

## IV. General Administration

### 4.01 *Security / Access to Schools*

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

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

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

[Reference: Ala. Code § 15-20A-17]

- 4.01.4 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.

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

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

- a. *Penalties for violations* – In addition to any criminal penalties that may be imposed, the following penalties will be imposed for unauthorized possession of firearms:
1. *Students* – Students will be expelled for a period of one year. The expulsion requirement may be modified in writing by the Board upon recommendation of the Superintendent on a case-by-case basis. Students who are expelled for firearm possession may not attend regular school classes, but may be permitted to attend alternative schools or education programs established by the Board. Discipline of students with disabilities who violate the firearm possession policy will be determined on a case-by-case basis in accordance with federal and state law. Parents of students who violate this policy will also be notified by the principal of violations.
  2. *Employees* – Employees will be subject to adverse personnel action, which may include termination.
  3. *Other Persons* – Other persons may be denied re-entry to school property.
- b. *Notification of Law Enforcement* – The appropriate law enforcement authority, which may include the city police, county sheriff, and the local

district attorney, will be notified by the principal of violations of this policy.

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

4.02.2 Prohibition on the Possession of Weapons – The possession of a deadly weapon or dangerous instrument in a school building, on school grounds, on school property, on school buses, or at school-sponsored functions is prohibited except by authorized law enforcement personnel. For purposes of this policy, the terms “deadly weapon” and “dangerous instruments” include but are not limited to explosives, incendiary devices, projectiles, knives with a blade length of more than two (2) inches, archery equipment, devices designed to expel projectiles at a high rate of speed, any device so classified under state or federal law, and any device either used or intended to be used in such manner as to inflict bodily harm, provided that the terms “deadly weapon” and “dangerous instruments” will exclude, to the extent permitted by law, devices and equipment that are used for the purpose of and in connection with school or Board sanctioned educational, team, or competitive activities.

a. *Penalties for Violations* – In addition to any criminal penalties that may be imposed, the following penalties will be imposed for unauthorized possession of deadly weapons or dangerous instruments:

1. *Students* – Students will be disciplined in accordance with the Board’s Code of Student Conduct.
2. *Employees* – Employees will be subject to adverse personnel action, which may include termination.
3. *Other Persons* – Other persons may be denied re-entry to school property.

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

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

4.02.3 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:



4.02.6 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)]

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

#### **4.03 *Accreditation***

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

#### **4.04 *Use of Board Property***

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

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

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

Any individual or group, including the parent-teacher organization, which desires to improve the school site, add facilities, or install equipment, shall submit a written proposal to the principal and Superintendent for approval by the Board of Education.

Any such improvement or addition shall become the property of the Board.

#### **4.05 *Naming Board Facilities***

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

#### **4.06 *Title IX***

4.06.1 Prohibition – In accordance with Title IX (20 U.S.C. §1681, *et seq.*), and its regulations (34 C.F.R. Part 106), the Board strictly prohibits discrimination on the basis of sex or gender in its programs or activities, including sexual harassment, as defined by law and Board policy. Inquiries regarding the application of Title IX regulations may be referred to the Board’s Title IX Coordinator, to the Assistant Secretary for Civil Rights of the Department of Education, or both. Sexual harassment complaints will be filed and reviewed under the Board’s student sexual harassment policy or its employee sexual harassment policy as applicable. All other complaints under Title IX will be filed and reviewed according to the Board’s general complaint and grievance procedures.

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

#### **4.07 *Complaints and Grievances***

4.07.1 General Complaint (Grievances Procedure) – Subject to the limitations set forth below and elsewhere in this policy manual, any student, 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 in accordance with the following procedures.

##### *a. Complaint Procedure*

1. Informal Discussion – Prior to filing a formal grievance, the complainant is expected to have made reasonable efforts to resolve the complaint or problem underlying the grievance informally through discussions or other communication with 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. Informal complaint resolution

will not be required if such efforts would not be practical or reasonable under the circumstances.

2. Grievance Filing Requirements – If the complainant is not satisfied with the informal resolution, he/she may initiate the grievance process by filing grievance with the Superintendent within thirty (30) calendar days of the act or decision that is the basis of the grievance. The Superintendent may, but is not required to, accept late-filed grievances in order to avoid hardship or injustice, or for other good cause. The grievant may also agree at any time to extend any otherwise applicable timeline

The grievance must be signed and include the following information:

- a) A complete description of the grievance, including the policy, procedure, or work rule assertedly violated or misapplied, and all facts supporting the complaint.
  - b) The date(s) of the act, omission, or decision on which the grievance is based;
  - c) The names of the supervisor(s), administrator(s), or other decisionmaker(s) who are responsible for the act, omission, or decision on which the grievance is based;
  - d) The specific corrective action sought by the grievant;
  - e) A statement describing the grievant’s efforts to resolve the complaint informally or a statement explaining the reason(s) such efforts were not initiated or pursued; and
  - f) Copies of any relevant documentary or evidentiary material in the possession of the grievant
3. Administrative Investigation and Determination — The Superintendent may assume direct responsibility for reviewing and responding to the grievance or may assign that responsibility to a designated administrator. In either case, the Superintendent’s response to the grievance may include informal complaint resolution, formal investigation, or both.

If the Superintendent or Superintendent’s designee determine that further efforts at informal resolution should be attempted, the formal grievance process may be suspended for that purpose for up to thirty (30) calendar days.

4. Formal Investigation –Should the Superintendent or Superintendent’s designee conclude that reasonable efforts at informal complaint resolution have not succeeded or would not be appropriate under the circumstances, the Superintendent or Superintendent’s designee shall initiate a formal investigation of the grievance. The investigation may include interviews of witnesses, written statements, depositions, administrative conferences or hearings, or any lawful action that is deemed necessary to reach a just disposition of the grievance.

Upon completion of the investigation, the Superintendent or Superintendent’s designee shall prepare a written decision on the grievance. If a recommended decision is made by the Superintendent’s designee, the Superintendent may adopt, reject, or modify the decision based on his or her review of the evidence.

5. Notification of Superintendent’s Decision –The written decision of the Superintendent shall be made and mailed or transmitted to the grievant within sixty (60) calendar days of the date on which the grievance is filed.

6. Appeal of Superintendent’s Decision -

- a. *Initiating the Appeal* – A grievant who is dissatisfied with the decision of the Superintendent may appeal the decision to the Board of Education by filing a written notice of appeal with the Superintendent within 10 (ten) calendar days of receipt of the Superintendent’s written decision.
- b. *Transmittal of Grievance Record* –Upon receipt of the notice of appeal, the Superintendent shall transmit to Board Members for their review a copy of the written grievance, the Superintendent’s decision letter, the notice of appeal, and all statements, recommendations, documents, recordings, transcripts, or other written or tangible evidence filed, submitted, or considered at any stage of the grievance process.
- c. *Board Consideration of Appeal* — Not later than sixty (60) days following receipt of the notice of appeal by the Superintendent, the grievance appeal shall be placed on the Board meeting agenda for consideration. Upon consideration of the grievance appeal and record, the Board may, by majority vote:
- 1) Affirm the decision of the Superintendent;
  - 2) Modify the decision of the Superintendent;



- 3) Defer final action until an evidentiary hearing is held on the grievance.
  - 4) The decision of the Superintendent shall be final unless an action reversing or modifying the Superintendent's decision is approved by majority vote of the Board.
- d. *Hearing Process* – If a hearing is approved by the Board, the hearing shall be set within thirty (30) calendar days. Written notice of the hearing date shall be provided to the grievant. A final Board decision on the grievance shall be due within ten (10) calendar days after the hearing is closed. The Board shall give the grievant written notice of its final decision

4.07.2 Limitations Regarding Availability and Application of General

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

4.07.3 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. 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.

4.07.4 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.

#### 4.07.5 Americans with Disabilities Act Complaint Procedure -

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

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

#### **4.08 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.

#### **4.09 *Emergency Closing of Schools***

- 4.09.1 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).
- 4.09.2 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.

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

- 4.10.1 Access to Technology Resources – The Board permits restricted and conditional access to and use of its technology resources, including but not limited to computers, the “Internet,” network storage areas, and electronic mail. Such access and use is restricted to employees, students, and other persons who are engaged in *bona fide* educational and administrative activities that serve and are consistent with identified educational objectives or authorized support functions, and who, by signing an “Acceptable Use Agreement,” agree to abide by all Board policies, rules, and regulations regarding technology use. The Acceptable Use Agreement will be developed by the Superintendent for approval by the Board.
- 4.10.2 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.
- 4.10.3 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.
- 4.10.4 Adoption of Rules and Regulations – The Superintendent is authorized to develop for Board approval additional or more specific rules and regulations regarding

access to and use of its technology resources and to require adherence to such rules and regulations through such means as the “Acceptable Use Agreement” and application of appropriate disciplinary policies and procedures. Such rules and regulations will address or provide:

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

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

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

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

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

#### **4.12 Political Activity**

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

- a. Employees may not appropriate Board property or resources for use in political campaigns, and may not engage in partisan political activities (including, but not limited to, the distribution of campaign material or literature) during regular school or duty hours or at Board sponsored or sanctioned events, functions, or 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. In order to avoid disruption to the classroom and the school, employees may not wear or display political buttons, clothing, or banners during regular school or duty hours or at Board sponsored or sanctioned events, functions, or activities at which the employee is on duty or assigned official responsibilities;
- d. In order to avoid obstructing the parking lot or otherwise disrupting school activities, employees may not place large signs or billboards in or on personal vehicles in the school parking lot;
- e. 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
- f. Political signs may not be placed on schools or school Board property; and
- g. Campaign literature and other material may not be distributed on Board property during the regular school or workday 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.

Additionally, if the Board determines that promotion of a ballot initiative (e.g., tax referendum) furthers the purpose and mission of the school system or serves a public purpose, the Board may use public funds, not otherwise restricted, and other public property to seek support for the ballot initiative.

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

The District Lead Nurse is authorized to develop procedures regarding the use of AEDs.