

I. GOVERNING PRINCIPLES

1.1 *Purpose Statement*

The purpose of Gulf Shores City Schools is to provide engaging learning environments, rigorous academics, and to incorporate the unique resources of our community to empower all students to achieve success.

1.2 *Core Values*

We believe in:

1. Promoting rigorous, comprehensive, and relevant curriculum that prepares students to become productive citizens and lifelong learners.
2. Developing self-reliance by incorporating the student's physical, mental, emotional and social well-being into the teaching/learning environment.
3. Fostering inclusive, engaging members of society, and encouraging critical and creative thinking.
4. Recruiting and emboldening the best and the brightest faculty and staff and rewarding innovation and collaboration.
5. Instilling a sense of pride in our schools by engaging the Gulf Shores community in the educational experience.

II. SCHOOL BOARD OPERATIONS

2.1 *Board Composition and Organization*

- 2.1.1 Composition: The Gulf Shores City Board of Education is composed of five (5) members who are appointed to five year staggered terms by the Gulf Shores City Council in accordance with state law.
[Reference: ALA. Code §§16-11-2, 3 (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 May 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 §§16-11-5, 16-12-3 (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. The Board President will assign Board Members to standing or special committees and appoint a chair.
[Reference: ALA. Code §§16-11-5, 9 (1975)]

2.2 *Duties and Authority of Board Members*

The primary responsibility of the Board is to establish, review and revise policy for the schools located within the City of Gulf Shores, Alabama, rather than to exercise day-to-day administrative functions. Board authority will only be exercised collectively through action taken in accordance with applicable statutory and parliamentary procedures. Individual Board members have no authority to bind the Board or to act on behalf of the Board except when authorized to do so by official action of the Board. It shall be the responsibility of Board members to comply with the Board's bylaws and code of conduct adopted in accordance with the Alabama School Board Governance Act of 2012.
[Reference: ALA. Code §§16-1-41.1 (2012)]

- 2.2.1 Board Member Code of Conduct: The Gulf Shores City Board of Education desires to operate with the highest standards of stewardship and principles of public service possible and to that end the Board adopts this Code of Conduct to provide that members of this public governing Board will:

a. Conduct of Individual –

1. Attend and participate in regularly scheduled and called Board meetings.
2. Read and prepare in advance to discuss issues to be considered on the Board agenda.

3. Recognize that the authority of the Board rests only with the Board as a whole and not with individual Board members.
4. Uphold and enforce applicable laws, rules and regulations of the local Board and the State Board of Education, and court orders pertaining specifically to the school system.
5. Render all decisions based on available facts by exercising independent judgment instead of the opinion of individuals or special interest groups.
6. Work with other Board members and the superintendent to establish effective policies to further the educational goals of the school system.
7. Make decisions on policy matters only after full consideration at public Board meetings.
8. Comply with the requirements of the School Board Governance Improvement Act.
9. Communicate in a respectful, professional manner with and about fellow Board members and the superintendent.
10. Take no action that will compromise the Board or school system administration.
11. Refrain from using the position of school Board member for personal or partisan gain or to benefit any person or entity over the interests of the school system.
12. Inform the superintendent and fellow Board members of business relationships or personal relationships for any matter that will come before the Board.
13. Abstain from voting on or seeking to influence personnel or other actions involving family members or close associates or private interests.
14. Communicate to the Board and the superintendent public reaction to Board policies and school programs.
15. Advocate for the needs, resources, and interests of the public school students and the school system.
16. Safeguard the confidentiality of nonpublic information.
17. Show respect and courtesy to staff members.

b. Conduct of Individuals at Board Meetings –

1. Work with other Board members in a spirit of harmony and cooperation in spite of differences of opinion that may arise during the discussion and resolution of issues at Board meetings.
2. Take actions that reflect that the first and foremost concern is for the educational welfare of all students attending system schools.
3. Make decisions in accordance with the interests of the school system as a whole based on system finances available to accomplish educational goals and comply with the School Fiscal Accountability Act.

4. Abide by and support all majority decisions of the Board.
5. Act on personnel recommendations of the superintendent in a timely manner, particularly when there are financial implications of such decisions.
6. Approve operating budgets and budget amendments that are aligned with system goals and objectives and are fiscally responsible.
7. Honor and protect the confidentiality of all discussions during executive session of the Board.

c. Conduct of the Board as a whole –

1. Recognize that the superintendent serves as the chief executive officer and secretary to the Board and should be present at all meetings of the Board except when his or her contract, salary or performance is under consideration.
2. Honor the superintendent's authority for the day-to-day administration of the school system.
3. In concert with the superintendent, regularly and systematically communicate Board actions and decisions to students, staff and the community.
4. Review and evaluate the effectiveness of policies and programs to improve system performance.
5. Develop, in concert with the superintendent, the vision and goals for the school system to address student needs, advance student performance, and monitor the implementation of policies and programs.
6. Provide opportunities for all members to express opinions prior to Board action.

[Reference: ALA. Code §§16-3-11 (1975)]

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. Approval of such compensation or any modification thereof shall be approved by separate Board action.

2.4 *Board Member Training*

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 the AASB and/or SDE 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.

[Reference: ALA. Code §§16-1-41.1 (1975)]

2.5 Board Meetings

- 2.5.1 General Provisions: The Board will hold regular and specially called meetings in accordance with applicable statutory requirements and as dictated by the needs of the school system. All meetings of the Board will be open to the public except as may otherwise be required or permitted by law.
[Reference: ALA. Code §§36-25A-1. *et seq.* (1975)]
- 2.5.2 Time and Place: The times and places for regularly scheduled meetings will be established by the Board 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 §§16-11-5, 36-25A-1. *et seq.* (1975)]
- 2.5.3 Special (Called) Meetings: Special meetings shall be called by the president (or chairperson) of the Board, upon the written request (which may be conveyed by electronic mail) of a majority of the members of the Board to the president, or by the superintendent. Notice of the call or request shall be simultaneously conveyed to all Board members and to the superintendent, together with a statement of the reason for the call or request and the matters to be addressed at the meeting. The meeting shall be set as soon as is practicable, taking into account the reasonable availability of Board members and the superintendent, the urgency of the matters to be addressed, and the necessity to provide public notice of the meeting as provided by law.
- 2.5.4 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 business. A majority of the whole Board will constitute a quorum for purposes of transacting Board business except as may otherwise be provided by law. Deviations from or errors in executing parliamentary procedure shall not invalidate Board actions or decisions that are otherwise consistent with the intent of the Board.
[Reference: ALA. Code §§16-11-5 (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 contract and may be renewed, extended, or modified, subject to any limitations regarding the extension or renewal of the appointment as are imposed by law.

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

- 2.6.2 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. The superintendent may appoint a designee to act on his/her behalf subject to applicable legal restrictions.

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 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 Financial Officer.

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

3.2 *Budget*

The fiscal year for the School System will be October 1st through September 30th unless otherwise mandated by law. A budget will be developed and approved for each fiscal year. Preparation, presentation, submission, and approval of the budget and any amendments thereto will be undertaken and completed as provided for in state law and regulations.

The Board recognizes that the establishment and maintenance of adequate fund balances is necessary to avoid disruption in the educational programs in the schools. The Superintendent or Chief School Financial Officer will inform the Board, before the Board votes on a budget or budget amendment that will prevent the establishment or maintenance of a one month's operating balance. A one month's operating balance shall be determined by dividing the General Fund expenditures and fund transfers out by 12. [Reference: ALA. Code §§16-13-140, *et seq.* (1975)]

3.3 *Accounting*

The Board shall, following recommendations by the Superintendent, adopt fiscal management policies which comply with generally accepted accounting principles and are consistent with regulations and guidelines issued by the State Department of Education and/or other regulatory bodies as applicable.

The Superintendent shall have monthly reports of revenues and expenditures prepared for review by the Board. Required monthly financial statements and the annual budget shall be made available to the public on the district's website.

3.4 *Financial Procedural Manual Authorized*

Financial transactions will be administered in accordance with a general financial procedural manual and local school financial manuals that will be developed by the Superintendent or the Chief School Finance Officer. The Financial Procedural Manual will establish and describe specific practices and procedures that are to be followed in connection with implementation of the requirements set forth herein regarding the financial transactions of the School System. The practices, procedures, and requirements set forth in the Financial Procedural Manual 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 Financial Procedural Manual.

3.5 *Audits*

Financial statements of the Board of Education will be audited in accordance with state law and appropriate auditing and accounting standards as early as possible after the end of the fiscal year.

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

3.6 *Deposit and Expenditure of Funds*

3.6.1 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 Financial Procedures Manual.

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

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

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

3.6.4 Consultants: The Superintendent may engage professional consultants, specialists, and experts, including but not limited to medical, mental health, educational, legal, financial, technical (e.g., engineering, architectural, computer) experts and specialists, 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 ALA. Code §§16-13A-8 (1975).

3.6.5 Competitive Bid Law and Public Works Act: All purchases will be made in compliance with the competitive bid law and Public Works Act, when applicable, and with such corresponding rules, regulations, and procedures as may be set forth in the Financial Procedures 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), ALA. Code §§39-1-1, *et seq.* (1975)]

3.7 *Inventories*

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

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

[Reference: ALA Code §§I6-13A-1, 6 (1975)]

3.8 *Reconciliations*

All bank accounts of the School System shall be reconciled to the financial records. The Chief School Financial Officer shall be responsible for verifying that monthly bank statements are reconciled to the financial records on a timely basis that ensures accurate monthly financial statements.

3.9 *Employee Compensation*

3.9.1 Salaries and Pay Rates: Except as established and governed by the terms of a special employment contract, Board employees will be compensated at rates of pay that are approved by the Board. When required, such salary or compensation rates will be included in a schedule to be developed and adopted by the Board in accordance with state law. Employees may receive supplements or other additional compensation when specifically approved by the Board. All compensation must be approved by the Board, regardless of the source of funding. [Reference: ALA. Code §§16-13-231-1(1975)]

3.9.2 Salary Administration: Employees are expected to fulfill the work requirements of the position held for the full term of their appointment. In the event an employee does not complete the term of his/her 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 if they were not previously employed by another system. Personnel will be paid in accordance with customary payroll procedures, which may be modified from time to time as the needs of the system require. No employee is entitled to compensation except for work performed by the employee in accordance with an approved contract or the applicable terms of appointment. Compensation may be withheld pending the employee's timely, accurate, and complete submission of all required records, data, and reports.

- 3.9.3 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 receive compensatory time. On the recommendation of the superintendent, in special cases, employees can 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.
- 3.9.4 Compensatory Time: Non-exempt employees who work more than forty (40) hours in a workweek will be paid overtime in the form of compensatory time. Compensatory time will be based on time worked beyond forty (40) hours in a workweek, and will be recorded in minimum time units of one-quarter hour rounded to the nearest quarter of an hour. No more than two hundred forty (240) hours of compensatory time may be accumulated. The Board reserves the right to require an employee to use compensatory time as its needs require and may “pay down” any compensatory time balance in its discretion. The Superintendent is hereby authorized to develop procedures and forms for use in implementing this policy.
- 3.9.5 Salary Deductions: Mandatory salary deductions will be made in accordance with applicable law. Employees are required to complete and submit all forms and provide such information as may be required or reasonably required for such purpose. The Board will make voluntary deductions as a service to employees upon written request of the individual employee as permitted by law. Deductions for membership dues will be made for organizations that have at least ten percent (10%) of Board employees as members. The organization must provide to the Board all certifications and expenditure reports required by law, in a timely manner. Determination of whether the organization meets the required membership threshold will be made by examination of membership lists provided to the Board by the organization. Such membership lists will be corrected, updated, and returned to the organization no later than November 10 of each school year. Deductions will be based on the membership lists unless an employee revokes authorization for such deductions by providing written notice to the Board on or before September 15th of each school year. Upon termination of employment, any amounts owed under the terms of an employee authorization will be deducted from the employee’s final pay. Deductions will remain constant during the school year, except by the authorization of the Superintendent. The Board will not be liable for any good faith error made in implementing a salary deduction that has been authorized by the employee.
[Reference: ALA. Code §§16-1-41.1, 16-22-6 (e) (1975)]

3.10 *Expense Reimbursement*

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

3.11 *Repayment of Debts*

Board employees are required to repay debts owed to the Board in a prompt manner. The Board reserves the right to withhold an amount or amounts from employee's paychecks to satisfy such debts if they remain unpaid (or the employee fails to make satisfactory arrangements with the Board for repayment) after reasonable notice to the employee and an opportunity to respond to the proposed retention.

3.12 *Fees, Payments, Rentals, and Charges*

3.12.1 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.

3.12.2 Copying and Other Charges: The Superintendent is authorized to establish a schedule of reasonable charges which, upon approval by the Board, will be applied uniformly in response to requests for copies of documents and records. Said fees must, at minimum, cover Gulf Shores Board of Education out of pocket expenses. Nothing in this policy or in any schedule of charges authorized hereunder creates or expands any entitlement to copies of records or access thereto beyond that which is established by law or specific Board policy.

3.12.3 Food Service Charges: Students may, upon authorization from the principal or his/her designee, and in accordance with any procedures that may be developed by the Superintendent or Child Nutrition Supervisor, charge for future payment the cost of a meal from the school cafeteria. No student will be denied a meal. Any charged meal will be assessed to the student's meal account for later payment.

These procedures may limit the number of charges, and will be available for review at the local schools. Adult charges are not allowed.

Uncollected charged meals are not an allowable expenditure for the Child Nutrition Fund.

Each school must also maintain documentation to reflect the status of charged meals and the transfer of non-public funds by the principal to the school Child

Nutrition Program should charges remain uncollected by year end.

The CSFO will review and approve all non-public fund transfers to cover outstanding debt.

- 3.12.4 Worthless Checks: Non-sufficient fund checks or account closed checks used for meal or school payments will automatically be sent to a collection agency by the bank used by the Gulf Shores City Schools. Gulf Shores City Schools may apply fees for uncollected checks. The fees collected for return checks may be used for related expenses and recovery of uncollected checks by Gulf Shores City Schools or by a contracted agreement with a check collection agency.

Public funds may not be used to cover any insufficient checks for the Child Nutrition Program.

3.13 *Authority to Execute Contracts*

- 3.13.1 General Authority: The president of the Board, or, in the absence of the president, the vice-president, will have authority to execute contracts on behalf of the Board upon approval of the contract by the Board. The Board may also authorize the Superintendent to execute contracts on behalf of the Board as its chief executive officer.
- 3.13.2 Limitation on Authority to Bind the Board: Principals and other administrators will have authority to enter into agreements with third parties only with authorization from the Board.

3.14 *Child Nutrition Procurements*

The Superintendent may enter into a written agreement with the Child Nutrition Program at the State Department of Education in order to procure food and other food related products and services. The Board will comply with applicable state and federal laws and regulations governing participation in such child nutrition program.
[Reference: ALA. Admin. Code §§290-8-3-01. *et seq.*]

3.15 *School Accounts*

Funds held in school accounts, regardless of the funding source, will be maintained and accounted for in accordance with the system's Financial Procedural Manual, Local School Financial 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.

3.16 *Organizations*

- 3.16.1 School-Sponsored Student Organizations: School-sponsored student organizations will be subject to Board policies and procedures concerning fiscal management and will maintain organization funds in school accounts. All books, records, and official documents pertaining to the management of such organizations will be maintained at the local school and will be subject to examination and audit. 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 and subject to approval of the principal.
- 3.16.2 Other Affiliated Organizations: Other organizations that are affiliated with local schools are permitted to operate or raise funds on Board property or at Board sanctioned events only in conformity with Board and State Department of Education policies, procedures, and standards concerning the fiscal management of such organizations.
- 3.16.3 Extracurricular Camps, Tournaments, and Jamborees: Extracurricular camps, tournaments, jamborees and other similar activities for academic and athletic programs are permitted to operate or raise funds on Board property only in conformity with procedures and standards developed by the Superintendent. All books, records, and official documents pertaining to the management of such organizations will be maintained at the local school or school affiliated organization and will be subject to examination and audit.

3.17 *School Fundraising Activities and Crowdfunding*

Any property, money, or other resources that are obtained by a Board employee through grants, fundraising, online giving, or like means in the name of or for the benefit of the school system or its students becomes the property of the school system and are subject to board policies and procedures governing board property and resources. The superintendent is authorized to develop procedures governing the approval and administration of any outside fundraising or crowdfunding activities.

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

- A. All fundraising activities must be approved by the principal prior to commencement;
- B. The activity will be held at a time and in a manner that will not be disruptive or in conflict to the instructional program or to any other school or school system activity or function;
- C. The activity is designed and intended to support a bona fide school or school system program or activity, or an activity that is consistent with the mission and purposes of the school system;

- D. The activity will be conducted in conformity with the procedures outlined in the Local School Financial Manual and any other applicable procedures of the system.

3.18 *Classroom Instructional Support*

The Superintendent shall develop procedures by which state allotments for classroom instructional support funds are made available for use by classroom instructors in the manner and for the purposes authorized by statute and corresponding state regulations. [Reference: ALA. Admin. Code §§16-1-8.1 (b) (7)]

3.19 *OMB Part 200*

Federal funds subject to the requirements of the Office of Management and Budget’s Uniform Administrative Requirements, Cost Principles and Audit Requirements—Part 200 (“Part 200”) will be subject to the following policies:

- A. Cash Management for Federal Funds – The Board will minimize the time between the receipt of federal funds from the United States Treasury, the Alabama Department of Education, or other pass-through entity, and the disbursement of those federal funds. Federal funds will only be requested to meet immediate cash needs for reimbursement not covered by prior receipts and anticipated disbursements that are generally fixed, such as monthly program salaries and benefits.

The Chief School Financial Officer will maintain financial records that account for the receipt, obligation, and expenditure of each federal program fund. Cash balances for each federal program fund and for the aggregate of all federal program funds will be monitored by the Chief School Financial Officer or designee.

Board procedures to minimize the cash balances in federal program funds are expected to prevent the aggregate cash balances of federal program funds from earning \$500 or more for the fiscal year if maintained in interest-bearing accounts. The federal program funds, with the exception of Child Nutrition Program funds, will not be maintained in an interest-bearing bank account if the Chief Financial Officer determines that banking requirements for minimum or average balances are so high that an interest-bearing account would not be feasible. Federal program funds will be maintained in insured checking accounts that are subject to the state requirements for public deposits under the SAFE program.

B. Determination of Allowable Costs –

1. Before instituting a financial transaction that will require the expenditure of federal funds the federal program director and the Chief School Financial Officer or designee will determine that the proposed transaction meets the requirements for allow-able costs for the federal program. Actions to determine allowable costs will assure that:
 - A. The proposed expenditure is included in the federal program budget;
 - B. The proposed expenditure is reasonable and necessary for the federal program;
 - C. The proposed expenditure is consistent with procedures for financial transactions of the board including:
 - i. Purchase order approval procedures;
 - ii. Contract review and approval procedures;
 - iii. Applicable competitive purchasing procedures; and
 - iv. Documentation supports allow ability of transaction.
2. Before payments are made from federal funds the federal program director and the Chief School Financial Officer or designee will determine that the federal program expenditure complies with generally accepted accounting principles and complies with state, local, and federal laws, rules and regulations.

C. Travel Policy – Travel costs are the expenses for transportation, lodging, subsistence, and related items incurred by board employee who are in travel status on official business of the board. The board's travel policy provides for reimbursement and payments for travel costs of employees paid from federal funds that is consistent with the travel costs for board employees paid from state or local funds.

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

A board member, board employee, or agent of the board will abide by the federal and state laws and regulations that address conflict of interest standards. In

general, the federal rules provide that:

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

The board's conflict of interest policies include adherence to the Alabama Ethics Law, as it may be amended from time to time, which defines conflict of interest as:

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

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

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

- E. Procurement Policy – The board will follow state laws for the procurement of property and services. The primary state procurement laws for Alabama school boards are: Alabama Competitive Bid Laws (Chapter 13B of Title 16, ALA. Code

1975); Joint Information Technology Purchasing Agreement (Chapter 13B of Title 16, ALA. Code 1975); and Public Works Law (Title 39, ALA. Code 1975).

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

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

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

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

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. Such measures may include, but are not limited to, the use of video, audio, and electronic detection devices under circumstances in which the subjects of surveillance do not have a legally protected expectation of privacy. The Superintendent should be made aware of any extraordinary or special measure 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, etc.).
- 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 identification and "check-in" and "check-out" requirements and procedures for students and employees.
- 4.1.3 School Resource Officers: The Board may enter into cooperative programs and agreements with local law enforcement agencies under which law enforcement personnel may be provided access to schools and school system facilities and functions for the purpose of promoting compliance with the law and the security of schools and school system premises; however, school resource officers and law enforcement officials serving in like capacities are not employees or agents of the Board and do not work or execute their duties under the supervision or at the discretion of the Board or its administrative personnel.
- 4.1.4 Duty of Sex Offender to Notify School of Presence: This policy is implemented pursuant to the provisions of ALA. Code §§15-20A-17. In accordance with that section, any adult sex offender, after having been convicted of a sex offense involving a minor, shall not enter onto school property or attend any K-12 school activity without: (1) notifying the principal or the principal's designee that he or she intends to enter onto the premises for a legitimate purpose, which purpose shall be communicated to the principal or the principal's designee; and (2) immediately reporting to the school principal or the principal's designee upon entering the school property or arriving at the K-12 school activity.

Nothing in this policy shall be construed as imposing an affirmative duty on the school principal; the principal's designee; any member of the School Board, staff, faculty, or any other agent, representative, or other associated party of the School Board to investigate or determine the sex offender status of any individual prior to, or upon, that individual's entering on school property or arriving at a K-12 school activity.

[Reference: ALA. Code §§15-20A-I7]

4.1.5 **Disruptive Visitors:** Visitors with a legitimate reason for being on school property may enter and remain on school campuses and Board facilities in accordance with limitations and requirements that are designed to preserve security and maintain an orderly educational environment. Visitors are required to observe appropriate decorum at all times and to respect administrative requirements and restrictions regarding their activities and interaction with faculty, staff, and students while on Board property. School officials are authorized to revoke permission to be on *school system property or attend school related events* to noncompliant visitors; to limit, condition, or prohibit their future access to school property as deemed necessary to ensure safety and order; and to enlist the assistance of law enforcement agencies if and as necessary to accomplish these objectives.

4.1.6 **Administrative Discretion Retained:** Nothing in any Board or Board authorized policy, procedure, or directive that is designed to maintain or enhance school or school system safety and security shall be administered, enforced, or construed to limit or impair the exercise of any employee's lawful discretion or judgment in developing or implementing safety and security-related plans, practices, procedures, or measures.

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 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 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. Discipline of students with disabilities who violate the firearm possession policy will be determined on a case-by-case basis in accordance with federal and state law. Parents of students who violate this policy will also be notified by the principal or designee

of violations.

2. Employees will be subject to adverse personnel action, which may include termination.
3. Other persons will be denied reentry 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 or designee 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 while attending any Board sponsored or sanctioned event, program, activity, or function 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.

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 will be disciplined in accordance with the Board's Code of Student Conduct.
2. Employees will be subject to adverse personnel action which may include termination.
3. Other persons will be denied reentry 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 or designee of violations of this policy.

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

a. Penalties for Violations –

1. Students who violate the tobacco prohibition will be disciplined in accordance with the Board's Code of Student Conduct.
2. Employees who violate the tobacco prohibition will be subject to adverse personnel action, which may include termination.
3. Other persons who violate the tobacco prohibition may be denied reentry to school property.

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

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

4.2.5 Searches: Law enforcement agencies are permitted to make periodic visits to all schools **and school board property and school related events** 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 or designee and principal.

[Reference: ALA. Code §§16-1-24.1 (1975); ALA. Admin. Code §§290-3-1-.02 (l)(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, readmission, and other provision 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, except as authorized by board approved contract, lease, or facilities use agreement. 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 Incidental Use of Communication Devices: The foregoing restrictions will not be deemed to prohibit Board employees from using Board owned, leased, or furnished equipment or communication devices for limited use, subject to the following conditions and limitations:
- a. The nature, content, or subject matter of the use is not unlawful or otherwise in violation of Board policy;
 - b. The nature and substance of the use is suitable for and appropriate to the public school setting;
 - c. The personal use of Board owned, leased or provided equipment has so little value that accounting for it would be unreasonable or administratively impracticable.

The accommodations hereby authorized do not repeal or modify any restrictions, requirements, or limitations applicable to the use of computer, electronic, or communication equipment or devices that are established elsewhere in board

policy, procedure, or regulation, and nothing herein shall be construed to establish any right or expectation of privacy or confidentiality in or relating to the personal use of board owned or furnished equipment or device. The authorization hereby conferred is a limited and conditional privilege that is granted for the convenience of employees. It is subject to revocation generally or in individual cases upon a showing or suspicion of its violation or abuse.

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

4.4.4 Renovations or Upgrade to Board Facilities: Any work performed to renovate or upgrade Board facilities must be Board approved, notwithstanding the source of the labor or funds.

4.5 *Naming Board Facilities*

Any naming of a school facility or property under the control of the Board must be Board approved.

4.6 *Complaints and Grievances*

4.6.1 General Complaints (Grievances): Subject to the limitations set forth below and elsewhere in this policy manual, any employee or member of the public may present to the Board a concern, complaint, grievance, or request for corrective action regarding any aspect of school system operations. Before requesting corrective action or relief from the Superintendent or the Board, persons with such complaints, grievances, or requests should present them for resolution to the employee, supervisor, or administrator at the lowest administrative level who has the authority and ability to address the problem or to implement the requested action. The Superintendent is authorized to develop specific procedures that will provide for fair consideration and orderly review of complaints and grievances. Such procedures may not unreasonably burden or delay the presentation or processing of such matters, and will be subject to Board review, modification, and approval.

4.6.2 Limitations Regarding Availability and Application of General Complaint/Grievance Policy: The general complaint/grievance policy and any procedures

adopted thereunder do not apply to specific complaint or grievance policies and procedures that are established by Board policy or law for application to special factual or legal circumstances (e.g., sexual harassment grievance procedures; review of personnel matters under state law “due process” hearings provided under the Individuals with Disabilities Education Act). In such instances, the specific statutory, regulatory, or policy-based process is the applicable procedure. The general complaint/grievance procedures that are authorized under the terms of this policy may not be invoked for the purpose of challenging or seeking review or reconsideration of adverse personnel decisions that have received final Board approval. A grievance may be based on an alleged misapplication of Board policies, regulations, or procedures, but may not be used to challenge the Board’s exercise of its discretion to adopt, approve, modify, or repeal a policy, regulation, or procedure or on its failure to exercise such discretion (e.g., adoption of a school calendar, compensation policies, etc.). Grievances may not be used to bypass or deviate from statutorily mandated prerequisites to approval of Board action, including but not limited to, the recommendation of the Superintendent.

- 4.6.3 Student Complaints and Grievances: Complaints, grievances, and requests for corrective action may be brought to the attention of the Board by or on behalf of students with respect to academic, athletic, extracurricular, or other non-disciplinary matters, issues, and concerns only after reasonable efforts to resolve the matter at the school and administrative levels have been exhausted. The Superintendent is authorized to develop specific procedures that will provide for fair consideration and orderly review of such complaints and grievances. Such procedures will not unreasonably burden or delay the presentation or processing of the complaint or grievance and will be subject to review and approval by the Board. Administrative judgments concerning academic or curricular matters or participation in extracurricular activities may be set aside by the Board only upon a showing that the action or decision in question is arbitrary and capricious, fundamentally unfair, or that it violates Board policy or the student’s legal rights.
- 4.6.4 Student Disciplinary Matters: The Board may consider appeals of student disciplinary decisions or actions in accordance with standards and procedures specified in the Code of Student Conduct.
- 4.6.5 Americans with Disabilities Act Complaints: The Board does not discriminate on the basis of disability in the provision of services, activities, programs, or benefits covered by Title II of the Americans with Disabilities Act (“ADA”). The Superintendent or designee is authorized to develop an ADA complaint procedure for implementation of this policy. Persons who believe that they have been discriminated against on the basis of disability in the provision of services, activities, programs, or benefits covered by the ADA should file a complaint pursuant to the Board’s ADA complaint procedure.

4.7 Risk Management

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

4.8 Emergency Closing of Schools

4.8.1 Authority of Superintendent to Close Schools: The Superintendent is authorized to close schools if such action is warranted by weather conditions or other circumstances that pose a risk to the safety and welfare of students and employees, or that render meaningful instruction impossible (e.g., loss of power or other utility services).

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

4.9 Internet Safety and Use of Technology

4.9.1 Access to Technology Resources: The Board permits restricted and conditional access to and use of its technology resources, including but not limited to computers, the "Internet," network storage areas, and electronic mail. Such access and use is restricted to employees, students, and other persons who are engaged in *bona fide* educational and administrative activities that serve and are consistent with identified educational objective 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.

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

4.9.3 Ownership of Technology Resources and Data: All technology resources, including network and Internet resources, e-mail systems, and computers or other access devices owned, leased, or maintained by the Board are the sole property of the Board. Board personnel may, at any time and without prior notice, access, search, examine, inspect, collect or retrieve information of any kind from the Board's technology resources, including computer or related equipment, files, and data, to determine if a user is in violation of any of the Board's policies, rules, and regulations regarding access to and use of technology resources, for or in connection with any other matter or reason related to the safe and efficient operation or administration of the school system, or for any other reason not

prohibited by law. Users of school system technology resources have no personal right of privacy or confidentiality with respect to the use or content of such resources.

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

- a. Measure 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;
- 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.

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

[Reference: ALA. Code §§47 U.S.C. 254 (h) and (i)]

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 restriction:

- A. Employees may not appropriate Board property or resources for use in political campaigns, and may not engage in partisan political activities (including, but not limited to, the distribution of campaign material or literature) during regular school or duty hours or at Board sponsored or sanctioned events, functions, or at activities at which the employee is on duty or assigned official responsibilities;
- B. Employees may not represent their political beliefs or positions on political matters to be those of the Board or other Board officials, or to falsely assert or

imply that their political activities or positions are endorsed by or undertaken in the name of the Board or other Board officials;

- C. Candidates and representatives of candidates for political office may not be invited or allowed to address student groups except when 1) such candidates are participating in a forum or like format that is designed to provide all candidates the opportunity to participate; or 2) the candidate is a current public official invited to address student groups for non-campaign related purposes. 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.

Notwithstanding these restrictions, any common area that is available for use by the general public may be used for political purposes as long as such area is available to all candidates on an equal basis and such activity does not disrupt the normal business of the property.

- E. Nothing in this policy shall be deemed to prohibit Board employees from engaging in personal political expressions while on duty provided that the activity:
 - 1. Is "passive" in form (e.g., lapel buttons or bumper stickers) and does not consist of active campaigning or "electioneering" while on duty;
 - 2. Is not disturbing or disruptive of the learning environment;
 - 3. Is not displayed, presented, or discussed so as to suggest that students or subordinate employees who do not support or agree with employee's political position will suffer any retaliation or adverse consequences as a result of such disagreement;
 - 4. Is not falsely representing that the political view is that of the Board or of any Board official

The Board may use its restricted public funds to seek support for non-partisan ballot initiatives that serve a public purpose or further the Board's purpose and missions in accordance with state law.

4.11 *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 provision 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 or 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.

4.12 *Automatic External Defibrillator (AED)*

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

4.13 *Intellectual Property*

4.13.1 Ownership of Works: The term “Works” as used herein shall be understood to include any literature, written materials, musical works, dramatic works, pantomimes, choreographic works, pictorial, graphic, and sculptural works, motion pictures, video recordings and other audio visual works, sound recordings, or architectural works, for example, and without limitation, drawings, graphic designs, video recordings, schematics, prototypes, work papers in connection therewith, works in progress, manuals, processes, computer programs (including source code and object code), methods, and any other creations in which copyright subsists, and which are:

- a. created for the benefit of the school system;
- b. to be used, directly or indirectly, in the performance of the employee’s duties; or
- c. using school system equipment, facilities, or resources; and
- d. whether or not created during regular school or duty hours, or during any school system events or functions.

Employee acknowledges that such Works are the exclusive property of the Board and hereby agrees to assign, and does assign, all right, title and interest in and to such Works to the Board. Any copyrightable work prepared in whole or in part by employee will be deemed "a work made for hire" under the United States Copyright Act, 17 U.S.C. 101, *et seq.*, and the Board shall own all rights comprised in the copyright therein. Employee shall promptly and fully disclose all such Works to the Board and shall cooperate with the Board to protect the Board’s interests in and rights to such Works. Employee expressly waives any claim to any “moral rights” that may attach to any such Works. In the event an Employee hires an independent contractor to create Works, the agreement shall include the terms set forth in this Section.

In the event Employee authors a Work and desires to perform, publicly display, sublicense, publish, copy, or distribute a Work for his or her own benefit, Employee may obtain an exclusive license from the Board, the grant of such exclusive license shall not be unreasonably withheld; provided, *however*, Employee shall agree that any such license shall not preclude the Board from being able to publicly display, perform, copy, distribute such Work.

- 4.13.2 Third Party Works: A “Third Party” in this section shall mean a party that is not an employee or an employee-hired independent contractor identified in Section 1.1.4, a non-limiting example of which is a student or a parent. In the event a Third Party creates a Work and submits such Work to a School for the School’s use, benefit, public display, or publication, the Board shall retain exclusive ownership of such Works and advise applicable Third Parties of this policy.

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 required to obey all laws, ordinances, Board policies, supervisory directives, and are expected to follow the Alabama Educator Code of Ethics and other pertinent authority while carrying out duties for the Board.
 - d. Employees whose duties include the instruction or supervision of students must provide effective supervision, discipline, organization, and instruction of the students.
 - e. Employees must complete and submit required reports accurately and in a timely fashion.
 - f. Employees must respect, protect, and exercise due care in the handling, use, and operation of Board property and equipment.
 - g. 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 suggest sexual, romantic or inappropriately familiar interaction with students. As used herein, the term “Student” means any student with whom the employee has, has had, or could prospectively have a professional, teaching, counseling, coaching, mentoring, advisory, supervisory, or working relationship. The term “Student” also includes any student who, by reason of his or her age, mental or physical condition, or other circumstances is practically or legally incapable of consenting to the relationship in question.
 - h. Employee Attire: Employees are required to report to work or to school functions in attire that is appropriate to their position and the nature of the function and that is in keeping with generally accepted standards of decorum and professionalism. Service and other employees who are issued uniforms shall wear uniforms when required.
 - i. 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.
 - j. Employees shall exercise legal, professional, and ethical standards that would apply to correspondence and other forms of communication

generated by employees including communications and statements made or publicized through social media.

5.1.2 Special Requirements:

- a. *Work Schedules (Teachers)* – Teacher’s schedules are determined by the principal. The minimum instructional work day for teachers is seven and one half (7.5) hours. However, assignments and duties may extend beyond the instructional day and may include off-campus functions, events, and activities; conferences and meetings; supervision of student arrival and departure; staff development and preparation for the following instructional day. Teachers will be provided a minimum of thirty (30) minutes free of instructional and supervisory responsibilities each instructional day.
- b. *Work Schedules (Support Personnel)* – The Superintendent is authorized to establish work schedules, including minimum work times, for support personnel.

5.1.3 Certification Requirements:

- a. *Professional Certification* – In addition to requirements established by the State Board of Education and the pertinent job description, professional employees must hold a degree from an accredited college or university and hold a current, valid, and properly endorsed Alabama Teacher’s Certificate, which will be maintained in the Superintendent’s office. A teacher who has completed the certification process but has not received the certificate may be employed on tentative or temporary compensation pending verification of certification from the State Department of Education. If a teacher earns a higher certificate that merits increased compensation under the approved salary schedule, any salary increase will become effective upon receipt of an official transcript from the conferring institution. Teachers who do not meet the requirements described above who receive emergency, temporary, or alternative certification from the State Department of Education may be hired with Board approval.
- b. *Long-term Substitute Teachers* – Substitute teachers who hold a current valid Alabama Teacher’s Certificate that is on file in the personnel office and who serve as a substitute teacher for over twenty (20) consecutive school days for the same permanent teacher will be paid the long-term substitute teacher rate, as indicated on the Gulf Shores School’s salary schedule.
- c. *Substitute Teachers* – Substitute teachers must, at a minimum, possess a high school diploma and valid and current Alabama Substitute Teacher’s License or Alabama Teacher’s Certificate. The Alabama Substitute Teacher’s License (initial issuance and renewal) requires that the applicant be cleared through a criminal background check that is

conducted by the Alabama Bureau of Investigation or the Federal Bureau of Investigation.

- d. *Instructional Aides* – Instructional Aides must, at a minimum, possess (i) a high school diploma or its equivalent; (ii) a two year diploma from a college or university (or the equivalent hours) or pass the Work Keys Assessment; and (iii) a certificate from the State Department of Education verifying a “clear” status resulting from a background check.
- e. *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 of State Superintendent. A bus driver must also meet any requirements of the entity providing the Board’s automobile liability coverage.
- f. *Volunteers* – All volunteers must complete a screening process that includes clearance through a background check deemed appropriate by the Superintendent.

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

5.2 Hiring

- 5.2.1 Application Procedures: Job applicants for all positions must file an application through the online application process adopted by the Alabama State Department of Education or a process designated by the Board. Applications must be completed in full. All applicants must be cleared through a criminal background check that is conducted by the Alabama Bureau of Investigation or the Federal Bureau of Investigation. All information provided in the application must be truthful. Any misrepresentation of a material fact on an employment application may disqualify the applicant from consideration for the position and may subject an employee to adverse employment action, including termination.
- 5.2.2 Qualifications: Applicants must meet the minimum qualifications of the position as provided in Board policy, the job description for the position, the posted advertisement for the position, or as may otherwise be established by the Board, applicable law, or regulation. Applicants must hold such degrees, licenses, certificates, and like credentials as may be necessary, appropriate, or customary for the position in question.
- 5.2.3 Hiring Authority: The Board is responsible for making all final hiring decisions, and no hiring decision is official, final, or effective unless and until it is approved by a vote of the Board. No principal, administrator, supervisor, or other employee has authority to hire an applicant without Board approval or to commit the Board to specific action regarding employment.

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

5.2.5 Nepotism:

- a. *Supervisory Relationships* – Employment decisions and relationships that violate any provision of Alabama law, including state ethics and nepotism laws, are prohibited. The Superintendent is authorized to take action to identify and correct violations of the policy in a manner consistent with applicable law.
- b. *Employment of Family Members* – Board members, administrators, or supervisors may not use their positions to directly or indirectly seek or secure the employment of any family member as defined in the Alabama Ethics Law.
- c. *Selection of Impartial Person* – When law or policy mandates the recusal of 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, or 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, or to any other person involved or affected by the action or decision at issue in a way that would call into question the surrogate official’s objectivity, neutrality, or impartiality; and
 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.

- d.* Cooperation to Achieve Compliance - Any person who becomes aware of a relationship between or among employees which would put the employees in violation of this policy must promptly disclose the relationship to the Superintendent. All employees whose relationships would put them in violation of state law or this policy must cooperate in accepting reassignments, transfers or other measures necessary to bring them into compliance with law and this policy. Failure to so cooperate will be deemed a willful violation of this policy.
- e.* Discipline for Violation - Employees who willfully violate this policy shall be subject to disciplinary action including termination, as well as other penalties provided by law.
[Reference: ALA. Code §§16-22-15.1]

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. The Board reserves the right to negotiate the length of probationary terms for individual employees who serve on a contract basis (i.e. principals). For the purpose of this policy, employees transferring from the Baldwin County School System to the Gulf Shores School System shall retain credit for previous years of employment with Baldwin County pursuant to the separation agreement if the employees transferred from Baldwin County School System to Gulf Shores School System during the separation process. This shall not include newly hired employees after the separation date.

5.4 Non-Teaching Supplemental Duties

Compensation in the form of supplements may be paid 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 scholastic support activities (e.g., yearbook, service clubs, academic honoraries). Such supplemental duties are considered additional nonteaching assignments to be made and approved on an annual basis or otherwise as the needs of the school require. Such supplemental duties are not considered to be a part of a teaching contract or appointment, and no tenure, continuing service status, non-probationary status, or contractual right to continued employment or compensation for such supplemental assignment will be recognized or implied in the absence of a separate written contract of employment providing for such rights.

5.5 Professional Development

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

5.6 *Employee Conflicts of Interest*

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

- A. Employees will not engage in outside business activities or render any service for another employer during such time as duties and responsibilities have been assigned by the Board;
- B. Employees will not accept outside employment that would interfere with or impair the ability of the employee to perform duties as a Board employee effectively;
- C. Employees may not accept work that could compromise the employee's independent judgment in the exercise of duties for the Board;
- D. Employees may not use or disclose confidential or personally identifiable information acquired through Board employment for their personal gain or for the benefit of a third party.
- E. Certified personnel shall not receive pay or its equivalent for out-of-school tutoring of students currently enrolled in their classes when the out-of-school tutoring is in subject areas taught to students during the regular school day. However, certified personnel may engage in out-of-school tutoring of students in their classes when such tutoring is sponsored, organized, and paid for by the school system or other accredited educational institutions. Tutoring for any form of remuneration shall not be done during the regular school hours. Under special circumstances, where deemed appropriate, teachers shall be allowed to tutor students for pay, only with approval of the principal and/or Superintendent.

Employees shall not under any circumstances use school system consumable materials or supplies for private tutoring for personal gain. School or system-sponsored tutoring programs, grant-funded or nonprofit or community organization student assistance or tutorial programs using school facilities or resources must have the approval of the school principal and/or Superintendent and must comply with system facilities use guidelines.

5.7 *Gifts to Personnel*

Employees may accept occasional gifts from students or other members of the public if the gifts are in accordance with the Alabama Ethics law and any other applicable law. However, employees shall not solicit any gift, directly or indirectly, or participate in the collection of any donations toward any gift to be given to or received by the employee.

Subject to the restrictions above, employees may accept occasional gifts or gift cards purchased from pooled donations within a class, team, or other school group or organization for the employee's personal use. Absent additional facts indicating otherwise, gifts with a value of twenty-five dollars (\$25.00) or less are presumed not to be a violation of the law by the Ethics Commission as such gifts do not qualify as personal gain and are presumed not to be given for the purpose of influencing official action. Donors who choose to coordinate pooled donations to make a larger gift from a group, should request that all individual donations be made in an amount of twenty-five dollars (\$25.00) or less in order to safeguard against such donations violating the Ethics law or being financially burdensome.

This policy is intended to be compliant with the provisions of the Alabama Ethics Law. Nothing in this policy should be construed to create restrictions on gifts beyond those that are specifically provided for by law or to allow conduct specifically prohibited by law. To the extent that the Alabama Ethics Law is amended or the Ethics Commission issues additional guidance that may be in conflict with this policy, employees are expected to comply with applicable law and Ethics Commission advisory opinions.

Any person with a question about the application of the Ethics law to a particular gift should contact the Ethics Commission for clarification.

[Reference: ALA. Code §§36-25-1, *et seq.*; Alabama Ethics Opinion 2011-12 & 2016-34]

5.8 **Employee Evaluations**

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

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

- a. A structured evaluation cycle or schedule that may include unannounced observations or assessments during the course of the evaluation period;

- b. A written evaluation form that specifies job-related evaluation criteria;
- c. Group or individual employee orientation regarding the evaluation process;
- d. An opportunity for the employee to confer with the evaluator following the evaluation; and
- e. An opportunity for the employee to disagree (in writing) with the evaluation and to have the disagreement maintained with the evaluations.

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

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

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

5.9 Personnel Records

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

- 5.9.2 Alternate Data Storage: Personnel file data may be stored or maintained electronically or digitally.
- 5.9.3 Confidentiality: The contents of an employee's personnel file will be deemed confidential except for documents, information, and materials that are matters of public information or public record under applicable state or federal law.
- 5.9.4 Access to Personnel Files: 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.

5.10 Employee Leave

- 5.10.1 Work Attendance an Essential Job Function: Punctual, regular attendance is an essential job function of every job and position, and employees are expected to report to work when scheduled to work and to remain at work each working day.
- 5.10.2 Absences: Employees who know in advance that they will be absent from work must notify his or her supervisor of the expected absence in accordance with Gulf Shores Schools Employee Handbook. In the event advance notice is impractical, employees must notify his or her supervisor of their absence as early as possible. Except as otherwise provided or permitted, an employee who is absent from work without approved leave will be considered in violation of Board policy and subject to appropriate disciplinary measures which may include termination.

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 of absence will not be counted as a day worked for the purposes of computing overtime under the Fair Labor Standards Act. Pay will be reduced on a *pro rata* basis for leaves or absences not covered by sick, vacation, personal, or other appropriate form of paid leave. The continuation of benefits during an approved absence is subject to the provisions of the particular benefit policy or plan.

All extended leave must be approved by the board.

- 5.10.3 Authorized Leave: Except as otherwise authorized under Board policy, employees may be absent from work only in the following circumstances:
 - a. Sick leave (5.10.4);
 - b. On-the-Job Injury Leave (5.10.5);
 - c. Personal leave (5.10.6);
 - d. Vacation leave (5.10.7);
 - e. Professional leave (5.10.8);
 - f. Military leave (5.10.9);
 - g. Court leave (5.10.10);

- h. Catastrophic sick leave (5.10.11);
- i. Unpaid study leave (5.10.12);
- j. Bereavement leave (5.10.13);
- k. Family and Medical Leave Act (5.11).

5.10.4 Sick Leave

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

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

5.10.5 On-the-Job Injury Leave: On-the-job injury is defined as an accident or injury to an employee that occurs while performing job duties for the Board or when the employee is directed or requested by the employer to be on the property of the employer or at a school system related event and which prevents the employee from working or returning to the job. Employees who are accidentally injured on the job may be approved for paid “on the-job injury” leave without using sick days, provided that:

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

Upon a determination that the employee has been injured on the job and cannot return to work, the Board may maintain the employee's salary and benefits for the period of incapacity caused by the injury, not to exceed ninety (90) days. An employee who is injured on the job may file a request for unreimbursed medical expenses and costs with the State Board of Adjustment. The Board will provide such reasonable assistance to the employee in filing the Board of Adjustment claim as is required by law, but assumes and will have no responsibility or liability for processing the claim or directly reimbursing the employee any unreimbursed medical expenses and costs. On-the-job injury leave will be administered in accordance with and subject to the requirements and limitations imposed by state law regarding such leave.

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

5.10.6 Personal Leave: All regular, full time employees are eligible for two (2) noncumulative personal leave days each scholastic year without loss of pay. Personal leave must be requested in writing in accordance with such procedures as may be established by the Superintendent or the Board.

- a. Employees who have completed five (5) or more consecutive years with Gulf Shores City Schools will earn a third day of personal leave.
- b. Employees are encouraged to notify their supervisor at least five working days prior to taking personal leave when at all possible. In granting personal leave to employees, each work site may have a daily limit (i.e. one person taking personal leave per ten employees on staff).
- c. Personal leave shall be reported as personal with no other explanation required.
- d. Personal leave days that are not used will be converted to sick leave days.
- e. For the purpose of this policy, "consecutive years" will include previous years of employment with the Baldwin County School System before the effective separation date of the Gulf Shores City School System pursuant to the separation agreement if the employee transferred from Baldwin County School System to Gulf Shores School System during the

separation process. This shall not include newly hired employees after the separation date.

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

5.10.7 Vacation:

- a. *Eligible Employees* – Twelve-month full-time employees are eligible for paid vacation.
- b. *Vacation Benefits* – Eligible employees will earn vacation benefits as follows:
 - 1. Twelve-month employees will be granted one (1) day of vacation leave per month (12 days per year). After ten (10) consecutive years of service as a twelve-month employee with Gulf Shores Schools said employees will earn 1.5 days per month (18 days per year). “Consecutive years” will include previous years of employment with the Baldwin County School System before the effective separation date of the Gulf Shores City School System if the employee transferred from Baldwin County School System to Gulf Shores City School System during the separation process. This shall not include newly hired employees after the separation date.
 - 2. Only consecutive service with the Board will be considered in establishing length of service for purposes of determining vacation benefits.
 - i. *Accrual and Accumulation of Vacation Time* – For the purpose of calculating vacation leave, July 1 and June 30 will be the beginning and ending dates, respectively, for all full-time, twelve-month employees regardless of contract date or hire date.
 - ii. Vacation days are earned on the last working day of the month.
 - iii. All twelve-month employees shall be permitted to accumulate vacation for a maximum of 30 days. Vacation days exceeding 30 must be used by December 31st of the following year or be forfeited. Employees will be paid for earned vacation time if not used prior to the effective date of resignation or retirement.

5.10.8 Professional Leave: The Superintendent or his designee is authorized to grant professional leave with pay to Board employees to engage in educational activities which, in the judgment of the Superintendent, serve the needs and interests of the school system. The number of days approved for such leave will be at the discretion of the Superintendent.

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

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

5.10.11 Catastrophic Sick Leave: Employees, at their discretion, may donate a specific number of days to the sick leave bank and designate the days for a specific employee for use against a catastrophic illness only according to the following guidelines:

- a. A donating employee shall not be required to donate a minimum number of catastrophic days to the sick leave bank.
- b. Before sick leave days for a catastrophic illness may be used by a recipient employee, the recipient employee shall have first exhausted all sick and personal leave.
- c. Donated days shall become available for use by the particular employee who shall not be required to repay the days. Any employee who donates sick leave days to the sick leave bank for a particular employee suffering from a catastrophic illness shall be clearly informed that the donated days are not to be recovered or returned to the donor. If a particular employee does not require all of the days donated to the credit of the employee, the days shall revert to the credit of those employees who donated the days in accordance with the guidelines adopted by the sick leave bank committee.
- d. No employee may donate more than 30 sick leave days per calendar year to the sick leave bank for the catastrophic sick leave of any one employee.
- e. An employee must be a member of the sick leave bank to donate or receive catastrophic sick leave days.
[Reference ALA. Code §§16-22-9]

5.10.12 Unpaid Study Leave: Upon written application by the employee, the Board may provide an unpaid leave of absence for up to one year to pursue study or professional growth opportunities. Such leave is available to non-probationary certified personnel only. 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 leave at the discretion of the Board.

5.10.13 Bereavement Leave: Bereavement leave may be utilized for absence due to death in the employee's immediate family. An employee shall be allowed three days leave for absence due to an immediate family member's death. Such leave shall not be deducted from the employee's accumulated sick leave; however, sick leave days may be granted by the requesting employee's principal or supervisor if additional days are needed. Immediate family is defined as someone's spouse, parents and grandparents, children and grandchildren, brothers and sisters, mother in law and father in law, brothers in law and sisters in law, daughters in law and sons in law.

5.11 Family and Medical Leave Act (FMLA)

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

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

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

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

5.11.3 Serious Health Conditions: The term "serious health condition" means an illness, injury, impairment, or physical or mental condition that involves the following:

- a. Any period of incapacity in connection with or following inpatient care in a hospital, hospice, or residential medical care facility.
- b. Continuing treatment by a health-care provider, to include any period of incapacity due to:
 1. A health condition, including treatment and recovery, lasting more than three (3) consecutive days, and any subsequent treatment or period of incapacity relating to the same condition;
 2. Pregnancy or prenatal care;

3. A chronic, serious health condition which continues over an extended period of time, requires periodic visits to a health care provider, and may involve episodes of incapacity (e.g., asthma and diabetes);
4. A permanent or long-term condition for which treatment may not be effective (e.g. Alzheimer's, severe stroke) and for which supervision of a health-care provider is required;
5. Multiple treatments for restorative surgery or for a condition which would likely result in a period of incapacity of more than three (3) days if not treated.

5.11.4 Military Family Leave Provided by the Act:

- a. *Qualifying Exigency Leave:* Under the FMLA, an eligible employee with a spouse, child, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may utilize the twelve (12) week medical leave entitlement to address qualifying exigencies resulting from that service.
- b. *Military Caregiver Leave:* An eligible employee, who is the spouse, child, parent, or next of kin of a covered service member, is entitled to take up to twenty-six (26) weeks (including any medical leave provided by the Act) of unpaid leave during any twelve (12) month period (beginning the first day of the leave) to care for an individual covered service member with a serious injury or illness incurred in the line of duty while on active duty that may render the service member medically unfit to perform the duties of the member's office, grade, rank, or rating. A covered service member is a member of the Armed Forces, including the National Guard and Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness incurred in the line of duty on active duty.
- c.

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

5.11.6 Intermittent Leave: An employee may take leave intermittently or on a reduced leave schedule only when medically necessary to care for a spouse, parent, or child or to receive planned medical treatment. Intermittent leave should be scheduled to the extent practicable so as not to unduly disrupt the operations of the Board. Intermittent leave may be further limited for teachers in accordance with federal law.

5.11.7 Use of Vacation and Sick Leave: If an employee has available sick leave, vacation leave or other applicable paid leave, the employee must utilize those forms of leave before taking unpaid leave under the FMLA. In that instance, the paid leave and the FMLA leave will run concurrently and the employee's twelve (12) weeks of unpaid FMLA leave will be reduced by the paid leave utilized, as long as the need for such leave results from one or more of the qualifying reasons under the FMLA.

5.11.8 Notice: Employees seeking leave under the FMLA must provide thirty (30) days advance notice of the need to take leave when the need is foreseeable. When the need for leave is unforeseeable, employees should notify their supervisors as soon as possible. Employees must also provide notice of the need for qualifying exigency leave as soon as practicable.

5.11.9 Certification for Medical or Military Caregiver Leave: Every request for FMLA leave based upon the serious health condition of the employee or employee's spouse, children, or parents, or leave as a military caregiver must be supported by medical certification issued by the appropriate health care provider on forms provided by the Board.

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

5.11.10 Certification for Qualifying Exigency Leave: Certification will be required by the Board for requests for qualifying exigency leave. Certification must be timely submitted on forms available from the Board. For the first such request, certification may include a copy of the military service member's duty orders or other military documentation.

5.11.11 Return to Work: The Board may require an employee who has taken leave due to the employee's own serious medical condition to provide the Board with a healthcare provider's certification in order to return to work. Any employee who takes leave under these provisions will be entitled to be restored to the original position held when the leave commenced or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment.

5.11.12 Maintenance of Benefits: Benefits accrued by the employee before leave is taken are not lost when approved FMLA leave is taken. Employees who are on approved FMLA leave will remain eligible to participate in benefit programs in which the employee was enrolled at the time of the leave, provided that the employee will continue to be responsible for payment of employee's portion of any cost, premium, or like payment that is required to maintain eligibility for the

coverage or benefit. An employee that does not return to work after FMLA leave, will be required to reimburse the Board for the cost of benefits coverage extended to the employee during the leave, unless the reason for the employee's failure to return to work is (i) a continuing serious health condition suffered by either the employee or a family member, or (ii) other circumstances beyond the employee's control.

5.11.13 Instructional Employees: Medical leave taken by eligible instructional employees is subject to further limitations and provisions established by the FMLA. The Superintendent or his designee is authorized to develop additional information and guidelines concerning Instructional Employees.

5.12 Sick Leave Bank

The School System Sick Leave Banks (hereinafter referred to as SLBs) are established to provide a loan of leave days for participating members after their accumulated sick leave days have been exhausted and to provide catastrophic sick leave. This action is authorized by The ALA. Code and the Board of Education. In accordance with The ALA. Code, the decision to have a joint or separate SLB(s) for certified and support staff is to be made by each group, utilizing a secret balloting process. The accounting of the SLB(s) shall be the responsibility of the Board.

5.12.1 The Sick Leave Bank Committee:

- a. Each SLB committee shall consist of five (5) members. At the beginning of each scholastic year four (4) shall be selected by a secret ballot election held among the sick leave bank members. One (1) member shall be appointed as the system's representative by the superintendent, subject to board approval. The superintendent will be responsible for conducting the election in a fair and equitable manner, ensuring the confidentiality of the secret balloting process.
- b. Members of the SLB committee will serve a term of one year. Terms shall be for the scholastic year. Vacancies shall be filled by the respective parties. No representative on the committee shall serve for a term longer than five consecutive years.
- c. It shall be the exclusive responsibility of the sick leave bank committee to write the guidelines and administrative procedures of the sick leave bank, including the catastrophic leave provisions. It shall also be the committee's duty to develop all necessary forms for the orderly operation and administration of the sick leave bank and catastrophic leave provisions. A uniform state form provided by the State Department of Education shall be used to transfer and receive catastrophic sick leave days from one sick leave bank to another. Guidelines shall be approved by a secret ballot vote of the participating members of the sick leave bank.
- d. *Duties of the SLB Committee* – Each SLB(s) guidelines shall include the regulations of this section. Additional guidelines shall be adopted by the

SLB committee as may be deemed appropriate and beneficial. No Board or SLB committee shall adopt any regulation which conflicts with the following general regulations:

1. No employee shall be allowed to owe more than 15 days to the SLB, unless over 50 percent of the members of the bank vote to extend the limit.
2. Appropriate administrative forms for administering the SLB shall be developed by the SLB committee.
3. Sick leave days shall be repaid to the SLB monthly as re-earned by the member. Upon the resignation or other termination of an employee who has an outstanding loan of sick leave days, the value of the loan shall be deducted from the final paycheck at the employee's prevailing rate of pay.
4. A member of the SLB shall not be allowed to accumulate more days than allowed in Section 16-1-18-1, (ALA. Code), including days in the SLB.
5. Employee membership in the SLB shall be voluntary.
6. Any alleged abuse of the SLB shall be investigated by the SLB committee. On the finding of wrongdoing, the member shall repay all of the sick leave credits drawn from the SLB and be subject to other appropriate disciplinary action as determined by the local Board.
7. Upon retirement or transfer of the SLB members, days on deposit with the SLB shall be withdrawn and transferred with the employee or made accessible for retirement credit, as applicable.
8. Before being eligible to use catastrophic sick leave days, the member of the SLB shall first borrow and utilize days from the SLB, up to a maximum of 15 days. However, if the member later qualifies for catastrophic sick leave, donated catastrophic sick leave days may be used to repay days owed to the SLB to the credit of the affected member.
9. At the beginning of the scholastic year, or upon employment of a new employee, as the case may be, the appropriate number of sick leave days shall, upon application of the employee, be credited to the employee's account to enable the employee to join the SLB if the employee does not have the minimum number of sick days to enable him or her to join the bank. The SLB committee shall develop in its guidelines a provision whether or not to allow other employees who have previously failed or refused to join the SLB the option to join upon deposit of the prerequisite number of sick leave days. Any policy developed by the SLB committee shall be uniformly applied to all employees.

5.12.2 Eligibility and Participation in the Sick Leave Bank:

- a. Any full-time or part-time employee of the Board who has completed a Sick Leave Authorization Form contributing one day to the SLB is eligible to borrow up to fifteen (15) days from the SLB.
- b. The deposit of leave days into the SLB must conform to the SLB guidelines set up by the SLB committee.
- c. No employee shall be allowed to borrow or owe a number of days which is in excess of fifteen (15) days, unless 50% of the participating members of the SLB vote to extend said limit.
- d. To be eligible for a loan from the SLB, a participating member must have exhausted all accumulated sick leave in his/her personal account.
- e. The Board Payroll Department shall maintain records of all member deposits to the SLBs, withdrawals from the SLBs, and the status of the SLBs. Reports shall be provided on a timely basis and at the request of the SLB committee, Superintendent, or Board.
- f. The number of days loaned to an applicant shall be determined by the SLB committee. Factors to be considered include, but are not limited to, (1) the applicant's need, (2) the circumstances of the illness or disability, (3) years of service to the system, and (4) the availability of days in the SLB.

5.12.3 Procedures for Sick Leave Due to Catastrophic Illness:

- a. Employees participating in an SLB, at their discretion, may donate a specific number of days to the sick leave bank to be designated for a specific employee for use against a catastrophic illness. Any illness, injury, or pregnancy or medical condition related to childbirth certified by a licensed physician which causes the employee to be absent from work for an extended period of time is defined as catastrophic illness.
- b. The employee who is to receive sick leave days for a catastrophic illness shall be a member of an SLB and shall have no sick leave and personal leave available (i.e. the member will have exhausted all accumulated days of leave and have no days that can be borrowed from the bank).
- c. The ill employee may use the donated days but shall not be required to repay the days. Also, donated days may be used to repay the SLB.
- d. The employee who donates sick leave days to the sick leave bank for a particular employee for use against a catastrophic illness shall not be able to recover such donated days. However, if the particular employee does not require all the days donated to him/her, the days shall revert to the credit of those employees who donated the days in accordance with the guidelines adopted by the sick leave bank committee.
Sick leave days may be donated to a beneficiary employee to be used for the same reasons that regular sick leave may be used according to law (ALA. Code, Section 16-1-18.1).
- e. No employee may donate more than 30 sick leave days, exclusive of the minimum deposit to the sick leave bank for the catastrophic sick leave of any one employee.

- f. The SLBs are authorized to donate sick leave days to another SLB, including SLBs of other Alabama school systems, for use by a particular employee who is suffering a catastrophic illness.

5.13 Administrative Leave

The Superintendent is authorized to place an employee on administrative leave upon a determination that the best interests of the school system would be served by such action. Administrative leave relieves the employee of regular work responsibilities pending resolution of the matters or circumstances that gave rise to the leave. Administrative leave is not disciplinary in nature or purpose and does not affect the employee's compensation, benefits, tenure, or non-probationary 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.

[Reference: ALA. ACT NO. 2011-270]

5.14 Equal Employment Opportunity

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

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

5.15 Anti- Harassment

The Board strictly prohibits harassment of any person or group of persons on the basis of a legally-protected characteristic or status. These include, but may not be limited to, race, color, religion, sex, pregnancy, national origin, citizenship, age, disability, genetic composition or background, FMLA activity, military service or veteran status, and participation in legally-protected activity. Every employee is expected to uphold this policy and is responsible for maintaining a respectful and professional educational and work environment. When proper notice is provided, the Board will immediately

investigate allegations of Prohibited Harassment, as defined herein, and will take appropriate disciplinary action where warranted.

5.15.1 Definition of Prohibited Harassment: Prohibited Harassment is unwelcome verbal, physical, visual or other conduct directed against any person or group, based upon characteristics or activities protected by federal or state law that has the purpose or effect of unreasonably interfering with an individual's working environment or work performance or creating an offensive, demeaning, or intimidating environment for that person or group of persons. Harassment may not be unlawful by applicable legal standards unless it is severe or pervasive. However, any Prohibited Harassment shall constitute a violation of this policy and may result in appropriate disciplinary action.

5.15.2 Examples of Prohibited Harassment: The following are examples of conduct that may constitute discriminatory harassment:

- a. Verbal or written harassment may include but is not limited to epithets, derogatory comments or slurs based upon one of the characteristics or status listed above.
- b. Physical harassment may include but is not limited to assault, unwanted touching, impeding or blocking movement, or any physical interference with normal work or movement, when directed at an individual because of an individual's protected class or status.
- c. Visual forms of harassment may include but are not limited to derogatory posters, cartoons or drawings based upon an individual's protected characteristic.
- d. Harassment that is delivered through social media or any other electronic/digital means.
- e. Sexual harassment, as one example of Prohibited Harassment, is defined as any unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature, because of an individual's sex, when: (1) submission to such conduct is an explicit or implicit condition of employment; (2) submission to or rejection of such conduct is used as the basis for employment decisions; (3) or such conduct has the purpose or effect of unreasonably interfering with the individual's work performance or creating an intimidating, hostile, or offensive working environment.

5.15.3 Employee Complaint Resolution:

- a. *Reporting* – When an employee feels that he or she has been subjected to Prohibited Harassment, or observes or is otherwise aware of an incident of Prohibited Harassment, the employee must report the matter immediately in the manner set out below.

- b. *Informal Reporting* – Under no circumstances should an employee pursue resolution of a potential Prohibited Harassment situation through informal reporting only. Although employees are encouraged to work together to resolve differences, and while reports to first-line supervisors may be helpful, the Board cannot properly oversee and investigate a situation without proper notice in the manner set out below. Informal complaints to co-workers and reports to first-line supervisors will not comply with this policy and cannot provide notice to the Board of the problem. Employees MUST follow the complaint procedure set out below.

5.15.4 Complaint Procedure:

- a. *Persons Responsible for Receiving and Investigating Complaints* – The Superintendent is responsible for adjudicating complaints regarding Prohibited Harassment. All complaints should be voiced directly to the Superintendent. The Superintendent can be reached at (251) 968-9873. However, under no circumstances will an employee be required to present the complaint to the person who is the subject of the complaint, nor will the complaint be adjudicated by the person who is the subject of the complaint. Accordingly, if the complaint concerns the Superintendent, the complaint may be made directly to the President or Vice-President of the Board.
- b. *Complaint form, contents* – Complaints should be made in writing, signed by the complainant, and should fully describe the circumstances surrounding the alleged Prohibited Harassment. Harassment complaints that cannot be made in writing should be memorialized by the Superintendent or other appropriate recipient of the complaint.
- c. *Investigation* – The Superintendent will promptly investigate the complaint, review the results of any investigation with legal counsel or other appropriate officials, make any findings that are supported by the investigation, and recommend appropriate action based on these findings. The complainant will be informed of any action that is taken as a result of the investigation.
- d. *Review by the Superintendent and the Board* – A complaining party who is not satisfied with the investigation or resolution of the complaint may request that the Superintendent take additional or different action or present the complaint to the Board for its review and action. In such case, the Board will render a final decision as soon as practicable.

5.15.5 Confidentiality: To the greatest extent practicable, reports of Prohibited Harassment will be kept confidential; however, complete confidentiality cannot

be guaranteed because it is critical that the Board conduct a full and fair investigation.

- 5.15.6 Retaliation Prohibited: No retaliation or adverse action may be imposed as a result of a good faith complaint or report of harassment. If any employee believes he or she has been subjected to retaliation or adverse action as a result of a complaint, the employee must raise that concern in the same manner as set out in this policy. If the employee feels that the person retaliating or otherwise taking adverse action against you is the same person to whom you are to report such matters, you may proceed directly to the Superintendent, the Superintendent, or the President or Vice President of the Board, as the circumstances may require.
- 5.15.7 Reporting Sexual Harassment of Students Required: Any employee who has reasonable cause to believe that a student is being subject to sexual harassment must report the harassment to the school principal or site supervisor as soon as practicable under the circumstances, but in no event later than two school days from the time the employee had reasonable cause to believe a student is being subjected to sexual harassment. An employee who fails to report known sexual harassment of a student, including inappropriate relationships between employees and students and peer-to-peer sexual harassment, may be subject to disciplinary action.
- 5.15.8 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 Prohibited Harassment will be subject to appropriate disciplinary action, up to and including termination.

5.16 Reduction-In-Force

5.16.1 Definition and Scope:

- a. This policy applies to reductions-in-force that are implemented by “layoffs” 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 the 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 an unavoidable reduction in the workforce beyond normal attrition due to decreased enrollment or shortage of revenues. As provided by Section 6(h)(3) of the Students First Act, ALA. Act 2011-270, layoffs based on such reasons are not subject to challenge or review under said Act. Employees who are laid off under

authority of this policy are eligible for recall to employment as conditionally provided in this policy.

5.16.2 Criteria for Implementing Layoffs:

- a. The order, priority, rank, or selection of individual employees who are to be laid off under authority of this policy shall be determined on the basis of objective criteria. However, nothing herein shall be deemed or construed to limit or abridge the Board's legislative discretion to identify areas, departments, groupings, or classifications for reductions (layoffs). (For example, the Board is not required to justify by objective criteria or otherwise a decision to implement layoffs in non-instructional categories or employees before doing so with instructional staff.)
- b. The criterion or criteria on which the layoffs are to be based shall be announced or otherwise made known by the Board to employees affected by the layoff no later than the date notice of the layoff is provided to the employees.
- c. "Objective criteria" within the meaning of this policy may include any lawful selection standard (or combination of standards) that is verifiable, calculable, measurable, or otherwise determinable by means or methods other than the personal or subjective judgments or opinions of the person(s) applying the criteria, and that would be expected to produce the same result if applied to the same employees or group of employees by different persons. For purposes of this policy, objective criteria may include, but are not limited to:
 1. Seniority, longevity, or time in service that will be more specifically described in the notice of layoff that is provided to affected employees;
 2. Years of experience;
 3. Degrees, certification, or licensure;
 4. Specialized training and experience with particular educational programs or initiatives including but not limited to the Alabama Reading Initiative (ARI), and/or the Alabama Math, Science and Technology Initiative (AMSTI);
 5. Job classification;
 6. Any requirements that may be imposed by state or federal law or court order;
 7. Written or otherwise documented performance evaluations that can be fairly, accurately, and objectively compared to current evaluations of other similarly situated employees for the purpose of ordering or ranking, provided that such evaluations predate the RIF's announcement or declaration by not less than thirty days.

- 5.16.3 Recall: Employees who have been laid off under the terms of this policy will be given priority in filling positions as enrollment or financial circumstances warrant, provided that:
- a. The nature of and qualifications for the position 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 Superintendent in accordance with any directives that may be contained in or transmitted in conjunction with the notice of layoff.

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

- 5.16.4 Notice: Notification of layoff and recall shall be by United States certified or registered mail, hand delivery, or such other means as are reasonable under the circumstances. Notice sent by certified mail will be deemed delivered two days after the date of the certified mail. Upon delivery 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.

- 5.16.5 Reservation of Board Authority: Nothing in this policy will be deemed or construed to restrict or impair the authority of the Board to reorganize, consolidate, eliminate, reallocate, or otherwise modify the nature and configuration of its workforce in accordance with Alabama law.

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

5.17 Unauthorized Payments

- 5.17.1 Notification to the Employee: Upon discovery of any unauthorized or erroneous payment or disbursement of funds to an employee, the Board will attempt in good

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

5.17.2 Retention and Recovery Authorized: If no objection to the proposed withholding is received within a reasonable time (to be specified in the notification letter), monies may be retained in the manner and to the extent described in the notification. If the employee objects to the proposed withholding, the Superintendent or his designee may, upon consideration of the objection and information and argument (if any) submitted in connection therewith, take such action as may be warranted under the circumstances and inform the employee in writing of the decision. If the employee is dissatisfied, he may contest the decision through the Board's complaint procedure. Monies may be withheld by the Board pending completion of the grievance process, provided that, should the Board later pay over to the employee monies that have been retained under authority of this policy, such payment(s) will reflect all appropriate deductions and will include accrued interest from the date of withholding at the rate specified by the then-effective rate applicable to interest on unpaid judgments under Alabama law. If, after exhausting reasonable efforts to do so, the Board is unable to contact the employee in the first instance, the Board may retain or withhold from compensation or other payments due the employee an amount sufficient to satisfy the indebtedness; provided that any such retention or withholding will be subject to review and reconsideration at the request of the employee.

5.17.3 Repayment Required as a Condition of Reemployment: The Board reserves the right to require repayment of any outstanding indebtedness as a condition to reemployment of any former employee.

5.17.4 Procedures Not Exclusive: The provisions, procedures, and method of review specified herein are in addition to those that are otherwise available to the parties under law for the retention or recovery of funds, and for administrative or judicial review thereof.

5.18 *Drug and Alcohol Testing of Safety Sensitive Employees*

5.18.1 Scope: The Board will conduct employee drug and alcohol testing for employees in safety sensitive positions as required by and in accordance with federal law.

Testing will be required for all employees holding a commercial driver licenses (CDL) or who occupy a safety sensitive position as designated by the Board (“covered employees”).

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

- a. Reporting for duty or remaining on duty to perform safety-sensitive functions while having an alcohol concentration in excess of the standard set by the Federal Highway Administration (FHWA);
- b. Being on duty or operating a vehicle while possessing alcohol;
- c. Consuming alcohol while performing safety-sensitive functions;
- d. Consuming alcohol within eight (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 going under the influence of alcohol within eight (8) hours of going on duty, operating, or having physical control of a vehicle;
- g. Reporting for duty or remaining on duty when using any controlled substance, except when instructed by a physician who has advised the driver and the Board that the substance does not adversely impact the performance of any safety-sensitive duty;
- h. Reporting for duty, remaining on duty, or performing safety sensitive functions with controlled substances in the employee’s system.

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

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

- a. *Pre-employment Testing* – Prior to the first time a covered employee performs a safety-sensitive function for the Board, the employee must undergo testing for alcohol and controlled substances.
- b. *Post-accident Testing* – Each surviving driver who is involved in an accident, as defined by the FHWA, will be tested for alcohol and controlled substances. In addition, covered employees who are involved

in an accident involving injury to a person, or property damage in excess of five hundred dollars (\$500.00) will be subject to post-accident testing.

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

5.18.4 Administration of Program: The Superintendent is authorized to oversee the Board’s testing program, to contract with appropriate providers to implement the program, to develop guidelines, rules and regulations to implement training programs, to develop and distribute educational materials and appropriate notices to covered employees, and to take such further action as may be required by federal law. Reference: Omnibus Transportation and Employment Act of 1991

5.19 Reasonable Suspicion Alcohol and Drug Testing of All Board Employees

The Board may require an employee to submit to drug and/or alcohol testing whenever there is a reasonable suspicion that the employee is intoxicated or impaired by illegal drug or alcohol use while performing duties for the school system or attending a school sponsored event. Such reasonable suspicion shall be based on specific, contemporaneous, and articulable observations of the employee including the employee’s appearance, behavior, speech, or bodily odors. An employee who refuses to undergo drug and alcohol testing may be subject to disciplinary action, up to and including termination.

The Superintendent or designee is authorized to oversee the Board’s reasonable suspicion alcohol and drug testing program, to contract with appropriate providers to implement the program, and to develop guidelines, rules and regulations governing the program. The school system’s procedures governing the reasonable suspicion drug and alcohol testing

of safety sensitive positions (5.18 Drug and Alcohol Testing of Safety Sensitive Employees) may be utilized by the Superintendent or designee to implement this policy.

5.20 Searches (Personnel)

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

5.21 Self-Reporting Arrest or Conviction

- 5.21.1 Duty to Report a Reportable Event: The Gulf Shores City Schools Board of Education is committed to maintaining a safe and secure environment for all students and employees. To that end, all employees shall notify the Superintendent in writing of a reportable event under this policy within three (3) business days from the date of the occurrence of the event.
- 5.21.2 Definition of Reportable Event: For purposes of this policy a reportable event includes the following:
 - a. Any misdemeanor or felony arrest of the employee, specifically including, but not limited to, arrests for driving under the influence (DUI) or driving while impaired (DWI);
 - b. Any misdemeanor or felony conviction of the employee, specifically including, but not limited to a DUI or DWI; and
 - c. With respect to any employee whose assigned duties include transporting students or driving vehicles or heavy equipment owned by Gulf Shores Schools:
 - 1. conviction of the employee for traffic offenses and violations (not including parking tickets) for which points are or may be charged against the employee’s drivers’ license;

2. issuance to the employee of a notice from the Alabama Department of Public Safety that the employee's driver's license or Commercial Driver's License (CDL) has been suspended or revoked.

5.21.3 Penalties for Violation: Any employee who fails to comply with the terms of this policy will be subject to appropriate discipline, up to and including termination. Nothing in this policy, however, shall be deemed to limit or restrict the Superintendent or Board of Education from proposing, considering or approving discipline deemed appropriate as a result of the occurrence of any reportable event, whether reported in accordance with this policy or not.

5.22 *Employee Travel Policy*

- A. Employees shall be reimbursed for travel expenses incurred while performing duties related to their jobs, when such travel is at the request or approval of a supervisor. Travel approved by local schools may be paid from local school's funds, but is subject to district level approval.
- B. Meal expenses incurred while performing regular job duties that do not require overnight or extended day travel will not be reimbursed. Meals will be reimbursed for one-day meetings that extend beyond the normal workday.
- C. Reimbursement for travel related expenses incurred shall be at the following rates:
 1. Mileage will be reimbursed at the current (IRS) Internal Revenue Service mileage rate.
 2. Meals and Incidentals will be reimbursed at the current US General Services Administration Continental United States (CONUS) Rate. Employees will be issued a per diem for meals and incidentals based on this rate. The rate is updated on a yearly basis and is available at www.gsa.gov/perdiem.
 3. Parking will be reimbursed at the lowest available conference parking rate. If a receipt is not provided, parking will be reimbursed at \$10 per day.
 4. Lodging will be reimbursed up to the single room rate at the conference hotel. If there is no conference rate or the conference hotel is full, reasonable room rates must be approved by the superintendent or designee in advance. Multiple employee occupancy rooms will be reimbursed at the applicable conference rates.
 5. Transportation should be based upon the mode of travel that is most economically advantageous. If travel is by air, only Coach Class travel

will be reimbursed (ticket stubs must be attached). Unless pre-approved by Board, no local travel (within Gulf Shores) will be reimbursed.

- D. Employee professional leave must be approved in advance for travel to be reimbursed. Conference/workshop registration information showing the dates of the conference/workshop must be attached to the travel form. Travel Forms for reimbursement should be submitted no more than 60 days from date of travel.

VI. STUDENTS

6.1 *Admissions and Attendance*

6.1.1 Compulsory Attendance and Entrance Age: All persons between the age of seven and seventeen years of age are required by state law to attend school for the minimum number of scholastic days prescribed by the State Board of Education unless the person holds a certificate of exemption issued by the Superintendent or is otherwise exempt under state law.
[Reference: ALA. CODE §16-28-3 (1975)]

a. Kindergarten Age Requirement –

1. A child five years of age on or before September 1 shall be entitled to admission to kindergarten at the opening of that school year or as soon as practicable thereafter.
2. A child less than five years of age on September 1 shall not be entitled to admission during that school year.
3. An underage child transferring from the public school kindergarten in another state, and whose parents were residing in that state at the time of the transfer, may be admitted to kindergarten on a space available basis with Board approval. The child shall be admitted to first grade upon successful completion of kindergarten.

b. Kindergarten and First Grade Age Requirement –

1. A child six years of age on or before December 31 shall be entitled to admission to first grade at the opening of school for that school year or as soon as practicable thereafter.
2. A child under six years of age on December 31 shall not be entitled to admission to the first grade during that school year.
3. An underage child who has moved into this state having successfully completed a mandated, public school kindergarten program in another state shall be admitted to first grade.
4. Kindergarten or first grade students who were enrolled in an Alabama private school, church school, or were being tutored in accordance with the Ala. Code (1975) and who seek admission to kindergarten or first grade in the public schools must meet the age requirements for admittance.

6.1.2 Admission to Schools:

- a. Resident Students –* School-age children who reside within the municipal limits of the City of Gulf Shores, Alabama, may be admitted to Gulf Shores City Schools.

The school principal shall determine grade placement of students from a private or non-public school or from home education based on state regulations and applicable Gulf Shores City Board of Education rules regarding transfer of credit as well as other factors including test data, age, and previous school records.

Admission may be denied a student who is over seventeen (17) years of age and who has been dismissed from previous schools for violation of the rules of the school with the exception of resident students who have current Individualized Education Plans (IEPs).

When a student facing some type of disciplinary action is withdrawn from school prior to receiving the punishment, said student (and his/her parent/legal guardian) is to be informed that prior to admission/readmission to any Gulf Shores City school, the disciplinary action assigned must be completed. This includes any suspension, alternative program placement, work assignment, or referral to the Superintendent or board for a hearing.

- b. *Non-resident Students* – A student whose parent/legal guardian resides outside the jurisdiction of the Gulf Shores City Board of Education may be eligible to attend a Gulf Shores City school. To be considered for initial enrollment in the Gulf Shores City School System, the parent/legal guardian of a non-resident student shall submit an annual written application to the Superintendent for consideration.

No student shall be denied enrollment on the basis of race, sex, religion, or national origin.

A. The following factors (other than the priorities listed in Section G. of this policy below) shall be considered and used by the Superintendent as the basis for granting permission for a non-resident student to enroll/continue enrollment in the Gulf Shores City schools. These factors may also be considered to revoke the enrollment of a non-resident student, in the Superintendent's judgment:

1. The availability of an instructional program that meets the education, physical and emotional needs of the student;
2. The ability to accommodate the applicant without placing undue financial burden on the Gulf Shores City School System;
3. The availability of space at the grade level and school;

4. The student's previous attendance record;
5. The student's academic performance at the average or above average level as determined through a review of grades, academic records, and standardized test results;
6. The student's satisfactory history of behavior as determined by a review of discipline records;
7. The student's satisfactory record of payment of school financial obligations and/or tuition;
8. The parent's/legal guardian's agreement to pay an annual tuition determined by the Gulf Shores City Board of Education. A student's enrollment, if approved, will not become active until tuition is received;
9. The parent's/legal guardian's and student's agreement to follow the rules, regulations, and codes of student conduct established by the Gulf Shores City School System 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 Gulf Shores City school, and forfeiture of tuition paid;
10. The parent's/legal guardian's agreement to provide transportation for the student. The Gulf Shores City School System does not provide transportation for non-resident students; and,

B. The Gulf Shores City School System has the right to revoke enrollment of any non-resident student based on any of the following conditions:

1. Inappropriate behavior or poor disciplinary record;
2. Excessive tardiness to school or poor school attendance;
3. Unsatisfactory academic performance;
4. Falsifying school/or legal documents;
5. Late tuition payments, if applicable;
6. An attempt to circumvent the policies/procedures of the school and/or the school system; and,
7. Any other good and sufficient reason.

C. If, during the school year, it becomes evident that the guardianship/residency of a student has been misrepresented in

order to avoid tuition and that the student actually resides outside of Gulf Shores City, the student may immediately be withdrawn. If the student is not required to withdraw, tuition and a penalty fee (in an amount established by the Gulf Shores City Board of Education) will become due immediately. If tuition including the applicable penalty fee is not forthcoming, the student will be withdrawn. Such a student shall fall under the admission criteria for non-resident students.

- D. When requesting enrollment, proof of guardianship and/or legal custody must be provided along with proof of residency for both parents/legal guardians. The Gulf Shores City School System accepts 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 Gulf Shores City Schools.
- E. **Tuition Information:** Non-resident student tuition shall be paid each year prior to registration and enrollment. The tuition must be paid in full prior to the beginning of the school year, unless an exception is granted by the Superintendent on a case-by-case basis. Failure to pay tuition according to the established payment date(s) will cause the student(s) to be withdrawn from the Gulf Shores City School System.
- F. Non-resident students who enroll at times other than the beginning of a semester shall pay tuition on a prorated basis for the balance of the school year/semester of attendance.
- G. The decision to admit non-resident students shall be discretionary. When capacity exists based on the criteria listed above in Section A. of this policy, non-resident students shall be admitted based on these priority levels:
 - 1. When a current student is attending a Gulf Shores City School pursuant to this policy, the parent/legal guardian may request that his/her child receive priority for submission and approval of a non-resident enrollment application the following school year.
 - 2. Full-time employees of the Gulf Shores City Board of

Education who live outside of the City of Gulf Shores may request enrollment for their child(ren) in the Gulf Shores City School System by following all non- resident student procedures. *Tuition may be waived for such non-resident students at the Superintendent's discretion.*

3. When a current student is attending a Gulf Shores City School pursuant to the separation agreement and his or her sibling that is living within the same household wishes to attend a Gulf Shores City School, the parent/legal guardian may request that his/her child receive priority for submission and approval of a non-resident enrollment application. However, the Gulf Shores City School System is not obligated to provide transportation for the student(s) under such circumstances.
 4. The Gulf Shores City Board of Education acknowledges that new attendance zones created by the Separation Agreement may cause significant logistical hardships for many students to obtain a public education. Any student that has been adversely affected by the change in attendance zones in this manner may be eligible to receive priority status for non-resident admission under this policy and the Superintendent determines that his or her public school assignment creates such a hardship and said hardship could be remedied by accepting that student via non-resident admission to Gulf Shores City Schools. The decision to prioritize a student's application based on this section of this policy lies solely within the Superintendent's discretion.
 5. After these priorities have been exhausted, all other students applying to be non-resident students in Gulf Shores City Schools shall have their applications evaluated on a first come, first serve basis.
- H. When the parent/legal guardian of a current resident student establishes residence outside of Gulf Shores City during the academic year, the parent/legal guardian may request that his/her child(ren) be allowed to complete the current semester by submission and approval of a non-resident enrollment application and payment of appropriate pro-rated tuition. However, the Gulf Shores City School System is not obligated to provide

transportation for the student(s) under such circumstances.

- I. Students whose custodial parents or legal guardians own real property or a place of residence that is eligible for an annexation into the City of Gulf Shores but elect for said real property or residence to NOT be annexed into the City of Gulf Shores will not be eligible for admission under this policy.

Homeless Students: Nothing in this policy shall interfere with the implementation and application of the McKinney-Vento Homeless Assistance Act of 2001.

*In the event the Superintendent decides to waive tuition for any of the students expressly noted above in Section G., it shall be done on a year-to-year basis and all children of said category shall enjoy the same privilege. The privilege for each category shall not be awarded individually unless it is consistent with another Section of this policy.

Reference(s): Code of Alabama 16-11-9

c. Homeless Students –

1. 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.
2. 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.
3. 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.

4. The Homeless Liaison will expeditiously carry out the system's dispute resolution procedures as detailed in the Board's Homeless Student Plan. The plan is available in the district's Central Office and in the principal's office of each school.

- i. *Placement of Students* – The Board will determine the placement of newly enrolled students in accordance with state law.
- ii. *Documentation* – Students entering the school system for the first time, regardless of grade level, are not required to submit a birth certificate or another form of acceptable documentation to verify the student's age. A social security number may be requested, but such request is voluntary and is not a requirement of enrollment.

d. *Students in Foster Care* –

1. A student in foster care remains in his or her school of origin, unless it is determined that remaining in the school of origin is not in the student's best interest.
2. If it is not in the student's best interest to stay in his or her school of origin, the student is immediately enrolled in the new school even if the student is unable to produce records normally required for enrollment.
3. The new (enrolling) school should immediately contact the school of origin to obtain relevant academic and other records.

e. *Transfers From Accredited, Non-Accredited, Or Home Schools* –

1. Students transferring from accredited public or non-public schools will have all credits and current class/grade placement accepted upon receipt of the official transcript(s) without validation.
2. To allow transfer of credits and/or determine the appropriate class/grade placement of a student transferring to this system from a non-accredited or home school, the following shall be implemented:

Credit for all elective courses shall be accepted without validation.

Credit for core courses of English, mathematics, science and social studies shall be transferred as follows: end-of-course tests, nationally recognized standardized tests, and

official school records shall be used to validate credit earned and to determine the most appropriate course and grade placement.

3. For any initial core course the student completes successfully in this system, he/she shall be permitted to transfer in that subject area all previous credits earned at a non- accredited or home school. (Example: Successful completion of eleventh grade English in this system would allow the student to transfer ninth and tenth grade English if completed successfully at the non-accredited or home school.)
4. In the event of the existence of controversial records/transcripts and/or the absence of any official or notarized records/transcripts, the student shall take placement tests consisting of the Gulf Shores City School's previous semester tests for core courses.
5. All transfer students must pass any required assessments and meet all other requirements for graduation.

Reference(s): ALA CODE 16-11-9, ALA ADMIN CODE §290-3-1-.02(7) J 2 (K)

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

- a. Illness
- b. Inclement weather
- c. Legal quarantine
- d. Death in immediate family
- e. Emergency
- f. Permission of principal and consent of parent
- g. Religious holidays

Documentation supporting an excused absence must be submitted within three days of the absence or the absence will be deemed to be unexcused. Excessive unexcused absences (3 or more) may result in referral of the matter to juvenile or other appropriate legal authorities for investigation.

6.1.4 Recording Absences: Teachers and school office personnel will keep records of students' daily attendance as required by state law. The student information system will be used to record absences, tardies, check ins/outs, and suspensions.

A student is absence if he/she:

1. Misses more that one-half of the instructional day (3.5+ hours)
2. Arrives to school after 11:30
3. Leaves school before 11:30 and does not return the same day
4. Any high school student

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.

- 6.1.6 Transportation: Student transportation may be made available to residents of the City of Gulf Shores in accordance with routes and schedules developed by the Board's transportation department. Such schedules and routes may be modified or eliminated at the discretion of the Superintendent and/or designee as the needs and resources of the district dictate.

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

6.2 Student Fees, Fines, and Charges

Reasonable fees, fines, and charges not prohibited by law may be established by the Superintendent. All such fee, 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 GS Policy Manual: Section 3 Financial Management.

6.3 Extracurricular Activities

- 6.3.1 General: The Board supports, to the extent reasonably possible, student participation in extracurricular activities.

Students may be offered an opportunity to participate in extracurricular activities and student 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 be 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 or activities may be governed by the specific policies of the organization and is subject to view and approval by the principal.

- 6.3.2 Athletics: Participation in Board sanctioned athletic programs will be on such terms and conditions as may be approved by the Board and requirements of any

athletic association of which the Board or the applicable local school 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 or the applicable local school is a member, or any rule, principle or provision of applicable law.
[Reference: Ala. Admin. Code 290-3-1-.02 (19)]

6.4 Off-Campus Events

Students 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;
- 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 and/or designee;
- 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 licensed drivers have been selected and arrangements for the costs of the trip (e.g., salary, fuel, maintenance, lodging) have been made;
- E. Approval of the trip in accordance with administrative procedures is obtained; and
- F. The selection of chaperones to accompany students on trips or off-campus activities is at the sole discretion of school officials.

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.

6.5 Equal Educational Opportunities

In compliance/alignment with the Equal Opportunities Act of 1974, 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.

6.6 Title IX

6.6.1 **Prohibition**: In accordance with Title IX (20 U.S.C. 1681, *et seq.*), the Board strictly prohibits discrimination on the basis of sex in its programs or activities, including sexual harassment, as defined by law and Board policy. Sexual harassment complaints should be filed and reviewed, adhering to the sexual harassment guidelines identified in the GSCS Policy 6.7: Student Sexual Harassment. All other complaints under Title IX will be filed and reviewed according to the Board's general complaint and grievance procedures which are identified in GSCS Policy 6.26.

6.6.2 **Title IX Coordinator**: The Superintendent is authorized and directed to designate a Title IX Coordinator, whose duties will included but not be limited to receiving and responding to Title IX inquiries and complaints.

6.7 Student Sexual Harassment

6.7.1 **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.

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

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

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

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

6.7.3 Sexual Harassment Complaint Procedures: Established sexual harassment complaint procedures provide students who believe that they are victims of unlawful sexual harassment with a thorough, discreet, and prompt internal procedure for investigating and resolving sexual harassment complaints. The procedures facilitate the gathering of relevant facts and evidence, permit timely assessment of the merits of the complaint, provide an opportunity for informal resolution of complaint where appropriate, eliminate any harassment that is established by the investigation, and prevent any retaliation based upon the filing of the complaint. The procedures reflect due regard for the legal rights and interest of all persons involved in the complaint, and will be explained, and implemented so as to be understandable and accessible to all student population groups and ages.

6.7.4 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" (6.7.3) 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.

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

6.8 Protection of Pupil Rights Amendment

6.8.1 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, antisocial, self-incriminating, or demeaning behavior;
- e. Critical appraisals of others with whom respondents have close family relationship,
- 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.

6.8.2 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.

6.8.3 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.

6.8.4 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 described in sections 6.81, 6.82, and 6.83 in lieu of their parents or guardians.

6.8.5 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)

With the exception of directory information as defined below in Section 6.9, personally identifiable information will not be released by the school system from an education record without prior written consent of the parent or eligible student except where authorized by federal law. These circumstances include but are not limited to:

- a. Disclosures will be made to school administrators, teachers, or other professionals employed or associated by the school system who have some role in evaluating or educating the student.
- b. Records will be sent to a school where the student has enrolled upon request of the institution.
- c. Disclosures will be made to federal or state officials in connection with the audit of educational programs.
- d. Disclosures will be made in connection with financial aid applications of the student to determine the eligibility for and amount of aid as well as enforcement of the terms and conditions of financial aid.
- e. Disclosures will be made to comply with state law, IRS laws and regulations, judicial orders or lawfully issued subpoenas. Unless otherwise required by a judicial order or federal grand jury subpoena, a reasonable effort will be made to notify parents or students in advance of such disclosures.
- f. Disclosures will be made to organizations conducting studies on behalf of or by educational institutions for the purpose of developing, validating, or administering predictive tests, administering student aid programs and improving instruction.
- g. Disclosures will be made in connection with a health or safety emergency.
- h. Disclosures will be made to the Attorney General of the United States or to his or her designee in response to an ex parte order in connection with the investigation or prosecution of terrorism crimes specified in 18 U.S.C. 2332(b)(5)(B) and 2331.

Each records custodian in the school district shall maintain a record of each request for access to and each disclosure of personally identifiable information from the educational records of a student in accordance with regulations governing the Act.

A parent or eligible student who believes his or her record contains an error may request its correction by submitting a written explanation of the error and the basis for believing it to be an error to the principal or his or her designee, who shall investigate and determine whether or not to amend the record. If the matter cannot be thus resolved, a parent or eligible student may request a hearing

pursuant to federal regulations at 34 C.F.R. 99.21-00.22 as well as applicable state regulations. If the hearing results in a determination that the record contained erroneous information, it shall be corrected and the parent or eligible student shall be informed in writing of the correction. If the information contained in the record is determined not to be erroneous, the parent may place a statement in the record commenting upon the contested information and stating the basis for disagreement. The statement shall thereafter be disclosed whenever the portion to which it relates is disclosed.

6.8.6 Voluntary Religious Expression: Subject to the requirements and prohibitions of Amendments 1 and 14 to the United States Constitution, it is the policy of this Board that:

- a. There shall be no discrimination against students or parents on the basis of their religious viewpoint or the religious content of their expression.
- b. Students shall be allowed to express their beliefs about religion in homework, artwork, and other written and oral assignments free from discrimination based on the religious content of those submissions. Homework and classwork assignments shall be reviewed by ordinary academic standards of substance and relevance, and against other legitimate pedagogical concerns, but may not be penalized or rewarded based on the religious content of the work.
- c. Students may pray or engage in religious activities or religious expression before, during, and after the school day in the same manner and to the same extent that students may engage in nonreligious activities or expression.
- d. Students may wear clothing, accessories, and jewelry which display religious messages or symbols in the same manner and to the same extent that students are permitted to wear other types of clothing, accessories, and jewelry that contain messages or symbols.
- e. The Board shall not take any actions which establish a religion or prohibit the free exercise of a particular religion.
- f. The Board retains the authority to protect the safety of its students, employees, and visitors, and to maintain order and discipline in its schools and on its properties in a content and viewpoint neutral manner.
[Reference: 20 U.S.C. §1232h; 34 CFR Part 98]
[Reference: Alabama Code § 16-1-20.5]

6.9 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 the Family Educational Rights and Privacy Act of 1974 (FERPA). Except where the context requires otherwise, the term “education records” has the meaning given in 20 U.S.C. 1232 g(a)(4). Copies of such records may likewise be provided to the extent required and under circumstances specified by applicable law or regulation. Established

administrative standards and procedures respecting access to such records, including a schedule of reasonable charges for the reproduction thereof, will be provided annually through the student handbook or by other appropriate means. (Reference: 20 U.S.C. 1232g(a)(4); 34 C. FR 99.3)

It is the policy of the BOE that all employees shall comply with the requirements of the Family Educational Rights and Privacy Act (FERPA), the Student Data Privacy, and the Pupil Protection Rights Amendment (PPRA). For the purposes of this policy, a “parent” is defined as a natural parent, a guardian, or any individual acting as a parent in the absence of a parent or guardian. An “eligible student” is defined as a student who has reached 18 years of age or is attending an institution of postsecondary education. The Board has developed and adopted student privacy policies in consultation with parents in accordance with state and federal law. Additionally, parents will be directly notified of these policies at least annually via the Student/Parent Handbook issued to students at the beginning of the year or at the student’s time of enrollment.

The Superintendent shall implement procedures whereby every principal is directed to develop a means to notify, on an annual basis, parents and eligible students, including students who are disabled or who have a primary language other than English of their rights under FERPA, the Act, and the Pupil Protection Rights Amendment, either through a student handbook distributed to each student in the school or by any means that are reasonably likely to inform them of their rights.

6.9.1 Family Education Rights and Privacy Act (FERPA)

Confidentiality of student records shall be preserved while access is provided to parents, eligible students (those over eighteen years of age or enrolled in post-secondary educational institutions), professional educators with legitimate educational interests, and those federal or state officials whose access is authorized in connection with an audit or evaluation of federal or state supported education programs or for the enforcement or compliance with federal legal requirements related to those programs. The Superintendent shall direct the publication of procedures through which parents or eligible students may request the correct of errors in student records. See Section 6.8.5 above for detailed error procedures.

The Board of Education designates the following information as “directory information.” Unless a parent or eligible student makes a timely request to the principal of the school where the student is enrolled that such information not be designated directory information on the individual student, such information will not be considered confidential and may be disclosed upon request.

- a. Student’s name, address, telephone listing, e-mail address, photograph, date and place of birth
- b. Parent or lawful custodian’s name
- c. Grade level classification

- d. Dates of attendance
- e. Student's participation in officially recognized activities and sports
- f. Weight and height of athletic teams
- g. Last attended school
- h. Diplomas, certificates, awards, and honors received

Student records shall be provided to schools within or outside the school district upon request of the school where a student is enrolling.

6.10 Student Health Services

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

6.11 Student Conduct

Developed using input from teachers, school personnel, students, parents/guardians and is subject to periodic revision, the GSCS Code of Student Code ("CSC") sets forth the rules and standards of conduct and discipline that are maintained and enforced within the Gulf Shores City Schools System. The CSC applies to conduct occurring on school buses, at off-campus events, at school functions and activities whether or not occurring during the school day, and to conduct on the part of students with respect to which the school has an identifiable interest. The CSC sets forth the specific grounds for disciplinary action, the penalties, sanctions, or consequences that may be imposed for a violation of the CSC, the methods and procedures by which violations of the CSC will be determined, and any appeal or review procedures that are available to students. The CSC incorporates applicable statutory and regulatory requirements, and the hearing and appeal procedures specified in the CSC conforms to applicable statutory and constitutional standards and requirements. The CSC can be found in the student handbook and will be made available on-line to all teachers, school personnel, students, parents and guardians at the beginning of each school year or when a new student enrolls. The CSC will be deemed an extension of Board policy and will have the force and effect thereof.

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

6.12 Searches (Students)

- 6.12.1 Board Property: All school system property, facilities, and grounds, including city of Gulf Shores property used for school purposes, 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.
- 6.12.2 Personal Property: Personal property, including but not limited to vehicles, purses, wallets, gym bags, book bags, cell phones, computers and personal electronic communication 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
- 6.12.3 Personal Searches: Students may be searched whenever reasonable suspicion exists that the student possesses prohibited materials, illegal substances, weapons, or other items that are reasonably deemed to present a risk or threat to the safety and welfare of the school community. Student searches must be conducted by a school administrator in the presence of another certified school employee and may include a frisk or “pat down” of the student, a search of personal items and clothing, or a more thorough search upon specific approval of the Superintendent. Personal searches will be conducted with due regard for the age and gender of the student. Searches that require physical contact between the school official and the student 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.
- 6.12.4 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 and/or documentation of Code of Conduct violation and/or released to law enforcement.

6.13 Corporal Punishment

The Board does not permit the use of corporal punishment as a consequence for inappropriate behavior. School personnel are not prohibited from using appropriate physical contact or intervention in response to emergencies or other circumstances reasonably requiring such action.

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

6.14 Physical Restraint and Seclusion

6.14.1 Policy Purpose:

- a. Gulf Shores City Schools acknowledges that maintaining a school environment conducive to learning requires that the environment be orderly and safe. Accordingly, the system recognizes that physical restraint of a student may sometimes be necessary in order to protect the student or other individuals.
- b. The purpose of this policy is to provide for the appropriate use of physical restraint only when needed to protect a student and/or member of the school community from imminent, serious physical harm, to prevent or minimize any harm to a student as a result of the use of physical restraint, and to prohibit other inappropriate forms of restraint.
- c. It is the intent of this policy to emphasize and encourage the use of techniques for the prevention and de-escalation of inappropriate behavior, in order to reduce the risk of injury to students and program staff, as well as facilitate the care, safety, and welfare of students.

6.14.2 Definitions:

- a. *Physical restraint* – is direct physical contact from an adult that prevents or significantly restricts a student’s movement. The term physical restraint does not include mechanical restraint or chemical restraint. Additionally, physical restraint does not include: providing limited physical contact and/or redirection to a student in order to promote safety or to prevent self-injurious behavior; providing physical guidance or prompting to a student when teaching a skill; redirecting attention; providing guidance to a location; providing comfort; or providing limited physical contact as reasonably needed to prevent imminent destruction to school or another person’s property.
- b. *Chemical restraint* – is any medication that is used to control violent physical behavior or to restrict the student’s freedom of movement that is not a prescribed treatment for a medical or psychiatric condition of the student.
- c. *Mechanical restraint* – is the use of any device or material attached to or adjacent to a student’s body that is intended to restrict the normal freedom of movement and which cannot be easily removed by the student. The term does not include an adaptive or protective device recommended by a physician or therapist when used as recommended by the physician or therapist to promote normative body positioning and physical functioning, and/or to prevent self-injurious behavior. The term also does not include seatbelts and other safety equipment when used to secure students during transportation.
- d. *Seclusion* – is a procedure that isolates and confines the student in a separate, locked area until he or she is no longer an immediate danger to

himself/herself or others. Seclusion occurs in a specifically constructed or designated room or space that is physically isolated from common areas and from which the student is physically prevented from leaving. Seclusion does not include situations in which a staff member trained in the use of de-escalation techniques or restraint is physically present in the same unlocked room as the student; time-out as defined herein; in-school suspension; detention; or a student-requested break in a different location in the room or in a separate room.

- e. *Exclusion Time-out* – is a behavioral intervention in which the student is temporarily removed from the immediate learning activity. Time-out is appropriately used and is not deemed to be seclusion when:
1. The non-locking setting used for time-out is appropriately lighted, ventilated, and heated or cooled.
 2. The duration of the time-out is reasonable in light of the purpose of the time-out, the age of the child and the capability of the child; however, each time-out should not exceed the equivalency of one minute per year of the child age. For example, a 6 year-old student should not exceed a six-minute time-out.
 3. The student is reasonably monitored by an attending adult who is in reasonable physical proximity of the student and has sight of the student while in time-out.
 4. The time-out space is free of objects that unreasonably expose the student or others to harm.
 5. Students who are receiving special education services, the IEP team should be involved in making decisions concerning the use of behavior modification procedures such as time-out.

6.14.3 Prohibitions:

- a. The use of physical restraint is prohibited in the school system and its educational programs except in those situations in which the student is an immediate danger to himself or others and the student is not responsive to reasonably implemented and less intensive behavioral interventions, such as verbal directives and other de-escalation techniques. Physical restraint as a form of discipline or punishment is prohibited.
- b. All physical restraint must be immediately terminated when the student is deemed to no longer be an immediate danger to himself or others or if the student is observed to be in severe distress during the restraint. Any method of physical restraint in which physical pressure is applied to the student's body in such a manner as to restrict the flow of air into the student's lungs is prohibited in the school system and its educational programs.
- c. The use of chemical restraint is prohibited in the school system and its

- educational programs.
- d. The use of mechanical restraint is prohibited in the school system and its educational programs.
- e. The use of seclusion is prohibited in the school system and its educational programs.

6.14.4 Requirements:

- a. Each designated staff person who engages or participates in any incident of any permitted or prohibited restraint or seclusion of a student has a duty to promptly report the incident to the local school principal.
- b. Each local school's principal or his/her designee and each educational program that utilize restraint under this policy should provide staff with guidelines and procedural information regarding physical restraint and arrange for the appropriate training of those designated staff members that may be called upon to restrain a student. This training of designated staff members should be provided as a part of a program which addresses prevention and de-escalation techniques as well as positive behavioral intervention strategies. The training of designated staff members will be based on evidence-based techniques and strategies when possible. Designated staff members will be trained regarding their responsibility to promptly report each incident of physical restraint, whether initiated, continued or discontinued in compliance with this policy or not, and each incident of prohibited chemical and/or mechanical restraint or seclusion. Each local school's principal or his/her designee or program coordinator shall be responsible for providing periodic reviews.
- c. Each local school's principal or his/her designee and each educational program that utilize restraint is expected to maintain written or electronic documentation on training provided at the local school regarding permissible physical restraint as well as prohibited physical, chemical or mechanical restraint or seclusion. The principal or designee should also maintain the list of participants in each training session. Records of such training will be made available to the Alabama Department of Education or any member of the public upon request.
- d. Each local school's principal or his/her designee and each educational program that utilize restraint is responsible for generating and maintaining incident and debriefing reports of the use of restraint or seclusion at the local school and for submitting monthly summary reports regarding such incidents to the school system's Board of Education and to the Alabama Department of Education annually. Each local school principal or his/her designee or program's coordinator is expected to monitor the use of physical restraint on an on-going basis to ensure fidelity of implementation. Following a restraint situation, the individuals involved will have a SWOT meeting to discuss the event. Follow-up training will also be provided following any situation in which policies and procedures are not followed.

- e. Each local school's principal or his/her designee and each educational program that utilize restraint shall endeavor to provide a debriefing session following each incident of permissible restraint, prohibited restraint and/or seclusion of a student. All school personnel involved in the incident and appropriate administrative staff will be expected to participate in a debriefing session for the purpose of planning to prevent or reduce the reoccurrence of the use of restraint. A student's parent or legal guardian will be provided notification of this debriefing session and afforded the opportunity to attend or to request that the debriefing session be rescheduled. The debriefing session shall occur no later than five school days following the imposition of physical restraint or seclusion, unless the debriefing session is delayed, at the request of a student's parent or legal guardian, so that the parent or legal guardian may attend.
- f. Each local school's principal or his/her designee and each educational program that utilize restraint will provide written notification to a student's parent or legal guardian when physical restraint is used on a student within a reasonable time following the restraint.
- g. Each local school's principal or his/her designee and each educational program will provide written notification to a student's parent or legal guardian when their child is restrained and/or removed from his/her school or program setting by emergency, medical, or law enforcement personnel within a reasonable time following the removal.
- h. Each student's parent or legal guardian will be provided information regarding the school or program's policies governing the use of physical restraint. To effectuate this requirement, the school system's website and student handbook/code of conduct will contain the following statement:

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

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

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

6.14.5 Clarifications:

- a. Nothing in this policy shall be construed to interfere with the school system's or school personnel's authority to utilize time-out as defined herein or to utilize any other classroom management technique or approach, including a student's removal from the classroom, not specifically addressed under this policy.
- b. Nothing in this policy modifies the rights of school personnel to use reasonable force as permitted under the Code of Alabama, 1975, §16-1-14 or modifies the rules and procedures governing discipline under the Code of Alabama, 1975, §16-28-12.
- c. Nothing in this policy shall be construed to prohibit the school system or school personnel from taking reasonable actions to diffuse or break up a student fight or altercation.
- d. Nothing in this policy shall be construed to prohibit the school system or school personnel from taking reasonable action to obtain possession of a weapon or other dangerous objects on a student or within the control of a student.
- e. Nothing in this policy shall be construed to eliminate or restrict the ability of school personnel to use his or her discretion in the use of physical restraint as provided in this policy to protect students or others from imminent harm or bodily injury.
- f. Nothing in this policy shall be construed to create a criminal offense or a private cause of action against any local board of education or program or its agents or employees.
- g. Nothing in this policy shall be construed to interfere with the duties of law enforcement or emergency medical personnel or to interfere with the rights of the school system or school personnel from seeking assistance from law enforcement and/or emergency medical personnel.
- h. Violation of this policy by school system personnel may be deemed to be a failure to perform duties in a satisfactory manner and may be deemed to provide grounds for disciplinary action, including dismissal, if appropriate under the circumstances.

6.15 Student Suspension (including Students with Disabilities)

In order to maintain order, minimize the risk of potential personal injury, property damage or disruption, or to permit an orderly investigation and evaluation of a suspected violation of school or school system rules, standards, or policies, principals may temporarily suspend a student pending a conference with the parent or guardian of the student and a final disciplinary decision. Suspension may also be imposed as a disciplinary measure as provided in the Code of Student Conduct. Suspension of students with disabilities will be subject to applicable limitations and requirements imposed by the Individuals with Disabilities Education Act ("IDEA") and its implementing regulations.

6.16 Student Expulsion (including Students with Disabilities)

Students may be expelled from school for offenses serious enough to warrant such action as provided in the Code of Student Conduct or other Board disciplinary policies. Students who are recommended for expulsion may be suspended until such time as the Board meets to consider the recommendation for expulsion. Reasonable notice of the proposed action, the reasons therefore, and an opportunity to be heard will be afforded to the student and the student's parent or guardian prior to a final decision by the Board regarding expulsion. The superintendent will notify the student or the student's parents or guardian, in writing, of any action taken by the Board. The Term of an expulsion may extend to the maximum permitted by law. The Board may impose such reasonable limitations on the student's right to re-enroll in the school system following expiration of expulsion as may be permitted by law. A student who withdraws from school prior to the Board's consideration of a proposed expulsion may not re-enroll in the school system until the Board holds a hearing or other appropriate proceedings regarding the recommended expulsion. Expulsion of students with disabilities will be subject to applicable limitations and requirements imposed by the Individual with Disabilities Education Act ("IDEA") and its implementing regulations.

6.17 Electronic Communication Devices

Personal, wireless communication devices include, but are not limited to cellular telephones, smart phones, e-mail devices, tablets, or any other electronic communication device. Students may possess a cell phone or other personal, wireless communication device on school property, but use of such devices during the school day is limited to uses expressly permitted by the supervising teacher or administrator. The Board assumes no responsibility for theft, loss, or damage to any personal, wireless communication device. Principals or designees have the authority to restrict and deny the use of personal, wireless communication devices by any student to prevent the misuse, abuse, or violation of school rules regarding the use of such devices. School officials may read, examine, or inspect the contents of any such device upon reasonable suspicion that the device contains evidence of a violation of law, Board policy, the Code of Student Conduct, or other rules, provided that the nature and extent of such examination shall be reasonably related and limited to the suspected violation. ALA. CODE §16-1-27 (1975)

6.18 Driver's License

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

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

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

6.18.2 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)]

6.19 Student Parking Privileges

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. 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.

6.20 Anti-Harassment

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

6.20.2 Definitions:

- a. The term “*harassment*” as used in this policy means a continuous pattern

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

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

6.20.3 Description of Behavior Expected of Students:

- a. Students are expected to treat other students with courtesy, respect, and dignity and comply with the Code of Student Conduct. Students are expected and required (1) to comply with the requirements of law, policy, regulation, and rules prohibiting harassment, violence, or intimidation; (2) to refrain from inflicting or threatening to inflict violence, injury, or damage to the person or property of another student; and (3) to refrain from placing another student in fear of being subjected to violence, injury,

or damage when such actions or threats are reasonably perceived as being motivated by any personal characteristic of the student that is identified in this policy.

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

1. The student's race;
2. The student's gender;
3. The student's religion;
4. The student's national origin;
5. The student's disability;
6. The student's sexual orientation,
7. The student's imbalance of strength, power, or influence; or
8. Other personal characteristics which motivate the prohibited action.

- c. Except as otherwise provided in this policy, the expectations of students expressed herein are not limited to behaviors which occur only on school grounds. This policy is premised on the notion that violence, threats of violence, intimidation, bullying and cyberbullying of one student by another may be detrimental to the best interest and welfare of students and disruptive of the opportunity for student learning in Gulf Shores City Schools without regard to the location where such behaviors occur. It is acknowledged that in some situations the nexus between the regulation of such unacceptable behaviors and Gulf Shores City Schools' interest in providing a safe environment for its students may be remote and thus not an appropriate basis for school disciplinary action. However, where the offending behavior causes a material and substantial disruption to school activities or undermines the ability of a student to learn in a non-hostile environment, students violating this policy may be subject to discipline regardless of where the offending conduct occurs.

6.20.4 Consequences for Violations: A series of graduated consequences for any violation of this policy are outlined in the Code of Student Conduct or any rule or standard adopted under authority of this policy.

6.20.5 Reporting, Investigation, and Complaint Resolution Procedure:

- a. Complaints alleging violations of this policy must be made on district approved complaint forms available at the principal and/or counselor's office. The complaint must be signed by the student alleging the violation or by the student's parent or legal guardian and delivered to the principal or the principal's designee either by mail or personal delivery. At the

request of the complaining student or the student's parent or legal guardian, incidental or minor violations of the policy may be presented and resolved informally.

- b. Upon receipt of the complaint, the principal or the principal's designee will, in his/her sole discretion, determine if the complaint alleges a serious violation of this policy. If the principal or the principal's designee determines that the complaint alleges a serious violation, the principal or the 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.
- c. Acts of reprisal or retaliation against any student who has reported a violation of this policy or sought relief provided by this policy are prohibited, and are themselves a violation of this policy. Any confirmed acts of reprisal or retaliation will be subject to disciplinary sanctions that may include any sanction, penalty, or consequence that is available to school officials under the Code of Student Conduct. A student who deliberately, recklessly, and falsely accuses another student of a violation of this policy will be subject to disciplinary sanctions as outlined in the Code of Student Conduct.
- d. The complaint form developed to report violations of this policy will include a provision for reporting a threat of suicide by a student. If a threat of suicide is reported, the principal or the principal's designee will inform the student's parent or guardian of the report.

6.20.6 Promulgation of Policy and Related Procedures, Rules, and Forms:

This policy and any procedures, rules, and forms developed and approved to implement the policy will be published, disseminated, and made available to students, parents and legal guardians, and employees by such means and methods as are customarily used for such purposes, including publication on the Gulf Shores City Schools website.

6.20.7 Voluntary Religious Expression:

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

Students may express their religious beliefs in all phases of their

schoolwork without penalty or reward based on the religious nature or content of such expression. Schoolwork is evaluated according to the academic standards and pedagogical objectives that otherwise apply to the work or activity in question. These standards and objectives include, but are not limited to, acquisition and/or mastery of factual information; development of analytical, problem solving, learning, critical thinking, communication, organization, and social skills; college preparatory and career readiness training, proficiency in and appreciation of the performing arts; and the development of personal skills that are designed to facilitate attainment of the foregoing objectives, future academic success, and employability. The scholastic work of the system's students will be evaluated in light of the foregoing standards and objectives, academic and curricular guidelines, and criteria established or approved by the state and Gulf Shores City Board 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 non-curricular activities to the extent that such access to or use of Board facilities does not constitute a constitutionally impermissible endorsement or sponsorship of the organization or violate any right established or imposed by either the Alabama or United States Constitutions. Reference: Act of Alabama No. 2015-129

6.21 Youth Suicide Awareness and Prevention (Jason Flatt Act)

Suicide is the tenth cause of death in the United States according to the Centers for Disease Control and Prevention. For youth between the ages of 10 and 24, the cause of death rankings are 2nd and 3rd in the nation, and these rankings are higher for youth in the same age brackets in the state of Alabama. The *Jason Flatt Act* was passed in order to equip education institutions and their personnel to recognize and act on signs of suicide risk in order to provide prevention, intervention and postvention with students at risk, their families and the communities who may be affected.

6.21.1 Prevention of Suicide:

The *Jason Flatt Act* was passed in order to equip Alabama school districts and their personnel to recognize and act on signs of suicide risk in order to provide prevention, intervention, and postvention with students at risk, their families, and the communities who may be affected. This act, which

amends 16-28B-8 of the Code of Alabama 1975, includes prevention of harassment and violence.

6.21.2 *The Jason Flatt Act* includes several elements which should be interpreted as Policy. Schools systems will:

- 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 local 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 local 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 in-service training programs or as a part of required professional development offered by the local school system.

6.21.3 Description of Behavior Expected of Students:

Students are expected to treat other students with courtesy, respect and dignity and comply with the Gulf Shores City Schools Code of Student Conduct. Students are expected and required to 1) comply with the requirements of the law, policy, regulations, and rules prohibiting harassment, violence, or intimidation and 2) to comply with the system's prevention strategies related to suicide prevention, intervention, and postvention support.

6.21.4 Responsibility of Reporting:

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

6.21.5 Promulgation of Policy and Related Procedures, Rules, and Forms:

This policy and any procedures and rules developed and approved to implement the policy will be published, disseminated, and made available to students, parents, and legal custodian, and employees by such means and methods are customarily used for such purposes, including publications on the school district's website. ACT # 2016-310

6.22 *Graduation Requirements*

All students entering the 9th grade are required to complete course requirements for graduation as specified by the Alabama State Board of Education and the Gulf Shores Board of Education. A document that describes requirements for all diplomas and certificates awarded by the Gulf Shores Board of Education will be disseminated to students and parents.

Documents describing graduation requirements for students shall describe types of diplomas and endorsements by graduating class/year/cohort, total credits and assessments required, core course requirements, elective course offerings, and the process for earning weighted credit when appropriate. Additionally, such publications shall describe courses and/or procedures by which students may earn credits toward graduation prior to grade 9 and procedures for the validation and/or acceptance of credits for students transferring into the Gulf Shores School System.

[Reference(s): Code of Alabama 16-11-9, 16-26-1, Alabama Administrative Code §290-030-010-.06(11) (K)1]

6.23 *Participation in Graduation Ceremonies*

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

- A. Senior regular education and special education students who earn any Alabama high school diploma are eligible to participate in the graduation ceremony (march).
- B. Special education students who have not met the requirements for a diploma but have met the requirements of their IEPs shall be permitted to participate in the graduation ceremony and will be awarded the Graduation Certificate.

- C. Students who meet all requirements after their designated graduation date may participate in the next graduation ceremony/exercise.

[Reference(s): Code of Alabama 16-11-9]

EXISTING BCBE GUIDELINES

Participation in Graduation:

- students are not required to walk
- students must fulfill all required credits in order to walk and be in good standing (paid any outstanding fees)

6.24 Class Rankings and Honor Graduates

6.24.1 Ranking of Students: Rank-in-class is an indication of the student's academic standing in relation to that of the other students in the class. Grades in the identified course levels shall be weighted and grade point averages determined. The procedures for ranking students are as follows:

- a. Tentative rank will be made at the end of the eleventh grade and final rank at the end of first semester of the senior year after second quarter exams are administered and grades are averaged. Do students earn 0.5 credits at the end of the semester?
- b. The top ten (10) students will come from those students receiving the Diploma with Advanced Honors Endorsement or the Diploma with Advanced Academic Endorsement.
- c. The top ten (10) students will be advised of their ranking at the end of their eleventh grade year.
- d. The top ten (10) positions may be filled by more than 10 students in the case of ties for any positions.
- e. Letter grades (A, B, C, D, F, and NC [not clear = F]) for all subjects will be used in computing the grade point average. (GPA or Numeric?)
- f. All students within a grade level shall be included in determining class rank.

EXISTING BCBE GUIDELINES:

Class Rank: ACADEMIC HONORS AND CLASS RANK Eligibility for academic honors will be determined by calculating the cumulative weighted average of all final course grades posted on the high school transcript. Students who earn a D or F in any high school course will not be eligible to receive academic honors. 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 A student's final cumulative weighted grade point average calculated to at least the fourth decimal place, including grades earned for repeated courses, will be used to determine class rank.

6.24.2 Valedictorian and Salutatorian Selection: To be considered for Valedictorian or Salutatorian, the student must receive the Diploma with Advanced Honors Endorsement. The student with the highest grade point average will be the Valedictorian of the graduating class. The student with the second highest grade point average will be the Salutatorian. In the case of a tie in either position, students will be declared Co-Valedictorians/Co-Salutorians. The grade point average will be carried to five decimal places with no rounding. The criteria for selecting Valedictorian and Salutatorian are as follows:

- a. Valedictorian and Salutatorian will be determined at the end of the first semester of the senior year after grades are averaged using the "Rank-in-Class" procedures.
- b. Out-of-system transfer students must be enrolled in the current school starting with the first semester of the junior year and complete three (3) consecutive semesters in the Gulf Shores School System prior to ranking to be considered for Valedictorian and Salutatorian.
- c. All students must take a full schedule (maximum course load) each year for four (4) years in order to be eligible.

[References: Code of Alabama 16-11-9]

6.25 *Student Promotion and Retention*

It is suggested that students in danger of failing be presented to the school's problem solving team for consideration of possible intervention strategies.

6.25.1 Grades K-5: The process of making decisions as to promotion and retention of elementary students should take into consideration a variety of factors including age, maturity, motor coordination, capacity for learning, and academic progress. The determination process should involve the principal, teacher(s), and parent(s) with the authority for determining promotion and retention resting with the principal, teacher(s), and parent(s). If a student's parent(s) do not agree with the

decision, they have the right to appeal to the superintendent. A kindergarten student may be retained only upon approval/agreement of the student's parent(s) or guardian(s). If a student may need to be retained based on the teacher's professional judgment of the student's academic performance and/or other factors, the parent(s) or guardian(s) of that student would be informed as early in the school year as possible. In all cases, the decision of whether a student should be promoted or retained shall be made on the basis of which grade placement provides the student a better chance of progressing in his/her educational development. Passing reading and math, in the respective grade levels (1-5) is required for promotion to the next grade. Successful completion of an approved summer school program after retention in a grade level may make the student eligible for promotion in the subsequent school year.

- 6.25.2 Grades 6-8: Students in grades sixth through eighth must pass the following: reading (6th grade only), language arts, mathematics, science, and social studies with a yearly average of 60 (D) or higher.
- 6.25.3 Grades 9-12: For students to be permitted to move to the next higher grade level, the following standards must be met:
- a. 9th Grade students who have successfully completed middle school.
 - b. 9th to 10th Grade students who have earned six (6) Carnegie units will be classified as tenth graders.
 - c. 10th to 11th Grade students who have earned twelve (12) Carnegie units will be classified as eleventh graders.
 - d. 11th to 12th Grade students who have earned eighteen (18) Carnegie units and are able to complete all graduation requirements within the school year will be classified as twelfth graders.
- 6.25.4 Special Education Students: Promotion of any student in a special education program, with the exception of gifted students, must be based on his/her accomplishments of goals stated in the IEP in conjunction with all other regular program requirements. However, a special education student (except gifted) may not be placed at any grade level unless the student has attended school for a commensurate number of years equal to the proposed grade placement; i.e., for a special education student to be placed at the sixth (6th) grade level, he/she must have been enrolled in school for at least five (5) years.
[Reference(s): Code of Alabama 16-11-9]
- 6.25.5 Parent Requested Retention/Promotion: Parents who wish for their child to be retained or promoted, at any grade level, due to academic, social, emotional, or physical needs should make a request in writing to the school principal. After considering the needs presented, the principal and superintendent will make the decision concerning promotion or retention.

6.26 Student Grievances

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

6.26.1 Definitions:

- a. *Complaint* – any alleged violation, misinterpretation or any inequitable application of any published policy, rule or regulation of the school system. Complaint shall not apply to any matter in which the method of review is prescribed by law. Complaints are objections to a specific act or condition.
- b. *Complainant* – any student or group of students, directly affected by the alleged misinterpretation or violation, filing a complaint.
- c. *Faculty/Staff and Administration* – the employees of the Gulf Shores Board of Education or representatives under the direct supervision of an employee of the school board.
- d. *Day* – a school/academic day.
- e. *Time Limits* – The number of days indicated at each level is to be considered the maximum. Time limits may be extended by mutual agreement between the parties.
- f. *Released Time* – The complaint procedure will normally be carried out during non-instructional time. If, however, the board elects to carry out provisions during instructional time, the complainant shall not lose academic credit.

6.26.2 Complaint Procedure:

- a. *Informal Discussion* – If a student believes there is a basis for complaint, he/she shall discuss the complaint with his/her principal or the designee of the principal, except in cases of discrimination or harassment involving the principal or the designee, in which case the complainant shall report to the Superintendent designee (Title IX Equity Coordinator or 504 Coordinator) within five (5) days of the occurrence of the alleged violation except in cases involving harassment or discrimination in which thirty (30) days will be allowed.
- b. *Level One* – If the complainant is not satisfied with the informal resolution he/she may, within ten (10) days, file a formal complaint in writing and deliver it to his/her principal or designee. The principal or designee shall communicate his/her answer in writing to the complainant within ten (10) days of receiving the written complaint. Class complaints involving more than one (1) principal or designee and complaints involving an administrator above the building level may be filed by the complainant at level two.

- c. *Level Two* – If the complainant is not satisfied with the resolution at level one he/she may, within ten (10) days of the answer, file a copy of the complaint with the Superintendent. The Superintendent shall indicate his/her disposition in writing to the complainant within ten (10) days.
- d. *Board Appeal* – If the complainant is not satisfied with the resolution by the Superintendent, he/she shall have the right to appeal the Superintendent’s decision to the Gulf Shores Board of Education, provided request for placement on board agenda is filed within ten (10) days.

Confidentiality will be provided to the extent possible to any student or affected party who alleges discrimination or harassment.

[References: Code of Alabama 16-1-30, 16-12-3(C)]

6.27 Student Dress Code - GSCS Expected Dress for All Students

Gulf Shores City Schools in collaboration with the Gulf Shores parents, students, and employees have created the following dress code. The process was thoughtful, intentional, and focused on ensuring an updated dress code.

Gulf Shores City Schools recognize the importance of student appearance, including the need to partner with parents/guardians in maintaining a positive learning environment that is free of distraction due to clothing and/or accessories. Students are expected to dress with respect toward self, family, school, and community using reasonable standards of cleanliness and decency throughout various situations. All students must follow the dress code while attending school, riding buses to and from school, and participating in school functions, unless otherwise indicated by the principal. Final dress code interpretation is at the discretion of the administration.

6.27.1 Clothing and/or Accessories Guidelines:

- a. *Tops:*
 - No pictures, emblems or writings on clothing that are lewd, offensive, vulgar or obscene. Attire or accessories that directly, by innuendo, or look-alike promote alcohol, drugs, sex, profanity, violence, gangs, may not be worn.
 - Spaghetti straps and strapless are not permitted. No garments that are see-through or show midriff, lower back or cleavage. Fabric should cover your front, back, sides, and under the arms.
 - No oversized or overly tight tops.
 - Tank tops or undershirts are not permitted to be worn as tops.
 - Tops and bottoms must overlap at all times, including when arms raised.
- b. *Pants:*
 - No sagging or baggy fit and must be worn at the waist.

- No see-through pants/leggings may be worn.
 - Leggings may be worn only under shirts or dresses that come to the top of the thigh.
 - No oversized or tight pants.
 - No holes in jeans in inappropriate areas.
 - Sweat pants and warm-up suits are permitted.
 - Pajama pants are not permitted.
- c. Shorts:*
- Must be visible under shirts.
 - Spandex, biker, or see-through shorts are prohibited.
 - Shorts must have a minimum of a four inch inseam - including athletic shorts (i.e. - Nike shorts).
- d. Dresses & Skirts:*
- Spaghetti straps and strapless dresses are not permitted.
 - Bottom of skirt and/or slit cannot go above mid-thigh.
 - **Elementary Students:** Shorts/Leggings must be worn under all dress/skirts.
- e. Shoes:*
- Must be worn at all times and fastened properly.
 - No bedroom slippers.
 - Classes may require certain shoes. Example: P.E., Chemistry.
 - **Elementary Students:** Tennis shoes or totally enclosed shoes are required for the school day.
- f. Accessories:*
- Hats, caps, sweatbands or other head covering will not be worn in the school building (religious and themed dress-up day are exceptions). Headbands are allowed but not as head covering.

Students may have specific attire required for certain field trips, classes or labs. Students are expected to adhere to these requirements as directed by the teacher.

6.27.2 Progressive Disciplinary Action for Dress Code Violations:

- a. 1st Offense* – Warning and student changes clothes using available clothes at school or calls parent/guardian to bring a change of clothes. If neither of these options are available, student spends day in OCS. Parents will be notified that dress code policy has been violated.
- b. 2nd - 3rd Offenses* – Break detention and student changes clothes using available clothes at school or calls parent/guardian to bring a change of clothes. If neither of these options are available, student spends day in OCS. Parent must be notified of break detention placement.

- c.* *4th Offense* – Meeting with a counselor to discuss violations, appropriate clothing, and needs. Student changes clothes using available clothes at school or calls parent/guardian to bring a change of clothes. Parent must be notified of meeting with counselor and invited to attend the meeting.
- d.* *5th Offense* – 1 Day OCS and student changes clothes using available clothes at school or calls parent/guardian to bring a change of clothes. Parent must be notified of OCS placement.
- e.* *6th Offense* – 2 Days OCS and student changes clothes using available clothes at school or calls parent/guardian to bring a change of clothes. Parent must be notified of OCS placement.
- f.* *7th+ Offenses* – 1 Day suspension. Parent must be notified of suspension.

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 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 teachers, parents, and administrators, who will serve a term of one year. Students are loaned textbooks for the duration of the course and are responsible for the care of the textbook. Students must reimburse the Board for the value of any textbooks that are lost or damaged beyond reasonable wear and tear. [Reference: ALA. Code §§16-36-62 (1975)]

7.3 Academic Standards

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

7.3.1 **General Grade Scale:** Grades for academic course work will be awarded according to the following scale for grades 4-12: DRAFT- Committee input

<u>Letter Grade</u>	<u>Numerical Grade (100 point scale) (High School 9-12 only)</u>	<u>Quality Points 4 point scale</u>
A	90-100	4.00
B	80-89	3.00
C	70-79	2.00
D	60-69	1.00
F	50-59	0.00

7.3.2 **Weighted Grades:** When calculating the grade point average on a four point scale at the high school level additional points will be added to the

grade point average points for advanced courses according to the following scale:

Type of Course	GPA Point Addition
Pre-AP/Honors	+0.50
Dual Enrollment	+0.50
Advanced Placement	+1.00

- 7.3.3 Special Education Grading Standards: Students who are receiving special educational services may be graded according to an individualized educational plan, and nothing in Board policy or procedure prohibits the extension of appropriate academic modifications or accommodations to students who may be eligible for such modifications or accommodations under provisions of state and federal law.
- 7.3.4 Report Cards: Report cards reflecting student progress will be provided to the parents or legal guardians of students on a regularly scheduled basis.
- 7.3.5 Promotion: Students are promoted from grade to grade on the basis of academic credit earned during the school year, in summer school programs, or in such other academic programs as may be approved or recognized by the Board. Students who are eligible for promotion from grade to grade may, nevertheless, be retained by guidelines outlined in GSCS Policy 6.25.5.
- 7.3.6 Class Rankings: Beginning with the ninth grade of high school, all students will be ranked based on the four point quality point scale (calculated and weighted as described herein). The cumulative quality point calculation will be carried out two decimal places and rounded off. All credit attempts will be represented in the quality point calculation.
- 7.3.7 Credit Recovery: The Superintendent is authorized to develop procedures for a program through which a student may recover credits in one or more failed courses, in compliance with regulations promulgated by the State Department of Education. The curriculum will align with the State Board of Education course of study and study content standards in which the student seeking credit recovery is deficient.
[Reference: ALA. Code §§290-3-1-.02 (12)]
- 7.3.8 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.

7.4 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 develop and administer 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. Code §§290-3-1-.02(6)]

7.6 Non-Traditional Learning

7.6.1 Dual Enrollment: Qualified high school students are allowed to take post-secondary college courses for high school credit in accordance with the regulations of the State Department of Education. Credit for the courses will be recognized if the conditions and criteria established by the Alabama Department of Education and approved by the local Board of Education are met.

[Reference: ALA. Code §§290-3-1-.02(11)]

7.6.2 Correspondence or Online Courses: Credit for correspondence and online courses will be recognized if the conditions and criteria established by the

Alabama Department of Education and approved by the local Board of Education are met.

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

7.6.3 **Career and Technical Education:** The Career and Technical Education Program (CTE) consist of areas of study that blend academic, occupational, and life skills. The CTE Program will be administered in accordance with the requirements of the Alabama State Department of Education and the Board.

a. *Work-Based Learning Experience/Cooperative Education* – A work-based learning experience provides students with educational opportunities in a work setting that typically cannot be obtained in a classroom and may include, but is not limited to, cooperative education, internships, clinical experiences, and other related opportunities. The Superintendent is authorized to develop guidelines and procedures in accordance with the regulations of the Alabama State Department of Education for work-based learning experiences to be conducted in the school system, including, but not limited to, guidelines for decision making and protocol for solving problems at the workplace and school.

b. *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 are 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.

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

[Reference: ALA. Code, r, §§290-6-1-.04(3)(4)]

7.6.4 **Foreign Exchange Programs**

The Board of Education recognizes that foreign exchange programs have the potential to enrich the learning environment by promoting international educational and cultural exchange between students. This is in keeping with the system's goal of empowering students for global success. The Superintendent is authorized to develop and implement guidelines and procedures under which foreign exchange students may attend Gulf Shores City Schools, and Gulf Shores City students may participate in foreign exchange programs.

7.7 Virtual School Option

- 7.7.1. Scope and Delivery of Services: The school system provides a virtual school option to full-time students in grades 9-12 who are enrolled in Gulf Shores City Schools. Such courses will be delivered through an online delivery program and will include, at a minimum, all courses that are required to obtain a high school diploma. Students enrolled in virtual school are subject to Gulf Shores City Schools' graduation requirements.
- 7.7.2 Student Eligibility Criteria: Students must meet all school system eligibility requirements. In addition, students must meet school system enrollment requirements for the course in question including, but not limited to, those contained in the schools system's curriculum catalog. The school system reserves the right to develop specific eligibility criteria for virtual courses.

Students may be transitioned back to a traditional day program if 1) the student's participation in the virtual program is impeding the student's academic progress; 2) the student fails to meet virtual course attendance requirements; or 3) the student repeatedly violates school system policies, procedures, rules or regulations, including, but not limited to, the school system's rules governing the use of its technology resources.

- 7.7.3 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 that are applicable to students enrolled in the traditional day program.

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.

- 7.7.4 Attendance: Students participating in the virtual school option are required to be active and submitting assignments in order to remain enrolled in the program.

The school system reserves the right to set specific attendance requirements for each virtual course. The Superintendent or his designee is authorized to develop alternate attendance policies for virtual courses, provided that students in such programs are given notice of the attendance requirements. A student's failure to comply with such requirements may result in administrative action including, but not limited to, probation or removal from the class or a charge of truancy, if appropriate.

- 7.7.5 Extracurricular Activities: Students must meet the same extracurricular activity eligibility requirements as students enrolled in the traditional day program, including, but not limited to, any applicable Alabama High School Athletic Association ("AHSAA") requirements. Student residency for purposes of participating in extracurricular activities will be determined in accordance with applicable state law and AHSAA guidelines.

- 7.7.6 Additional Procedures Authorized: The Superintendent or his designee is authorized to develop such procedures as he deems necessary to implement this policy including, but not limited to, eligibility criteria for courses, methods for informing students and parents of the virtual program's requirements and rules, and a process for making determinations regarding a student's continued eligibility.

[Reference: ALA. Code §§16-46A-1, *et seq.*]

7.8 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.

[Reference: ALA. Code §§290-8-5-.01]

7.9 School Wellness

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

- 7.9.1 Nutrition Education and Promotion: Nutrition education that teaches the knowledge, skills, and values needed to develop healthy eating behavior and nutrition awareness 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.
- 7.9.2 Nutrition Standards: 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 take all reasonable steps to foster and encourage consumption of healthy food and beverages at all times in connection with school functions. The Board will consider nutrient density, portion size, and any applicable state and federal regulations before permitting food and beverages to be sold, served, or marketed to students.
- 7.9.3 Physical Education and Physical Activity Opportunities: The Board will offer physical education opportunities that include the components of a sound physical education program. Physical education will equip students with the knowledge, skills, and values necessary to maintain healthful lifelong physical activity. Physical education instruction will be aligned with the curriculum. All students will be provided the opportunity to participate regularly in supervised physical activities that are intended to maintain physical fitness and to impart the benefits of maintaining a physically active and healthy lifestyle.
- 7.9.4 Cardiopulmonary Resuscitation: All students enrolled in high school health classes will receive instruction in cardiopulmonary resuscitation (“CPR”) techniques in accordance with methods or standards prescribed by the American Heart Association or the American Red Cross.
- 7.9.5 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.
- 7.9.6 Administrative Implementation: The Superintendent is authorized to develop and implement administrative rules and directives that are consistent with the Gulf Shores City Schools Wellness Policy and Procedure Handbook and that are based on input from the District Wellness Committee which includes teachers (including specialist 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.

7.10 Parent and Family Engagement: Meeting the Requirements of Every Student Succeeds Act (ESSA)

7.10.1 Purpose: The purpose of this policy is to ensure that all children have a fair, equal, and significant opportunity to obtain a high-quality education and reach, at a minimum, proficiency on challenging state achievement standards and state academic assessments. This purpose can be promoted by affording parents substantial and meaningful opportunities to participate in the education of their children.

a. *Written Plan*: The Gulf Shores City School District will ensure that each Title I school shall jointly develop and distribute to parents of participating children a written parental involvement policy. The policy will be incorporated into the school and district Title I Parental Involvement Plan which will comply with federal law and:

1. Involve parents in the development of the plan;
2. Provide participating schools with coordination, technical assistance, and support for planning and implementing effective parental involvement activities to improve academic achievement;
3. Build schools' and parents' capacities for strong parental involvement;
4. Coordinate and integrate parental involvement strategies in other programs;
5. Include school-parent-student compacts that outline how parents, the school, and students will share in the responsibility for improved student achievement to foster communication between parents and their child's school;
6. Review and evaluate the parental involvement plan annually;
7. Convene an annual meeting to which all parents of participating children will be invited, inform parents of the school's participation in Title I, and explain Title I requirements and the rights of parents to be involved;
8. Involve parents in the activities of the school;
9. Involve parents in the process of school data review and improvement under Section 1116 of the Elementary and Secondary Education Act;
10. Ensure that information related to the school, parent programs, meetings, and other activities, is sent to parents in

an understandable format including alternative formats upon request, and, to the extent practicable, in a language the parents can understand; and

11. Ensure that Title I teachers send a copy of this policy home with each participating student, in a language the parents can understand.

b. Parents Right to Know: The Gulf Shores Board of Education shall notify parents of each student attending a Title I school that parents may request and the Local Education Agency will provide in a timely manner, information regarding the professional qualifications of the student's classroom teachers, including at a minimum, the following:

1. Whether the teacher has met state qualifications and licensing criteria for the grade levels and subject areas in which the teacher provides instruction;
2. Whether the teacher is teaching under emergency or other provisional status through which state qualification or licensing criteria have been waived;
3. The baccalaureate degree major of the teacher and any other graduate certification or degree held by the teacher and the field of discipline of the certification or degree; and
4. Whether the child is provided services by a Title I paid paraprofessional and, if so, their qualifications.
5. Additionally, parents will be given the following:
 - i. The level of achievement of the parent's child in each of the State academic assessments;
 - ii. Timely notice that the parent's child has been assigned, or has been taught for four or more consecutive weeks by, a teacher who is not highly qualified; and
 - iii. Notification if their school is identified for school improvement.

7.10.2 Notice: The notice and information provided to parents shall be in a uniform format and, to the extent practicable, provided in a language that parents can understand.

7.10.3 Use of Information: This information is to be collected and disseminated in a manner that protects the privacy of individuals. Information may be disseminated in a variety of ways, including school web sites, student/parent

handbooks, newsletters, annual meetings, Title I plans, and/or letters to parents.