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SCHOOL DISTRICT LEGAL STATUS

The Marengo County School System derives its legal status from the State Legislature which, in turn, is subject to the Constitutions of both the State of Alabama and the United States. Authority of the State Legislature is specified in Amendment 111 to the Alabama Constitution of 1901 which states, " . . . The Legislature may by law provide for or authorize the establishment and operation of schools by such persons, agencies, or municipalities, at such places, and upon such conditions as it may prescribe . . ."

The Marengo County School System is under the exclusive control and management of the Marengo County Board of Education, a body duly authorized by the State Legislature. The general administration and supervision of the public schools in Marengo County is vested in the Marengo County Board of Education; the general administration and supervision of the city schools is vested in the City Boards of Education. The Marengo County School System must operate in accordance with all applicable constitutional and statutory provisions and requirements of the State of Alabama and the United States.

Ref: U.S. Const. amend. X; U. S. Const. amend. XIV, 1; Ala. Const. amend. 111, Ala. Code 16-8-8. See: *Wisconsin v. Yoder*, 92 S. Ct. 1526 (1972); *Milliken v. Bradley*, 94 S. Ct. 3112 (1974); *Dayton Board of Education v. Brinkman*, 97 S. Ct. 2766 (1977).

FILE: AB

SCHOOL BOARD LEGAL STATUS

The Constitution of Alabama places the responsibility for establishing and maintaining an efficient system of public schools on the State Legislature. The Legislature has provided for County and City Boards of Education as the bodies charged with establishment, maintenance, development and operation of efficient public school programs at the local level. The Alabama Supreme Court has held that the Board is vested with a broad range of administrative and supervisory authority commensurate with the aforementioned prescribed educational responsibilities.

As members of an instrumentality created by the state, county, and city Board members are officers of the state, but they have local jurisdiction. Each Board is the agency through which the county or city acts in regard to school matters. Board members have authority only when functioning as a body or group in a legally called regular or special meeting. The powers of the Board are delegated only to the Board as a body. No authority is granted to members acting as individuals.

The Board is cognizant that all actions must be taken in good faith, with reasonable prudence, sincerity and based on the belief that such actions are correct and in the best interests of the School System in accordance with statutes and pertinent judicial precedents.

Ref: Ala. Const. amend. 111; Ala. Const. art. XIV, 256; Ala. Code 16-8-8, 16-8-9, 16-8-10, 16-11-9, 16-11-18; See: Day v. Andrews, 188 So. 2d 523 (1966); Sims v. Etowah County Board of Education, 337 So. 2d 1310 (1976); Monell v. New York City Department of Social Services, 98 S. ct. 2022 (1978).

POWERS AND DUTIES

The Marengo County Board of Education shall act as the general agent of the people within its jurisdiction in all matters pertinent to public education of students enrolled in the schools of the System.

The Board shall be responsible for carrying out all mandatory laws pertaining to education and shall consider, accept, or reject provisions of permissive legislation where discretion is so authorized. In all cases where constitutional mandates, federal and/or state statutes, judicial precedents, or regulations of duly recognized governmental agencies do not otherwise provide or prohibit, the Board shall consider itself the agent responsible for establishing and appraising the educational activities of the School System.

The Board shall consider as its major responsibility policy development, adoption and appraisal. In these areas, input from the Superintendent, principals, supervisors, teachers and professional organizations shall be welcomed through procedures defined by the Superintendent or his designated representative and approved by the Board.

The specific duties of the Board shall include, but not be limited to the following:

1. To select the person to serve as the chief executive officer and Superintendent of Marengo County Schools and support such person in the discharge of his duties;
2. To establish and approve policies relating to the operation of the Marengo County public schools;
3. To adopt a calendar of school events for each ensuing year, which calendar shall be distributed to the teachers and others as deemed necessary;

4. To adopt the annual budget, consider, and approve payrolls, and approve expenditures of funds as recommended by the Superintendent;
5. Consider reports of transacted business and its relation to the financial status of the system;
6. Appoint principals and other employees only upon the recommendation of the Superintendent;
7. Determine salary schedules and other personnel policies;
8. Consider reports of the Superintendent on the progress of the schools and advise him on recommended changes in educational programs;
9. Adopt plans for structural improvements and determine the means to finance them; and
10. Inform the citizens of Marengo County and the Alabama Legislature of the needs of the schools.

Ref: Ala. Code 16-22-5, 16-22-6, 41-16-50, 41-16-51, 16-13-130, and 16-13-141.

BOARD MEMBERS LEGAL STATUS

The legal status of each duly elected member of the Marengo County Board of Education shall be that of an "officer" who cannot be removed from his position by recall.

Such status does not authorize said member to act for nor bind the Board individually. The powers and duties vested in the Marengo County Board of Education may only be exercised by action of the Board as a whole at duly called and organized meetings. In this respect, no motion or resolution shall be declared adopted without the concurrence of the majority of the whole Board.

QUALIFICATIONS FOR BOARD MEMBERS

Members of the Marengo County Board of Education must meet the following criteria:

1. A Board member must be a qualified elector of Marengo County.
2. A Board member must be of good moral character.
3. A Board member must have at least a high school diploma or equivalent.
4. A Board member must be of good standing in his respective community.
5. A Board member must be known for his honesty, business ability, public spirit, and interest in the good of public education.
6. No Board member may be an employee of the Board.

7. No Board member or relative within his immediate family may contract with the Marengo County Board of Education for the sale of materials.
8. A Board member must not be a registered sex offender.
9. A Board member must not be a convicted felon.
10. A Board member must not be serving on the board of a private school or college.

No member of the Marengo County Board of Education shall be financially interested, directly or indirectly, in the business of the Board. Board members should have a genuine interest in and devotion to public education. They should be willing to cooperate by contributing time and effort to work at hand.

TERMS OF OFFICE

Members of the County Board of Education shall be elected at the general election of the state and shall serve for terms of six (6) years.

METHOD OF ELECTION

Members of a County Board of Education are elected by the qualified electors of the County at the general election of the state and county officers.

UNEXPIRED TERM FULFILLMENT

In the event a vacancy occurs in the office of members of the Marengo County Board of Education the majority of the remaining members of the Board shall fill the vacancy by appointment. The newly appointed member will serve the remainder of the unexpired term. In the event the County Board of Education fails to fill the vacant position, the State Superintendent shall appoint a successor.

RESIGNATION OF BOARD MEMBERS

A Board member may submit his resignation at any time during his term of office. Such resignation shall be approved by the Marengo County Board of Education. In the event a Board member elects to resign, a written statement of resignation shall be submitted to the Board as far in advance of the effective resignation date as possible.

A Board member shall be considered resigned when he permanently changes his residence from Marengo County, becomes subject to the authority of the Marengo County Board of Education, as an employee or otherwise, with limited exception.

REMOVAL FROM OFFICE

Members of the Marengo County Board of Education are officers of the state, with local jurisdiction in Marengo County, and may be removed from office only through impeachment proceedings in Circuit Court or other court of like jurisdiction as stipulated in the Alabama Constitution of 1901.

Causes for impeachment of any Board member shall be those applicable to all public officers, namely:

- (1) Willful neglect of duty.
- (2) Corruption in office.
- (3) Incompetency.
- (4) Intemperance in the use of intoxicating liquors or narcotics to such an extent, in view of the dignity of the office and importance of its duties, as unfits the officer for the discharge of such duties.
- (5) Any offense involving moral turpitude while in office, or committed under color thereof, or connected therewith.

Ref. Ala. Const. art. VII, 1973: Ala. Code 16-8-1, 16-8-8, 16-8-9; Day v. Andrews, 188 So. 2d 523 (1966); Wood v. Strickland, 95 S. Ct. 992 (1975), 41-16-60, 36-25-1 to -14, 16-8-2, 16-8-6, 36-9-1. Baker v. Conway, 108 So. 18 (1926), Ala. Const. art. VII, 173-175. Alabama School Board Governance Act of 2012.

SCHOOL SUPERINTENDENT LEGAL STATUS

The Marengo County Board of Education shall appoint as its chief executive officer a Superintendent of Education who, in addition to serving as the chief executive officer of the Board, shall also serve as Secretary of the Board. The Superintendent shall be appointed by the Board for a term of up to four years from the first day of July next succeeding his appointment.

The Board shall have the authority to set the above contract of employment and set the salary, expense allowance, required standards, and other qualifications for the position.

As the chief executive officer of the School System, the Superintendent shall be charged with the responsibility of wise and efficient implementation of all adopted policies. He shall also be charged with the management of the resources of the School System. The Superintendent shall have all authority prescribed by Alabama statutes and shall use such authority in the efficient and effective discharge of his responsibilities. His discharge of duties shall be of such caliber as to assure that the quality of the School System's education programs is consonant with legislative intent, needs of students and employees, and commensurate with the changing needs of the local citizenry.

As Secretary of the Board, the Superintendent shall conduct all correspondence of the Board, keep and preserve all of the Board's records, receive all reports required by the Board, and see that such reports are in proper form, complete and accurate. The Superintendent shall attend all Board meetings and shall have the right to advise on any motion under consideration, but shall

not have a vote. He shall keep, or cause to be kept, an accurate copy of all minutes in an official minute book reflecting all business of the Board conducted at regular or special meetings. As Secretary of the Board, the Superintendent shall see that copies of all minutes are provided to all Board members and that the official Board minutes are made available for public examination in accordance with State law.

COUNTY BOARD OF EDUCATION

The County Superintendent of Education shall give bond in an amount fixed and approved by the County Board of Education. Said bond shall be in a sum not less than \$3,000.00.

Ref: Act 273 of Alabama Legislature, Ala. Code 16-8-7, 11-2-1, 11-2-3, 36-5-1, 16-9-3.

FILE: AC
CF: IE

SCHOOL SYSTEM ORGANIZATION PLAN

Except as otherwise authorized by the State Board of Education, the public schools of Marengo County shall include elementary schools comprising grades 1 through 6 inclusive, junior high schools comprising grades 7 through 9 inclusive, and senior high schools comprising grades 10 through 12 inclusive. The Board of Education is authorized to establish and maintain within its system public kindergartens and playgrounds for children from five to eight years of age who are bona fide residents of and living within the respective jurisdiction of the School Board.

The Board is authorized to reorganize the schools within its jurisdiction and to determine and fix the number of grades to be taught at each school in accordance with the dictates of the public and best interests of the students.

Ref: Ala. Code 16-8-36, 16-8-41; Shores v. Elmore County Board of Education, 3. So. 2d 14 (1941).

FILE: AD
CF: JBCC

SCHOOL ATTENDANCE AREAS

The Board is empowered to arrange its respective jurisdiction into one or more attendance districts. The Board, however, must exercise such discretion in a manner consistent with constitutional, statutory, and judicial mandates regarding equal educational opportunities for all students.

Ref: Ala. Code 16-8-32, 16-28-19; Carr v. Montgomery County Board of Education, 377 F. Supp. 1123 (M.D. Ala. 1974).

FILE: ADA

SCHOOL CENSUS

The Marengo County Board of Education shall cause to be taken under the direction of the Superintendent of Education a quadrennial census of the school children in the County, between the ages of six (6) and nineteen (19) years of age. Said census shall be taken during the month of July in accordance with directives of the State Superintendent of Education. The Superintendent shall be authorized to employ enumerators sufficient to complete the census-taking responsibility. Compensation of enumerators shall, upon recommendation of the Superintendent, be fixed by the County Board of Education and paid out of the Board funds.

Reports of the County census-takers shall be made, under oath, to the County Superintendent on or before the fifteenth day of August next succeeding the time at which the census has been taken.

FILE: AE
Revised Feb. 22, 2001
Revised May 22, 2014

SCHOOL YEAR

The scholastic or school year shall begin on July 1 and end on June 30 of the following year.

Teacher contracts shall be for a minimum of 187 workdays per year. Employee contract days above and beyond actual class instruction days shall be used for such activities as organized professional growth programs, record keeping, and school opening/closing routines. At least seven (7) contract days must be used for professional development.

The instructional year should consist of a minimum of 180 days or the equivalent of 1,080 instructional hours.

SCHOOL CALENDAR

The Board shall approve a school calendar as prepared by the Superintendent to be released to the various schools in the System prescribing or announcing the opening and closing dates of all schools, legal holidays, reporting periods, dates on which official reports are due, etc. The school calendar should be announced from the Superintendent's office prior to the closing date of the preceding school year.

VACATIONS

The Board shall establish vacation periods by designating the closing dates of the schools after the school year has been completed.

HOLIDAYS

The Board has discretionary power to establish the holidays which will be observed during the school year, except where those holidays specified and required by law.

FILE: AEB

EXTENDED SCHOOL YEAR

The Board shall extend the school year when necessary to meet the minimum requirements as set forth in the Alabama School Code and State Board of Education rules and regulations governing the number of days schools shall be in session.

SCHOOL DAY

The school day shall consist of a minimum of 6 hours (360 minutes) of instructional time per day unless shortened by Board approval or an unforeseen circumstance. This instructional time shall not be interrupted by unscheduled visitors, extracurricular activities, or fund-raising activities. Only emergency public address announcements shall be made during periods of instruction.

**FILE: AFA
(ALSO EBBD)**

EMERGENCY CLOSING

The Board shall authorize the Superintendent or his designee to announce the closing of schools if prevailing or potential hazards threaten the safety and well-being of pupils and employees. The decision to close schools shall be made by the Superintendent or his designee after conferring, when possible, with other community agencies responsible for the safety and well being of the community. Public announcements and releases to news media shall be made by the Superintendent or his designee.

Ref: Ala. Code 16-8-8, 16-8-9.