other action that is intended to cause psychological or mental fear or apprehension in a student, especially for the purpose of coercing or

detrerring 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.

- (d) The term “student” as used in this policy means a student who is enrolled in the Shelby County school system.

#### **6.11.3 Description of Behavior Expected of Students**

(a) Students are expected to treat other students with courtesy, respect, and dignity and comply with the Student Code of 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 (also referred to as bullying) 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 personal characteristics of the victim of such conduct, which may include but are not limited to the following:

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

#### **6.11.4 Consequences for Violations**

A series of graduated consequences for any violation of this policy will be those outlined in the Student Code of Conduct.

#### **6.11.5 Reporting, Investigation, and Complaint Resolution Procedures**

(a) Students should immediately report all alleged violation of this policy to a school employee, if possible to the teacher or employee responsible for supervision at the time of the violation. Complaints alleging violations of this policy must be made on Board approved complaint forms available at the principal and/or counselor’s office, and located on our school system’s web site.

(b) 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.

(c) 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 the 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.

(d) 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 Student Code of Conduct. A student who personally or through his/her parent(s) deliberately, recklessly, and falsely accuses another student of a violation of this policy will be subject to disciplinary sanctions as outlined in the Student Code of Conduct.

(e) 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.

#### **6.11.6 Promulgation of Policy and Related Procedures, Rules and Forms**

This policy and any procedures, rules, and forms developed and approved to implement the policy will be published, disseminated, and made available to students, parents, and legal guardians, and employees by such means and methods as are customarily used for such purposes, including publication on the Shelby County School's Web site.

## **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 procedures respecting access to such records, including a schedule of reasonable charges for the reproduction thereof. Parents will be provided required annual notification regarding educational records through the student handbook or by other

appropriate means.

[Reference: 20 U.S.C. §1232g(a)(4); 34 C.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. The ALSDE Student Medication Prescriber/Parent Authorization Form must be completed and on file.

## 6.14 Student Code of Conduct

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

## 6.15 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 any electronic 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 private 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.

## 6.16 Corporal Punishment

The Board allows reasonable corporal punishment of students under the following terms and conditions. Corporal punishment will be administered only as a disciplinary measure, with due regard for the age and physical condition of the student, and without excessive force. School administrators shall obtain written consent of the parent, guardian, or other parental representative prior to the administration of corporal punishment. Corporal punishment will be administered by the school principal or his representative in the presence of another adult professional school system employee.

Corporal punishment should not be administered in the presence of another student. The Superintendent is authorized to develop and implement procedures for administering and documenting corporal punishment, consistent with the terms of this policy.

[Reference: ALA. CODE §16-28A-2 (1975)]

## 6.17 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 Conduct. Suspension of students with disabilities will be subject to applicable limitations and requirements imposed by the Individuals with Disabilities Education Act (“IDEA”) and its implementing

regulations.

## **6.18 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 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 or his designee 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.

## **6.19 Electronic Communication Devices**

The Board of Education authorizes the Superintendent to develop guidelines for the use of wireless communication devices for instructional purposes. The Board prohibits the inappropriate or disruptive use of personal, wireless communication devices by students. 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, violation of school rules regarding the use of such devices. School administrators 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 student code of conduct, or other school rules. The Board assumes no responsibility for theft, loss, or damage to any personal/wireless communication device.

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

## **6.20 Drivers' License**

### **6.20.1 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 non-enrollment 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.

#### **6.20.2 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)]

### **6.21 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. The Superintendent or his designee may revoke or impose reasonable additional conditions or requirements for the privilege of driving or parking a vehicle on school property. 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. The expectations set forth in this policy are for all students who operate a personal vehicle on school system property, inclusive of all day students as well as partial day students who participate in virtual, charter, and home school/church school programs.

### **6.22 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. The expectations set forth in this policy are for all students participating in the school's competitive extra-curricular program, inclusive of all day students as well as partial day students who participate in virtual, charter, and home school/church school programs.

## 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 a minimum of ten (10) members, including principals, teachers, administrators, parents, lay citizens, and board member 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 §16-36-4 (1975)]

The Board of Education authorizes the Superintendent or his designee to sell or dispose of used, out-of-adoption textbooks. Prior to any sale or disposition, the Superintendent shall recommend to the Board a list of titles of textbooks to be declared surplus property. A determination of the value of surplus textbooks shall be made prior to any sale or disposal. Textbooks determined to have value may be sold to the highest bidder or sold in a public auction. In the event surplus textbooks have minimal value, the Superintendent is authorized to offer surplus textbooks to other public schools or agencies, teachers, parents and students, textbook companies, salvage companies, tutors, private schools, or other private citizens.

### 7.3 Academic Standards and Expectations

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.

[Reference: ALA. ADMIN. CODE r 290-3-1.02(10)]

### 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.

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

## 7.6 Non-Traditional Learning

### 7.6.1 Correspondence or Online Courses

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

[Reference: ALA. ADMIN. CODE 290-3-1-.02(12, 13)]

### 7.6.2 Cooperative Education/Work Study Programs

Upon recommendation of the Superintendent, the Board may approve cooperative education or work-study programs in accordance with State Department of Education regulations (including the Cooperative Education Manual) and other appropriate terms and conditions. These programs will combine school-based instruction and work-based experience.

[Reference: ALA. ADMIN. CODE 290-6-1-.04]

### 7.6.3 Live Work Program

The Superintendent is authorized to implement a live work program for the Board and to develop guidelines and procedures for the program. Live work may be permitted when necessary for training and the acquisition of occupational skills and will not be used for monetary gain or profit of the individuals in the program. Live work may be conducted by students in the program in conjunction with public employees, tax supported programs and institutions, charitable organizations, and individuals and organizations approved by the Superintendent or his designee. Requests or proposals for live work projects must be presented to the live work instructor or principal in the location of the career/technical education program prior to the performance of any work and must describe fully the scope and extent of each project. Payment for live work will be handled in accordance with Board policies and procedures. Where work is completed for the Board, including a local school, a waiver may be submitted for any service charge. The Board does not provide guarantees, warranties, or refunds for any work conducted as part of the live work program and will not assume any liability whatsoever associated therewith.

[Reference: ALA. ADMIN. CODE 290-6-1-.04]

### 7.6.4 Foreign Exchange Program

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

### **7.6.5 Virtual Learning Policy**

The Shelby County School Board of Education will provide virtual learning option for students in grades 9-12 who meet the established guidelines for enrollment as set forth by the superintendent and /or his designee and in accordance with policies and procedures outlined by the Alabama State Department of Education.

[Reference:Act No. 2015-89]

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

Upon their approval by the Board, the Superintendent is authorized to implement programs and projects designed to meet the needs of the community served by the school system in accordance with any laws or regulations governing such programs. Such programs may include but not limited to the Grandparent Support Group, the Single Parent Project, Adopt-A-School Program, Extended Day Enrichment Program, Summer Enrichment, Night Enrichment, Adult Education, and other such offerings as may be approved by the Board.

[Reference: ALA. ADMIN. CODE 290-8-5-.01]

### **7.7.1 Dual Enrollment & Dual Enrollment/Dual Credit**

In addition to the guidelines by which qualified high school students are allowed to take post-secondary college courses, the Board may, upon recommendation of the Superintendent, establish guidelines & procedures for Dual Enrollment & Dual Enrollment/Dual Credit in accordance with the regulations of the State Department of Education.

- With Dual Enrollment – qualified students may take post-secondary college courses and may earn college credit
- With Dual Enrollment/Dual Credit – qualified students may take post-secondary college courses and may earn both high school & college credit
- Courses offered at the student’s high school may not be taken at a post-secondary educational institution for dual enrollment/dual credit

## **7.8 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 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.

## **7.9 School Wellness**

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

### **7.9.1 Nutrition Education**

The Instructional Services Department in conjunction with the Child Nutrition Program will provide nutrition education, nutrition promotion, and physical education to foster lifelong habits of healthy eating and physical activity. All students will be encouraged to follow the United States Dietary Guidelines for Americans. Both departments will establish links between health education and meal programs within the school and community. The district website will keep the public updated on the policy content and implementation status. The Shelby County Board of Education will proactively comply with all federal and state nutrition and physical activity regulations.

### **7.9.2 Nutrition Standards**

Schools will participate in available school meal programs, including the National School Breakfast Program, National School Lunch Program, and the Summer Food Service Program. Child nutrition professionals will provide students with access to a variety of affordable, nutritious, and appealing foods; will accommodate the ethnic and cultural diversity of the student body in meal planning; and will provide a clean, safe, and pleasant dining experience. All foods and beverages sold or served at school during the instructional day will meet or exceed the nutrition recommendations identified by USDA and the State of Alabama Board of Education.

### **7.9.3 Physical Education and Physical Activity Opportunities**

The Board will offer physical education opportunities that include the components of a sound physical education program. Physical education will equip students with the knowledge, skills, and values necessary to maintain healthful lifelong physical activity. Physical education instruction will be aligned with the curriculum. All students will be provided the opportunity to participate regularly in supervised physical activities that are intended to maintain physical fitness and to impart the benefits of maintaining a physically active and healthy lifestyle.

### **7.9.4 Other School-Based Activities Designed to Promote Student Wellness**

The Shelby County Board of Education is committed to providing school environments that promote and protect children's health, well-being, and ability to learn by supporting healthy eating and physical activity. Through the Local School Health Councils, the school system will engage students, parents, teachers, food service professionals, health professionals, school representatives, board members, school administrators and other interested community members in developing, implementing, monitoring, and reviewing district-wide nutrition and physical activity policies. The school's local wellness team coordinator, in conjunction with the Child Nutrition Program area manager, will conduct these monitoring activities on a quarterly basis. All students will have opportunities to be physically active on a regular basis during the school day and beyond.

### **7.9.5 Administrative Implementation**



The Board, as the recognized food and nutrition services authority for the school district, shall annually approve a free and reduced price meal program. It is the Board's expectation that the teachers shall support the food service program in every respect and encourage children to eat a well-balanced meal each day. Teachers should use the cafeteria as a laboratory to teach good nutrition and etiquette to students. Teachers are strongly encouraged to eat in the school cafeteria with their students. Any concerns regarding the local school breakfast or lunch program should be reported to the school principal.

The Superintendent and his designated representatives shall be responsible for operating an economically sound child nutrition program in accordance with state and federal laws and regulations. The Superintendent shall recommend for appointment the necessary personnel to initiate and maintain a quality child nutrition program. The accounting, financial planning, and reporting functions of the program shall be coordinated within the central office.

All sanitation standards required by law shall be strictly observed in each local school's child nutrition program. This shall include, but not limited to, physical examination requirements of employees, preparation procedures, conditions of kitchens and dining areas and maintenance procedures. The CNP Coordinator and School Principal will share responsibility for the operation and supervision of the school child nutrition program.

Revised 2/21/13

Ref: P.L. 108.265, Part 210 and 220, and Section 204 Child Nutrition and WIC Reauthorization Act.

## **7.10 Selection of Supplemental Learning Resources**

The Superintendent is authorized to develop criteria for approval by the Board for selection, use, and retention of supplemental learning resources for schools operated by the Board and a procedure for the use and review of those materials, to include procedures for addressing objections or reconsideration of those resources.

## **7.11 Parent/Family Involvement**

### **7.11.1 Parental Involvement, Partnerships Encouraged**

Training and appropriate resources will be provided for teachers, administrators, and parents to strengthen the ability of strong parent-school partnerships to enhance student achievement. Parents will be involved in jointly developing appropriate parental involvement policies and in reviewing school improvement through meetings with the school system's Parent Advisory Committee. Policies developed through this process will be distributed to parents of students attending Title I schools. Additionally, the Board will provide coordination, technical assistance, and other support necessary to assist Title I schools in planning and implementing effective parental involvement activities to improve student achievement and school improvement. The Board will coordinate and integrate parental involvement strategies with other programs as appropriate.

### **7.11.2 Annual Evaluation of Initiatives**

An annual evaluation will be conducted, with the involvement of parents, to determine the effectiveness of the parental involvement policy in improving the academic quality of the schools. The evaluation will include parent surveys, focus groups, and student assessment data. Parents will also be given the opportunity to submit suggestions and concerns regarding the parental

involvement policy to the parent advisory committee. This information will be reviewed annually and used to make revisions to the school system plan as necessary.

**7.11.3 Impediments to Parent Participation to be Identified**

The Board will identify barriers to greater participation by parents in parental involvement activities, with particular attention to parents who are economically disadvantaged, are disabled, have limited English proficiency, have limited literacy, or whose racial or ethnic background may impede effective participation. To the extent practicable, all information required under Section 1111 of the Elementary and Secondary Education Act (“ESEA”), 20 U.S.C. §6301 et seq., will be provided to parents in a uniform, understandable format and upon request, in an alternative format and language that the parents understand.

**7.11.4 Elementary and Secondary Education Act Compliance**

The school system will work with its schools to ensure that school-level parental involvement policies meet the requirements of section 1118(b) of the ESEA and each includes a school-parent compact consistent with section 1118(d) of the ESEA. This policy will specify that each school will:

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

- e. Provide parents with an opportunity for meaningful and ongoing consultation and communication about the academic quality of the school.

**7.11.5 Notice of Rights and Information**

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