



**BALDWIN COUNTY  
PUBLIC SCHOOLS**  
**Building Excellence**

# POLICY MANUAL

*Baldwin County Board of Education  
Policy Manual*

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## Preface

The Baldwin 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 city limits of Baldwin County, Alabama, and of promoting the interests of the Baldwin County schools and the children they serve. Those responsibilities are met, in part, by the adoption and implementation of formal policies by which the principles that guide decision-making are established.

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

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

Any provision, feature, or aspect of Board policy that does not conform to governing law should be deemed void and superseded by such law.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

## Definitions

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

- a. “Board” or “Board of Education” means and refers to the Baldwin 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 Baldwin 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 certificates 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 provide additional or more detailed information regarding the subject matter of the policy. The citations are not exhaustive and are subject to repeal, amendment, or invalidation by court rulings. Such changes may not be reflected in the policy.

## **I. Governing Principles**

In partnership with the community, the Board desires to create a world class learning environment and provide a quality education that fosters learning. It is the mission of the Baldwin County Board of Education to strengthen our community by educating our students to become productive citizens.

## II. School Board Operations

### 2.1 *Board Composition and Organization*

2.1.1 **Composition** – The Baldwin County Board of Education is composed of seven (7) members who are elected from geographic districts to six (6) year terms by qualified electors of Baldwin County.

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

2.1.2 **Officers** – The Board will elect from its members a president and vice-president at the annual meeting of the Board held in November of each year. The Superintendent will serve as both the Board’s chief executive officer and secretary. If the Superintendent’s position is vacant, the Board may appoint one of its members to act as secretary until such time as the Superintendent’s position is filled.

[Reference: ALA. CODE §16-8-4 (1975)]

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

[Reference: ALA. CODE §§ (1975)]

### 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 Baldwin County, Alabama and not under the purview of a city board of education. 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. In order to operate with the highest standards of stewardship and principles of public service possible, the Board will adopt a Model Code of Conduct that includes, at a minimum, the model code of conduct adopted by the State Board of Education. The Model Code of Conduct shall be provided to each newly elected member and be made available to members of the public.

### 2.3 *Board Member Compensation*

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

[Reference: ALA. CODE §16-8-5 (1975)]

## **2.4 Board Member Training**

- 2.4.1 General –Board members will participate in orientation and ongoing training provided by the Alabama Association of School Boards or approved in advance through an application process administered by AASB to develop and enhance their knowledge and effectiveness as Board members and to improve Board governance and operations in accordance with the requirements of state law.
- 2.4.2 Report –Board members will provide a report to the Board about training experiences at the next available Board meeting.

## **2.5 Board Meetings**

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

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

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

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

- 2.5.3 Special (Called) Meetings – Special meetings shall be called by the President of the Board, upon the written request (which may be conveyed by electronic mail) of a majority of the members of the Board to the President, or by the Superintendent. Notice of the call or request shall be simultaneously conveyed to all board members and to the Superintendent, together with a statement of the reason for the call or request and the matters to be addressed at the meeting. The meeting shall be set as soon as is practicable, taking into account the reasonable availability of board members and the Superintendent, the urgency of the matters to be addressed, and the necessity to provide public notice of the meeting as provided by law.
- 2.5.4 Rules of Order – Board meetings will be conducted in accordance with the most recently revised edition of *Robert’s Rules of Order*, provided that strict adherence to the formalities of the Rules of Order may be reasonably relaxed in order to facilitate conduct of Board businesses. A majority of the whole Board will constitute a quorum for purposes of transacting Board business except as may otherwise be provided by law. Deviations from or errors in executing

parliamentary procedure do not invalidate Board actions or decisions that are otherwise consistent with the intent of the Board..

[Reference: ALA. CODE § (1975)]

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

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

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

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

## **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.

## **2.8 *Association Membership***

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

# **III. Fiscal Management**

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

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

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

### **3.2 Budget**

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

The Superintendent or Chief School Financial Officer will inform the Board, before the Board votes on a budget or budget amendment, any factors that would prevent the establishment or maintenance of a two-month’s operating balance. A one-month’s operating balance shall be determined by dividing the General Fund expenditures and fund transfers out by 12.

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

### **3.3 Accounting**

Generally accepted accounting standards and procedures will be employed in the administration of all Board and school finances. All Board and school accounts will be reconciled to financial records. All reports required by the State Department of Education will be completed in a timely manner with copies provided to Board members. The general purpose Financial Statement shall be submitted to the State Superintendent of Education and published in accordance with state law.

[Reference: ALA. CODE §16-8-37 (1975)]

### **3.4 Finance Manual Authorized**

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

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

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



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

- a. The General Fund is used to account for and report all financial resources not accounted for and reported in another fund.
- b. Special Revenue Funds are used to account for and report the proceeds of specific revenue sources that are restricted or committed to expenditure for specified purposes other than debt service or capital projects.
- c. Debt Service Funds are used to account for and report financial resources that are restricted, committed, or assigned to expenditure for principal and interest, even if it is being accumulated for future years' payments. Debt Service Funds should be used to report resources if legally mandated.
- d. Capital Projects Funds are used to account for and report financial resources that are restricted, committed, or assigned to expenditure for capital outlays, including the acquisition or construction of capital facilities and other capital assets.

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

- a. Nonspendable fund balances include amounts that cannot be spent because they are either (a) not in spendable form or (b) legally or contractually required to be maintained in-tact. Examples of nonspendable fund balance reserves for which fund balance shall not be available for financing general operating expenditures include: inventories, prepaid items, and long-term receivables.
- b. Restricted fund balances consist of amounts that are subject to externally enforceable legal restrictions imposed by creditors, grantors, contributors, or laws and regulations of other governments; or through constitutional provisions or enabling legislation. Examples of restricted fund balances include: restricted grants.
- c. Committed fund balances consist of amounts that are subject to a purpose constraint imposed by formal action of the Board before the end of the fiscal year and that require the same level of formal action to remove the constraint.
- d. Assigned fund balances consist of amounts that are intended to be used by the school system for specific purposes. The Board authorizes the Superintendent

or Chief School Finance Officer to make a determination of the assigned amounts of fund balance. Such assignments may not exceed the available (spendable, unrestricted, uncommitted) fund balance in any particular fund. Assigned fund balances require the same level of authority to remove the constraint.

- e. Unassigned fund balances include all spendable amounts not contained in the other classifications. This portion of the total fund balance in the general fund is available to finance operating expenditures.

- 3.5.3 **Priority** – Appropriations made by the board shall be made in the following order: (1) for the payment of all charges required by legislative act; (2) for the payment of all interest charges and sinking fund for the retirement of all existing indebtedness; (3) the operation, maintenance, and support of all other department, institutions, agencies and charges.

If the board should determine at any time that the total income is insufficient to make all appropriations payable in full in the amounts in such appropriations, the board shall be required to restrict appropriations, beginning with those placed in the third classification which shall be reduced proportionately until such appropriations in classification two shall be reduced proportionately; and so on in this order until, in the opinion of the board, the appropriations shall equal the estimated income; provided however that in the event there are sufficient funds at the end of a fiscal year to pay all appropriations in the amounts named, then all appropriations shall be paid in full.

- 3.5.4 **Review and Reporting** – The Board of Education along with the Superintendent and Chief School Finance Officer will periodically review all restricted, committed, and assigned fund balances. The Chief School Finance Officer will prepare and submit an annual report of all restricted, committed and assigned funds for the Board of Education.

### **3.6 Audits**

Business and financial transactions of the Board and the records of Board financial accounts will be audited in accordance with state law and appropriate auditing and accounting standards. School audits will be performed annually to ensure compliance with state and local policies and procedures.

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

### **3.7 Inventories**

The Superintendent is required to establish effective procedures to account for all materials, equipment, and other Board property. These procedures will include an annual inventory and evaluation of tangible Board property (including fixed assets and

supplemental property), to be completed no later than the end of each fiscal year, with appropriate reports submitted to the Chief School Financial Officer. Inventories will be kept on forms prescribed or approved by the Chief School Financial Officer. Inventory forms will show items on hand at the beginning of the fiscal year, items lost, items disposed of, items purchased or otherwise added during the year, and items on hand at the end of the fiscal year. The principal shall be accountable for inventories at the local school level. If for any reason a principal does not provide alterations or additions to or deletions from his/her school's inventory, the principal shall be held personally accountable for any unreported losses. The principal shall have the prerogative to hold the individual teacher in the assigned classroom areas responsible for losses of equipment should said losses not be reported to the principal as they occur.

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

### **3.8 *Purchasing***

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

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

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

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

3.9.3 **Expenditures** – The Superintendent or his designee, subject to applicable laws, policies, and Board-approved budget limitations, may expend funds budgeted for operations without prior Board approval of specific expenditures.

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

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

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

3.9.5 **Consultants** – The Superintendent may engage professional consultants, specialists and experts, including but not limited to medical, mental health, educational, legal, financial, technical (e.g., engineering, architectural, computer) experts and specialists for a term not to exceed ninety calendar days and the total fees and costs of which are not expected at the time of engagement to exceed

\$15,000.00 without prior Board approval, provided that the expenditure is within the amount established for such purposes in the current, Board approved budget. All such expenditures shall be reported monthly to the Board of Education in the manner prescribed by state law.

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

- 3.9.6 Authorized Signatures – The Board shall designate the authorized signatures for depositories to honor as outlined in the finance manual.
- 3.9.7 Sale of Board Property - The Board has the option to sell real property on a negotiated basis or through competitive bid procedure. The Division Superintendent of Business Services will handle all property sales with the review and approval of the superintendent and a majority vote by the Board.
- 3.9.8 Sale of Equipment – The sale of equipment and supply items may be conducted on a competitive bid basis by utilization of sealed bids, negotiation or public auction to the highest bidder. Sales shall be limited to only discarded scrap, obsolete or worn-out items that have accumulated from the schools and shops and administrative offices within the school system and are deemed to be of minimal value to the school program. The Superintendent, or his or her designee, is authorized to draft additional procedures to effectuate the sale of equipment and supply items.

### **3.10 OMB Part 200**

The Baldwin County Board of Education shall comply with all requirements for the receipt of federal funds. The Superintendent is authorized to develop and enforce applicable procedures that implement the requirements of the Office of Management and Budget’s Uniform Administrative Requirements, Cost Principles and Audit Requirements—Part 200 (“Part 200”), including but not limited to internal control procedures, conflict of interest controls, procurement procedures and other administrative procedures as needed to provide reasonable assurance that the Baldwin County Board of Education is complying with requirements for federal grants and awards.

### **3.11 Employee Compensation**

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

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

3.11.2 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. However, employees in the first year of employment with the Board may opt to be paid over thirteen (13) months. 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.

3.11.3 Salary Deductions – Mandatory salary deductions will be made in accordance with applicable law. Employees are required to provide such information as may be required for such purpose. The Board will make voluntary deductions as a service to employees upon written request of the employee as permitted by law.

Deductions for membership dues will be made for organizations with at least 20 active members, as established by membership lists provided to the Board by the organization. Such membership lists will be corrected, updated, and returned to the organization no later than September 15<sup>th</sup> of each school year. Deductions will be based on the membership lists unless an employee revokes authorization for such deductions by providing written notice to the Board on or before September 15<sup>th</sup> of each school year. 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)]

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

3.11.5 Compensatory Time – Non-exempt employees who work more than forty (40) hours in a workweek will be, upon agreement between the employee and the

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

- 3.11.6 Mandatory Direct Deposit – Mandatory Direct Deposit will be implemented for both financial and administrative purposes. As a condition of employment, all newly hired or rehired employed shall be required to enroll in direct deposit with thirty (30) days of hire or rehire.

### **3.12 *Employee Authorized Expenses***

Expenses incurred by school personnel in the performance of duties shall be reimbursable or paid via Board approved Purchasing Cards (“P-Card”), provided said expenses are authorized by the appropriate officials in charge of the budget account incurring said expense. Expenses shall be reasonable amounts for the charges incurred and approved by the superintendent or his designee. School system reimbursement shall be in accordance with those state and federal laws applicable to per diem and travel, or as approved by the Board. Established procedures for the use of Purchasing Cards for district purchases and authorized travel are in the approved Finance Manual must be followed.

### **3.13 *Fees, Payments, and Rentals***

- 3.13.1 Facility Use Fees – The Superintendent is authorized to develop a schedule of reasonable fees for use of Board facilities and property by individuals, groups, or organizations that shall be effective upon approval by the Board.
- 3.13.2 Copying and Other Charges – The Superintendent is authorized to establish a schedule of reasonable charges which, upon approval by the Board, will be applied uniformly in response to requests for copies of documents and records, including student 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.

### **3.14 *School Accounts***

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

3.14.2 School Purchasing –All purchases made for and in the name of individual schools shall be approved by the principal and shall be handled in conformity, with prescribed policies and procedures as approved by the Board and outlined in the Local School Finance Manual.

3.14.3 School Purchases of Items of Value for Select Employees – Items identified by school principals as necessary in order to properly perform a job more efficiently may be considered an allowable use of school funds as outlined in the Local School Finance Manual.

### **3.15 *Authority to Execute Contracts***

3.15.1 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.

3.15.2 Limitation on Authority to Bind the Board – Principals and other administrators will have authority to enter into agreements with third parties only when such agreements are made in accordance with Board policy, finance manual(s) created under authority of Board policy, or with the express authorization of the Board.

### **3.16 *Affiliated Organizations***

3.16.1 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 Board, the principal, or the State Examiners of Public Accounts. 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.

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

### **3.17 Fundraising**

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

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

The Superintendent is authorized to develop further procedures governing the approval and administration of any outside fundraising activities.

### **3.18 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.

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

[Reference: Ala. Admin. Code 290-080-030-.01, *et seq.*]

### **3.19 Worthless Checks**

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



### **3.20 *Classroom Instructional Support***

The Superintendent shall develop procedures by which state allotments for classroom instructional support are made available for use by classroom instructors in the manual and for the purposes authorized by statute and corresponding state regulations.

[Reference: ALA. CODE §16-1-8.1(b)(7).]

### **3.21 *Records***

3.21.1 Permanent Records –The Baldwin County Board of Education shall maintain permanent records as required by the Alabama Department of Archives and History. Permanent records may be stored on microfilm or other approved storage medium. Duplicate copies of microfilm will be stored off-site to ensure the integrity of records.

3.21.2 Disposal of Records – Records shall be disposed in accordance with the Alabama Department of Archives as outlined in the School Finance Manual.

3.21.3 Census Records – Census records are maintained in the superintendent’s office dating back to 1928 for identification purposes.

## **IV. General Administration**

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

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

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

4.1.3 Adult Sex Offenders – Adult sex offenders who have been convicted of a sex offense involving a minor must:

- a. notify the principal of the school or his designee before entering school property or attending the K-12 school activity;
- b. immediately report to the principal of the school or his designee upon entering the property or arriving at the K-12 school activity; and
- c. cooperate with any efforts undertaken by the principal of the school or his designee to discreetly monitor their presence on school property or at the K-12 school activity.

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

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

[Reference: Ala. Code § 15-20A-17]

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

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

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

[Reference: ALA. CODE §16-1-24.1, 24.3 (1975); Ala. Admin. Code 290-3-1-.02; Federal Gun Free Schools Act, 20 U.S.C. 7151; Federal Gun Free School Zone Act of 1995 (18 U.S.C. §922(q))]

4.2.2 Prohibition on the Possession of Weapons – The possession of a deadly weapon or dangerous instrument in a school building, on school grounds, on school property, on school buses, or at school-sponsored functions is prohibited except for authorized law enforcement personnel. For purposes of this policy, the terms “deadly weapon” and “dangerous instruments” include but are not limited to explosives, incendiary devices, projectiles, knives 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 Student 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 Student 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 and Electronic Smoking Devices – The use of tobacco products and electronic smoking devices and the illegal possession, distribution, and sale of tobacco products or electronic smoking devices on school property is prohibited.
- a. *Penalties for Violations*
    - 1. *Students* – Students who violate the tobacco and electronic smoking devices prohibition will be disciplined in accordance with the Board’s Student Code of Conduct.
    - 2. *Employees* – Employees who violate the tobacco and electronic smoking devices prohibition will be subject to adverse personnel action, which may include termination.
    - 3. *Other Persons* – Other persons who violate the tobacco and electronic smoking devices prohibition may be denied re-entry to school property.
  - b. *Parental Notification* – Parents and guardians may be notified of actual or suspected violations of the tobacco and electronic smoking devices prohibition whether or not the student is charged with a violation of Board policy, which includes the Student Code of Conduct.
  - c. *Electronic Smoking Devices Defined* – Electronic Smoking Devices are defined as any product containing or delivering nicotine or any other substance intended for human consumption that can be used by a person to simulate smoking through inhalation of vapor or aerosol from the product. The term includes any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, or vape pen, or under any other product name or descriptor.

[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).

### **4.3 *Accreditation***

The Board will implement and adhere to such accreditation policies, principles, standards, and procedures as may be established or required by AdvancED as a condition to receiving or maintaining accreditation.

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

- 4.4.1 Equipment, Supplies, 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.

- 4.4.2 Use of Board Facilities – Schools and other Board owned or controlled facilities may be made available for use by sanctioned or generally recognized school support organizations if the use of the facility will not disrupt school operations or be inconsistent with the purpose and mission of the school system, and if adequate advance provision is made for security, supervision, maintenance, damage

prevention, post-event clean-up, liability insurance, and other risk management measures appropriate to the proposed use. Use of Board facilities for non-school organizations may be approved if the foregoing conditions are satisfied and a rental contract (or the equivalent thereof) that includes a reasonable fee or rental charge and other appropriate terms and conditions is approved by the Board.

- 4.4.3 **Advertising** – Board property will not be used for commercial advertising except upon such terms and conditions as may be expressly approved by the Superintendent or his/her designee.

## 4.5 *Complaints and Grievances*

- 4.5.1 General Complaints (Grievances) – Subject to the limitations set forth below and elsewhere in this policy manual, any employee or member of the public may present to the Board a concern, complaint, grievance, or request for corrective action regarding any aspect of school system operations. Before requesting corrective action or relief from the Superintendent or the Board, persons with such complaints, grievances, or requests should present them for resolution to the employee, supervisor, 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.
- 4.5.2 Limitations Regarding Availability and Application of General Complaint/Grievance Policy – The general complaint/grievance policy and any procedures adopted thereunder do not apply to specific complaint or grievance policies and procedures that are established by Board policy or law for application to special factual or legal circumstances (e.g., sexual harassment grievance procedures; review of personnel matters under the Students First Act; “due process” hearings provided under the Individuals with Disabilities Education Act). 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.).
- 4.5.3 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. 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.

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

4.5.5 Americans with Disabilities Act Complaint Procedure

- a. *Complaint Criteria* – Persons who believe that they have been discriminated against on the basis of disability in the provision of services, activities, programs, or benefits covered by Title II of the Americans with Disabilities Act may file a written complaint with the ADA Coordinator.
- b. *Complaint Form* – The complaint should be in writing and contain information about the alleged discrimination including the name, address, phone number of complaining party and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint, will be made available for persons with disabilities upon request.
- c. *Complaint Process* – The complaint should be submitted to the ADA Coordinator as soon as possible, but no later than thirty (30) days after the alleged violation. The ADA Coordinator will meet with the complaining party to discuss the complaint and possible resolutions. Within fifteen (15) calendar days of the meeting, the ADA Coordinator will respond in writing, and where appropriate, in a format accessible to the complaining party, such as large print, Braille, or audio tape. The response will explain the position of the Board and offer options for substantive resolution of the complaint.
- d. *Appeal Procedure* – If the response by the ADA Coordinator does not satisfactorily resolve the issue, the complaining party may appeal the decision within fifteen (15) calendar days after receipt of the response to the Superintendent. Within fifteen (15) calendar days, the Superintendent will respond in writing, and where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.
- e. *Records Retention* – All written complaints received by the ADA Coordinator, appeals to the Superintendent, and records relating thereto will be retained by the Board for at least three (3) years.
- f. *Additional Procedures Authorized* – The Superintendent is authorized to develop such procedures as are necessary to implement this policy.

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



#### **4.6 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.

#### **4.7 Emergency Closing of Schools**

4.7.1 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).

4.7.2 Make-Up Dates – To the extent not provided for in the school calendar, any days lost by reasons of an emergency closing will be made up and a revised school calendar approved, if necessary, to reflect any extension or adjustment of the school year required by such action, unless approval to waive the days is obtained in accordance with state law.

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

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

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

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

connection with any other matter or reason related to the safe and efficient operation or administration of the school system, or for any other reason not prohibited by law. Users of school system technology resources have no personal right of privacy or confidentiality with respect to the use or content of such resources. The Superintendent is hereby authorized to develop more specific procedures regarding accessing personnel and student technology resources.

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

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

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

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

#### **4.9 *Data Governance and Use***

The Superintendent is authorized to establish procedures governing the storage, use, and sharing of data maintained electronically by the school system. Such procedures shall comply with applicable state and federal law and shall include provisions for data

security (including physical security measures), access controls, quality control, and data exchange and reporting (including external data requests, and third-party data use). Nothing in this policy or in any procedures authorized hereunder creates or expands any entitlement to confidentiality of records beyond that which is established by law or specific Board policy.

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

#### **4.10 *Political Activity***

Board employees may participate in political activities to the full extent permitted by the United States Constitution and federal and state laws securing the right to engage in such activities, subject to the following restrictions:

- a. Employees may not appropriate Board property or resources for use in political campaigns, and may not engage in 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, may not represent political beliefs or positions on political matters as part of official school activities, including instruction, unless expressly authorized pursuant to the Board approved curriculum, 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.

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

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

#### **4.12 *Equal Opportunity and Non-Discrimination Statement***

It is the official policy of the Baldwin County Board of Education that no person, shall on the grounds of race, color, disability, sex, religion, national origin, age or creed be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program, activity or employment.

No student shall be denied the benefit of any education program or educational activity on the basis of race, color, national origin, age, sex, disability, limited English proficiency, immigrant status, migrant status, homeless status or foster care status. A free and appropriate education is available to all students with disabilities. It shall be the policy of the Board that barriers to enrolling and retaining students with limited English proficiency, homeless status, migrant status, immigrant status or students in foster care shall be removed, including but not limited to, the denial or delay of enrollment of such students due to lack of birth certificate, lack of school records or transcripts, lack of immunization or health records, lack of proof of residency, lack of transportation or guardianship or custody requirements. Notwithstanding the foregoing, the Board recognizes and confirms the importance and necessity of requiring certain enrollment related documentation. In the event students are enrolled without all required documentation, the Superintendent shall develop and implement administrative procedures to ensure and facilitate the supplemental provision of such documentation. All programs offered by schools within the school district shall be open to all students in compliance with statutory and judicial requirements.

## **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, and supervisory directives, and are expected to follow the Alabama Educator Code of Ethics 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” distance from students and shall not engage in conduct (including communication of any kind) that constitutes, solicits, or suggests inappropriately familiar interaction with students.
- i. Employees are required to report to work or to school functions in attire that is appropriate to their positions 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.

#### 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 start of the school day for students and conclude fifteen (15) minutes after the class day ends for students. Except as may otherwise be provided or required by the Board, the minimum instructional day for teachers is seven (7) hours. Assignments and duties may extend beyond the instructional day and may include but are not limited to off-campus functions, events, and activities; conferences and meetings with parents; supervision of student arrival and departure; preparation for the following instructional day; supervision of co-

curricular activities; or other non-teaching responsibilities that are considered necessary or desirable to the proper functioning of the school program. Teachers will be provided a minimum of thirty (30) minutes free of instructional and supervisory responsibilities each instructional day.

- b. *Work Schedules (Support Personnel)* – The Superintendent, or his or her designee, is authorized to establish work schedules, including minimum work times, for support personnel.
- c. *Professional Certification* – In addition to requirements established by the State Board of Education and the pertinent job description, professional employees must hold a degree from an accredited college or university and hold a current, valid, and properly endorsed Alabama Teacher’s Certificate, which will be maintained in the Human Resources office. Eligibility for and receipt of increased compensation based upon the attainment of advanced or higher certification shall be in accordance with applicable law and procedures prescribed by the Superintendent. It shall be the sole responsibility of the employee to provide all required documentation to the Human Resources office.
- d. *Interim Teachers* – Teachers holding appropriate certificates may be employed as interim teachers to replace permanent certified teachers who are on leave for more than twelve consecutive weeks.
- e. *Substitutes*- The Superintendent will maintain a list of properly qualified substitutes from which principals, assistant principals, or designated representatives may secure substitutes.
- f. *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.
- g. *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, and (iii) satisfactorily complete a written examination driver’s performance test approved or administered by the State Department of Education or the State Superintendent. A bus driver must also meet any requirements of the entity providing the Board’s automobile liability coverage.

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

## **5.2 Hiring**

- 5.2.1 Application Procedures – Job applicants for all positions must comply with the application procedures established by the Human Resources Department of the

Board. Applications must be completed in full. All information provided in the application must be truthful. Any misrepresentation of a material fact on an employment application may disqualify the applicant from consideration for the position and may subject an employee to adverse employment action, including termination. Applications may be subject to disclosure pursuant to state and federal law.

- 5.2.2 **Qualifications** – Applicants must meet the minimum qualifications of the position as provided in Board policy, the job description for the position, the posted advertisement for the position, or as may otherwise be established by the Board, applicable law, or regulation. Applicants must hold such degrees, licenses, certificates, and like credentials as may be necessary, appropriate, or customary for the position in question.
- 5.2.3 **Hiring Authority** – The Board is responsible for making all final hiring decisions, and no hiring decision is official, final, or effective unless and until it is approved by a vote of the Board. No principal, administrator, supervisor, or other employee has authority to hire an applicant without Board approval or to commit the Board to specific action regarding employment.
- 5.2.4 **At-Will Employment** – Except as may otherwise be provided or required by law, by contract, or by the specific terms of their appointment, all personnel are deemed “at-will” employees and may be terminated, demoted, reassigned, suspended, or disciplined with or without pay, or with reduced pay, and with or without cause.
- 5.2.5 **Nepotism**
  - a. *Supervisory Relationships* – Employment decisions and relationships that violate any provision of Alabama law, including state ethics and nepotism laws, are prohibited. The Superintendent is authorized to take action to identify and correct violations of the policy in a manner consistent with applicable law.
  - b. *Employment of Family Members* – Board members, administrators, or supervisors may not use their positions to directly or indirectly seek or secure the employment of any family member as defined in the Alabama Ethics Law.
  - c. *Selection of Impartial Person* – When law or policy mandates the recusal of a board member, official, or employee (“disqualified official”) from involvement in a decision involving the employment or possible employment of a relative or other person and permits or requires an objective, neutral, or impartial person (“the surrogate official”) to exercise some or all of the functions of the disqualified official with respect to the decision or action in

question, the surrogate official shall be deemed objective, neutral or impartial if he or she:

1. Is not related by blood or marriage to the disqualified official or the person whose employment status is at issue, or of any applicant in a multi-member field of persons under consideration for employment or advancement;
2. Does not work under the direct or indirect supervision of the disqualified official, of any person who selects the surrogate official, of any person whose employment status could be affected by the action or decision at issue;
3. Has no personal or financial connection to the disqualified official, to any person whose employment status could be affected by the action or decision at issue, to any other person involved or affected by the action or decision at issue in a way that would call into question the surrogate official's objectivity, neutrality, or impartiality; and
4. By education, training, and experience has a sufficient understanding of the employment qualifications and other factors and considerations that bear upon the action or decision at issue to make an informed report and recommendation to the Board.

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

[Reference: ALA. CODE §41-1-5 (1975)]

#### 5.2.6 Voluntary Transfers

The Baldwin County Board of Education will allow personnel to apply for any advertised position for which they possess the qualifications and/or applicable certification. Voluntary transfers shall be processed so that the needs of the instructional program and the qualifications of personnel shall be determining factors. Every effort shall be made to employ the most qualified personnel.

### 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 to eligible employees for non-instructional 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 other extracurricular activities as identified in the Board's official salary schedule. Such supplemental duties are considered additional nonteaching assignments to be recommended by the Principal and approved by the Superintendent or his or her designee 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 *Salary Enhancement***

On an annual basis, by and through its Salary Schedule, the Baldwin County Board of Education establishes specific positions that are afforded a salary supplement in exchange for the performance of certain specified duties. The Board acknowledges that certain Outside Organizations, as defined herein, have requested that the Board create a mechanism to allow Outside Organizations to further supplement the salary of employees with additional funds constituting "Salary Enhancement."

For purposes of this policy, Outside Organizations shall mean governmental or quasi--governmental organizations (collectively "Governmental Organizations") located within Baldwin County or booster clubs/organizations, PTOs or PTAs associated with a public school(s) located in Baldwin County. In order to be eligible to participate in the provision of Salary Enhancements, Outside Organizations must remain in compliance with all applicable policies and procedures of the Board. Additionally, non--governmental Outside Organizations must fully comply with all sections of the Board's Guidelines for School Related Organizations.

Salary Enhancements can be requested annually by Outside Organizations by submission of a written form provided by the Board. Upon approval of such request by the Superintendent, the funding of Salary Enhancements may be commenced and shall thereafter be the sole responsibility of the sponsoring Outside Organization. Payment of Salary Enhancements to employees shall be conditioned on receipt of funding by the Board from the Outside Organization of the gross enhancement amount plus all employer fringe benefits.

In order to be eligible for a Salary Enhancement, employees shall enter into a written agreement ("Enhancement Agreement") with the Board, in form as provided by the Board. Enhancement Agreements shall be for a term not to exceed 12--months. The

Superintendent is authorized to execute all such Enhancement Agreements on behalf of the Board. The Board shall have no obligation to make or continue Salary Enhancement payments to any employee in the absence of funding, in full, by the sponsoring Outside Organization.

## **5.6 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.

## **5.7 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.

## **5.8 Outside Employment**

Employees may only engage in outside employment under the following terms and conditions:

- a. Employees will not engage in outside business activities or render any service for another employer during such time as duties and responsibilities have been assigned by the Board;
- b. Employees will not accept outside employment that would interfere with or impair the ability of the employee to 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.

## **5.9 Employee Gifts**

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

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

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

## **5.10 Employee Evaluations**

- 5.10.1 Certified Personnel – Certified employees (other than contract principals) will be evaluated in accordance with an evaluation program approved for use by the Alabama State Department of Education. Contract principals will be evaluated in accordance with rules, regulations, and requirements promulgated by the State Department of Education or as may otherwise be permitted by law.
- 5.10.2 Non-Certified Personnel – Non-certified personnel will be evaluated in accordance with criteria and procedures to be developed by the Superintendent.
- 5.10.3 Use of Evaluations in Connection with Employment Decisions – Unless prohibited by law (including applicable regulations) or the terms of the evaluation process or instrument, employment evaluations may be considered in making employment decisions, together with such other information and considerations as may reasonably bear upon the wisdom, necessity, or advisability of the employment decision. However, employment evaluations are intended to enhance the overall quality of the school system’s instructional program and are not intended to confer, constitute, or give rise to any individual right, entitlement, or enforceable expectation of continued employment or advancement. Accordingly, except as may be specifically provided otherwise in state law applicable to “contract principals,” employees do not acquire any employment right or right of legal action based on any actual or alleged failure on the part of the Board or the evaluator to follow specific evaluation policies, regulations, or procedures.
- 5.10.4 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, as may be permitted by law or applicable regulation or as otherwise agreed to in an employment contract.
- 5.10.5 Personnel Exempt from Evaluation – 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.

## **5.11 Personnel Records**

- 5.11.1 Content of Personnel Files – A central personnel file will be maintained in the Human Resources Department 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.
- 5.11.2 Alternate Data Storage – Personnel file data may be stored or maintained electronically or digitally.
- 5.11.3 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.
- 5.11.4 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.

## **5.12 Employee Leave**

- 5.12.1 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.
- 5.12.2 Absences – Except as otherwise authorized under Board policy, employees may be absent from work only in the following circumstances:
- a. Illness, injury or other qualifying reason for sick leave or on-the-job injury leave under state law or the Family Medical Leave Act;
  - b. Personal leave;
  - c. Annual leave;
  - d. Professional leave;

- e. Military leave;
- f. Court leave;
- g. Other unpaid leave that is specifically approved by the Board upon a showing of substantial hardship or extraordinary circumstances, and/or unpaid leave allowed under applicable State or Federal law.

Employees who know in advance that they will be absent from work must notify the Board of the expected absence in accordance with procedures specified by the Superintendent or the Board. In the event of an emergency or incapacity that makes advance notice impractical, employees must notify the Board of their absence as early as possible.

Employees who have a foreseeable absence of two weeks or longer are required to request an official leave of absence for Board consideration. Leaves of absence, paid or unpaid, may be requested for up to one year. Leave of absence requests shall be approved on a case by case basis. No employee, except as otherwise provided under applicable law, is guaranteed or entitled to a leave of absence.

Leave of absence requests for medical reasons of an employee or an employee's spouse or family member must be supported by medical verification issued by the appropriate health care provider and include an expected date of return. The Board may require an employee who has taken leave due to medical reasons to provide the Board with a healthcare provider's certification in form acceptable to the Superintendent in order to return to work.

Employees are not allowed to take unpaid leave at their discretion. Unpaid leave is not allowed unless an employee obtains prior approval by the Board and/or unless unpaid leave is provided for under applicable State or Federal law.

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. Leaves or absences not covered by sick, annual, personal, or other appropriate form of paid leave will be unpaid. Associated reductions in pay will be administered in accordance with payroll procedures. The continuation of benefits during an approved absence is subject to the provisions of the particular benefit policy or plan.

### 5.12.3 Paid Sick Leave

- a. *Persons Eligible for Paid Sick Leave* – All regular full-time employees are eligible for paid sick leave.
- b. *Earning and Accumulation of Paid Sick Leave* – All eligible employees earn sick leave days at the rate provided for by state law. Eligible employees may accumulate sick leave as provided by state law.
- c. *Use of Sick Leave* – Eligible employees may only use paid sick leave for absences caused by the following:
  - 1. Personal illness;
  - 2. Incapacitating personal injury;
  - 3. Attendance upon an ill member of the employee’s immediate family, defined as a spouse, parent, child, sibling or any person with a close personal tie;
  - 4. Death of a family member, including a spouse, parent, child, sibling, mother or father-in-law, son or daughter-in-law, brother or sister-in-law, nephew or niece, grandparent, grandchild, aunt or uncle;
  - 5. Death or care of an individual with whom unusually strong personal ties exist because of a relationship other than those listed above.
- d. *Certification* – Employees must certify that sick leave was used for one of the reasons provided in state law. If the employee’s principal or department head has probable cause to believe that an employee has abused or misused sick leave, a physician’s statement verifying the existence and nature of the illness or medical condition may be required by the Board. Abuse of sick leave may subject the employee to disciplinary action.

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

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

- a. The employee submits a signed written account of the accident to the principal or supervisor within twenty-four (24) hours after the injury occurred. The written account shall be attested by the principal or

supervisor and forwarded immediately to the Superintendent's office. 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.

- b. The injured employee submits written medical certification from the attending licensed physician within ten (10) days of the injury, stating that the employee was injured and was unable to work or 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.

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. The Board may require an employee who is returning from on-the-job injury leave to provide the Board with a healthcare provider's certification in form acceptable to the Superintendent in order to return to work.

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

- 5.12.5 Personal Leave – All regular, full time employees are eligible for two (2) non-cumulative personal leave days each scholastic year without loss of pay. Personal leave should not interfere with the school systems' ability to operate in an efficient and effective way. Except in emergency situations, personal leave must be requested with the employee's principal or supervisor as far in advance of the requested date as possible, but no later than five (5) working days prior to the first date of anticipated leave. A request for personal leave must be made in accordance with such procedures as may be established by the Superintendent, or his or her designee. It is the responsibility of the principal or other immediate supervisor to determine whether the provisions set forth below are met in granting or denying the request for personal leave.

The following provisions should apply to personal leave:

- a. Leave must involve minimum interruption to the educational program or department. The principal or supervisor will take into consideration the

total number of personnel to be away for any reason and the extent to which provisions for all teaching assignments and duties can be made.

- b. No employee shall be requested to divulge his or her reasons for requesting such leave, except that employees may be asked to certify whether such leave is being taken for reasons covered under the Family Medical Leave Act.
- c. Employees may not take personal leave immediately before or after a holiday or during the first or last two weeks of the students' school year, except in circumstances approved by the immediate supervisor of the employee in advance.
- d. Employees may not take personal leave on scheduled professional development days, except in such circumstances approved by the immediate supervisor of the employee in advance.
- e. Employees should confirm a substitute for their absence if a substitute is required so as to ensure the efficient and effective operation of the school and/or to ensure appropriate supervision of students. For all employees in which a substitute is required, if a substitute has not been secured, a principal or immediate supervisor may deny a request for personal leave.
- f. For all employees in which a substitute is required, employees must make adequate preparation for the substitute before departing.

Teachers may choose to be compensated for unused personal leave at the end of the school year at the same daily rate of pay used for substitute teachers. For full time employees unused personal leave days will be converted to sick leave days at the end of the school year.

The Superintendent or his or her designee is hereby authorized to develop procedures and forms for implementing this policy.

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

#### 5.12.6 Annual Leave

- a. *Eligible Employees* – Twelve-month full-time employees are eligible for annual leave.
- b. *Annual leave Benefits* – Eligible employees will earn annual leave benefits as follows for each month in which the employee works a minimum of half of the applicable work days during said month:

<i>Months of Service</i>	<i>Annual Leave Benefits</i>
Less than 96 months	One (1) day per month
96 months or more	One and a half (1.5) days per month



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 Annual Leave* – Annual leave shall be earned monthly and must be earned before it can be used. Annual leave days may not be bought, sold, or donated. Up to forty-five (45) days of annual leave may be accumulated. Days in excess of forty-five (45) will be converted to sick leave. Accumulated, unused annual leave vacation time will be paid at the employee’s daily rate of pay upon resignation, retirement, or death.
- d. *Scheduling* – Annual leave must be requested and approved in advance by the employee’s principal or supervisor in accordance with such procedures as may be established by the Superintendent or the Board. The principal or supervisor should take into consideration whether the request for annual leave, if approved, will interfere with the school systems’ ability to operate in an efficient and effective way.

5.12.7 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, or his or her designee, serve the needs and interests of the school system. The number of days approved for such leave will be at the discretion of the Superintendent, or his or her designee. A request for professional leave must be made in accordance with such procedures as may be established by the Superintendent, or his or her designee. It is the responsibility of the principal or other immediate supervisor to determine whether the provisions set forth below are met in granting or denying the request for professional leave. Professional activities may include, but are not limited to:

- a. Accompanying students on school approved activities;
- b. Participation in professional development, conferences, seminars, etc.; and
- c. Attendance at conventions or meetings for professional education associations if the employee is an officer or delegate.

The following provisions shall apply to professional leave:

- a. Employees should confirm a substitute for their absence if a substitute is required so as to ensure the efficient and effective operation of the school and/or to ensure appropriate supervision of students. For all employees in which a substitute is required, if a substitute has not been secured, a principal or immediate supervisor may deny a request for professional leave.
- b. For all employees in which a substitute is required, employees must make adequate preparation for the substitute before departing.

The Superintendent or his or her designee is hereby authorized to develop procedures and forms for implementing this policy.

- 5.12.8 Military Leave – Military leave is available to all eligible employees in accordance with state and federal law.
- 5.12.9 Court Leave – Permanent and full-time employees are entitled to regular compensation while performing jury duty (ALA. CODE §12-16-8) or when the employee is summoned under subpoena or other legal requirement to testify at trial in a court of law or in an administrative proceeding constituted under the statutory authority of the agency conducting the proceedings. Paid leave is not authorized for employees to meet with attorneys, to attend depositions, or to otherwise prepare for legal proceedings unless the presence of the employee is requested or required by the Board.
- 5.12.10 Unpaid Education/Study Leave – Permanent and full-time employees may be permitted an unpaid leave of absence for educational or study reasons for up to one year 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. 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; and
  - 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. Except as provided to the contrary by applicable law, the employee shall not be entitled to return to the same position held before the commencement of leave, and may be assigned to a different work location or position upon return from the leave at the discretion of the Board.

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

- 5.13.1 Eligible Employees – The FMLA is applicable to all persons who have been employed for at least twelve (12) months and have worked a minimum of 1,250 hours during that twelve (12) month period.
- 5.13.2 Calculation of 12-month period – The board uses a rolling 12-month period which is measured backward from the date an employee uses any FMLA leave. Under the rolling 12-month period, each time an employee takes FMLA leave, the remaining leave entitled is the balance of the 12 weeks which has not been used during the immediately preceding 12 months.
- 5.13.3 Medical Leave Provided by the Act – Under the FMLA, eligible employees are entitled to twelve (12) weeks of unpaid leave during any twelve (12) month period for one or more of the following reasons:
- a. The birth and first year care of a newborn child;
  - b. The placement of a foster child or adoption;
  - c. The care of an immediate family member, defined as a spouse, child or parent, with a serious health condition;
  - d. The taking of medical leave because of the employee’s own serious health condition.

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

- 5.13.4 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.

#### 5.13.5 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.

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

5.13.7 Intermittent Leave – An employee may take leave intermittently or on a reduced leave schedule only when medically necessary to care for a spouse, parent, or child or to receive planned medical treatment. Intermittent leave should be scheduled to the extent practicable so as not to unduly disrupt the operations of the Board.

Intermittent leave may be further limited for teachers in accordance with federal law.

- 5.13.8 Use of Annual and Sick Leave – If an employee has available sick leave, annual leave or other applicable paid leave, the employee must utilize those forms of leave before taking unpaid leave under the FMLA. In that instance, the paid leave and the FMLA leave will run concurrently and the employee’s twelve (12) weeks of unpaid FMLA leave will be reduced by the paid leave utilized, as long as the need for such leave results from one or more of the qualifying reasons under the FMLA.
- 5.13.9 Notice – Employees seeking leave under the FMLA must provide thirty (30) days advance notice of the need to take leave when the need is foreseeable. When the need for leave is unforeseeable, employees should notify their supervisors as soon as possible. Employees must also provide notice of the need for qualifying exigency leave as soon as practicable.
- 5.13.10 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.
- 5.13.11 Certification for Qualifying Exigency Leave – Certification will be required by the Board for requests for qualifying exigency leave. Certification must be timely submitted on forms available from the Board. For the first such request, certification may include a copy of the military service member’s duty orders or other military documentation.
- 5.13.12 Return to Work – The Board may require an employee who has taken leave due to the employee’s own serious medical condition to provide the Board with a healthcare provider’s certification in order to return to work. Any employee who takes leave under these provisions will be entitled to be restored to the original position held when the leave commenced or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment.
- 5.13.13 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.

5.13.14 **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.**

#### **5.14 *Sick Leave Bank***

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

- a. *Sick Leave Bank Committee* – The Sick Leave Bank Committee will be composed of one member representing the Board and four members representing participating members of the sick leave bank.
  1. *Board Representative* – The Member representing the Board will be appointed by the Superintendent, subject to Board approval.
  2. *Participant Representatives* – The participant representatives will be selected by the sick leave bank members.
- b. *Procedures for Selecting Employee Representatives on Committee*
  1. *Nomination* – Before each election of participant representatives, the Board will hold an open nomination period. Any employee who is eligible to participate in the sick leave bank may be nominated for one of the participant representative positions. Nominations must be written and must be received by the Chief School Financial Officer, or his or her designee, 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 Chief School Financial Officer, or his or her designee, for final tabulation. The four candidates receiving the highest number of votes will serve as participant representatives on the Sick Leave Bank Committee.

- c. *Term of Committee Members* – Sick Leave Bank Committee members will serve for a term of one year and may not serve for more than five years.
- d. *Chairman of the Sick Leave Bank Committee* – The Sick Leave Bank Committee will elect a chairman from among its representatives at its first annual meeting. The chairman will be responsible for recording organizational minutes, for conducting meetings, and for organizing meetings as necessary.
- e. *Meetings* – The Sick Leave Bank Committee will meet at least annually following each enrollment period. The Committee will also meet as necessary in its discretion.
- f. *Sick Leave Bank Committee Duties* – The Sick Leave Bank Committee will develop proposed rules and regulations for the Sick Leave Bank, to be submitted to participating members for approval. At a minimum, said rules and regulations must include those terms and provisions that are required by statute. The Committee has the authority to review both participation in the Bank and requests for leave to ensure compliance with state law, Board policy, and such rules and regulations as may be adopted by the Sick Leave Bank Committee.
- g. *Employee Participation* – Participation in the Sick Leave Bank is voluntary and open to all full-time employees of the Board. However, employee participation is subject to such rules and regulations regarding enrollment procedures, deposits, withdrawals, and participation as may be developed by the Committee.
- h. *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 pursuant to state law and the rules and regulations established by the Sick Bank Committee.

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

### **5.15 *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.

## **5.16 *Equal Employment Opportunity***

- 5.16.1 Unlawful Discrimination Prohibited – The Board is an equal opportunity employer. Personnel actions and decisions will be made without regard to factors or considerations prohibited by federal or state law (as such laws may from time to time be amended), including but not limited to race, gender, age, disability, national origin, citizenship, and religious preference.
- 5.16.2 Implementing Regulations Authorized – The Superintendent is authorized and directed to implement such rules, regulations, procedures, and directives as necessary and appropriate to implement and enforce this policy and any law prohibiting discrimination in the workplace, including the designation of one or more complaint/grievance investigators, officials, or coordinators, the development of complaint or grievance procedures for responding to allegations of unlawful discrimination, the provision of training or dissemination of instructional materials and advisories to appropriate staff members, and the administration of corrective or remedial action in response to violations of the law and of this policy.

## **5.17 *Sexual Harassment***

In accordance with Title VII of the Civil Rights Act of 1964, as amended and Title IX of the Education Amendments Act of 1972, (20 U.S.C. §1681, et seq.) and its implementing regulations (34 C.F.R. § 106., 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. This requirement not to discriminate in the educational program or activity extends to employment and admissions policies and procedures. Sexual harassment reports and/or formal complaints made by employees should be filed and reviewed under the Board’s employee sexual harassment policy. All other complaints of sex gender discrimination under Title VII and/or Title IX will be filed and reviewed according to the Board’s general complaint and grievance procedures. All inquiries regarding the application of Title IX and its implementing regulations may be referred to the Board’s Title IX Coordinator, the Office of Civil Right’s (OCR) Assistant Secretary, or both. 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.

- 5.17.1 Definition of Sexual Harassment – In addition to the definition of sexual harassment as outlined under Title IX’s implementing regulations, found at 34 C.F.R. §106.30(a), employee-related 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.

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

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

5.17.3 Employee Complaint Resolution Procedure

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

5.17.4 Formal Complaint Procedure

- a. *Persons Responsible for Receiving and Investigating Formal Complaints* – The Superintendent is responsible for receiving and investigating formal complaints

regarding sexual harassment. The Human Resources Director 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 the outcome 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.

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

5.17.6 **Retaliation Prohibited** – No retaliation or adverse action may be imposed as a result of a good faith complaint or report of sexual harassment. False accusations that are made in bad faith or for improper reasons may result in disciplinary action.

5.17.7 **Penalties for Violation** – Any employee who violates the terms of this policy or who impedes or unreasonably refuses to cooperate with a Board investigation regarding allegations of sexual harassment will be subject to appropriate disciplinary action, up to and including termination.

(Board updated Policy 07/2020)

## **5.18 *Reduction-In-Force***

5.18.1 **Definition and Scope** –

- a. This policy applies to reductions-in-force that are implemented by “layoffs” as contemplated by ALA. CODE §16-1-33 (1975).
- b. A reduction-in-force may be declared by the Board of Education and layoffs approved thereunder if the Board determines that decreased student

enrollment or a shortage of revenues requires a reduction in the work force (beyond normal attrition) in order to maintain effective provision of educational services or to meet the Board’s financial, legal, or operational obligations.

- c. A “layoff” within the meaning of this policy is a separation from employment with the Board of Education. However, employees who are laid off under authority of this policy are eligible for recall to employment as conditionally provided in this policy. The term “layoff” does not include or apply to the expiration of temporary, occasional, or “at-will” appointments or to decisions not to renew or extend employment beyond the expiration of annual or other specified terms of appointment.

#### 5.18.2 Criteria for Implementing Layoffs –

- a. The order, priority, rank, or selection of individual employees who are to be laid off under authority of this policy shall be determined on the basis of objective criteria. However, nothing herein shall be deemed or construed to limit or abridge the Board’s legislative discretion to identify areas, departments, groupings, or classifications for reductions (layoffs). (For example, the Board is not required to justify by objective criteria or otherwise a decision to implement layoffs in noninstructional categories or employees before doing so with instructional staff).
- b. The criterion or criteria on which the layoffs are to be based shall be announced or otherwise made known by the Board to employees affected by the layoff no later than the date notice of the layoff is provided to the employees.
- c. “Objective criteria” within the meaning of this policy may include any lawful selection standard (or combination of standards) that is verifiable, calculable, measurable, or otherwise determinable by means or methods other than the personal or subjective judgments or opinions of the person(s) applying the criteria, and that would be expected to produce the same result if applied to the same employees or group of employees by different persons. For purposes of this policy, objective criteria may include, but are not limited to:
  - Seniority, longevity, or time in service that will be more specifically described in the notice of layoff that is provided to affected employees
  - Years of experience
  - Degrees, certification, or licensure
  - Job classification

- Written or otherwise documented performance evaluations that can be fairly, accurately, and objectively compared to other similarly situated employees for the purpose of ordering or ranking, provided that such evaluations predate the RIF announcement or declaration by not less than thirty days

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

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

Circumstances permitting, and to the extent practicable, the selection of employees for recall will be based on the criteria that were applied to the layoffs themselves if there are more employees eligible for recall than positions available to fill. When layoffs occur over a period of time, the Board will take relative length of separation from service into consideration in assigning recall priority, other factors being equal. In no case will any right to be recalled to employment extend beyond one 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.

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

[Reference: ALA. CODE §16-1-33 (1975)]

## **5.19 *Unauthorized Payments***

- 5.19.1 Notification to the Employee – Upon discovery of any unauthorized or erroneous payment or disbursement of funds to an employee, the Board will attempt in good faith to notify the employee of such unauthorized payment and to reach agreement with the employee, if possible, regarding the amount and terms of repayment. Notification to the employee will consist of a letter mailed or delivered to the employee’s last known address. The notice will specify the amount owed, the method by which the amount was calculated, a proposed schedule of repayment, an opportunity for the employee to review or examine any documents or other evidence supporting the claimed overpayment, and an opportunity for the employee to object in person or in writing to the amount or manner of the proposed withholding to provide an alternative plan of repayment. Unless the Board’s ability to recover funds in question could be jeopardized by doing so, the Board will arrange a reasonable schedule of repayment so as to avoid undue hardship to the employee.
- 5.19.2 Retention and Recovery Authorized – If no objection to the proposed withholding is received within a reasonable time (to be specified in the notification letter), monies may be retained in the manner and to the extent described in the notification. If the employee objects to the proposed withholding, the Superintendent or his designee may, upon consideration of the objection and information and argument (if any) submitted in connection therewith, take such action as may be warranted under the circumstances and inform the employee in writing of the decision. If the employee is dissatisfied, he may contest the decision through the Board’s complaint procedure. Monies may be withheld by the Board pending completion of the grievance process, provided that, should the Board later pay over to the employee monies that have been retained under authority of this policy, such payment(s) will reflect all appropriate deductions and will include accrued interest from the date of withholding at the rate specified by the then-effective rate applicable to interest on unpaid judgments under Alabama law. If, after exhausting reasonable efforts to do so, the Board is unable to contact the employee in the first instance, the Board may retain or withhold from compensation or other payments due the employee an amount sufficient to satisfy the indebtedness; provided that any such retention or withholding will be subject to review and reconsideration at the request of the employee.
- 5.19.3 Repayment Required as a Condition of Reemployment – The Board reserves the right to require repayment of any outstanding indebtedness as a condition to reemployment of any former employee.
- 5.19.4 Procedures Not Exclusive – The provisions, procedures, and method of review specified herein are in addition to those that are otherwise available to the parties under law for the retention or recovery of funds, and for administrative or judicial review thereof.

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

5.20.1 Scope – The Board will conduct employee drug and alcohol testing for employees in safety sensitive positions as required by and in accordance with federal law. Testing will be required for all employees holding a commercial drivers’ license (CDL) or who occupy a safety sensitive position as designated by the Board (“covered employees”).

5.20.2 Prohibited Alcohol and Controlled Substance-Related Conduct – In addition to activities identified in other policies, rules, and procedures, Board employees are prohibited from the following:

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

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

5.20.3 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).

5.20.4 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 Employee Testing Act of 1991]

## **5.21 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.

*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 (6) and seventeen (17) 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.

Children who are five (5) years old on or before September 2 and youth who have not attained the age of nineteen (19) years by September 2 may apply to enroll in the Baldwin County Public Schools. Applications for enrollment shall be subject to review and approval by the Superintendent, or his or her designee(s), in accordance with such procedures as the Superintendent may prescribe. Provided, however, students qualifying as “exceptional children” under applicable state and federal law may be eligible for educational services until the age of twenty-one (21) years.

Children eligible for admission to kindergarten by virtue of the fact that they are five (5) years old on or before September 2, and who are still not of compulsory school age (age six) shall enter kindergarten during the first two weeks of school. Students seeking enrollment after the second week of school must provide the principal with satisfactory reasons as to why enrollment was not possible or impractical during the first two weeks. An underage child who transfers from a mandated public kindergarten in another state shall be permitted to enroll in a public kindergarten in Baldwin County. Upon successful completion of a



mandated kindergarten program, the student is eligible for admission to the first grade regardless of age.

The parent, legal custodian, or guardian of a child who is six years of age, may opt out of enrolling their child in school at the age of six years by notifying the local school board of education, in writing that the child will not be enrolled in school until he or she is seven years of age.

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

### 6.1.2 Admission to Schools

- a. *Resident Students* – School-aged children who reside within Baldwin County, Alabama, and not within the limits of a city operating an independent municipal school system, may be admitted to Baldwin County Schools. For purposes of this policy, the residence of the student will be the residence of the custodial parent or legal guardian. If custody of the child is shared, alternating, or unclear, or if the child does not reside with a custodial parent or legal guardian, the domicile or actual physical residence of the child will control, except when there is evidence that the claimed residence of the child is not his actual residence, or that the claimed residence is fraudulently given as a means of avoiding or violating admission, enrollment, attendance, and residency standards and requirements, the residence of the student will be the residence of the custodial parent or legal guardian, which does not include delegations of parental authority and powers of attorney. The Assistant Superintendent with responsibility for the local school in which enrollment is sought may, at his discretion, waive the foregoing requirements. A request for review of the opinion may be submitted in writing to the Superintendent and his review and decision is final.
- b. *Guardianships*- Unless enrollment is otherwise required by law, rule or regulations, a guardian/custodian desiring to enroll a student in the Baldwin County Public Schools System shall provide the local school with an original or certified copy of the court order or decree transferring guardianship or custody to the enrolling guardian/custodian. Designation of parental authority or powers of attorney will not be accepted.

Failure to comply with any of the above-noted requirements will result in the denial of the request for admission. Upon enrollment, if circumstances change such that any of the foregoing requirements are not longer satisfied, the student may be withdrawn from school. The guardian/custodian agrees to provide immediate written notification to the local school principal if any change in circumstances related to the student's continuing eligibility for enrollment.

Under extreme emergency situations as documented in writing by the guardian/custodian, the Assistant Superintendent with responsibility for the local school in which enrollment is sought may, at his discretion, waive the foregoing requirements. A request for review of the opinion may be submitted in writing to the Superintendent and his review and decision is final.

- c. *Non-resident Students* – Except as required by law and as provided below, the Board does not permit students who do not reside within the Baldwin County School District to attend schools within the school system. The Board will not provide transportation to and from school or homebound instruction outside the county limits of Baldwin County.
- d. *Admission Policy for Homeless, Migrants, Immigrants, and English Learner Students and Children in Foster Care* – All homeless, migrant, immigrant, and English Learner students and children in foster care will have equal access to the same free appropriate public education, including public preschool education, provided to other children and youth and will be provided the opportunity to meet the same challenging state content and state student performance standards to which all students are held without being stigmatized or isolated.

The enrollment of homeless, migrant, immigrant, and English learner students and children in foster care shall not be denied or delayed due to any barriers that are specifically prohibited by applicable law, which may include the following:

- Lack of birth certificate
- Lack of school records or transcripts
- Lack of immunization or health records
- Lack of proof of residency
- Lack of transportation
- Guardianship or custody requirements
- Lack of social security card

- e. *Homeless Students* –

- (i) *Enrollment.* Homeless students will be permitted to enroll without regard to residency status and will not be denied services offered to other students in the school system. Homeless students may also be entitled to other accommodations under federal law.

Homeless students will continue in the school they attended before becoming homeless for the duration of their homelessness, or for the remainder of the academic year if the student becomes

permanently housed during an academic year. Otherwise, a homeless student may be enrolled in any school in the system that non-homeless students who live in the attendance area in which the student is living are eligible to attend.

(ii) *Dispute Resolution.* When a dispute arises regarding school placement, the system will immediately enroll the homeless student in the school in which enrollment is sought by the parent, guardian, or unaccompanied youth, pending resolution of the dispute. The school will provide the parent, guardian, or unaccompanied youth with a written explanation of the decision, a statement of the right to appeal, and the procedure for appealing the placement decision. The principal of the school will notify the Board's Homeless Liaison of the dispute.

(iii) The Homeless Liaison will expeditiously carry out the system's dispute resolution procedures as detailed in the Board's homeless student plan.

f. *Students in Foster Care* – A student in foster care will enroll or remain in the student's school of origin, unless it is determined that remaining in the school of origin is not in such student's best interest.

If it is not in a student's best interest to stay in the school of origin, a student in foster care may be enrolled in any school in the system that serves the attendance area in which the student is living, even if the student is unable to produce records normally required for enrollment. The school system will immediately contact the school last attended by the student to obtain relevant academic and other records.

[Reference: 20 U.S.C. §§6311(g)(1)(E)]

g. *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.

h. *Required Documentation* – Students entering the school system for the first time, regardless of grade level, are not required to submit a birth certificate, but may be requested to submit a birth certificate or another form of acceptable documentation to verify the student's age. A social security number may also be requested, but such request is voluntary and is not a requirement of enrollment.

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

- i. *Placement of Students and Transfer of Credit*– The Board will determine the placement of newly enrolled students in accordance with state law and as further outlined below. Any student transferring to a Baldwin County public school from a public or non-public school accrediting agency recognized by the State Board of Education will have all credits and current grade/class placement accepted without validation upon receipt of an official transcript(s). A student may be promoted to the next grade level according to the number of credits earned at the end of the admission term.

Any school/school setting not accredited by an accrediting agency recognized by the State Board of Education shall be considered a non-accredited school for the purpose of transfer of class/grade credits. Core courses shall be defined as authorized to develop additional procedures regarding the transfer and awarding of credits for class/grade placement for students transferring from non-accredited schools.

In the event of the existence of controversial records/transcripts and/or the absence of any official or notarized records/transcripts, the student shall take examinations consisting of the school’s previous midterm and semester examinations for core courses. Placement decisions will be based on successful completion of examinations.

### 6.1.3 Attendance Zone and Class Assignment

- a. *Attendance Zone Assignment* – Students will be assigned to the school serving the attendance zone in which his parent(s) or legal guardian reside(s). A student whose parent or legal guardian moves from one attendance zone to another during the school year will be transferred to the school attendance zone in which the new residence is located. The student may be permitted to remain in the school attendance zone that serves the former residence until the end of the semester with the approval of the Superintendent. A parent or legal guardian who has documented plans to move to a new attendance area during the first or second grading period of the school year may have his child enrolled in the school serving the new residence upon approval by the Superintendent. A student eligible to be classified as a senior in high school shall be permitted to attend the school in which he or she was enrolled as a

junior even though his or her parents or guardians move to a different school zone.

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

#### 6.1.4 Attendance, Absences and Excuses

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

- Personal illness
- Hospitalization
- Death in the family
- Court subpoena
- Religious holidays
- Emergencies conditions approved by the principal
- Prior permission of the principal upon request of the parent or legal guardian

Documentation supporting an excused absence must be submitted no later than three school days following the child’s return to school 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.

- b. *Elementary and Middle School Students* - a student may not exceed nine (9) unexcused absences per class per academic year. If a student misses more than half of a school day, a full absence will be accumulated. A student and a student’s parent or guardian shall be given written notice when a student’s unexcused absences exceed two (2) days. The student can be retained if unexcused absences exceed nine (9) unexcused absences per year. If the maximum number of unexcused absences is exceeded, the student and parent/guardian may petition the Attendance Committee for review of the reasons for the absences. Petition for review by the Attendance Committee at the school can be filled-out at any time after notification, but in any event, no later than 10 school days before the final day of the school year. The Attendance Committee shall review the student’s entire attendance record and documented excuses to determine whether to allow the student to pass.
- c. *High School Students (grades 9-12)*
  - i. High School Students in a 7 or 8 period day (Full Year) - a student may not exceed nine (9) unexcused absences per class per academic year. If a

student misses more than half of a class period, a full absence will be accumulated. The student will lose credit for any class in which the unexcused absences exceed nine (9) per class. The student can make-up up to four (4) unexcused absences (two per semester) by attending Academic Saturday School before the end of academic year.

A student and a student's parent or guardian will receive written notice when a student's unexcused absences exceeds two (2) days in any class. When the student exceeds five (5) unexcused absences per class, the student and parent/guardian can petition the Attendance Committee at the school for review of the reasons for absences. Petition for review by the Attendance Committee can be filled out at any time after notification, but in any event, no later than 10 school days before the final day of the semester. The Attendance Committee shall review the student's entire attendance record and documented excuses to determine whether to award credit.

- ii. High School Students in a Traditional Block Class (18 weeks) or a Modified Block Class (A/B days) (Full Year)- a student may not exceed five (5) unexcused absences per class in a semester-long class. If a student misses more than half of a class period, a full absence will be accumulated. The student will lose credit for any class in which the unexcused absences exceed five (5) per class. The student can make-up up to two (2) unexcused absences by attending Academic Saturday School before the end of the semester.

A student and a student's parent or guardian will receive written notice when a student's unexcused absences exceed two (2) days in any class. When the student exceeds three (3) unexcused absences per class, the student and parent/guardian can petition the Attendance Committee at the school for review of the reasons for absences. Petition for review by the Attendance Committee can be filled out at any time after notification, but in any event, no later than 10 school days before the final day of the semester. The Attendance Committee shall review the student's entire attendance record and documented excuses to determine whether to award credit.

- iii. High School Students in Half Credit classes (9 weeks on a 4x4 semester long class or 18 weeks on a traditional or A/B schedule) - a student may not exceed two (2) unexcused absences per class in a semester-long class. If a student misses more than half of a class period, a full absence will be accumulated. The student will lose credit for any class in which the unexcused absences exceed two (2) per class. The student can make-up one (1) unexcused absences by attending Academic Saturday School before the end of the 9 week class.

A student and a student's parent or guardian will receive written notice when a student's unexcused absences exceed two (2) days in any class. When the student exceeds three (3) unexcused absences per class, the student and parent/guardian can petition the Attendance Committee at the school for review of the reasons for absences. Petition for review by the Attendance Committee can be filled out at any time after notification, but in any event, no later than 10 school days before the final day of the semester. The Attendance Committee shall review the student's entire attendance record and documented excuses to determine whether to award credit.

- d. *Make-Up Work for Excused Absences* - An excused absence permits work to be made up. Upon return to school from excused absence(s), students have up to three days per excused absence to complete and turn-in make-up work to teachers. Days are to run consecutively and may overlap.
- e. *Academic Saturday School (Grades 9-12)* - There will be two Academic Saturday School dates set aside per semester per school year. Students whose unexcused absences exceed four days per term may be allowed to make-up two (2) unexcused absences per semester by attending Academic Saturday School. Students who choose to make-up absences in Academic Saturday School must sign-up for Academic Saturday School via the school Principal or his/her designee.
- f. *Written Explanation for All Absences (Grades Pre-K-12)* - A student, within three (3) school days of returning to school, shall bring a written statement from his parent, guardian or other person having control of the student, with an explanation or the reason for the absence and the date of the absence. Failure to furnish such explanation shall be admissible as evidence of such child being a truant with the consent and connivance of the person in control or charge of the child, unless such person can show to the reasonable satisfaction of the court that he had no knowledge of such absence and that he had been diligent in his efforts to secure the attendance of such child. A written note from parents or guardians will excuse absences for up to but not exceeding nine (9) absences in grades Pre-K-12. After the ninth absence, any further absences for illness will require submission of a doctor's note in order to be excused.

[Reference: ALA. CODE §16-28-15 (1975)]

- g. *Transfer Students and Attendance Requirements* - Students who transfer into Baldwin County Public Schools must have documented proof of enrollment, attendance, and coursework in another school system before enrollment in local schools. High school students (grades 9-12) who do not submit proof of enrollment in another school system and who enroll after the first five (5) days of a semester may not be awarded Carnegie units for coursework. Elementary

and middle school students (grades K-8) who do not submit proof of enrollment in another school system and enroll after the first ten (10) days of the school year may be retained. Absences incurred in the student's previous school will not apply to the student's attendance record in Baldwin County.

- h. *Attendance Committee* - The Attendance Committee will have the opportunity to review petitions by students and parents/guardians to determine whether excessive absences are justified.

Any absence not falling into the categories listed under Absences and Excuses may be subject to review by the Attendance Committee. Students and parents/guardians may petition the Attendance Committee to review the reasons for absences. If needed, the Attendance Committee may interview the student prior to making a decision regarding the awarding of Carnegie units or promotion or retention. The Principal or his or her designee shall inform the student and parents/guardians by written notice of the decision of the Attendance Committee within five (5) school days of the appeal hearing. Decisions made by the Attendance Committee at the local school may be appealed to the Superintendent's Attendance Committee. The Superintendent's Attendance Committee meets once per semester as needed.

At the local school level, the Attendance Committee will be composed of the Principal (his/her designee) and a counselor. The Superintendent's Attendance Committee will be composed of the Assistant Superintendent assigned to the local school and a representative from the Baldwin County Board of Education Attendance Office.

- (i) *Superintendent Level Appeals* - Students and parents/guardians may appeal the decision made by the local school Attendance Committee. A written appeal must be submitted to the Superintendent's Attendance Committee within three (3) school days of receipt of the local school's Attendance Committee decision. The Superintendent's Attendance Committee will review all written excuses and oral explanations for excessive absences. If needed, the Superintendent's Attendance Committee may interview the student prior to making a decision regarding awarding of Carnegie units or promotion/retention. All decisions made by the Superintendent's Attendance Committee are final.



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

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

- 6.1.6 Non-Resident Students – Students whose parents or guardians reside outside Baldwin County or outside the Baldwin County Public School System attendance zone lines are non-resident students. A non-resident student may be eligible to attend the Baldwin County Public School System.

- a. *Admission*- Admission of non-resident students is based on space availability. The parent or guardian of a non-resident student must obtain a permit from the Superintendent, or his or her designee, for the student’s admission to the Baldwin County Public Schools. To be considered for initial enrollment in the Baldwin County Public Schools, the parent/legal guardian of the non-resident student shall submit an annual written application for a permit to the Superintendent, or his or her designee for consideration. No student shall be denied enrollment on the basis of race, sex, religion or national origin. Nothing in this policy shall interfere with the implementation and application of the McKinney-Vento Homeless Assistance Act of 2001. The following factors shall be considered and used by the Superintendent, or his or her designee, as the basis for granting permission for a non-resident student to enroll/continue enrollment in the Baldwin County Public Schools.
- i. The availability of an instructional program that meets the education, physical and emotional needs of the student;
  - ii. The impact of the decision to enroll the student on a federal court desegregation order/consent decree on the student’s resident school system or in the Baldwin County Public Schools;
  - iii. The ability to accommodate the applicant without placing undue financial burden on the Baldwin County Public Schools;
  - iv. The availability of space at the grade level and school requested on the permit application;
  - v. The student’s previous attendance record;
  - vi. The student’s academic performance as determined through a review of grades, academic records, and standardized test results;
  - vii. The student’s satisfactory history of behavior as determined by a review of discipline records;

- viii. The parent's/legal guardian's and student's agreement to follow the rules, regulations, and codes of student conduct established by the Baldwin County Public Schools and the various schools within the school system. Failure to comply with the rules and regulations may be cause for expulsion, the withdrawal of permission to attend a Baldwin County Public Schools, and forfeiture of tuition paid;
  - ix. The parent's/legal guardian's agreement to provide transportation for the student; and
  - x. The parent's/legal guardian's acknowledgment/understanding that the non-resident student is not eligible to participate in any athletic team, club, or organization for one (1) school year after enrolling.
- b. *Proof of Guardianship or Custody for non-resident student permit applications-* When requesting enrollment, proof of guardianship and/or legal custody must be provided along with proof of residency for both parents/legal guardians. The Baldwin County Public Schools accept only legal guardianship/custody documents as authorized by a court of law. Notarized affidavits, educational guardianship records, or other types of statements are not acceptable as proof of guardianship/custody. When divorced parents share legal custody, the residence of the primary, physical custodial parent shall be used to determine the resident/non-resident status of the enrolling student in the Baldwin County Public Schools.
- c. *Tuition-* The Board reserves the right to charge non-resident students a tuition fee. In the event that the Board determines that a non-resident tuition fee will be charged, the Superintendent is authorized to develop additional procedures regarding tuition rates, payments, and accounting.
- d. *Special Education-* The LEA in which the student resides is legally responsible for providing services to its students. Assuming space availability, the Superintendent, Special Services Coordinator, and the Chief School Financial Officer may enter into a negotiated contractual agreement with a sending LEA in specific situations, wherein the sending LEA will reimburse the Baldwin County Public School System for all of the provided services. In no case will the reimbursement amount be less than any predetermined tuition amount.
- e. *Transportation- NO* Transportation will be provided to out-of-system students unless provided for in a negotiated contractual agreement referred to in Paragraph d above.

- f. *Employees* – Employees of the Baldwin County Public Schools who live outside of Baldwin County or outside of the Baldwin County Public School’s attendance zone lines, may request enrollment for their child(ren) in the Baldwin County Public Schools by following all non-resident student procedures. Tuition may be waived for non-resident students whose parents are active employees of the Baldwin County Public Schools.
- g. *Course Credit and Grade Level Placement*- Out-of-system students accepted will be subject to the same course credit and grade level placement rules as transfer students.
- h. *Student Conduct* – Non-resident student(s) are expected to follow the rules, regulations, and Baldwin County Board of Education Student Code of Conduct. Failure to comply with the policies, rules, and regulations may be cause for discipline in accordance with Board Policy and/or the Student Code of Conduct, the withdrawal of permission to attend the Baldwin County Public Schools, and the forfeiture of any tuition paid.
- i. *Revocation of Enrollment* - The Baldwin County Public School System has the right to revoke enrollment of any non-resident student based on any of the following conditions:
  - i. Inappropriate behavior or poor disciplinary record;
  - ii. Excessive tardiness to school or poor school attendance;
  - iii. Unsatisfactory academic performance;
  - iv. Falsifying school/or legal documents;
  - v. Late tuition payments, if applicable;
  - vi. An attempt to circumvent the policies/procedures of the school and/or the school system; and,
  - vii. Any other good and sufficient reason.

[Reference: Ala. Code §§16-10-6 & 16-28-3]

**6.2 *Transfers, Zone Variances, Withdrawals, and School Zone Redistricting*** 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 Attendance Zone Variances- The Baldwin County Board of Education affirms those present school attendance zones outlined by Federal Courts. The Board,

however, gives the Superintendent discretionary authority to grant variances to pupils who present evidence of extreme hardship and/or students of employees that work for the Baldwin County Public Schools. Extreme hardship may not be construed to include dissatisfaction with personnel in the school in the zone in which the pupil resides, or dissatisfaction with curriculum offerings, which are non-academic or extracurricular activity offerings in the school zone in which the pupil resides. Employees of the Baldwin County Public Schools who live outside of a particular school attendance zone may request enrollment for their child(ren) in the attendance zone in which the employee is employed.

- 6.2.3 Withdrawals – No student of compulsory attendance age will be permitted to withdraw from school except in accordance with state law and any withdrawal procedures that may be developed by the Superintendent.
- 6.2.4 School Redistricting Policy – In accordance with 16-8-34, the Baldwin County Board of Education has established attendance zones for all Baldwin County Public Schools. Absent a zone variance granted in accordance with the above, students attending public school in Baldwin County shall attend school in the zone in which they are domiciled. The Board recognizes that from time to time the educational interests of Baldwin County may necessitate the modification of existing attendance zones or the creation of new attendance zones. The Board desires to accomplish a redistricting process in the most equitable manner possible under the relevant circumstances. Provided, however, nothing in this Policy shall be interpreted to limit the authority of the Board to set or modify attendance zones, or to act in a timely manner to remedy an unforeseen problem created by existing attendance zones. The Superintendent is hereby given authority to develop procedures for establishing and revising attendance zones. Such procedures shall utilize staff expertise, available technology, and parental input. Such procedures shall outline primary and secondary criteria for assuring the greatest possible stability of attendance patterns for the students of the system and to maximize the effective and efficient use of facilities. Such procedures will further outline a timeline and procedures for notifying the public and seeking input regarding proposed attendance zone modifications. The Superintendent will present these procedures to the Board for adoption and periodic review. All attendance zone modifications shall be considered and adopted by the Board after receiving public input.

*Students Affected by Redistricting –*

- a. *High School-* When an attendance zone is changed as a result of a new high school, Rising 10th, 11th, or 12th grade students may choose to remain in the school in which they are currently enrolled. All rising 9th grade students will attend the new school.

- b. *Middle and Elementary School*- When attendance zone changes are made as a result of new middle or elementary schools, all students affected by the change will attend the new school upon its opening

[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 *Concussions***

Drawing on such medical and other authoritative publications and resources as may be available, the Board will:

- a. Develop materials and information that are designed to educate students and their parents or guardians about the nature of concussion and brain injury and the risks of continuing to participate in athletics after receiving a concussion or brain injury;
- b. Suitably summarize such materials on a concussion and head injury information sheet which is to be provided annually to current and prospective student athletes and their parents or guardians. Prior to the student's participation in practice or competition, the head coach of the team must obtain and keep on file a copy of the information worksheet signed by the team member and his or her parent or guardian.
- c. Develop a program designed to educate coaches on how to learn to recognize the symptoms of a concussion and how to seek proper medical treatment for a person suspected of having a concussion. The training shall be provided by qualified medical personnel or persons with special expertise in recognizing and responding to concussions and brain injuries, and shall be offered to every coach prior to the beginning of practice for the athletic team that he or she coaches.
- d. Promulgate or otherwise inform coaches of the statutory requirement that a youth athlete must be removed "from participation and may not return to play the day of the injury and until the athlete is evaluated by a licensed physician and receives written clearance to return to play from a licensed physician."

The Board may use information and forms prepared by the Alabama High School Athletic Association as they may be revised from time to time, but nothing in any such materials should be interpreted or otherwise understood to create a duty or standard of care on the part of any person charged with its implementation.

[Reference: Ala. Code §22-11E-2 as amended by Act of Alabama 2012-314]

## 6.5 *Extracurricular Activities*

6.5.1 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 or requirements.

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

6.5.2 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.

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

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

- a. Physical education may count as only one (1) unit per year.
- b. No more than two (2) Carnegie units may be made up during summer school. If a unit(s) or subject(s) is repeated in summer school, the higher numerical

grade for the unit(s) or subject(s) may be used to compute the composite grade average.

- c. Eligibility will be determined on the first day of the local school year and will remain in effect for one (1) complete school year. Students ineligible at the beginning of an academic year may become eligible at the end of the first semester if they meet all academic requirements at that time. *Bona fide* transfers may be dealt with according to the rules of the Alabama High School Athletic Association for sports and rules to be developed by this Board of Education as they pertain to other extracurricular activities.
- d. Each eligible student involved in athletics must meet the definition of a regular student as defined by the Alabama High School Athletic Association.
- e. Any student who earns more than four (4) credits in the core curriculum in any given year or who accumulates a total in excess of the required four (4) per year may be exempt from earning the four (4) core courses in the succeeding year as long as that student remains on schedule for graduation with his/her class.

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

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

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

students academically ineligible under this policy will not be allowed to participate.

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

## **6.6 *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 certified and qualified drivers have been selected and arrangements for the costs of the trip (e.g., salary, fuels, maintenance, lodging) have been made; and
- e. Board approval of the trip is obtained.

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

## **6.7 *Student Publications***

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

## **6.8 *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.

**6.9 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.

**6.10 Title IX**

6.10.1 **Prohibition** – In accordance with Title IX of the Education Amendments Act of 1972, (20 U.S.C. §1681, *et seq.*) and its implementing regulations (34 C.F.R. § 106., 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. This requirement not to discriminate in the educational program or activity extends to employment and admissions policies and procedures. Sexual harassment reports and/or formal complaints should be filed and reviewed under the Board’s student sexual harassment policy. All other complaints of sex gender discrimination under Title IX will be filed and reviewed according to the Board’s general complaint and grievance procedures. All inquiries regarding the application of Title IX and its implementing regulations may be referred to the Board’s Title IX Coordinator, the Office of Civil Right’s (OCR) Assistant Secretary, or both.

6.10.2 **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.

(Board updated Policy 07/2020)

## **6.11 *Voluntary Religious Expression***

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

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

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

## **6.12 *Student Sexual Harassment***

6.12.1 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.

6.12.2 Definition – For purposes of this policy, sexual harassment means conduct on the basis of sex that satisfies one or more of the following:

- a. An employee of the recipient conditioning the provision of an aid, benefit or service of the recipient on an individual's participation in unwelcome sexual conduct ( otherwise known as "quid pro quo");
- b. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's education program or activity; or
- c. Sexual assault as defined in 20 U.S.C. § 1092(f)(6)(A)(v), dating violence as defined in 34 U.S.C. § 12291(a)(10), domestic violence as defined in 34 U.S.C. § 12991(a)(8), or stalking as defined in 34 U.S.C. § 12291(a)(30).

34 C.F.R. § 106.30(a).

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

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

6.12.3 Sexual Harassment Complaint Procedures Authorized – In accordance with Title IX of the Education Amendments of 1972, 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 verbal or written reports of sexual harassment and formal 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, to provide supportive measures to the complainant and/or respondent, establish a grievance process for formal complaints of sexual harassment, address confidentiality requirements, and prevent any retaliation based upon the filing of the complaint. The procedures should comply with Title IX and its implementing regulations and 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. Procedures should include

proper recordkeeping and retention requirements in accordance with Title IX's implementing regulations.

- 6.12.4 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” (6.12.3) 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.
- 6.12.5 Notice of Policy to be Promulgated – The Superintendent will promulgate and disseminate this policy and the complaint procedures to the schools and will take such other steps and measures as may be reasonably available and expedient for informing the school community of the conduct prohibited by this policy, and the recourse available to students who believe that they have been subjected to sexual harassment. The Superintendent should undertake to provide training of Title IX coordinators, investigators, decision-makers, and all employees regarding the above sexual harassment policies and procedures.

7 (Board updated Policy 07/2020)

## **7.12 *Protection of Pupil Rights Amendment***

- 6.13.1 Consent – The Board will obtain parental consent before students are required to participate in a survey that concerns one or more of the following protected areas ("protected information survey") if the survey is funded in whole or in part by a program of the U.S. Department of Education (ED):
- a. Political affiliations or beliefs of the student or student's parent(s);
  - b. Mental or psychological problems of the student or student's family;
  - c. Sexual behavior or attitudes;
  - d. Illegal, anti-social, self-incriminating, or demeaning behavior;
  - e. Critical appraisals of others with whom respondents have close family relationships;
  - f. Legally recognized privileged relationships, such as with lawyers, doctors, or ministers;

- g. Religious practices, affiliations, or beliefs of the student or parent(s); or
- h. Income, other than as required by law to determine program eligibility.

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

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

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

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

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

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

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

## **6.14 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 CFR 99.3]

### **6.15 *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, guidelines, and regulations concerning but not limited to anaphylaxis, management of pediculosis, and the taking, administration, and handling of medication at school consistent with state law and appropriate health standards. Specifically, the Anaphylaxis Preparedness Guidelines will be prepared and presented to the Board for adoption and periodic revision. The Anaphylaxis Preparedness Guidelines will be deemed an extension of Board policy and will have the force and effect thereof.

### **6.16 *Student Conduct***

In order for the Board to fulfill its commitment to provide the best possible educational opportunities and experiences, each student is expected to conduct himself or herself in a responsible manner at all times. The Superintendent will prepare and present to the Board for adoption and periodic revision a Student Code of Conduct (“SCC”), 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 SCC will comprehensively describe the rules and standards of conduct and discipline that will be maintained and enforced within Baldwin County Schools. The SCC will include mandatory provisions regarding dress codes and uniforms. The SCC, in conjunction with the applicable policies herein, will set forth specific grounds for disciplinary action, the penalties, sanctions, or consequences that may be imposed for a violation of the SCC, the

methods and procedures by which violations of the SCC will be determined, and any appeal or review procedures that are available to students. The SCC will incorporate applicable statutory, regulatory, and Board policy requirements, and the hearing and appeal procedures specified in the SCC will conform to applicable Board policy and statutory and constitutional standards and requirements. The SCC 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 SCC will be deemed an extension of Board policy and will have the force and effect thereof. All Board personnel are expected to apply the student conduct and disciplinary policies and procedures in an equal and non-discriminatory manner regardless of race, national origin, gender, or disability status (unless otherwise required by an educational plan or other applicable Federal law regarding individuals with disabilities).

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

## **6.17 Searches (Students)**

- a. *Board Property* – All school system property, facilities, and grounds may be entered, inspected, and searched for any lawful purpose by Board officials or their designees at any time, without prior notice and to the fullest extent permitted by law. The right to enter, inspect, and search includes and extends to (but is not limited to) Board owned or controlled offices, desks, file cabinets, lockers, computers, files, documents, data, and devices however and wherever kept, stored, or maintained.
- b. *Personal Property* – Personal property, including but not limited to vehicles, purses, wallets, gym bags, book bags, cell phones, computers, and “personal digital assistant” (PDA) devices may be searched by authorized school officials, including school principals or their designees, when reasonable suspicion exists that the property contains prohibited materials, illegal substances, weapons, or other items that are reasonably deemed to present a risk or threat to the safety or welfare of the school community, provided that the nature and extent of the search shall be reasonably related and limited to the suspected violation.
- 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.

### **6.18 Corporal Punishment**

Corporal punishment (spanking) should not be administered by school personnel.

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

### **6.19 Physical Restraint**

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

[Reference: ALA. ADMIN. CODE §§290-3-1-.01, 290-3-1-.02]

### **6.20 Student Suspension, Student Expulsion, and Classification of Violations (including Students with Disabilities)**

6.20.1 *Suspensions* - 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. Students may be suspended from school for offenses serious enough to warrant such action as provided in the Student Code of Conduct or the following outlined violations. At a minimum, the following circumstances represent when and how a student may be suspended. The Superintendent is further authorized to develop and outline any additional procedures regarding suspensions in the Student Code of Conduct.

#### *i. Intent*

It is the policy of the Baldwin County Board of Education that a student may be suspended from school under the following circumstances:

- a. after committing Class I offense as identified further below;
- b. after committing a Class II offense as identified below; and
- c. after committing any serious offense or exhibiting any serious misconduct



All suspensions should be for specified number of days not to exceed 9 school days any deviation of said pattern shall require authorization from the Superintendent.

ii. *Procedures for Suspensions*

In the event that a student's misbehavior is, in the opinion of the principal, severe enough to warrant suspension, the procedures shall be as follows:

- a. the student shall be informed orally or in writing, by the principal or by his or her designee of the charges against him or her. In the event the student denies the charges, the students will be provided an opportunity to present his or her side of the story. Under all circumstances, students will be provided an opportunity to State matters and mitigation of the charges.
- b. if in the opinion of the principal or his or her designee, the student committed the offenses in question, the student shall be suspended from school.
- c. the principal should immediately notify the student's parent or legal guardian of the action taken, the reason or bases for the action, and what further action will be taken, if any.

When a student is suspended, he or she is denied any admission to any other school in the system until he is cleared his record with the school originating this suspension even though he might have moved into a new attendance zone. The Superintendent is authorized to develop additional procedures and guidelines regarding the excusal of absences for suspensions and the ability to make up work. Suspension of students with disabilities will be subject to applicable limitations and requirements imposed by the IDEA, Section 504, and any applicable implementing regulations thereunder. (Rev. July 2019).

6.20.2 Expulsions- Students may be expelled from school for offenses serious enough to warrant such action as provided in the Student Code of Conduct or the following outlined violations. At a minimum, the following circumstances represent when and how a student may be expelled. The Superintendent is further authorized to develop and outline any additional procedures regarding expulsions in the Student Code of Conduct.

i. *Intent*

It is the policy of the Baldwin County Board of Education that a student may be expelled from school under the following circumstances:

- a. after committing Class II offense as identified further below;
- b. after committing a Class III offense is identified below; and/or
- c. after committing any serious offense or exhibiting any serious misconduct.

Expulsions might be for a period of (a) more than 10 days, less than one semester; (b) one semester or more; or (c) permanently.

ii. *Procedures for Expulsions*

In the event that a student's misbehavior, is in the opinion of the principal, severe enough to warrant expulsion, the procedure shall be as follows:

- a. The student should be clearly informed by the principal, or by his or her designee, of the offense with which he or she is being charged. The student will be given an adequate opportunity to state his or her position regarding the alleged offense and provide any matters in mitigation. Provided however, in the event that the principal determines that the student poses an immediate threat to persons or property, or threatens immediately to disrupt the educational process, the student may be suspended immediately. In such cases, notice of misconduct with which the student is charged should be given as soon as practical, and no later than three (3) days following suspension. Under such circumstances, a time should be scheduled as soon as practical and not later than five (5) days after suspension to provide the student adequate opportunity to state his or her position regarding the alleged offense and provide any matters in mitigation.
- b. If, in the judgment of the principal, or his or her designee, the student committed the offense or offenses in question, the student shall be immediately suspended from school pending a determination by the principal as to whether expulsion is necessary.
- c. In the event the principal determines that the totality of the circumstances require expulsion, the principal must notify the student's parents or legal guardian of his or her recommendation for expulsion and of the misconduct with which the student is charged. The notice must further notify the parent or legal guardian that they have the right to request a hearing before the principal at which time they shall have the right to be represented by legal

counsel, to ask questions of the principal and of any witnesses, and to present witnesses. Except as otherwise agreed upon by the principal, the request for hearing must be submitted to the principal in writing within three (3) days of the date of the notification of the intent to expel. Notice of the results of the hearing should be given in writing to the student's parent or guardian within three (3) days after the hearing.

- d. The student's parent or guardian shall thereafter have the right to appeal from the results of said hearing to the local Superintendent provided notice of intent to appeal is given within five (5) days of receipt of the notice of the results of the hearing. The appeal shall be heard by the Superintendent or an expulsion review committee as designated by the Superintendent. The appeal hearings will be held within five (5) days of the receipt of the notice of appeal except as otherwise agreed upon by the local Superintendent and the parent or guardian of the student. The student shall have the right to be represented by legal counsel, to ask questions of the principal and any witnesses, and to present witnesses during the appeal hearing. The student and his parent or guardian shall be notified in writing of the results of the appeal within five (5) days following hearing.

When a student is expelled, he is denied any admission to any other school in the system until he is cleared his record with the school originating this suspension or expulsion even though he might have moved into a new attendance zone. 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 IDEA, Section 504, and relevant implementing regulations thereunder.

6.20.3. Classification of Violations and Sanctions - It is fundamental that an orderly school have clearly defined rules for behavior to which students must conform. Nonconformity to the rules is a violation of the Student Code of Conduct. Conduct violations are grouped into three classes: Class I, Class II, and Class III, ranging from the least to the most serious. Appropriate school personnel shall investigate, verify, and take the necessary actions to resolve student misconduct. After determining a violation and the classification of the violation, the principal or his or her designee should implement the appropriate sanction. Violations apply to student conduct on a school campus, at school related event, while being transported to or from school or School related events, or off-campus misconduct that has a direct effect on good order and general welfare of the

school. Below is a listing of examples of each class of violation and possible sanctions. As the violations increase in seriousness the severity of the possible sanctions increase. The Superintendent is further authorized to supplement the list of violations and sanctions in the Student Code of Conduct that is presented for adoption to the Board each year.

i. *Class I Violations*

- 1.01 Distraction of other students;
- 1.02 Bullying, intimidation, harassment of student, minor and isolated incident;
- 1.03 Tardiness;
- 1.04 Non direct use of profane language or obscene gesture (See 2.10);
- 1.05 Nonconformity to dress code;
- 1.06 Disruption on a school bus, minor incident;
- 1.07 Inappropriate public display of affection, minor incident;
- 1.08 Unauthorized absence from class or school for part of a day;
- 1.09 Refusal to complete class assignments;
- 1.10 Failure to follow directives from a school system staff member, minor;
- 1.11 Unauthorized use of school or personal property;
- 1.12 Littering of school property;
- 1.13 Horseplay;
- 1.14 Violation of the Technology Acceptable Use, minor incident, first incident; and/or
- 1.15 Any further violations which maybe outlined in the Board of Education student code of conduct or which the principle may be reasonable to fall within this category after investigation and consideration of extenuating circumstances.

ii. *Class I Sanctions*

1. Conference with the student;
2. Conference with the parent;
3. Verbal warning, reprimand and or demerits;
4. Loss of privileges;
5. Bus suspension;
6. Removal from class;
7. Temporary or permanent detention before school, after school, or Saturday;
8. In-school suspension;
9. Referred to counselor;
10. Referred to peer mediation;
11. Restitution;
12. Student contract; and/or
13. Other sanctions as approved by the Board of Education and further outlined in the Student Code of Conduct.

iii. *Class II Violations*

- 2.01 Failures to follow directives from a school system staff member, moderate or serious or second incident;
- 2.02 Disruption on the school bus, moderate or second incident;
- 2.03 Vandalism/property damage;
- 2.04 Theft of property;
- 2.05 Gambling;
- 2.06 Possession of stolen property with the knowledge that is stolen;
- 2.07 Sexual harassment;
- 2.08 Threats/extortion;
- 2.09 Trespassing;
- 2.10 Direct use of profane language or obscene gesture directed toward another person;
- 2.11 Repeated direct or non-direct use of profane language or obscene gestures;
- 2.12 Unauthorized absence from school for a day or more;
- 2.13 Inappropriate public display of affection, repeated or significant;
- 2.14 Inappropriate touching of another person;
- 2.15 Possession of and/or use of matches or lighters;
- 2.16 Possession, sale, and or use of a tobacco product;
- 2.17 Dishonesty and cheating;
- 2.18 Providing false information to a local Board of Education employee;
- 2.19 Bullying, intimidation, harassment a student, moderate or second incident;
- 2.20 Repeated violations of class I offense;
- 2.21 Violation of the Technology Acceptable Use, moderate or second incident; and/or
- 2.22 Any other offense or violations as further outlined in the Student Code of Conduct or in which the principal may be reasonable to fall within this category after investigation in consideration of extenuating circumstances.

iv. *Class II Sanctions*

1. Assignment to the alternative school;
2. Out of school suspension;
3. Referral to an outside agency;
4. Expulsion; and/or
5. Any sanctions included in Class I and other sanctions as approved by the Board of Education and further outlined in the Student Code of Conduct.

v. *Class III Violations*

- 3.01 Arson;
- 3.02 Robbery;
- 3.03 Theft of property;
- 3.04 Burglary of school property;
- 3.05 Criminal mischief;
- 3.06 Bomb threat;
- 3.07 Sexual offense;
- 3.08 Fighting;
- 3.09 Inciting or participating in major student disorder;
- 3.10 Unjustified activation of fire alarm system or fire extinguisher;
- 3.11 Assault on a person student, teacher, staff member, visitor, etc;
- 3.12 Possession of a weapon;
- 3.13 Preparing, possessing, and organizing explosive device;
- 3.14 Unlawful sale, purchase, furnishing or giving, or possession of illegal drugs or drug paraphernalia or alcoholic beverage;
- 3.15 Accessing or changing information in school computers without authorization or for an appropriate purposes;
- 3.16 Crimes as defined on the laws of the city, state of Alabama, or United States;
- 3.17 Bullying, intimidation, harassment a student, severe or repeated;
- 3.18 Repeated failure to follow directives from a school system staff member, severe;
- 3.19 Repeated violations of Class I and/or II Offenses after directives and sanctions from school system staff;
- 3.20 Violation of the Technology Acceptable Use, major/severe or repeated violations; and/or
- 3.21 Any other offense or violation as further outlined in the Student Code of Conduct or in which the principal made reasonable to fall within this category after investigation in consideration of extenuating circumstances.

vi. *Class III Sanctions* – Class III violations typically result in suspension or expulsion. Provided however, discipline may include any sanctions(s) included in Classes I and II and other sanctions as approved by the Board of Education and as further outlined in the Student Code of Conduct.

Under circumstances where a student is expelled or is assigned to the Alternative School, the principal shall document all factors taken into consideration in expelling a student or referring them to the Alternative School.

#### **6.21 *Electronic Communication Devices***

The use of personal, wireless communication devices by students is prohibited on school grounds or while students are being transported on a school bus, except as provided for herein. Personal, wireless communication devices include, but are not limited to, cellular telephones, pocket pagers, email devices, “walkie talkies,” or any other electronic

communication device. Students are permitted to keep personal wireless devices only in lockers, the school office, or other locations approved by the principal or his designee. The Board assumes no responsibility for theft, loss, or damage to any personal/wireless communication device. The principal or his designee may approve the use of such devices during medical emergencies, natural disasters, after regular school hours, at events or under circumstances in which the use of the devices serves safety and convenience without disrupting academic or school operations. Principals or their designees will also have the authority to further restrict or deny the use of personal/wireless communication devices by any student to prevent the misuse, abuse, or violation of school rules regarding the use of such devices. School officials may read, examine, or inspect the contents of any such device upon reasonable suspicion that the device contains evidence of an actual violation of the law, of Board policy, the Student Code of Conduct, or other school rules, provided that the nature and extent of such examination shall be reasonably related and limited to the suspected violation.

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

## **6.22 Drivers' License**

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

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

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

6.22.2 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)]

### **6.23 *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 while on Board property or at a Board sponsored function. Accordingly, any student who desires to drive a vehicle on school property or park on school property may be required to submit to periodically or randomly administered sobriety or drug tests as a condition to issuance of a permit authorizing the operation or parking of a motor vehicle on school grounds. Principals may impose reasonable additional conditions or requirements for the privilege of driving or parking a vehicle on school property including, for example, conditions relating to maintenance of academic and attendance standards and the payment of fees. Principals may also establish priorities for issuance and assignment of parking permits. The Board reserves the right to require that sobriety or drug tests or screenings be passed as a condition to maintaining parking or vehicle permits, or privileges relating to use of a motor vehicle. Such testing or screening may also be performed whenever a school official observes or is made aware of circumstances that provide reasonable suspicion or belief that the student has used alcohol, illegal drugs, or other substances in violation of the Board’s substance abuse policies. All such testing or screening will be performed in accordance with local, state and federal laws and procedures that are developed by the Superintendent for approval by the Board.

### **6.24 *Student Extracurricular Activities***

In order to promote the safety and welfare of students who participate in 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 programs or activities to submit to sobriety tests or screening for illegal drugs or controlled substances prior to, during, or following an extracurricular event, practice, competition, or at any other time while the student is under the supervision of the school system. Such testing or screening may also be performed whenever a school official observes or is made aware of circumstances that provide reasonable suspicion or belief that the student has used alcohol, illegal drugs, or other substances in violation of the Board’s substance abuse policies. All such testing or screening will be performed in accordance with local, state and federal laws, and procedures that are developed by the Superintendent for approval by the Board.



- 6.24.1 **Testing** – Testing for the presence of alcohol or illegal drugs in a person’s body may be conducted on the person’s breath, oral fluid, hair, or urine.
- 6.24.2 **Enforcement** – A student who tests positive for the presence of illegal drugs or alcohol may be subject to certain consequences, including suspension of parking privileges and participation in extracurricular activities. Refusal of a student to submit to testing or to cooperate with the Board in an investigation relating to illegal drug and alcohol testing may result in suspension of parking privileges and participation in extracurricular activities for 365 calendar days.
- 6.24.3 **Confidentiality** – Information, including statements, reports, memoranda, and test results, whether written or otherwise, received by the Board as part of the illegal drug and alcohol testing program is considered confidential information. However, the information may be disclosed under certain circumstances, including:
  - a. Upon written consent of the student’s parent or guardian authorizing release of the information to an identified individual or entity.
  - b. In a lawsuit, grievance, or other proceeding initiated by or on behalf of the student.
  - c. When compelled by judicial order or federal or state law.

**6.25**            ***Harassment, Violence, and Threats of Violence and Suicide Awareness and Prevention***

- 6.25.1 **Prohibition** - The Baldwin County Public School System is committed to providing a safe and supportive learning environment in which all members of the school community are treated with respect. Bullying, violence, and threats of violence, and intimidation are prohibited and constitute unacceptable behavior that will not be tolerated.

No student shall engage in nor should any be subjected to bullying, violence, threats of violence, or intimidation by any other student that is based on any of the specific characteristics set forth in this policy. Students who violate this policy will be subject to appropriate disciplinary sanctions as specified in the Student Code of Conduct, subject to the investigating school administrator’s authority and decision and in accordance with applicable Federal and State law.

- 6.25.2 **Definitions** –

- a.     *Bullying* - a continuous pattern of intentional behavior on or off of school property, on a school bus, or at a school-sponsored function including, but not limited to, cyberbullying or written, electronic, verbal, or physical actions 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 contained in this policy. To constitute bullying, a pattern of behavior may do any of the following:

- i. Place a student in reasonable fear of harm to his or her person or damage to his or her property.
  - ii. Have the effect of substantially interfering with the educational performance, opportunities, or benefits of a student.
  - iii. Have the effect of substantially disrupting or interfering with the orderly operation of the school.
  - iv. Have the effect of creating a hostile environment in the school, on school property, on a school bus, or at a school-sponsored function.
  - v. Have the effect of being sufficiently severe, persistent, or pervasive enough to create an intimidating, threatening, or abusive educational environment for a student.
- b. *Hostile environment* - the perception by an affected student that the conduct of another student constitutes a threat of violence or bullying and that the conduct is objectively severe or pervasive enough that a reasonable person, under the circumstances, would agree that the conduct constitutes bullying, threat of assault, or assault.
- c. *Violence* - the unjustified infliction of physical force by a student with the intent to cause injury to another student or damage to the property of another student.
- d. *Threat* - a statement of an intention to inflict pain, injury, damage, or other hostile action to cause fear of harm. The intention may be communicated through an electronic, written, verbal, or physical act to cause fear, mental distress, or interference in the school environment. The intention may be expressly stated or implied and the person communicating the threat has the ability to carry out the threat.
- e. *Threat of violence* - an unjustified expression of intention to inflict injury or damage that is made by a student and directed to another student.
- f. *Intimidation* - an unjustified threat or other action that is intended to cause fear or apprehension in a student.
- g. *Student* - a person who is enrolled in the Baldwin County Public School System.

### 6.25.3 Description of Behavior Expected of Students -

- a. Students are expected to treat other students with courtesy, respect, and dignity, and to 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 bullying, 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. Bullying, intimidation, violence, or threats of violence are prohibited and will be subject to appropriate disciplinary consequences and/or sanctions if the perpetrator of such action is found to have based the prohibited action on one or more of the following personal characteristics of the student:
  - i. The student's race;
  - ii. The student's sex;
  - iii. The student's religion;
  - iv. The student's national origin;
  - v. The student's disability;
  - vi. The student's marital status;
  - vii. The student's sexual orientation; or
  - viii. The student's gender identity.

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

6.25.5 Reporting, Investigation, and Complaint Resolution Procedures – Complaints alleging violations of this policy must be made on Board approved complaint forms available complaint form available in the handbook, on the website, or at the school's office. The complaint must be signed by the student alleging the violation or by the student's parent or legal guardian and delivered to the principal or the principal's designee either by mail or personal delivery. At the request of the complaining student or the student's parent or legal guardian, incidental or minor violations of the policy may be presented and resolved informally.

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

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

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

6.25.6 Suicide Prevention – To the extent that the legislature appropriates funds or the Board provides funds from other sources, the Superintendent is authorized to develop a program to implement the following statutory requirements of the Jason Flatt Act in an effort to prevent student suicide:

- a. Foster individual, family, and group counseling services related to suicide prevention.
- b. Make referral, crisis intervention, and other related information available for students, parents, and school personnel.
- c. Foster training for school personnel who are responsible for counseling and supervising students.
- d. Increase student awareness of the relationship between drug and alcohol use and suicide.
- e. Educate students in recognizing signs of suicidal tendencies and other facts and warning signs of suicide.

- f. Inform students of available community suicide prevention services.
- g. Promote cooperative efforts between school personnel and community suicide prevention program personnel.
- h. Foster school-based or community-based, or both, alternative programs outside of the classroom.
- i. Develop a strategy to assist survivors of attempted suicide, students, and school personnel in coping with the issues relating to attempted suicide, suicide, the death of a student, and healing.
- j. Engage in any other program or activity which the Board determines is appropriate and prudent in the efforts of the school system to prevent student suicide.
- k. Provide training for school employees and volunteers who have significant contact with students on the Board policies to prevent harassment, intimidation, and threats of violence.
- l. Develop a process for discussing with students local board policies relating to the prevention of student suicide and to the prevention of harassment, intimidation, violence, and threats of violence.
- m. Provide annual training for all certificated. school employees in suicide awareness and prevention. This training may be provided within the framework of existing inservice training programs or as a part of required professional development offered by the school system.

Students may be required to participate in curricular activities developed to implement the statutory requirements of the Jason Flatt Act and are encouraged to participate in any other activities or strategies developed by the Board for that purpose.

6.25.7 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 on the Board and school website, shall be available at each school office, and shall be included in the student handbook that is distributed to each student at the beginning of each school year.

6.25.8 Construction of Policy –This policy is supplemental to other Board policies and procedures and does not repeal, replace, or supersede any other prohibition on harassment, violence, threats of violence or intimidation found elsewhere in Board policy or procedure, including the Code of Student Conduct. This policy shall not be construed to allow harassment, violence, threats of violence or

intimidation for any reason not specifically listed in this policy or to prohibit the Board from disciplining students for acts of harassment, violence, threats of violence or intimidation not specifically listed herein. Students who engage in harassment, violence, threats of violence or intimidation not specifically covered by this policy may be subject to appropriate disciplinary action in accordance with the Code of Student Conduct.

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

## **6.26 *Child Sexual Abuse Prevention***

To the extent that the legislature appropriates funds or the Board provides funds from other sources, the Superintendent is authorized to develop an instructional program to implement the following statutory requirements of Erin’s Law in an effort to prevent child sexual abuse:

- a. Techniques to teach children to recognize child sexual abuse, equip them with skills to reduce their vulnerability, and encourage them to report the abuse.
- b. At least four sessions of instruction to reinforce the concepts learned in the program.
- c. Sessions conducted at least annually, building on skills learned in the previous years.
- d. Developmentally appropriate instruction for each grade level.
- e. Involvement of students as active learning participants, including discussions, modeling, and role playing.
- f. The capacity to be delivered by a wide range of personnel and professionals, including teachers, school counselors, and outside agency prevention educators; provided that the personnel and professionals should have a thorough knowledge of child sexual abuse, including how to respond appropriately to child sexual abuse disclosures.
- g. An evaluation component with measurable outcomes.
- h. Instruction that is culturally sensitive and adaptable for use within varying school contexts, including age, race, and special needs.
- i. An evidence-based curriculum, to the extent possible.
- j. A professional training component for administrators, teachers, and other school personnel on talking to students about child sexual abuse

prevention, effects of child sexual abuse on children, handling of child sexual abuse disclosures, and mandated reporting.

- k. A component that encourages parental involvement within the child sexual abuse prevention program. This component shall inform parents about child sexual abuse topics, including characteristics of offenders, grooming behaviors, and how to discuss this topic with children.

[Reference: Ala. Code §16-40-9 (1975)]

**6.27 *Education of Students with Disabilities under the Individuals with Disabilities Education Act (IDEA) and/or Section 504 of the Rehabilitation Act of 1973 (“Section 504”)***

It is the policy of the Baldwin County Public School System to provide a free and appropriate public education to each student within its jurisdiction, including students with disabilities regardless of the nature severity of the disability, to the extent required by law. The Superintendent, or his or her designee, is authorized to develop additional and further policies and procedures regarding the education of students with disabilities under the IDEA and/or Section 504.

**6.28 *Homebound Students***

Homebound services shall be made available to students who qualify under the guidelines promulgated by the Individuals with Disabilities Education Act (IDEA) and or Section 504 of The Rehabilitation Act (Section 504). The Superintendent, or his or her designee, is hereby authorized to develop further policies and procedures regarding the availability of homebound services.

**6.29 *Service Animals***

Persons with disabilities have the same right as those without disabilities to the use and enjoyment of facilities in the Baldwin County Public School System. As required by Federal and State law, an individual with a disability is permitted to be accompanied by his or her service animal on school property subject to any applicable and additional Board policies procedures. The Superintendent, or his or her designee, is hereby authorized to develop additional procedures regarding service animals and the application for, and use of, a service animal on a school campus.

## **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 members, which may include teachers, parents, local school administrators, and central office administrators. Students are loaned textbooks for the duration of the course that requires the textbook and are responsible for the care of the textbook. Students must reimburse the Board for the cost of any textbooks that are lost or damaged beyond reasonable wear and tear. [Reference: ALA. CODE §16-36-62 (1975)]

7.2.1 Disposal of Out-of-Adoption Textbooks - The Superintendent is given authority to develop procedures regarding the disposal of out-of-adoption textbooks in accordance with the Alabama State Department of Education’s recommendations and guidance on same.

## 7.3 *Academic Standards*

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

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

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

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

7.3.3 Report Cards – Report cards reflecting student progress will be provided to the parents or legal guardians of students on a regularly scheduled basis.

7.3.4 Promotion and Retention – Students are promoted from grade to grade on the basis of students meeting applicable promotion criteria. In grades K-8, the



decision to promote or retain will be made in the best interest of the child. Students may be placed at the level determined most appropriate by the principals. In grades 9-12, students are promoted or retained based on the number of Carnegie credits earned. The Superintendent, or his or her designee, is authorized to develop additional guidelines and procedures to assist in making promotion and retention decisions for grades K-8 and the awarding of Carnegie units in grades 9-12.

- 7.3.5 **Class Rankings** – Beginning with the ninth grade of high school, all students will be ranked based on the four point grade point average scale (GPA) (calculated and weighted as described herein). The GPA calculation will be carried out four decimal places and rounded off.
- 7.3.6 **Credit Recovery** – The Superintendent is authorized to develop procedures for a program through which a student may recover credits in one or more failed courses, in compliance with regulations promulgated by the State Department of Education. The curriculum will align with the State Board of Education course of study and study content standards in which the student seeking credit recovery is deficient.

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

(Board updated Policy 07/2020)

## **7.4 Testing**

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

## **7.5 Summer School Operations**

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

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

## **7.6 *Dual Enrollment***

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

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

## **7.7 *Online Courses***

Credit for 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(13)]

## **7.8 *Virtual School Option***

**7.8.1 Scope and Delivery of Services** – The Board provides a virtual school option for grades K-12.

For grades K-6, all online courses will meet elementary standards established by the Alabama State Department of Education and will follow the Baldwin County Board of Education established elementary pacing guidelines.

For grades 7-12, the virtual school option will include all courses that are needed to obtain a high school diploma.

Such courses will be primarily delivered through the Alabama State Department of Education’s ACCESS Distance Learning Program. Although the Superintendent of Education shall have the discretion to modify the delivery options through appropriate procedures, all course curricula shall be aligned to Alabama Courses of Study. In addition, eligible Virtual School students may have the option of enrolling in locally developed courses, dual enrollment courses, and other computer-based independent study courses.

**7.8.2 Student Eligibility Criteria** –For grades K-12, students who meet the following requirements are eligible to participate in the virtual school program options:

- Reside in Baldwin County Board of Education’s attendance zones;
- Enrolled in a Baldwin County Board of Education school; and
- Have access to the internet and to a computer/device outside of school.

- The Superintendent is hereby authorized to establish additional eligibility, academic, and organizational criteria and guidelines for enrollment in grades K-6 and the 7-12 virtual school program options.

Notwithstanding any policy to the contrary, nonresident students are not eligible to participate in the school system’s virtual school program.

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

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

- 7.8.4 Attendance – Students participating in the virtual school option are subject to the following attendance requirements:

Baldwin County Virtual School students must “attend” class daily in accordance with the Baldwin County school calendar. Students fulfill attendance requirements when they log in to their courses daily or as otherwise directed by the Superintendent or his or her designee. Students participating in Academic Intervention have additional attendance requirements, and online and face-to-face attendance is taken accordingly. Baldwin County Virtual School students are required to abide by all applicable Board policies and procedures, including but not limited to, Baldwin County attendance policies and procedures, the Baldwin County Parent and Student Handbook/Student Code of Conduct, and any other virtual school guidelines and rules as authorized herein.

[Reference: Ala Code § 16-46A-1 (1975)]

## **7.9 *Career and Technical Education Programs***

- 7.9.1 Work-Based Learning Experience – A work-based learning experience provides students with educational opportunities in a work setting that typically cannot be obtained in a classroom and may include, but is not limited to, cooperative education or work-study programs, internships, clinical experiences, and other related opportunities. The Superintendent is authorized to develop guidelines and procedures in accordance with the regulations of the Alabama State Department of Education for work-based learning experiences to be conducted in the school

system, including, but not limited to, guidelines for decision making and protocol for solving problems at the workplace and school.

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

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

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

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

## **7.10 *Foreign Exchange Programs***

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

## **7.11 *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 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 290-080-050]

## **7.12 *Graduation 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 are eligible to participate in graduation ceremonies. Student participation in graduation ceremonies and related graduation activities will be subject to the principal’s approval and payment of any

outstanding financial obligations. Participation in graduation-related ceremonies 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.

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

- a. Enrolled in the school system for a minimum of two (2) full academic semester prior to the date of graduation;
- b. Successful completion of requirements for graduation set forth by the Board; and
- c. Meet the following overall cumulative weighted grade point average (GPA) for all courses on the high school transcript. (Students who earn a D or F in any high school course are ineligible for honors designations). The academic honors designations shall be awarded as follows:

Summa Cum Laude (with highest honors) 4.00 and higher;  
Magna Cum Laude (with high honors) 3.75-3.9999  
Cum Laude (with honors) 3.50 – 3.7499)

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

A+ = 99	B+ = 89	C+ = 79	D+ = 69	F = 55
A = 95	B = 85	C = 75	D = 65	
A- = 90	B- = 80	C- = 70	D- = 60	

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

7.12.3 Early Graduation- The Superintendent is authorized to develop guidelines and procedures relating to early graduation.

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

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

### 7.13 *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:

- 7.13.1 Nutrition Education and Promotion – Nutrition education that teaches the knowledge, skills, and values needed to develop healthy eating behaviors and nutrition promotion that promotes and reinforces student health will be integrated into the curriculum and offered throughout school campuses, including school dining areas and classrooms, by appropriately trained personnel.
- 7.13.2 Nutrition Standards and Guidelines – The Board will ensure that reimbursable school meals meet the program requirements and nutritional standards established by applicable state and federal regulations. The Board will encourage students to make nutritious food choices and will monitor all food and beverages sold or served to students, including those available outside federally regulated child nutrition programs. The Board will consider nutrient density and portion size before permitting food and beverages to be sold or served to students.
- 7.13.3 Physical Education and Physical Activity Opportunities – The Board will offer physical education opportunities that include the components of a sound physical education program. Physical education will equip students with the knowledge, skills, and values necessary to maintain healthful lifelong physical activity. Physical education instruction will be aligned with the curriculum. All students will be provided the opportunity to participate regularly in supervised physical activities that are intended to maintain physical fitness and to impart the benefits of maintaining a physically active and healthy lifestyle.
- 7.13.4 Other School-Based Activities Designed to Promote Student Wellness – The Board may implement other programs that help create a school environment that conveys consistent wellness messages and that is conducive to healthy eating and physical activity.
- 7.13.5 Administrative Implementation – The Superintendent is authorized to develop and implement administrative rules and directives that are consistent with this policy and to oversee the implementation and periodic review and update of the wellness policy based on input from teachers (including specialists in health and physical education), school nurses, parents and guardians, students, representatives of the school food service program, school board members, school administrators, and the public .

The Superintendent will report to the Board, as requested, on programs and efforts that are designed to meet the purpose and intent of this policy and will inform and

update the public regarding the content and implementation of the wellness program. The Superintendent will ensure each local schools compliance with the wellness policy and will measure periodically and make available to the public an assessment of the implementation of the wellness policy, including the extent to which schools are in compliance with the policy, the extent to which the policy compares to model policy and to describe the progress made in attaining the goals of the policy.

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

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

#### **7.15 *Title I Parent/Family Involvement***

7.15.1 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.

7.15.2 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.

7.15.3 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.

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

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

7.15.5 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.