



**MOBILE COUNTY**  
**PUBLIC**  
**SCHOOL SYSTEM**  
**POLICY BOOK**



# **MOBILE COUNTY PUBLIC SCHOOL SYSTEM POLICY BOOK**

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**MOBILE COUNTY PUBLIC  
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**CHAPTER 1:  
GOVERNING PRINCIPLES**

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### **SCHOOL SYSTEM LEGAL STATUS**

The public schools of Mobile County are under the direction of the Board of School Commissioners of Mobile County. The board was created by special act of the Alabama legislature in 1826. The school system encompasses most of Mobile County and is operated and administered in accordance with applicable federal law, the Alabama Constitution of 1901, state laws, State Board of Education regulations and board approved policies.

**Date Adopted: December 11, 2007**

**Date Amended: September 27, 2021**

**EDUCATIONAL MISSION**

The purpose of the Mobile County Public School System is to equip and empower college and career ready graduates.

**Date Adopted: December 11, 2007**  
**Date Amended: September 27, 2021**

## **GOALS AND OBJECTIVES**

We believe high expectations are essential as we enable all students to be successful; we are committed to providing an academic experience that expands educational opportunities for all.

We believe prepared, resourced and supported employees are essential to the success of our students; we are committed to recruiting, retaining, developing, and sustaining effective leaders, teachers, and staff.

We believe safe, innovative, and equitable environments enhance student learning; we are committed to removing barriers and aligning resources to meet our students' physical, social, and emotional needs.

We believe education is a shared responsibility of students, families, schools, and the community; we are committed to engaging in transparent communication that inspires trust and promotes collaborative partnerships with all stakeholders.

**Date Adopted: December 11, 2007**  
**Date Amended: September 27, 2021**

## **COMMUNITY INVOLVEMENT IN DECISION MAKING**

The board encourages community participation in establishing system goals and initiatives.

Citizens are encouraged to express ideas, concerns, and judgments about the schools to the school administration, the staff, to appointed advisory bodies and the board.





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**CHAPTER 2:  
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## **INTERNAL ORGANIZATION**

The board shall meet and conduct its annual meeting in November of each year at which time it will elect officers and organize.

### **BOARD MEMBER AUTHORITY**

Members of the board shall have authority only when acting as a board legally in session. The board shall not be bound in any way by any statement or action on the part of an individual member except when such statement or action is in pursuance of specific instruction of the board.

## ETHICS

The board adopts the following statement of ethics to guide members:

- I. As a member of the Board of School Commissioners, representing all the citizens of my school district, I recognize the following:
  - A. My fellow citizens have entrusted me with the educational development of the children and youth of this community.
  - B. The public expects my first and greatest concern to be in the best interest of each and every one of these young people without distinction as to who they are or what their background may be.
  - C. The future welfare of this community, of this state, and of the nation depends in the largest measure upon the quality of education we provide in the public schools to fit the needs of every learner.
  - D. My fellow board members and I must take the initiative in helping all the people of this community to have all of the facts all of the time about their schools, to the end that they will readily provide the finest possible school program, school staff, and school facilities.
  - E. Legally the authority of the board is derived from the state, which ultimately controls the organization and operation of the school system and which determines the degree of discretionary power left with the board and the people of this community for the exercise of local autonomy.
  - F. I must neither neglect my personal obligation to the community and my legal obligation to the state, nor surrender these responsibilities to any other person, group, or organization; but that, beyond these, I have a moral and civic obligation to the nation which can remain strong and free only so long as public schools in the United States of America are kept free and strong.
- II. In view of the foregoing consideration, my constant endeavor shall be the following:
  - A. I shall devote time, thought, and study to the duties and responsibilities as a school board member so that I may render effective and creditable service.
  - B. I shall work with my fellow board members in a spirit of harmony and cooperation in spite of differences of opinion that arise during vigorous debate of points at issue.

- C. I shall base my personal decision upon all available facts in each situation; to vote my honest conviction in every case, unswayed by partisan bias of any kind; thereafter to abide by and to uphold the final majority decision of the board.
- D. I shall remember at all times that as an individual I have no legal authority outside the meetings of the board, and to conduct my relationships with the school staff, the local citizenry, and all media of communication on the basis of this fact.
- E. I shall resist every temptation and outside pressure to use my position as a school board member to benefit either myself or any other individual or agency apart from the total interest of the school system.
- F. I shall recognize that it is as important for the board to understand and evaluate the educational program of the schools as it is to plan for the business of school operation.
- G. I shall bear in mind under all circumstances that the primary function of the board is to establish the policies by which the schools are to be administered, but that the administration of the educational program and the conduct of school business shall be left to the employed superintendent of schools and his or her professional and nonprofessional staff.
- H. I shall welcome and encourage active cooperation by citizens, organizations and the media of communication in the district with respect to established policy on current school operation and proposed future developments.
- I. I shall support my state and national school boards associations.
- J. Finally, I shall strive step by step toward ideal conditions for most effective school board service to my community, in a spirit of teamwork and devotion to public education as the greatest instrument for the preservation and perpetuation of our representative democracy.

## **BOARD OFFICERS**

The officers of the board shall be a president and vice president who shall be elected by the board members at the annual meeting, and whose term of office shall be for a period of one year. Officers will assume duty immediately following their election.

The board shall appoint as its executive officer the superintendent who shall also be the Secretary of the Board of School Commissioners. As secretary, he or she shall conduct all correspondence of the board, keep and preserve all of its records, receive all reports required by the board, and ascertain that such reports are in proper form, complete and accurate. In case the office of the superintendent is temporarily vacant, or when the superintendent is absent by reason of the nature of business under consideration, or otherwise, the board may recognize the acting superintendent in this capacity.

### **Duties**

The president, or in her or his absence the vice president, shall preside at all meetings of the board, preserve order and decorum and decide all points of order, subject to an appeal by the board. He or she shall be entitled to vote on all questions.

The president shall appoint all special committees unless the board declares otherwise.

In the absence of both the president and vice president, a president pro tempore shall be elected who shall in such cases perform all the duties of the president.

## BOARD COMMITTEES

### Committee of the Whole

The board will generally function as a Committee of the Whole where all school board commissioners are members of the work group. Committee meetings may be called by any member of the board or by the superintendent. The board president shall preside over the Committee of the Whole during its meetings. The purpose of the board sitting as a Committee of the Whole is to study various school system related matters. Its purpose is not to take official action. The committee may take no formal action during such a committee meeting. All formal actions must be taken in a duly advertised regular or special called meeting of the board.

When the board sits as a Committee of the Whole, its general duties are advisory and not executive. The superintendent or his designee shall serve as ex-officio member of all such committee meetings. All Committee of the Whole meetings shall be open to the public, properly advertised and minutes shall be maintained.

### Ad Hoc Committees

The board shall authorize Ad Hoc Committees as they are deemed necessary. These Ad Hoc Committees shall make recommendations to the board and shall be dismissed upon receipt of the committee's final report. There shall be no limit on the number of individuals the board may appoint to an Ad Hoc Committee; however, no more than two (2) school board members may serve on the same Ad Hoc Committee at a time.

An Ad Hoc Committee shall be assigned a very specific area of study and a definite term of existence, not to exceed ninety (90) days. Ad Hoc Committee meetings shall be arranged by consent. Needs warranting consideration may be suggested by the board president, individual board members or the superintendent.

The general duties of an Ad Hoc Committee shall be advisory and not executive. Ad Hoc Committees do not have authority to direct the action of administrators or other employees. The superintendent or his designee shall serve as ex-officio members of all Ad Hoc Committees. All Committees will report their findings and recommendations to the board before the committee's designated expiration date.

### Advisory Committees

The board upon recommendation of the superintendent may appoint Advisory Committees whose membership may be other than that of elected board members. Such Advisory Committees will make recommendations to the board and operate only within the parameters established by the board. Advisory Committees shall report their findings to the superintendent for dissemination to the board. Any dissemination of information by Advisory Committees shall be made only with prior approval by the superintendent and the board. Advisory Committees will be dissolved at the discretion of the board upon the superintendent's recommendation.

**Date Adopted:** December 11, 2007

**Revised:** February 19, 2009



**POLICY DEVELOPMENT**

Reference: Alabama Code - §16-1-30

**Date Adopted: December 11, 2007**

## **PUBLIC HEARINGS**

Reference: Alabama Code - §16-8-3  
Alabama Code - §16-13-140 (budget).

**Date Adopted: December 11, 2007**

## **BOARD MEETINGS**

The board shall transact all business of the board in official meetings by duly recorded vote by a majority of the whole board.

The board shall hold regular meetings, may schedule special meetings, and will hold an organizational meeting in November.

The board shall adopt an annual schedule of regular meetings.

Special meetings of the board may be held whenever called by the president or upon written request of three or more members of the board. Written notice setting forth the object for which said special meeting is called shall be disseminated to each member of the board. No delegations shall be permitted during special meetings unless the board votes to suspend the rules to allow delegations.

Any legal meeting of the board may be recessed to a designated time and place.

**TIME AND PLACE**

All meetings of the board shall be held in the board room at the central office, at an appointed hour, unless a different place and time shall be designated by resolution or in the notice of the meeting.

## MEETING NOTICE

### **Individual Requests for Notice**

Individuals requesting to receive notice of school board meetings should complete the form provided by the school system. Notice of school board meetings will be sent through the Internet. Individuals requesting such notice must have access to a valid e-mail account and are responsible for informing the superintendent of any change of address. The board is not responsible for e-mail that is not deliverable. Individuals will remain on the meeting notification list until the superintendent is notified in writing that the individual wishes to be removed from the list, unless e-mail notices for three meetings have been undeliverable via the Internet. When three notices have not been delivered, the individual will be removed from the meeting notification list.

**Legal Reference:** Alabama Code - §36-25A-3

**Date Adopted:** December 11, 2007

### **BOARD MEETING MATERIALS**

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

The minutes of the previous meeting(s) will be attached to the agenda.

Copies of committee reports shall be given to board members by the time of the regular meeting. Reference items which also may be needed for clarification shall be in readiness prior to the meeting.

## **RULES OF ORDER**

The most recent edition of *Robert's Rules of Order: Newly Revised* shall govern the board in its deliberations, except as modified by board policy.

If a quorum is present, the board may proceed in the following order of business:

1. Approval of the minutes of previous meeting
2. Report of the superintendent
3. Report of standing committees
4. Report of special committees
5. Unfinished business
6. New business
7. Adjournment

The order of business within the agenda may be suspended at any meeting by a majority vote.

## **QUORUM**

Three members of the board shall constitute a quorum for the transaction of business at any regular or special meeting.



## EXECUTIVE SESSIONS

The board, upon approval of three or more of the board members, may meet in an executive session in accordance with the Alabama Open Meetings Act.

Executive sessions may only be called if expressly provided for by law or for one of the following reasons:

1. General Reputation and Character/Job Performance for specified employees
2. Formal Hearings
3. Discussion with an Attorney about Litigation\*
4. Security Plans and Measures
5. Criminal Investigation/Disclose the identify of an undercover agent or informer\*
6. Negotiations to Buy / Sell / Lease Real Property
7. Preliminary Negotiations in Trade Competition\*
8. Negotiations between body and group of public employees\*
9. Quasi-Judicial Role

\*A written/oral declaration by a designated authority is required to certify an executive session is warranted before the body votes to enter executive session.

The procedure to convene an executive session (excluding quasi-judicial or formal hearings) is as follows:

1. Convene an open meeting
2. Enter a motion stating the reason for the executive session.
3. Receive a written or oral declaration (if necessary).
4. Vote to go into executive session with each member's vote recorded in the minutes.
5. The presiding officer should state if and when the body will reconvene.

## **PUBLIC PARTICIPATION**

A person or delegation who desires to appear before the board in official meetings as an individual citizen or as a duly authorized representative of a group of citizens or parents of Mobile County students shall be afforded the opportunity of doing so by complying with the following provisions:

1. An individual or delegation must have exhausted all remedies available to resolve the issue(s) before requesting to speak before the board. Individuals or delegations should contact members of the Superintendent's Executive Leadership Staff to include Deputy Superintendents, Assistant Superintendents or Executive Directors to discuss the matter in attempts to come to a resolution. If the matter cannot be resolved with the applicable Executive Staff, an appointment shall be scheduled with the Superintendent to resolve the issue before requesting to speak with the board.
2. If the matter cannot be resolved, the person or delegation shall notify the Superintendent in writing at least (5) five days before the regular scheduled board meeting stating in general the nature of the matter to be discussed. Shall events occur within the five (5) day window before the scheduled meeting, exceptions to this requirement may be made at the discretion of the Superintendent and Board President.
3. All visitors shall be expected to demonstrate respectful behavior and shall not obstruct the orderly functions of the board. The presiding officer shall retain the privilege of ordering removal of disruptive persons from the board room.
4. Individuals, limited to two per delegation whose names must be given, addressing the board shall be allowed a maximum of three (3) minutes of uninterrupted time to make his/her presentation. The oral presentation may be accompanied by written copies for distribution to the board members and Superintendent.
5. The character, reputation, or good name of an individual shall not be disparaged in the presentation.
6. A copy of these rules shall be made available to any member of the public notifying the Superintendent of his or her desire to address the board.

The President of the Board shall not be obligated to recognize any person who desires to take up any business with the Board unless proper procedures have been followed as determined by the Superintendent. The Board gives the President or presiding officer full authority to terminate the remarks of any person when such remarks have as their objective a personal attack on any person associated with the Mobile County School System.

### **MINUTES / RECORDS OF MEETINGS**

A record of each board meeting shall be prepared by the superintendent. Minutes will be taken at board meetings during which action is proposed or taken. All motions and votes will be recorded. A record of all other meetings will be made. Both meeting minutes and records of meetings will include: date, time, place, members present/absent.

At each regular board meeting, the minutes of the preceding meeting shall be approved by the board.

The official minutes and records of meetings will be kept in bound volumes.

## **SCHOOL BOARD RECORDS**

All records of the board required by law to be available for public inspection shall be available for inspection at the superintendent's office, or at such place in the administrative offices of the school system as may be directed by the superintendent.

### **BOARD MEMBER DEVELOPMENT OPPORTUNITIES**

The board shall encourage individual and collective memberships in professional organizations. School board members are encouraged to attend workshops presented by the county, state, and national school boards associations and to attend teachers' conventions. Professional magazines and other resources in the materials center are available to each board member.

## **NEW MEMBER ORIENTATION**

Under the guidance of experienced board members and the superintendent, orientation will be provided for new board members through:

- Workshops for new board members conducted by state and area school boards association.
- Discussions and visits with the superintendent and other members of the school staff.
- Printed and audio-visual materials on school board and administrative policies and procedures.

Orientation will be continuous and may also include:

- Attending board and administrative conferences.
- Exchanging ideas through joint meetings with neighboring school boards.

### **SCHOOL BOARDS ASSOCIATION MEMBERSHIP**

The board recognizes the value of professional association to be found in the Alabama Association of School Boards and the National School Boards Association and encourages individual and board affiliation and attendance at conferences.

## BOARD MEMBER TRAINING

- 1.1.1 General – Mobile County Board of Education members will pursue ongoing training to develop and enhance their knowledge and effectiveness as Board members and to improve Board governance and operations. Training will include participation in:
- a. Orientation for newly elected or appointed school board members;
  - b. Training or consulting workshop for the local Board as a whole;
  - c. State or national school board association event addressing Board governance or operation, or other Board member development opportunities relating to leadership development, Board governance, or Board operations.
- 1.1.2 Source of Training and Report – The board recommends the requirements of this policy be satisfied by participation in training provided by the Alabama Association of School Boards or other sources considered knowledgeable in school board governance and leadership and approved by the Board. Board members will provide a report to the Board about training experiences at the next available Board meeting.
- 1.1.3 Board Self Evaluation – The board will conduct an annual evaluation that includes development of a list of recommended improvements in knowledge and skills of Board members.

Legal Reference: Act of Alabama 2009-297

Adopted: February 23, 2010





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**CHAPTER 3:  
GENERAL  
ADMINISTRATION**

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**SUPERINTENDENT SELECTION / CONTRACT**

The board will appoint the superintendent based on its qualifications and state requirements and will negotiate an employment contract addressing compensation, benefits outside those established by state law, expense allowance, professional development, consulting contracts and evaluation (outside of that required by state Board of Education) discharge and resignation.

### **SUPERINTENDENT DUTIES**

The duties of the superintendent are:

1. He/she shall provide leadership in working with the Board of School Commissioners of Mobile County, professional associates, and citizens generally in formulating educational objectives for the schools, which are based on community needs and students' abilities and needs.
2. He/she shall serve as the executive officer of the board; and shall sign in the name of the board all deeds, bills of sale, contracts or evidence of debt, and other legal documents to which the board is a party except such, as by other resolution or action, are to be signed by the president or other officers or employee of the board.
3. He/she shall give general direction, supervision, and coordinated leadership to the entire school program, including business administration, curriculum development and instruction, personnel administration, pupil personnel administration, and all auxiliary services associated with the operation of public schools.
4. He/she shall understand laws and court decisions bearing upon education and policies, both of the State Board of Education and of the Board of School Commissioners of Mobile County, and shall administer the schools of Mobile County in accordance with same, insofar as they may be applicable to Mobile County.
5. He/she shall develop administrative procedures that will achieve effective implementation of school board objectives and policies.
6. He/she shall implement procedures designed to attract capable and properly trained personnel to specialized jobs necessary to the operation of schools; shall promote in-service growth and improvement of all workers on their jobs; shall foster esprit de corps, high morale, and teamwork among the board's employees and the best possible utilization of specialized abilities and interests.
7. He/she shall assist the board in carrying out its functions by providing channels of communication between the board and the educational community, the administrative staff, and lay citizens.
8. He/she shall promote a continuous program of research in all phases of the school program; shall facilitate an effective evaluation of the program in terms of the objectives sought; shall furnish information needed by the board in policy formation, in making important decisions, in improving administration, and in achieving economical and wise business administration.

9. He/she shall serve the board as secretary, conduct all correspondence of the board, keep and preserve all of its records, receive all reports required by the board and ascertain that all reports are in proper form, complete and accurate, arrange and announce meetings, prepare agendas for meetings, attend all meetings unless otherwise excused by the board president, participate in all deliberations other than those involving his/her salary and employment, and prepare minutes of meetings for school board approval.
10. He/she shall recommend professional employees for appointment, demotion, promotion, transfer, or dismissal.
11. He/she shall give leadership in a continuous program of curriculum development so the instructional program will be adapted to the needs of the community, the larger society, and to the needs and abilities of students.
12. He/she shall prepare and submit to the board before the end of the fiscal year an estimate of receipts and expenditures for the ensuing year.
13. He/she shall organize the central staff in such a way as to accomplish the following:
  - a. Teamwork through cooperative planning.
  - b. Clarification of purposes to be achieved.
  - c. Understanding of basic policies and administrative procedures designed for their implementation.
  - d. Effective utilization of specialized interests, abilities, and training.
  - e. Clear understanding of duties and responsibilities to be performed.
  - f. Creation of an emotional and professional climate conducive to a realistic, objective, and rational approach to solving problems.
  - g. Performing such other duties as the board may determine.

### **BOARD-SUPERINTENDENT RELATIONS**

The superintendent represents the board in dealing with the staff; he or she likewise represents the staff in dealing with the board. Board members who have information or suggestions pertinent to the administration of schools call or contact the superintendent. Staff members who desire advice and counsel or clarification of policy in handling complicated problems contact the superintendent, who in turn gives the answer or direction needed or else seeks the assistance of the board. Staff members who have information or suggestions pertinent to the carrying out of school board functions bring them to the attention of the superintendent who in turn makes regular reports to the board.

Board members will refer all requests for individual adjustment, preferment, or promotion to the superintendent.

The board and the superintendent will respect the confidentiality of personal information pending school board action and/or the resolution of problems, to a satisfactory conclusion in a confidential and professional manner.

Board members desiring written response and/or research by staff members should present such requests to the superintendent or designee in writing.

Copies of the written board requests and staff responses shall be disseminated to all board members and appropriate staff members through the superintendents or designee.

### **ADMINISTRATIVE RULES**

Following the adoption of policies governing the operation of the school system, the superintendent and administrative staff will develop procedures for the implementation throughout the system.

## **EQUAL OPPORTUNITY**

The board, its employees and agents shall not discriminate in any way on the basis of race, sex, religion, national origin, age or handicap.

Guidelines will be maintained to support nondiscrimination. These guidelines specify grievance procedures, including the name and location of the board employee(s) assigned responsibility for grievances.

### **Equal Opportunity: Complaints, Appeals**

Any student, parent or other individual on behalf of a student or parent may file a written complaint or appeal for an exception to any school board practice. Administrative procedures for reviewing all complaints will be designed to secure solutions at the lowest level.

All complaints will be handled promptly as soon as possible and resolved within 30 days after the complaint is filed unless additional time is required because of exceptional circumstances.

Reference – Procedures: Equal Opportunity, Complaints, Appeals



**PROCEDURE:  
EQUAL OPPORTUNITY, COMPLAINTS, APPEALS FOR NON EMPLOYEES**

Normal steps in reaching a resolution to individual concerns are listed below:

1. In the event an individual or group believes there is a basis for complaint, that person or group will initiate informal discussion within 5 days after he/she knew, or should have known of the occurrence leading to the possible concern.
2. If the complaint is not resolved at the informal level, the complainant may FILE a written complaint and supporting evidence with the superintendent or his specified designee.
3. Within ten days, the superintendent's designee will discuss the matter with the complainant; thereafter a thorough investigation will be conducted to gather all relevant information. Equal rights for discussion will be given to other appropriate parties.
4. If the complaint is not settled through the discussion process the superintendent may designate a hearing officer, and a formal hearing will be scheduled to permit both parties to present evidence before the hearing officer.
5. If satisfaction is not reached with the hearing officer's formal recommendations, the grievant may request a hearing before the school board.

### **Title IX**

- A. 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.
- B. Title IX Coordinator - The Superintendent has designated 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. The Title IX Coordinator is Bryan Hack, Human Resources Supervisor, 1 Magnum Pass, P.O. Box 180069, Mobile, AL 36618 (251) 221-4543, Bhack@mcpss.com.
- C. Reports to State Department of Human Resources - When alleged sexual harassment involves a student and could involve sexual abuse, certified personnel must report it to the state Department of Human Resources as required under Alabama law.

Legal References: 20 U.S.C. §1681, *et seq.*; 34 C.F.R. Part 106; Ala. Code §26-14.3

Revised: \_\_\_\_\_

## SECTION IX

### SEXUAL HARASSMENT

The Board does not discriminate on the basis of sex in its education programs or activities it operates, nor does it tolerate sexual harassment. All inquiries, questions, or comments regarding Title IX concerns should be sent to: Bryan Hack, Human Resources Supervisor, Title IX Coordinator, 1 Magnum Pass, P.O. Box 180069, Mobile, AL 36618 (251) 221-4543, Bhack@mcps.com. In accordance with Board Policy 5.281, all complaints regarding *sexual harassment* should be filed and reviewed under the Board's student sexual harassment policy and procedures. The procedures are set forth below. Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator receiving the person's verbal or written report. All other complaints under Title IX should be filed with the Title IX Coordinator and will be reviewed according to the Board's general complaint and grievance policy and procedures.

Sexual harassment, as defined in the Board Policy 5.281 and herein, 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. The Board reserves the right to modify these policies and procedures in order to comply with applicable law. In the event that any court, agency, commission, legislative body, or other authority of competent jurisdiction issues a finding that limits the validity or enforceability of Title IX or its implementing regulations, in whole or in part, the Board's policies and procedures shall be deemed modified and/or limited to the extent necessary to comply with any applicable court, agency, commission, legislative body, or other authority's finding or order.

#### A. Definitions -

**1. Complainant** - complainant means a student who is alleged to be the victim of conduct that could constitute sexual harassment.

**2. Respondent** - respondent means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

**3. Sexual harassment** - For purposes of the Title IX sexual harassment policies and procedures, sexual harassment means conduct on the basis of sex that satisfies one or more of the following:

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

**4. Formal Complaint** - Formal complaint means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the school system investigate the allegation of sexual harassment. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity in the school system for which the complaint relates to.

**5. Actual knowledge** - Actual knowledge means notice of sexual harassment or allegations of sexual harassment to: (1) the Title IX Coordinator, (2) any official of the school system who has authority to institute corrective measures on behalf of the school system, or (3) to any other employee of the Mobile County Public School System. This standard is not met when the only official of the school system with actual knowledge is the respondent (alleged perpetrator).

**6. Supportive Measures** - Supportive Measures means non-disciplinary, non-punitive, individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint, and/or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the school system's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the school system's educational environment, or deter sexual harassment. Supportive measures may include, but not be limited to:

- a. counseling
- b. extensions of deadlines or other course-related adjustments;
- c. modifications of work or class schedules;
- d. campus escort services;
- e. mutual restrictions on contact between the parties;
- f. changes or modifications to student schedules;
- g. increased security and monitoring of certain areas of campus; and
- h. other similar measures.

**7. Education program or activity** - "Education program or activity" includes locations, events, or circumstances over which the Board exercises substantial control over both the respondent and the context in which the sexual harassment occurs.

## B. Jurisdictional issues

An administrator, campus principal, or his or her designee, may address student issues and impose discipline and/or sanctions through a separate Student Code of Conduct provision if any student acts are found to fall outside the jurisdiction of the Board's sexual harassment policy: In accordance with Title IX's implementing regulations, the following are outside the jurisdiction and scope of the sexual harassment policy:

1. **Outside educational program.** Alleged behavior that occurs off-campus, outside an educational activity or program, and only has an on-campus effect;
2. **Outside the United States.** Alleged behavior that occurs outside the United States.
3. **Outside definition of Sexual Harassment.** Alleged behavior that falls outside the definition of "sexual harassment."

## C. Presumption under Title IX

Under Title IX and its implementing regulations, it is presumed that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

## D. Informal Report of Sexual harassment and Response

**1. Report** - In accordance with Title IX of the Education Amendments of 1972, and its implementing regulations, found at 34 C.F.R. § 106.44(a), any person may report sex discrimination, including sexual harassment, (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator as identified in this Code of Conduct, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Such a report may be made at any time, by using the telephone number or email address, or by mail to the office address listed for the Title IX Coordinator above.

Students are also permitted to report allegations of suspected sex discrimination, including sexual harassment to any other administrator, teacher, counselor, or any other Board employee. All Board employees have a duty to promptly refer such allegations to the building principal, so long as the building principal is not the Respondent and/or not alleged to be involved with the report of sexual harassment, and/or the Title IX Coordinator, or his or her designee. If the report involves the campus principal, the report shall be made or filed directly with the Title IX Coordinator by the reporting party or complainant. If a Board employee fails to forward any sexual harassment report or complaint as provided herein, such failure may result in disciplinary action against the Board employee.

Upon receipt of any informal report of sexual harassment from any complainant and/or Board employee, the principal should also notify the Title IX Coordinator of the report. The Title IX Coordinator will make a determination as to whether the principal should review and investigate the concerns, and/or whether the Title IX Coordinator, or his or her designee will review and investigate.

**2. Supportive Measures** - Upon receiving a informal report, or a copy of a report of sexual harassment, the Title IX Coordinator, or his or her designee, should promptly contact the complainant to discuss the availability of supportive measures, consider the complainant's wishes

with respect to supportive measures, inform the complainant of the availability of supportive measures with or without filing of a formal complaint, and explain the process of filing a formal complaint.

**3. Response** - Upon receiving an informal report of sexual harassment, the principal, Title IX Coordinator, or his or her designee, should respond promptly and in a manner that is not deliberately indifferent. A deliberately indifferent response is a response that is clearly unreasonable in light of known circumstances. The principal, Title IX Coordinator, or his or her designee should take steps to investigate the allegations using various procedures and investigating techniques, including but not limited to interviews, phone contact, data reviews, and witness reports.

**4. Determination** - Following a review and investigation of the allegations, the principal, Title IX Coordinator, or his or her designee should make a determination of whether the allegations have been substantiated as factual based on the preponderance of the evidence and whether the actions appear to be violations of this policy. If the allegations are determined to be true, and a finding is made that the Respondent engaged in sexual harassment, supportive measures may also be offered to the Respondent. In addition, if Respondent is found to have engaged in sexual harassment, responsive actions or recommendations may include any sanctions as listed in the Student Code of Conduct. *Before the imposition of any disciplinary sanctions or other actions that are not supportive measures against a respondent can be imposed, however, the formal complaint and grievance process outlined below must be initiated and followed.*

#### E. Formal Complaint and Grievance Process

All formal complaints of sexual harassment should comply with the requirements of 34 C.F.R. § 106.45. The formal complaint process should be investigated and findings made with reasonable promptness. Temporary delays of any of the grievance processes, and/or limited extensions of time frames, will be allowed for (1) good cause, with (2) written notice to the complainant and the respondent of the delay or extension, and (3) the reasons for such action. Good cause may include but not be limited to, considerations such as the absence of a party, a party's advisor, a witness, concurrent law enforcement activity, or the need for language assistance or accommodation of disabilities.

In accordance with the requirements of 34 C.F.R. § 106.45, the following procedures will apply to the formal complaint process.

##### **1. Filing the Formal Complaint**

A complainant or the Title IX Coordinator may file a formal complaint of sexual harassment. Such complaints should be submitted on the Board's "Sexual Harassment Complaint Form." (attached) A complainant may file a formal complaint with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information listed herein. The complainant should sign the document or provide their name if submitting the Sexual Harassment Complaint Form by e-mail. Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a complainant or otherwise a party under 34 C.F.R. part 106 or under 34 C.F.R. § 106.45 See 34 C.F.R. § 106.30(a).

## **2. Notice.**

Upon receipt of a formal complaint, the Title IX Coordinator, or his or her designee, shall provide written notice to the parties (complainant and respondent). The Written notice shall contain the following:

- a. Notice of the Board's grievance process as outlined below, including any available informal resolution process;
- b. Notice of the allegations of sexual harassment potentially constituting sexual harassment as defined and including sufficient details known at the time. Sufficient details should include the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known.
- c. A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process.
- d. A statement informing the parties that they may have an advisor, of their choice, who may be, but is not required to be, an attorney.
- e. A statement informing the parties that they may inspect and review evidence gathered as a result of the formal complaint process.
- f. A statement informing the parties that the Board's sexual harassment policies and procedures prohibit knowingly making false statements or knowingly submitting false information during the grievance process.

## **3. Dismissal of Formal complaint.**

A formal complaint shall, or may, be dismissed in the following situations:

- a. Mandatory Dismissal. If the conduct alleged in the formal complaint (1) would not constitute sexual harassment even if proved, (2) did not occur in the Board's education program or activity, or (3) did not occur against a person in the United States, then the Title IX Coordinator, or his or her designee, must dismiss the formal complaint with regard to that conduct for purposes of sexual harassment under Title IX. Such a dismissal does not preclude action against the respondent under another provision of the Student Code of Conduct.
- b. Permissive Dismissal. The Title IX Coordinator may dismiss a formal complaint, or any allegations therein, if at any time during the investigation or grievance process:
  - i. The respondent is no longer enrolled in the school system and/or the respondent is no longer employed by the school system; or
  - ii. A complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein;
  - iii. Certain circumstances prevent the Title IX Coordinator, or his or her designee, from gathering evidence sufficient to reach a

determination as to the formal complaint or allegations therein (e.g., passage of time, lack of cooperation by the complainant).

c. Written notice of dismissal. Upon a required and/or permitted dismissal pursuant to the above paragraphs of this section, the Title IX Coordinator, or his or her designee, must promptly send written notice of the dismissal and reason(s) therefore simultaneously to the parties.

#### **4. Investigation process and Written Report.**

By authority of the Board, the Title IX Coordinator, or his or her designee, upon receipt of an formal complaint alleging sexual harassment, shall promptly undertake or authorize an investigation (individual investigating is hereinafter “the appointed investigator”). The Title IX Coordinator may be the appointed investigator, or the Title IX Coordinator may choose to have the principal serve as the appointed investigator, so long as the principal is not the alleged respondent and/or so long as the formal complaint does not involve the principal. The appointed investigator may also be another Board official, or a third party as deemed appropriate under the circumstances. The appointed investigator shall conduct a formal investigation to discover and examine the facts related to the allegation(s).

The investigation process should be conducted in accordance with 34 C.F.R. 106.45(b)(5). During the investigation, the Complainant and the Respondent will have an equal opportunity to submit information and corroborating evidence, to identify witnesses who may have relevant information, and to submit questions to be asked of the other party. Questions for the other party will be asked by and at the discretion of the appointed investigator. The appointed investigator will meet separately with the complainant, the respondent, and any witnesses, and will gather other relevant and available evidence and information. To the extent possible, the investigation will be conducted in a manner that protects the privacy of all parties involved. While the Board cannot guarantee complete privacy, information collected during the investigation will be communicated only to the parties and those with a need to know in order to fulfill the purposes of Board’s policies and to comply with applicable laws.

#### **5. Written Report.**

The investigation should be completed as soon as practicable. The appointed investigator should prepare a written report which fairly summarizes the relevant evidence. The appointed investigator may draw conclusions as to whether, based on the preponderance of the evidence, an allegation is substantiated, unsubstantiated, or that there is insufficient information to substantiate. The appointed investigator may also draw conclusions as to whether or not any other Student Code of Conduct provisions or policies were violated. To the extent allowed by laws that apply to matters of confidentiality, the written investigative report should be provided to the parties and their advisors in draft form prior to the appointed investigator supplying the final investigative report to the designated administrator who will make the determination of responsibility. The draft investigation report should be redacted in accordance with state and/or federal law (e.g. FERPA) before the parties’ review.

After the Title IX Coordinator, or his or her appointed investigator, has sent the complainant and respondent the draft investigative report, the complainant and respondent



will have ten (10) days to prepare a written response to the draft report. The appointed investigator will consider the response(s) provided, if any, prior to completing the investigation report. The complainant and respondent's response should also contain any written, relevant questions that a party wants asked of any party or witness. Each party will then have an opportunity to provide answers, and an opportunity for any additional, limited, follow-up questions from each party. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent. The appointed investigator should inform the party proposing questions regarding any decision to exclude a question as not relevant. Ultimately, the appointed investigator has the sole discretion to determine the relevance of evidence, and whether it should be included in, or excluded, from the investigation report. Once the investigative report is complete, the appointed investigator should send the complainant and respondent a written copy of the Final Investigation Report. Both parties will be provided ten (10) days to review the Final Investigation Report and provide a written response if they desire. The Final Investigation Report will be redacted in accordance with state and/or federal law (e.g. FERPA) before the parties' review. The appointed investigator shall then submit the written report, and any responses thereto, to the designated administrator.

#### **6. Determination regarding responsibility.**

The Superintendent's designee shall be responsible for making a determination regarding responsibility, (hereinafter referred to as the "designated administrator"). The designated administrator, however, cannot be the same person as the Title IX Coordinator or the Title IX Coordinator's appointed investigator. The designated administrator must issue a written determination regarding responsibility. The Respondent is presumed to not have engaged in prohibited conduct until the designated administrator finds that there is sufficient evidence based on a preponderance of the evidence that the respondent has violated the Board's sexual harassment policy.

The designated administrator should review the investigation report, the documentary evidence, and any other relevant information to render a written decision based on the preponderance of the evidence as to 1) whether the conduct alleged occurred; and 2) whether each allegation has been substantiated, unsubstantiated, or that there is insufficient information to substantiate that respondent violated the Board's sexual harassment policy. The designated administrator may also render a written decision as to whether other provisions of the Student Code of Conduct, policies, and/or rules were violated. If violation(s) are found, the designated administrator may issue and/or recommend sanctions to the appropriate campus principal. The designated administrator should not render a written determination until both parties have been provided ten (10) days to review the above Final investigation report.

Both parties should then be provided a copy of the written determination. The written determination will be redacted in accordance with state and/or federal law before the parties' review. The written determination must include:

- a. identification of the allegations potentially constituting sexual harassment;

- b. a description of the procedural steps taken from the receipt of the formal complaint through the determination;
- c. findings of fact supporting the determination;
- d. conclusions regarding the application of the Board's Student Code of Conduct to the facts;
- e. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the designated administrator recommends being imposed on the respondent, and whether remedies designed to restore or preserve equal access to the education program or activity will be provided by the school system to the complainant; and
- f. The procedures and permissible bases for the complainant and respondent to appeal.

The determination regarding responsibility becomes final either (1) on the date that the school system provides the parties with the written determination of the result of the appeal, if an appeal is filed, or (2) if an appeal is not filed, the date on which an appeal would no longer be considered timely.

A decision by the designated administrator regarding a determination of responsibility does not constitute an employment action with respect to respondent employee(s). Any sanction imposed on an employee as a result of the determination of responsibility shall be done in accordance with Board Policy and applicable state and federal law.

Any recommended sanction(s) imposed on a student respondent shall be done in accordance with the Student Code of Conduct.

## **7. Appeals.**

### **a. Right to an appeal.**

Should the complainant or the respondent disagree with the designated administrator's finding of responsibility and/or disagree with the Title IX Coordinator's, or his or her designee's, dismissal of a formal complaint or any allegations therein, such party shall submit a written notice of appeal within five (5) days of receiving the written determination of responsibility or dismissal of the formal complaint. The written notice of appeal should include a statement outlining the bases for appeal and any evidence which supports the appeal. The following reasons are those in which a party may appeal:

- i. A procedural irregularity affected the outcome of the matter;
- ii. New evidence was not reasonably available at the time the determination regarding responsibility or dismissal was made, and such evidence could affect the outcome of the matter; or
- iii. The Title IX Coordinator, appointed investigator(s), or designated administrator had a conflict of interest or bias for or against complainants or respondents generally, or the individual

complainant or respondent specifically, that affected the outcome of the matter.

b. Appeal process.:

- i. Upon receiving the written notice of appeal, as soon as practicable, the Title IX Coordinator, must notify the other party in writing when an appeal is filed;
- ii. After receiving the notice of appeal from the Title IX Coordinator, each party will be provided five (5) days to submit a written statement in support of, or challenging, the determination.
- iii. The Superintendent, or his or her designee, will hear appeals of decisions based on student-on-student sexual harassment. (appeal authority)
- iv. The Superintendent will hear appeals of decisions based upon actions by Board employees. (appeal authority)
- v. If (1) no appeal is filed within five (5) days of the receipt of the notice of the designated administrator's written determination; or, 2) if the appeal authority determines that the appeal does not identify one of the bases for appeal listed above, then the appeal authority will provide simultaneous notice to the parties that no valid appeal was filed and that the decision of the designated administrator is final and the case is closed.
- vi. Upon receiving the notice of appeal, the Title IX Coordinator will forward the appeal, and any supporting information or evidence, to the appropriate appeal authority. The appeal authority will review the appeal documents, the written determination of responsibility by the designated administrator, any new evidence submitted by the parties, and the investigation report and exhibits. The appeal authority will render a written decision which includes a rationale for the decision as to each of the grounds appealed. The appeal authority will forward the decision to Title IX Coordinator within fourteen (14) days from the date of receipt of the appeal, unless circumstances require additional time. The decision of the appeal authority will be final.

F. Informal Resolution

The Board does not require, as a condition of enrollment, continuing enrollment, and/or enjoyment of any other right, that a complainant or respondent waive his or her right to an investigation and/or adjudication of formal complaints of sexual harassment consistent with this section. Similarly, the Board does not require the parties participate in an informal resolution process under this section, and the Board will not offer an informal resolution process unless a formal complaint is filed. However, if at any time prior to reaching a determination regarding responsibility under the **formal complaint** process, the Board reserves the right to facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication. Should the Title IX

Coordinator, or his or her designee, believe that an informal resolution process may be appropriate, the Title IX Coordinator, or his or her designee, shall:

**1. Notice.**

Provide to the parties a written notice disclosing:

- i. the allegations;
- ii. the requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations;
- iii. provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint; and
- iv. any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared; and

**2. Consent.**

Obtain the parties' voluntary, written consent to the informal resolution process;

**3. Student-on-Student Harassment.**

The informal resolution process will only be utilized in student-on-student complaints, and it will not be utilized to resolve allegations that an employee sexually harassed a student.

**G. Confidentiality**

All Board employees must keep confidential the identity of a person who complains or reports sexual harassment, including parties and witnesses, except as permitted by law and to carry out the purpose of these procedures.

Board employees should also work to maintain the confidentiality of supportive measures that are provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the school to provide the supportive measures.

**H. No Retaliation**

The Board will discipline or take appropriate action against any student, teacher, administrator or other school personnel who retaliates against any person who reports sexual discrimination-including sexual harassment or violence- or any person who assists or participates in an investigation, or who assists or participates in the formal grievance process relating to such harassment or violence.

Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment. The exercise of rights protected under the First Amendment does not constitute retaliation prohibited under this section. Charging an individual with a Student Code of Conduct violation for making a materially false statement in bad faith in the course of the complaint procedure section under this part does not constitute retaliation prohibited under this section, provided, however, that a negative

determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

#### I. Harassment or Violence as Abuse

Under certain circumstances, alleged harassment or violence may also be possible abuse under Alabama Law. If so, duties of mandatory reporting under Ala. Code §16-1-24 and Ala. Code §26-14-1 may be applicable.

#### J. Emergency removal/administrative leave

In addition to offering supportive measures to the complainant, the school system may need to initiate an emergency removal of the respondent from campus. In accordance with 34 C.F.R. 106.44, the Title IX formal complaint and grievance process does not prevent a principal from immediately removing a student respondent from the educational program or activity on an emergency basis, provided that the principal: (1) informs the Title IX Coordinator of the alleged act, and (2) conducts an individualized safety and risk analysis and determines that emergency removal is necessary in order to protect a complainant or other student or individual from an immediate threat to physical health or safety. In the event that an emergency removal of a student respondent is necessary, the principal should comply with the Student Code of Conduct provisions regarding suspension and expulsion of students in order to provide respondent with the appropriate notice and opportunity to challenge the decision.

Emergency removal does not modify any rights under the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act.

#### K. False Statements and Allegations

The Board's sexual harassment policies and procedures prohibit anyone from knowingly making false statements or knowingly submitting false information during the sexual harassment complaint procedures. A student who deliberately, recklessly, and falsely accuses another student and/or employee of a violation of this policy will be subject to disciplinary sanctions as outlined in the Code of Student Conduct.

#### L. Record-keeping

All records shall be maintained in accordance with 34 C.F.R. § 106.45(b)(10). Specifically, the school system will keep records related to reports of alleged sexual harassment for a minimum of seven (7) years, including investigation records, disciplinary sanctions, remedies, appeals, and records of any action taken, including supportive measures. If supportive measures are not offered in response to a report, the records retained should document why supportive measures were not offered.

## Student Sexual Harassment Complaint Form

This form may be used by a student, a student's parent or guardian, or an individual acting on a student's behalf who believes the student is a victim of sexual harassment to submit a complaint regarding sexual harassment (Board Policy 5.281 Student Sexual Harassment). This form should be submitted to the principal of the school. However, if the complaint concerns the principal, the complaint may be made directly to the Title IX Coordinator or the Superintendent.

Student's Name: \_\_\_\_\_ School: \_\_\_\_\_

Grade: \_\_\_\_\_

Name of Person Completing the Form (if not the student) \_\_\_\_\_

Your Home Phone: \_\_\_\_\_

Your Home Address: \_\_\_\_\_

Describe the sexual harassment, including all pertinent facts supporting the complaint.

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(Attach additional paper, if needed.)

When did this happen (over what time period if continuing or more than once):

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(Attach additional paper, if needed.)

Identify the person(s) whose actions led to the filing of the complaint, and all witnesses or other persons having information that is relevant to the complaint.

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(Attach additional paper, if needed.)

Do you have suggestions for resolving this situation? If so, list them here:

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(Attach additional paper, if needed.)

**Attach copies of documents or other evidence that is relevant to the complaint.**

I affirm that to the best of my knowledge, the foregoing information is true, accurate, and complete.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

### **WEBSITE ACCESSIBILITY**

The Mobile County Public School System is committed to ensuring that the content on its website is accessible to everyone, including those with disabilities and users of assistive technology.

Grievances related to Section 504, Title II or other formal grievances can be filed with the System using the procedures outlined in the Section 504 Grievance Procedures located on the Board's website.

Reference: Web Content Procedures  
(located on the Board's website)

**Legal Reference:** Section 504 (Rehabilitation Act) and Title II (American with Disabilities Act)  
**Date Adopted:** January 24, 2018



### **SERVICE ANIMALS**

The Mobile County Public School System permits individuals with disabilities to use their service animals as allowed by law and pursuant to the System's procedures relating thereto.

**Legal Reference:** Title II of the Americans with Disabilities Act: Alabama Code - §21-7-4  
**Date Adopted:** February 26, 2018

### **PROCEDURES FOR USE OF SERVICE ANIMALS**

The Mobile County Public School System permits individuals with disabilities to use their service animals. A “service animal” is a dog that has been individually trained to do work or perform tasks for an individual with a disability. The tasks performed by the dog must be directly related to the person’s disability. Emotional support animals are not service animals.

If a particular service animal is out of control or if it poses a direct threat to the health and safety of others, or if it is not housebroken, it may be excluded.

The service animal must be harnessed, leashed or tethered unless these devices interfere with the service animal’s work. In that case, the person must use voice, signal, or other effective means to maintain control of the animal.

Staff may not require documentation or proof that the service animal has been certified or trained, but service dogs are subject to the same licensing and vaccination rules that are applied to all dogs.

The Individuals with Disabilities Act (IDEA) and Section 504 of the Rehabilitation Act allow a student to use an animal that does not meet the above definition of “service animal” if that student’s IEP or 504 team decides (on a case-by-case basis) the animal is necessary for the student to receive a free and appropriate education.

In the case of a disabled child (including a child diagnosed on the autism spectrum) any aide assigned to assist the child shall be trained with the service animal in basic commands in order to assist the child as a team.

All requests for an individual with a disability to be accompanied by a service animal shall be submitted in writing to the Superintendent’s Office. Forms are available for this purpose.

**MOBILE COUNTY PUBLIC SCHOOL SYSTEM**  
**REQUEST TO BRING A SERVICE ANIMAL TO SCHOOL OR WORK**

Date \_\_\_\_\_ (request made at least ten (10) days prior to animal's presence)

Name of Student/Employee/Individual  
Requesting \_\_\_\_\_ to \_\_\_\_\_ Bring \_\_\_\_\_ Service \_\_\_\_\_ Animal \_\_\_\_\_

Parent Name (if Student is making request) \_\_\_\_\_

School \_\_\_\_\_

Disability \_\_\_\_\_ of \_\_\_\_\_ Student/Employee/Individual \_\_\_\_\_

Describe the task that the service animal performs that is directly related to the individual's disability.

Documentation attached that the Service Animal is:

- ☐ Properly and currently vaccinated and in good health.
- ☐ Under the control of a properly trained handler. Name of handler: \_\_\_\_\_

Submit Request to Superintendent's Office. If the request is being made on behalf of a student with a disability, the student's 504/IEP Team will meet to address the request.

*Note: ANNUAL APPLICATION AND REVIEW REQUIRED*

**MOBILE COUNTY PUBLIC SCHOOL SYSTEM**  
**SERVICE ANIMAL REGISTRATION/AGREEMENT**

\_\_\_\_\_  
Owner

\_\_\_\_\_  
Student (if applicable)

☐ Request Form is attached

Documentation attached that the Service Animal is:

☐ Properly and currently vaccinated and in good health.

☐ Under the control of a properly trained handler. Name of handler: \_\_\_\_\_

I have read and understand the Mobile County Public School System's Service Animal Policy 3.33 and I will abide by this Policy.

I understand that if my Service Animal is out of control or the animal's handler does not effectively control the animal's behavior or the animal is not housebroken or the animal's presence poses a direct threat to the health or safety of others, the School System has the discretion to exclude or remove the service animal from its property.

I agree to be responsible for any and all damage to school property, personal property, and any injuries to individuals caused by the service animal. Further, I agree to indemnify, defend and hold harmless the Mobile County Public School System and its Board Members and employees from and against any and all claims, actions, suits, judgements and demands brought by any party arising on account of, or in connection with, any activity or damage or injury caused by the service animal.

**OWNER OF SERVICE ANIMAL**

\_\_\_\_\_  
Signature

Date: \_\_\_\_\_

*Note: This Registration/Agreement is valid until the end of the current school year. It must be renewed prior to the start of each subsequent school year or when a different service animal will be used.*

## **SAFETY**

A comprehensive safety plan complying with State Department of Education guidelines will be developed, implemented and periodically reviewed.

School principals and employees with supervisory authority over specific departments and sites should keep safety a high priority and principals should work with the appropriate divisions to develop a property safety program for each school. The principal also will assume the responsibility for reporting to the appropriate divisions safety needs as they might arise.

The Facilities Division will work with the building administrators to assist in the implementation and observance of applicable fire codes. In addition, the Facilities Division will cooperate with other divisions in the development of fire prevention and safety procedures such as emergency drills and personnel training. A uniform emergency drill program is to be developed and maintained, addressing such emergencies as fire, storm, crisis, student disruption for all departments throughout the School System.

Safety inspections will be included in the regular maintenance program for the school system.

The superintendent is authorized to close a school if prevailing or potential hazards threaten the safety and well-being of students or employees.

Law enforcement agencies shall be authorized to make periodic visits to local schools to the extent authorized by law to detect the presence of illegal drugs, unannounced to anyone except the local superintendent and building principal.

**Legal Reference: Alabama Administrative Code § 290-3-1-.02(1)(b)(1), as amended.**

Date Adopted: December 11, 2007

Hearing Dates: March 19, 2013; March 25, 2013

Date Amended: March 25, 2013

## **TOBACCO USE**

Smoking and the use of tobacco products including electronic type cigarettes (or “e-cigarettes”) are prohibited on school grounds and at school activities.

Student and employee violations will be disciplined in accordance with the existing disciplinary procedures. Employees who violate this policy shall be subject to discipline including the possibility of suspension or termination. Visitors in violation of this policy will be asked to leave the premises.

The term “smoking” as used herein includes carrying or holding a lighted pipe, cigar or cigarette of any kind (including e-cigarettes), or any other smoking paraphernalia, as well as emitting or exhaling the smoke of a pipe, cigar or cigarette of any kind.

Electronic cigarettes (e-cigarettes or e-cigs) are battery-operated devices that deliver nicotine, flavor additives and other chemicals through a vapor that is inhaled by the user.

The term “tobacco product” as used herein includes the use of any type of tobacco product, such as chewing tobacco, snuff, or any other tobacco product that is ordinarily lit, inhaled, chewed or otherwise placed in one’s mouth or nose.

### **Legal Reference:**

**Public Hearings:**     **February 11, 2015**  
                                 **February 19, 2015**

**Date Amended: March 25, 2013**

### **Firearm Possession**

The possession of a firearm by an individual, employee, visitor, or student inside or on any property owned, leased, or operated by the Mobile County Public School System is strictly prohibited except for those individuals who lease undeveloped system property for hunting or sporting activities. Otherwise, possession of a firearm is strictly prohibited whether or not those individuals, employees, visitors or students possess a legal permit to carry said firearm or if the individual possessing the firearm is licensed to do so by the State of Alabama or any other state. Duly sworn and trained peace officers in the performance of their duties are exempted from this prohibition. Employees who violate this policy are subject to discipline up to and including the possibility of termination. Students shall be disciplined for the possession of firearms to the extent required by law, including, but not limited to Code of Alabama Section 16-1-24.3, as amended.

Legal Reference: Code of Alabama § 16-1-24.3, as amended; Alabama Administrative Code § 290-3-1-.02 (1)(b)(3), as amended.

Adopted: February 7, 2001

Public Hearings: March 19, 2013, March 25, 2013

Revised: May 25, 2010, March 25, 2013

## **COMPUTER, INTERNET AND ELECTRONIC COMMUNICATION ACCEPTABLE USE**

MCPSS relies on its computer network to conduct its business. To ensure that MCPSS Computer Resources are used properly by its employees, students, independent contractors, agents, vendors and other computer Users (the "Users"), the Board of School Commissioners for MCPSS has created and passed this Computer Use Policy (the "Policy"). The rules and obligations described in this Policy apply to all Users (the "Users") of MCPSS' computer network or Computer Resources, wherever they may be located

MCPSS' policies against discrimination and harassment (sexual or otherwise) apply fully to MCPSS' Computer Resources and Resources, and any violation of those policies is grounds for discipline up to and including termination. Students who violate these policies are subject to disciplinary action consistent with Board policy and the Student Handbook. Vendors, consultants and other third parties must adhere to these policies and are subject to losing their right to access MCPSS Computer Resources for violations of these policies.

The term *Computer Resources* as used herein refers to MCPSS' entire computer, electronic and communications network. Specifically, the term *Computer Resources* includes, but is not limited to: computers, host computers, file servers, application servers, communication servers, mail servers, fax servers, Web servers, workstations, stand-alone computers, laptops, tablets such as IPAD's, telephones, facsimile machines, scanners, software, data files, peripherals such as printers, and all internal and external computer and communications networks (for example, Internet, commercial online services, value-added networks, e-mail systems) that may be accessed directly or indirectly (including access by Students, vendors, consultants and other third parties using personally owned computer hardware as authorized by MCPSS) from our computer network or that are owned or have been purchased by MCPSS.

The Computer Resources are the property of MCPSS and may be used for only legitimate business and educational purposes. Users are permitted access to the Computer Resources to assist them in performance of their jobs. Computer and internet access is provided for MCPSS business *use*, but *occasional* minimal personal use is allowed. Use of the Computer Resources is a privilege that may be revoked at any time. Users who violate this Policy may have their Computer/Internet use privileges revoked at any time and without prior notice AND are subject to discipline up to and including the possibility of termination.

**In using or accessing the Computer Resources, Users must comply with and be aware of the following provisions:**



**No Expectation of Privacy.** The computers and computer accounts given to Users are to assist them in the performance of their jobs or in the case of students, in their educational studies and activities. Users should not have an expectation of privacy in anything they create, store, send or receive on the Computer Resources. Computer Resources belong to MCPSS and may be used only for the purposes set forth herein. MCPSS has the right, but not the duty, for any reason and without the permission of any User, to monitor any and all of the aspects of its Computer Resources, including, without limitation, reviewing documents created and stored on its Computer Resources, deleting any matter stored in its system, monitoring sites visited by Users on the Internet, monitoring chat and news groups, reviewing material downloaded or uploaded by Users from the Internet, and reviewing E-Mail sent and received by Users. Employees and Users should not have an expectation of privacy in anything they create, store, send or receive using the Computer Resources.

**Waiver of privacy rights.** MCPSS reserves the right to inspect the contents of all electronic data stored on MCPSS computer equipment or Computer Resources. Users, in using MCPSS Computer Resources, expressly waive any right of privacy in anything they create, store, send or receive on MCPSS Computer Resources or through the Internet or any other computer network. Users consent to allowing personnel of MCPSS to access and review all materials Users create, store, send or receive on the computer or through the Internet or any other computer network. Users understand that MCPSS may use human or automated means to monitor use of its Computer Resources, including data stored on the local drive, data stored on any network drive, and electronic mail.

**Passwords.** Users are responsible for safeguarding their passwords for access to the Computer Resources or Computer Resources. Individual passwords should not be printed, stored online or given to others. Users are responsible for all transactions made and actions taken using their passwords. No User may access the Computer Resources with another User's password or account. Use of passwords to gain access to the Computer Resources or to encode particular files or messages does not imply that Users have an expectation of privacy in the material they create or receive on the Computer Resources.

**Viruses and Virus Protection.** Users may not disable or remove virus protection software. Viruses can cause substantial damage to Computer Resources. Each User is responsible for taking reasonable precautions to ensure he or she does not introduce viruses into MCPSS' Computer Resources or computer network. Virus software updates are automatically distributed regularly to Computer Resources. Users may not interrupt the update process and must report any errors in the update process immediately to MCPSS' support help desk. PCs not attached to the LAN must be updated by the User. The Information Technology Department will provide virus updates.

**Compliance with applicable laws and licenses.** In their use of Computer Resources, Users must comply with all software licenses, copyrights and all other state, federal and international laws governing intellectual property and online activities. It is MCPSS' policy to comply fully with all software copyright licenses. Employees who willfully circumvent this policy will be subject to disciplinary action up to and including termination of employment. In compliance with the Children's Internet Protection Act, each year, all District students will receive internet safety training which will educate students about appropriate online behavior, including interacting with other individuals on social networking sites and in chat rooms, and cyberbullying awareness and response.

**Prohibited Activities.** The following activities, items or materials are prohibited:

***Inappropriate or unlawful material.*** Material that is fraudulent, harassing, embarrassing, sexually explicit, profane, obscene, intimidating, defamatory or otherwise unlawful or inappropriate may not be sent by e-mail or other form of electronic communication (such as bulletin board systems, newsgroups, chat groups), downloaded from the Internet or displayed on or stored in MCPSS computers. This includes e-mails known as "Spam" and e-mails containing non business related matter. Users encountering or receiving this kind of material should immediately report the incident to their supervisors.

**Without prior written permission from the Executive Manager of Information Technology. Computer Resources may not be used for dissemination or storage of commercial or personal advertisements, solicitations, promotions, destructive programs (that is, viruses or self-replicating code), political material or any other unauthorized use, including material or significant personal uses.**

*Using or copying software in violation of a license agreement or copyright. Violating any state, federal or international law.*

***Waste of Computer Resources.*** Users may not deliberately perform acts that waste Computer Resources or unfairly monopolize resources to the exclusion of others. These acts include, but are not limited to, sending mass mailings or chain letters, spending excessive amounts of time on the Internet playing games, engaging in online chat groups, printing multiple copies of documents or otherwise creating unnecessary network traffic.

***Accessing other User's files.*** Users may not alter or copy a file belonging to another User without first obtaining permission from the owner of the file. The ability to read, alter or copy a file belonging to another User does not imply permission to read, alter or copy that file. Users may not use the Computer Resources to "snoop" or pry into the affairs of other Users by unnecessarily reviewing their files and e-mail. Excepted from this provision are those persons conducting investigations or administrative duties at the request and with the authorization of the Executive Manager of Information Technology or Executive Manager of Human Resources.

***Misuse of software.*** Without prior written authorization from the Executive Manager of the Information Technology Department, Users may not do any of the following:

- (1) Copy software for use on their home computers;
- (2) provide copies of software to any independent contractors or third party;
- (3) install software on any MCPSS workstations or servers;
- (4) download any software from the Internet or any other online service to any MCPSS workstations or servers;
- (5) modify, revise, transform, recast or adapt any software or reverse-engineer, disassemble or decompile any software. Users who become aware of any misuse of software or violation of copyright law should immediately report the incident to their supervisors; and
- (6) Users who have currently copied software for home computers, distributed software or installed software on corporate computers are required to obtain approval according to the current guidelines or remove the software immediately.

If you become aware of someone using Computer Resources for any of these activities, you are obligated to report the incident immediately to your supervisor. Violations of any aspect of this policy will be taken seriously and may result in disciplinary action, including possible termination, and civil and criminal liability.

### **E-Mail Policy**

To maximize the benefits of its Computer Resources and minimize potential liability, MCPSS has created this E-mail usage policy. All computer Users are obligated to use these resources responsibly, professionally, ethically and lawfully.

Employees and other Users are given access to our computer network to assist them in performing their duties. Employees and Users, including students, should not have an expectation of privacy in anything you create, store, send or receive on the Computer Resources. The Computer Resources belongs to MCPSS and may only be used for business purposes. Without prior notice, MCPSS may review any material created, stored, sent or received on its network or through the Internet or any other computer network.

***Sending unsolicited e-mail (spamming).*** Without the express permission of their supervisors, employees may not send unsolicited e-mail to persons with whom they do not have a prior relationship.

***Altering attribution information.*** Employees must not alter the “From:” line or other attribution-of-origin information in e-mail, messages or postings. Anonymous or pseudonymous electronic communications are forbidden. Employees must identify themselves honestly and accurately when participating in chat groups, making postings to newsgroups, sending e-mail or otherwise communicating online.

***Attorney-client communications.*** E-mail sent to in-house counsel, if any, or an attorney representing MCPSS should include this warning header on each page: “ATTORNEY-CLIENT PRIVILEGED; DO NOT FORWARD WITHOUT PERMISSION.” Communications from attorneys may not be forwarded without the sender’s express permission.

***Confidential Transmissions.*** Any confidential e-mail, and/or files transmitted with it, is intended solely for the use of the individual or entity to whom it is addressed. The communication may contain material that is privileged, confidential and exempt from disclosure under applicable law. If you are not the intended recipient or the person responsible for delivering the e-mail to the intended recipient, be advised that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received an e-mail or communication in error, please notify the sender immediately.

## **Internet Use Policy**

The Internet can be a valuable source of information and research. In addition, e-mail can provide excellent means of communicating with other employees, our customers and clients, outside vendors and other businesses. Use of the Internet, however, must be tempered with common sense and good judgment. Users who abuse their use of Computer Resources to access the Internet will may have access to the Internet restricted or removed. In addition, Users who violate this policy may be subject to disciplinary action, including the possibility of termination, student discipline (as applicable) and civil and criminal liability.

Your use of the Internet is governed by this policy:

***Disclaimer of liability for use on Internet.*** MCPSS is not responsible for material viewed or downloaded by Users from the Internet. The Internet is a worldwide network of computers that contains millions of pages of information. Users are cautioned that many of these pages include offensive, sexually explicit and inappropriate material. In general, it is difficult to avoid at least some contact with this material while using the Internet. Even innocuous search requests may lead to sites with highly offensive content. In addition, having an e-mail address on the Internet may lead to receipt of unsolicited e-mail containing offensive content. Users accessing the Internet do so at their own risk.

***Employees' duty of care.*** Employees should endeavor to make each electronic communication truthful and accurate. You should use the same care in drafting e-mail / electronic documents as you would for any other written communication. Please keep in mind that anything created or stored on the Computer Resources may, and likely will, be reviewed by others.

***Duty not to waste Computer Resources.*** Because audio, video and picture files require significant storage space, files of this sort may not be downloaded unless they are business-related.

***No privacy in communications.*** Users of MCPSS Computer Resources should never consider electronic communications to be either private or secure. E-mail may be stored indefinitely on any number of computers, including that of the recipient. Copies of your messages may be forwarded to others either electronically or on paper. In addition, e-mail sent to nonexistent or incorrect usernames may be delivered to persons whom you never intended.

***Monitoring of computer usage.*** MCPSS has the right, but not the duty, to monitor any and all aspects of its Computer Resources, including, but not limited to, monitoring sites visited by Users on the Internet, monitoring chat groups and newsgroups, reviewing material downloaded or uploaded by Users to the Internet and reviewing e-mail sent and received by Users.

***Blocking of inappropriate content.*** MCPSS may use software to identify inappropriate or sexually explicit Internet sites. Such sites may be blocked from access by MCPSS networks. In the event you, nonetheless, encounter inappropriate or sexually explicit material while browsing on the Internet, immediately disconnect from the site, regardless of whether the site was subject to MCPSS blocking software.

***Games and entertainment software.*** Users may not use MCPSS' Internet connection to play games, download games or other entertainment software including screen savers. Educational games approved by the teacher and or administration of the MCPSS are excepted from this provision.

***Illegal copying.*** Users may not illegally copy material protected under copyright law or make that material available to others for copying. You are responsible for complying with copyright law and applicable licenses that may apply to software, files, graphics, documents, messages and other material you wish to download or copy.

***Accessing the Internet.*** To ensure security and avoid the spread of viruses, employees accessing the Internet through a computer attached to MCPSS' network must do so through an approved Internet firewall. Accessing the Internet directly, by modem, is strictly prohibited.

***Prohibited Activities.*** The prohibited activities referenced above are also prohibited in connection with Users of MCPSS' Computer Resources use of the internet. Users must avoid internet websites and locations that are ***harassing, embarrassing, sexually explicit, profane, obscene, intimidating, defamatory or otherwise unlawful or inappropriate while using MCPSS Computer Resources.***

## **Students**

The board supports access by students to rich information resources and the development by staff of appropriate skills to analyze and evaluate such resources.

All such materials shall be consistent with board-system guidelines and staff will provide guidance and instruction to students in the appropriate use of such resources.

Annually, students and parents will be given MCPSS' guidelines and rules governing procedures for acceptable use of the Internet describing the information available and prohibited uses of system computers. Students and parents must sign a written statement acknowledging the guidelines in order for the student to access the Internet at school.

In compliance with the Children's Internet Protection Act, each year, all District students will receive internet safety training which will educate students about appropriate online behavior, including interacting with other individuals on social networking sites and in chat rooms, and cyberbullying awareness and response. In compliance with federal law, the online activities of minors **will** be monitored.

## **Employees**

Employees will be provided a copy of the MCPSS acceptable use guidelines and sign a statement that they agree to the terms.

*See also Board Policy 6.12*

References – Procedures: *Computer, Internet and Electronic Communication* Acceptable Use

Date Adopted: December 11, 2007

Public Hearings: March 19, 2013, March 25, 2013

Amended: March 23, 2011, March 25, 2013

**PROCEDURE:  
INTERNET ACCEPTABLE USE**

In order to match electronic resources as closely as possible to the approved district curriculum, district personnel must comply with Board Policy IFAC governing the selection of instructional materials. In this manner, school personnel will provide developmentally appropriate guidance to students as they make use of Internet resources to conduct research and other studies related to the district curriculum. All students will be informed by teachers of their rights and responsibilities as users of telecommunication networks prior to gaining access to any network service, either as an individual user or as a member of a class or group.

As much as possible, access to Internet information resources will be designed in ways which point students to those resources that have been reviewed and evaluated by the teacher prior to use. Since students may be able to move beyond those resources to others which have not been evaluated by teachers, they shall be provided with guidelines and lists of resources particularly suited to the learning objectives. Students may pursue research on the Internet independent of teacher supervision only if they have been granted parental permission and have submitted all required forms. Permission is not transferable and may not be shared.

With the complex networking and easy access to systems available worldwide through the Internet, users and the parents of users should understand that school district personnel cannot control the content of information residing on Internet. Users and parents of users should be advised that some locations on the Internet may contain materials considered to be defamatory, inaccurate, abusive, obscene, sexually oriented, or illegal. The Mobile County Public School System does not condone the use of such materials and does not permit usage of such material in the school environment. Parents should be aware of the existence of such materials and monitor home usage of the Internet (if available). Students bringing such materials into the school environment will be dealt with according to the Code of Conduct along with the termination of access privileges.

**Core Rules for Use of Internet**

The use of Internet resources is a privilege, not a right, and inappropriate use will result in a cancellation of those privileges as well as punishment for such violations as prescribed in the Code of Conduct. Unacceptable uses of Internet include the following:

- Using profanity or obscenity.
- Copying and/or distributing commercial software in violation of copyright law.

- Ordering services or merchandise from other agencies that have Internet access. All matters concerning the merchandise and services ordered from a seller, including but not limited to purchase terms, payment terms, warranties, guarantees, maintenance and delivery, are solely between the seller and the user. The Mobile County Public School System makes no warranties or representations whatsoever with regard to any goods or services provided by the seller and expressly forbids these transactions originating from the school system Internet access. The Mobile County Public School System and school system personnel shall not be a party to these transactions or be liable for any costs or damages arising out of the actions of sellers.
- Using the network for financial gain, for commercial activity, or for any illegal activity.
- Altering and forwarding personal communication without the author's prior consent.
- Spoofing or otherwise attempting to send anonymous messages of any kind.
- Lending your password to other students and/or adults.
- Using the network to access a file that contains pornography, inflammatory material, inappropriate material, or any material not specifically related to the instructional lesson, objective, or assignment.
- Using copyrighted materials in reports without permission.
- Publicizing your home address or phone number.
- Creating a computer virus and placing it on the network.
- Using the network for sending and receiving a large number of personal messages.
- Using the network to send/receive inflammatory messages.

All users should be aware that the inappropriate use of Internet information resources can be a violation of local, state, and federal laws.



**STUDENT CONTRACT REGARDING THE USE OF INTERNET**

I, \_\_\_\_\_, accept and agree to abide by the following legal rules.

I agree to abide by all rules which are listed in the Mobile County Public School System Procedures for Internet Use.

I realize that the primary purpose of the Mobile County Public School System's Internet connection is educational, and that as such, educational purposes shall take precedence over all others.

I realize that the use of Internet is a privilege, not a right. I accept that inappropriate behavior may lead to penalties, including revoking of Internet access, disciplinary action, and/or legal action.

I agree not to participate in the transfer of inappropriate or illegal materials through the Mobile County Public School System's Internet connection. I realize that in some cases the transfer of such material may result in legal action against me.

I agree not to allow other individuals to use my account for Internet activities nor will I give anyone my password.

I agree not to download any shareware or freeware programs from the Internet.

I agree not to bring software from home into the computer lab or library media center.

Signed \_\_\_\_\_

Date \_\_\_\_\_

Please complete and return this form if you agree to allow your child access to the Mobile County Public School System's Internet connection.

**PARENTAL CONTRACT REGARDING THE USE OF INTERNET**

As the parent or guardian of this student, I have read the terms and conditions for system Internet access privileges. I understand this access is for educational purposes and that the Mobile County Public School System has taken available precautions in forewarning and educating all interested parties of the controversial material that is accessible on the Internet. I also recognize that it is impossible for the Mobile County Public School System to restrict access to all controversial materials. I will not hold the Mobile County Public School System nor its employees responsible for materials acquired by my son/daughter on the network in violation of the Internet Acceptable Use Policy and Procedures for Internet Acceptable Use. Further, I accept full responsibility for supervision if and when my child's use is not in a school setting.

I hereby give my permission to the Mobile County Public School System to issue Internet access privileges to my son/daughter.

Signed \_\_\_\_\_

Date \_\_\_\_\_

## **COPYRIGHT**

The board encourages its staff to enrich the learning program by making proper use of supplementary materials. The staff is responsible for abiding by MCPSS copying procedures and obeying the requirements of the law. In no circumstances shall it be necessary for MCPSS staff to violate copyright requirements in order to perform their duties properly.

Any staff member who is uncertain as to whether reproducing or using copyrighted material complies with the MCPSS's procedures or is permissible under the law should contact the MSPSS library media services. The library media services department will also assist staff in obtaining proper authorization to copy or use protected material when such authorization is required.

### **PROFESSIONAL PUBLISHING**

Employees publishing written materials concerning the school system shall have the superintendent's approval. Written materials developed by board employees in their official capacity as a board employee for the school system other than for personal use shall be the property of the school system and not that of the individual writers.

### **DATA USE AND GOVERNANCE POLICY**

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

**Date Adopted: February 22, 2017**

### **SCHOOL VOLUNTEERS**

Volunteers, parents and other community members with approval of the local school principal can assist schools in many capacities.

Volunteers may be permitted to perform non-instructional tasks without direct supervision but should not have unsupervised access to children.

The Mobile County Public School System shall also comply with all laws (and amendments thereto) concerning adult sex offenders.

Legal Reference: Ala. Code § 15-20A-17 (as amended by Act 2014-421)

**Date Adopted: December 11, 2007**

**Date Amended: October 27, 2015**

## **FUNDRAISING**

All school-based fundraising projects must be approved by the school principal. Any system-wide fundraising effort must be approved by the superintendent. Any fundraising effort on behalf of the school system must be approved by the superintendent.

Groups or their sponsors should be required to submit a fundraiser request and a fundraiser budget for any planned event. When deciding on fundraiser projects such things as purpose, need, potential profitability, and available volunteers should be considered. The health, safety, and welfare of students, parents, and the general public should be a primary consideration.

**ASSOCIATIONS/COLLECTIVES**

The board recognizes the potential benefits to public education of the pursuit of excellence through membership in associations and organizations with goals consistent with those of the board. The board authorizes the superintendent to approve memberships deemed to be in the best interests of the school system and public education.



### **SCHOOL FACILITY USE**

The superintendent or his designee will approve in advance and in writing all special programs sponsored by individuals and groups that are not affiliated with the school, school board or a school group if a charge is to be made for admission or if a collection is to be taken at the end of the performance or activity.

#### **Rentals and Service Charge**

Any fees collected for the temporary use of school facilities shall be forwarded to the Facilities Division attached with the approved School Use of Facilities form. All funds received shall be forwarded to the Chief Financial Officer and deposited into the General Operation account for system-wide operating expenses.

**FLAG DISPLAYS**

Reference: Alabama Code - §16-43-1.

**Date Adopted: December 11, 2007**



**MOBILE COUNTY PUBLIC  
SCHOOL SYSTEM  
POLICY BOOK**

**CHAPTER 4:  
CURRICULUM AND  
INSTRUCTION**

## **Chapter 4.00 – Curriculum and Instruction**

4.10	<u>Curriculum Development</u>
4.11	<u>Course Offerings</u>
4.12	<u>Research</u>
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4.21	<u>Class Size</u>
4.22	<u>Magnet Schools</u>
4.23	<u>Student Exchange Programs</u>
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4.73	<u>Outside Resources</u>
4.74	<u>Virtual Program Option</u>

## **CURRICULUM DEVELOPMENT**

Courses of study developed by the Alabama State Department of Education will serve as a framework for the development of local guides and teaching units in the school system.

**COURSE OFFERINGS**

A list of approved courses for middle and high schools will be published annually to serve as a guide for local school program planning. Departures from the list shall be approved by the superintendent.

## **RESEARCH**

The professional staff is encouraged to conduct educational research aimed at developing, validating and standardizing new or alternative instructional programs, strategies or methods.

All formal research or experimental projects using either school system personnel or pupils shall be approved by the superintendent.

Informal studies in individual schools may be conducted upon the approval of the local school principal.

All research programs coordinated by persons or agencies outside the school system and all programs involving multiple schools within the system shall be approved by the superintendent.

Summary reports of all research efforts conducted in the school system will be submitted to the superintendent.

## **GROUPING**

Students may be grouped in such a way as to facilitate sound and effective instruction. Grouping practices will be in keeping with accepted principles of learning.



## **CLASS SIZE**

Reference: Class Size Resolution September 11, 1997, as amended January 8, 1998.

**Date Adopted: December 11, 2007**

## **OPEN-ZONED SCHOOLS**

The Mobile County Public School System will maintain open-zoned, schools of choice for the purpose of providing a multicultural and challenging environment that stresses academic excellence. All open-zoned schools, including current magnet schools, will have a specialized theme and an aligned core curriculum. Entrance and selection criteria will be utilized to select and place applicants within the allotted number of slots at each school.

Procedures governing open-zoned schools' entrance and selection criteria, enrollment of students, curriculum, reporting, and instructional programs will be established by the Superintendent and/or Board of School Commissioners consistent with this policy and communicated through an MCPSS Magnet Schools' Procedures Manual that will be reviewed annually.

An MCPSS Choice Schools' Advisory Committee will be established to advise the open-zoned schools and the Magnet School Resource Teacher. The advisory committee will meet no fewer than once an academic year and consist of representatives of community members, parents of open-zoned school students, school administrators, teachers, the Magnet Schools' Resource Teacher, a supervisor from curriculum and instruction, the Student Services Executive Director, and the Superintendent or his/her representative.

### **STUDENT EXCHANGE PROGRAMS**

In recognition of the value of learning from travel and living abroad, and from association with peoples of various nationalities, schools are encouraged to participate in student exchange programs provided no extra expense of the system is incurred.

Students participating in exchange programs may, with prior approval of the local school principal and the assistant superintendent of Curriculum and Instruction, be given academic credit for studies completed.

### **CO-CURRICULAR ACTIVITIES**

School faculties are encouraged to develop and carry on a program of co-curricular activities that provide for a wide variety of student interests and relate to regular classroom activities.

Instructional co-curricular activities which involve two or more schools will be coordinated by the Division of Curriculum and Instruction within the framework of guidelines approved by the superintendent, in keeping with the Equal Assess Act.

**NON-ACCREDITED SCHOOLS**

Reference: AAC 290-3-1-.02(7)(k)

**Date Adopted: December 11, 2007**

**CORRESPONDENCE/ONLINE COURSES**

Reference: AAC 290-3-1-.02 (11)  
AAC 290-3-1-.02 (12)

**Date Adopted: December 11, 2007**

**SEX EDUCATION**

Reference: Alabama Code - §16-40A-3

**Date Adopted: December 11, 2007**

## **DRUG EDUCATION**

Reference: Alabama Code - §16-40A-3

Alabama Code - §16-41-6 (parental exemption).

**Date Adopted: December 11, 2007**



**PERIOD OF QUIET REFLECTION**

Reference: Alabama Code - §16-1-20.4

**Date Adopted: December 11, 2007**

**PLEDGE OF ALLEGIANCE**

Reference: Alabama Code - §16-6B-2(h)  
Alabama Code - §16-43-5

**Date Adopted: December 11, 2007**

**CHARACTER EDUCATION PROGRAM**

Reference: Alabama Code - §16-6B-2(h)

**Date Adopted: December 11, 2007**

## **TEACHER PLANNING**

In the event of absence, teachers shall provide lesson plans for substitute teachers and shall make available class rolls and other necessary records.

### **Scheduled Planning Time**

**Reference: Alabama Code - §16-1-1(1)**

**MAKE-UP WORK**

When the student is away from class with the consent of the teacher and the principal or when the student has an excused absence from school, he/she will not be penalized for not being present to take tests or to participate in daily work and will be given an opportunity to make up work missed within a reasonable timeframe.

## **FINAL EXAMINATIONS**

Final evaluations will be given in all high school classes at the close of each semester and will be administered in accordance with a schedule approved by the superintendent.

Any plan for exempting students from the summary or final evaluation procedures will be approved by the superintendent.

Grading procedures adopted by the system will determine the value given the final evaluation.

**REPORT CARD**

All report cards used in the school system will be approved by the superintendent and will be distributed at regular, specified intervals.

## **HONOR ROLLS**

Schools will maintain honor rolls fostering respect for scholarship and recognition to deserving students for their accomplishments. The local school faculty will develop honor roll standards to be applied in that school.



### **PROMOTION AND RETENTION**

Decisions concerning promotions and retentions will be based on the student's total background of growth and achievement and the conditions under which his/her learning needs can best be accommodated. Decisions will be made cooperatively by teachers and principals in consultation with the student's parents or guardian.

Reference - Procedures: Middle School Promotion-Retention

**PROCEDURE:**  
**MIDDLE SCHOOL PROMOTION-RETENTION PROCEDURES**

In order to be promoted to the next grade level, middle school students must:

Receive a passing yearly grade in all required core curriculum courses.

Students who fail to meet this requirement may be promoted to the next grade upon successful completion of the requirement during summer school.

## **DIPLOMA REQUIREMENTS**

Requirements for graduation from high school will conform to those requirements of the Alabama State Department of Education.

To qualify for participation in senior class activities, the student shall be eligible for graduation at the end of the regular school term.

Reference: AAC 290-3-1-.02(8).

AAC 290-3-1-.02(8)(e) Changing Diploma Options.

### **TRANSFERRING CREDITS**

In Mobile County, valid credits are accepted at face value. No accommodations will be made to waive core course requirements for graduation for students transferring from schools not following a block schedule. Transcripts for transfer students entering Mobile County during their senior cohort year only may be prorated to 24 credits (Alabama State Department Standard) provided all graduation requirements are met. The waiver may be granted through the Central Office only.

**Reference:** Education Planning Guide for High School Students (Mobile County Public Schools).  
(Revised 7-29-2007)

**Date Adopted:** April 23, 2018

## EVALUATION OF INSTRUCTION

To provide for continuous improvement in the teaching-learning process, a program of evaluation will be conducted at all levels – system, school and classroom level. Evaluation programs will use a variety of data-gathering instruments, including but not limited to teacher-made tests, standardized tests of achievement, intelligence tests, interest inventories, personality questionnaires and vocational surveys.

Data collected will be used to alter instructional programs to better meet the needs of students.

All testing and evaluation programs will be conducted in a manner minimizing interruption of the instructional program.

Schools are encouraged to collect and utilize a variety of non-test data in evaluating school programs. Such data will include but not be restricted to attendance records, observable behavior and demonstrated interest in school activities.

### **TEST SELECTION AND ADOPTION**

A list of currently approved tests, questionnaires, and surveys will be maintained in the Division of Curriculum and Instruction.

Use of instruments not on this list, except for the use of teacher-made subject-oriented tests, should be approved by the superintendent.

### **INSTRUCTIONAL METHODOLOGY**

Teachers may use a range of methods of teaching and instructional strategies which are in keeping with accepted principles of learning, and directed toward the achievement of objectives set forth in state and local courses of study.

**TEXTBOOKS**

Reference: Alabama Code - §16-36-62.

**Date Adopted: December 11, 2007**



**SUPPLEMENTARY INSTRUCTIONAL MATERIALS**

Principals may expend local school funds and system allocations for the purchase of supplementary instructional materials. Said materials should serve to enrich and support the curriculum.

Free and inexpensive instructional materials offered for systemwide distribution by businesses and other organizations must be approved by the assistant superintendent of the Division of Curriculum and Instruction prior to distribution.

### **SCHOOL SUPPLY STORES**

Schools may sell instructional supplies considered essential to the instructional program. No student shall be required to purchase supplies at the school.

**ASSEMBLIES, CEREMONIES AND OBSERVANCES**

Schools are encouraged to conduct assemblies, ceremonies and observances that serve to support school spirit, emphasize student achievement, and provide opportunities for students to develop moral, ethical and patriotic values.

Such events should be scheduled as a part of the regular school calendar. Care should be exercised in scheduling to avoid undue interruption of the instructional program.

### **FIELD TRIPS**

Field trips should be an outgrowth of units of study and should be directed toward the achievement of specific educational objectives. Teachers should have a lesson plan to support these objectives.

Trips or excursions in which students are taken off the school campus must receive approval of the principal before being publicized or planned in detail.

All overnight and all out-of-county, including out-of-country, field trips must be approved a minimum of two weeks in advance of departure from the school by the superintendent or his/her designee.

## **CONTESTS**

School officials may encourage student participation in contests sponsored by businesses, civic clubs and other outside organizations provided said contests have been approved by the superintendent or his/her designee. Participation by students and faculty members shall be voluntary.

### **OUTSIDE RESOURCES**

Schools shall be encouraged to utilize the services of persons in the community to enhance, extend, and enrich the approved curriculum.

1. Resource persons shall be selected on the basis of qualifications, contributions to be made, and appropriateness of presentation.
2. Contributions of resource persons should relate to approved objectives set forth in teaching units and courses of instruction of student groups to which presentations are made.
3. The principal shall be involved in planning for the use of a resource person at the earliest time the use of resource services is considered.
4. Teachers and other staff personnel shall secure the principal's approval for the resource person(s) prior to the time an invitation is extended to come into the school.
5. Printed material that the resource person wishes to distribute shall be submitted to the principal for approval prior to his presentation.

## **VIRTUAL PROGRAM OPTION**

The Mobile County Public School System will provide a virtual pathway or virtual education option for students in grades 9-12. Students enrolled in the virtual school will complete all coursework virtually from their computers and will complete major tests under testing supervision on campus. The coursework allows student scheduling flexibility to complete the course requirements.

Students must meet the following eligibility criteria to participate in the virtual pathway:

- Own an operational home computer
- Maintain a reliable internet connection
- Have an adult willing to serve as the learning coach
- Be proficient in reading, writing and math
- GPA
- Attendance
- Cohort year

Students must meet the established attendance criteria to participate in the virtual pathway. Attendance and academic progress will be monitored daily by the virtual school staff.

All state-mandated testing will be conducted at the student's reporting, zoned school. All full-time students enrolled in the virtual school will be counted in the average daily membership at their reporting, zoned school. All full-time students enrolled in the virtual school will participate in all state testing and accountability requirements. Upon satisfying all graduation requirements, students enrolled in the virtual school will receive a diploma from their reporting, zoned high school.

Students enrolled in Envision are eligible to participate in extracurricular activities in the school attendance zone in which they reside, and are subject to the same requirements, including Alabama High School Athletic Association rules.

Envision Virtual School shall accept inter-system and intra-system transfers for all eligible students and all students shall be subject to the same criteria.

Envision shall be exempt from any provision of general law, local law or administrative rules that apply to the traditional delivery of instruction, including, but not limited to, requirements to the physical presence of a student, student monitoring and security, staffing requirements, transportation obligations, facility requirements, space and location requirements, time requirements and physical education requirements, to the extent any of the forgoing conflict with the delivery of the virtual program.

Any online course delivery that is not supported by the Alabama State Department of Education shall be accredited by an institution recognized pursuant to administrative rule adopted by the ALSDE. Course work offered through the virtual program shall contain the requirement content as identified in the applicable Alabama Course of Study.

**Legal Reference:** Act No. 2015-89

**Date Adopted:** August 26, 2015

**Date Revised:** March 26, 2018



**MOBILE COUNTY PUBLIC  
SCHOOL SYSTEM  
POLICY BOOK**

**CHAPTER 5:  
STUDENTS**



## Chapter 5.00 – Students

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## **ASSIGNMENT**

The principal shall determine, in accordance with all School Board policies, the student's assignment to class.

**TO SCHOOLS**

1. Each elementary, middle and senior high school shall serve the attendance zone which has been ordered by the Federal Court and approved for implementation by the Board. All changes in attendance zones shall be approved by the Board.
2. Students shall be assigned to the school serving the attendance zone in which their parents or legal guardians reside. Exceptions to this policy may be authorized by the Division of Student Support Services in accordance with the provisions of other policies.
3. Students whose parents or legal guardians move from one attendance zone to another during the school year, may be transferred to the school attendance zone which serves the new residence address, or they may be permitted to remain on roll until the end of the school year in which the residential change occurred.
4. Parents or legal guardians who have definite plans to move to a new attendance area during the early part of a school year and who desire to have their children initially enrolled in the school serving the attendance area where they will later reside shall make application for advanced enrollment to the Division of Student Support Services.

**TRANSFERS AND WITHDRAWALS**

1. Attendance Zone Transfers —Transfers are approved in the Division of Student Support Services by the Executive Director. A parent or legal guardian may file, in the Division of Student Support Services, a request for an attendance zone transfer. Transfers shall be considered only for the following reasons:
  - a. Students who are seeking admission to special programs offered in other schools.
  - b. Residence has been established in another attendance zone in Mobile County and the parent/guardian wishes for the student to remain at the school in which he/she is enrolled.
  - c. Cases of extreme hardship or extenuating circumstances, provided space is available and provided that such transfers do not require special transportation arrangements by the School Board.
2. Withdrawals – Students shall be withdrawn from school in accordance with procedures established by the Division of Student Support Services.

**COMPULSORY ATTENDANCE AGES**

Reference Alabama Code - §16-28-3.

**Date Adopted: December 11, 2007**

**ENTRANCE AGE**

Reference Alabama Code - §16-28-4.

**Date Adopted: December 11, 2007**

## **SCHOOL ADMISSION**

### **Required Documentation**

Students entering the Mobile County Public School System for the first time, regardless of grade level, shall be required to submit a certified birth certificate and a certificate of immunization or an exemption on the form prescribed by the Department of Health and signed by a private physician or appropriate health department official.

### **Resident Students**

Students, to be eligible to attend Mobile County Public Schools-System, shall reside with a parent or legal guardian who is a resident of Mobile County except as provided in this policy. Special authorization from the Division of Student Support Services is required for students to enroll from the residence of an adult other than the parent or legal guardian.

### **Non-Resident Students**

Students whose parents or guardians reside outside Mobile County are non-resident students. The parent or guardian must obtain a permit from the Division of Student Support Services for the student's admission to the Mobile County Public School System.

Non-resident students will be charged a non-resident tuition. The tuition fees will be established annually and published in the Student Handbook and Code of Conduct.

### **Foreign Exchange Students**

Students who enter the United States under an approved exchange program must reside with an approved sponsor family residing in Mobile County. The guardian must obtain a permit from the Division of Student Support Services for the student's admission to the Mobile County Public School System.

### **Students Under Expulsion From Other School Systems**

Any student who has been expelled from another school system or private/parochial or other school who seeks admission to the Mobile Count Public School System must comply with all current MCPSS admission requirements including, but not limited to, all provisions of the Student Handbook and Code of Conduct.

Date Adopted: December 11, 2007

Hearing: May 25, 2010

Revised: May 25, 2010

## **Tuition for Out-of-System Students**

1. Regular Education Annual Tuition Rate
  - a. All out-of-system students with no special requirements will be charged tuition at a predetermined amount set by the Superintendent in accordance with Alabama law. The amount of tuition is subject to change on an annual basis and will be published in the *Student Handbook and Code of Conduct*.
  - b. Tuition will be waived for out-of-system students with no special requirements whose parents are active employees of the Mobile County Public School System.
  - c. No refunds will be granted if the student leaves the Mobile County Public School System due to long-term suspension, is expelled, or drops out. Refunds will be granted for students moving to a school outside the Mobile County Public School System.
  - d. Partial Year Enrollment – For students who enroll after the school year has begun the tuition rate will be prorated based on percentage of year remaining.
2. Special Education: The LEA in which the student resides is legally responsible for providing services to its students. Assuming space availability, the Superintendent, Executive Director of Special Programs, and the Chief School Financial Officer may enter into a negotiated contractual agreement with a sending LEA in specific situations, wherein the sending LEA will reimburse the Mobile County Public School System for all of the provided services. In no case will the reimbursement amount be less than the predetermined tuition amount set by the Superintendent.
3. No out-of-system students will be accepted into the Mobile County Public School System's Magnet School Program.
4. Each year the student database will be reviewed by the Accounting Department in collaboration with the Micro Information Systems Department and the Division of Student Support Services to ensure that tuition is being received according to this policy. Any school in the Mobile County Public School System which has accepted an out-of-system student for whom tuition is due will be charged the amount due for each such student from that school's local funds.
5. Tuition payments must be *PAID IN FULL* prior to the student being allowed to register at a school in the Mobile County Public School System.
6. Payments will be accepted by on-line credit card payment and at the Central Office by a representative of the Accounting Department in the form of cash or check.
7. The school must receive signed authorization from the Central Office before accepting an out-of- system student's registration packet. This will be in the form of a paid-in-full receipt or a statement confirming receipt of payment.
8. *NO* Transportation will be provided to out-of-system students unless provided for in a negotiated contractual agreement referred to in Paragraph 2 above.
9. Out-of-system students accepted will be subject to the same rules as transfer students.

Hearing: January 19, 2012

Adopted: April 23, 2012

Revised: May 17, 2012



**TRUANCY**

Reference: AAC 290-3-1-.02(7)(c)(1-5).

**Date Adopted: December 11, 2007**

### **HOMELESS STUDENTS AND FOSTER CARE**

In accordance with the McKinney-Vento Homeless Assistance Act and the Every Student Succeeds Act, the Mobile County Public School System will meet any requirements of the Acts regarding giving homeless and foster care students access to a free, appropriate education, removing barriers to enrollment for homeless and foster care students, and assisting in securing necessary documents.

**Reference: AAC 290-3-3-.02 (7)(d) – Homeless Students**  
**Date Adopted: May 25, 2010**  
**Date Revised: February 22, 2017**

## **HOMELESS STUDENTS – ENROLLMENT DISPUTE POLICY**

In accordance with the McKinney-Vento Homeless Assistance Act and the Every Student Succeeds Act, the Mobile County Public School System will meet any requirement of the Acts regarding enrollment disputes of homeless students. This policy is in place for the prompt resolution of disputes regarding educational placement of homeless children and youth. This policy will provide a mechanism for MCPSS to resolve disputes at the LEA level that may arise over school selection or enrollment in school by a homeless student.

**Date Adopted:** January 24, 2018

## **McKinney-Vento (Homeless Education) Dispute Resolution Procedure**

The dispute resolution process begins at the time a school/district challenges the enrollment of a homeless student. If there is a dispute regarding a student's homeless status, school selection/enrollment and/or request for transportation, **the student must be immediately enrolled in the school where enrollment is sought and provided with transportation services.**

### **The school must adhere to the following procedures:**

- 1) The school must complete the *Initial Challenge Form* and have the parent sign this form. The original form goes to the parent/guardian/unaccompanied youth. A copy of this form is sent to Student Support Services, Homeless Education Program. The school should also retain a copy of this form.
- 2) At the time of the initial challenge, the school must provide to the parent/guardian/unaccompanied youth the *Appeal Form* and provide the contact information of the assigned homeless liaison.

### **The district must adhere to the following procedures:**

- 1) Upon receiving the *Initial Challenge Form* from the school, the assigned homeless liaison will contact the parent within twenty-four (24) hours to inform parent/guardian/unaccompanied youth of their right to appeal.
- 2) If the parent appeals the initial challenge, the district must complete an inquiry to determine if the student is entitled to enrollment and supportive services under McKinney-Vento.
- 3) The district must complete the *Final District Decision Form* within five (5) business days of receiving the *Appeal Form* and notify the parent/guardian/unaccompanied youth in writing. The assigned homeless liaison will notify the school of the final decision.
- 4) The district must advise the parent/guardian/unaccompanied youth that the district's final decision may be appealed to the Alabama State Department of Education within five (5) business days.
- 5) If the parent/guardian/unaccompanied youth decides to appeal the district's final decision to the Alabama State Department of Education, the parent/guardian/unaccompanied youth must contact the Homeless Education liaison to assist with filing the appeal.

The student must remain enrolled and provided with transportation (if needed) until the district makes a final determination. If the parent/guardian/unaccompanied youth appeals the district's decision to the Alabama State Department of Education, then the student must remain enrolled and provided with transportation (if needed) until the State notifies the parent/district of their final decision.

# Mobile County Public School System

## Homeless Enrollment Dispute

### Final District Decision



#### Demographic Information

STUDENT NAME: First Last	SCHOOL NAME:
STUDENT NAME: First Last	SCHOOL NAME:
STUDENT NAME: First Last	SCHOOL NAME:
PARENT/GUARDIAN/UNACCOMPANIED YOUTH NAME:	CONTACT NUMBER:
DISPUTED ADDRESS: Street City State Zip	
VERIFIED ADDRESS (If Different From Disputed Address): Street City State Zip	

#### Inquiry Disposition

\_\_\_\_\_ Based on the inquiry conducted by Student Support Services, it has been determined that the above named student(s) is/are entitled to enrollment and/or transportation to the above named school(s).

\_\_\_\_\_ Based on the inquiry conducted by Student Support Services, it has been determined that the above named student(s) is/are **NOT** entitled to enrollment and/or transportation to the above named school(s) for the following reasons:

#### Parent/Guardian/Unaccompanied Youth Notification of Final Enrollment Decision

**You have the right to appeal the Final District Decision.** If you would like to appeal this decision, please contact the Homeless Education Liaison at 251-221-4275 within FIVE (5) business days of the district's decision. If you decide to appeal to the Alabama State Department of Education, the assigned homeless liaison will assist you with filing the appeal. **You can bring a lawyer, a non-lawyer advocate, or any other person to assist you in this proceeding or any appeal. You can also provide written or oral documentation to support your position during this proceeding or any appeal.** If you appeal, the above named student(s) must remain enrolled and provided with transportation, if needed, until the state makes a final decision.

SIGNATURE:

DATE:

\_\_\_\_\_  
Terrence S. Mixon, Sr., Executive Director of Student Support Services/Designee



**EDUCATION FOR  
HOMELESS CHILDREN AND YOUTH PROGRAM**

**TITLE VII-B OF THE MCKINNEY-VENTO HOMELESS  
ASSISTANCE ACT,**

**AS AMENDED BY THE**

**NO CHILD LEFT BEHIND ACT OF 2001**

**NON-REGULATORY GUIDANCE**



**UNITED STATES DEPARTMENT OF EDUCATION  
WASHINGTON, DC**

**July 2004**

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**Appendix E: Dispute Resolution Process School Sample Form\***

**Everyday Independent School District**

. \*[This form was not developed nor is it endorsed by the U.S. Department of Education. It is not a required form. It was adapted for use as an example].

School Name: \_\_\_\_\_  
School Address: \_\_\_\_\_ Phone: (777) \_\_\_\_\_ Fax: (777) \_\_\_\_\_  
Student's Name: \_\_\_\_\_ I.D.#: \_\_\_\_\_ Grade: \_\_\_\_\_  
Current Address: \_\_\_\_\_ Current Phone: \_\_\_\_\_  
Parent/Guardian/Complaining Party's Name: \_\_\_\_\_

Relationship: ☐ Parent ☐ Guardian ☐ Unaccompanied Youth ☐ Other:

Current Address: \_\_\_\_\_ Current Phone: ( ) \_\_\_\_\_

Please note: Information regarding student's address, phone number, and information protected by Everyday School Records Act and can only be released to parent/guardian, the student, or to a person specifically designated as a representative of the parent/guardian.

Lives in a Shelter ☐ Yes ☐ No

Name of school that parent chooses child to be immediately enrolled in and /or transported to/from until dispute is resolved:

Is this the school of origin\*? ☐ Yes ☐ No

*\*School of Origin means the school that the child attended when permanently housed or the school in which the child was last enrolled.*

If no, from which school was the student transferred? \_\_\_\_\_

Reason for the Complaint: \_\_\_\_\_

Signature of parent/guardian/complaining party:

Date:

**Principal's Actions on the Complaint**

Taken within \_\_ school day(s) after receiving notice of the complaint.

Date Homeless liaison was notified of the dispute:

Action taken by principal to resolve the dispute: \_

Was the dispute resolved? ☐ Yes ☐ No

Explanation:



**Appendix F: Dispute Resolution Process School District Sample Form\***

**EVERYDAY PUBLIC SCHOOLS**

**\*[This form was not developed nor is it endorsed by the U.S. Department of Education. It is not a required form. It was adapted for use as an example].**

Student's Name: \_\_\_\_\_ I.D.#: \_\_\_\_\_

Grade: \_\_\_\_\_

School Name: \_\_\_\_\_

**District Action On Complaint**

Taken within \_\_\_\_\_ school days after receiving notice of the complaint.

Did the Education Liaison resolve this dispute? ☐ Yes ☐ No

If dispute was resolved: describe the actions taken by the Education Liaison to resolve the dispute to the satisfaction of parent/guardian:

If dispute was *not* resolved to the satisfaction of the parent/guardian: provide the date that a District Education Officer convened a meeting of the parties and briefly describe the outcome of this meeting:

The following organizations are willing to provide low-cost or free legal assistance to residents of Everyday\*:

Everyday Coalition for the Homeless Main Street Everyday, USA (800) 555-5555)  
Everyday Coalition is willing to provide to homeless children and parents free legal services regarding educational matters.

\*By listing these organizations as sources of low-cost or free legal services, the Everyday Board of Education does not in so doing recommend or advocate the use of the services of the listed organizations, nor is the Board responsible for the quality of services provided by any of these listed organizations, should their services be used.

Action taken by Everyday School District to resolve the dispute (if necessary): \_\_\_\_\_

Was the dispute resolved? ☐ Yes ☐ No

Date: \_\_\_\_\_

Explanation: \_\_\_\_\_

## **Appendix G: References**

*The Education of Homeless Children and Youth Program: Learning to Succeed.* (November, 2002). Chapter I, Phillips, C.M., Wodatch, J.K., & Kelliher, C.T. *Access and achievement: Reducing barriers for homeless children and youth.* Chapter II, Funkhouser, J.E., Riley, D.L., Suh, H.J., and Lennon, J.M. *Educating Homeless Children and Youth: A Resource Guide to Promising Practices.* Washington, DC: U.S. Department of Education.

*Local Homeless Liaison Toolkit.* (January, 2003). (Pre-Publication Draft) Popp, P.A., Hindman, J.I., Stronge, J.H. National Center for Homeless Education at SERVE Greensboro, NC.

*Report To Congress Fiscal Year 2000.* (December, 2001). Education for Homeless Children and Youth Program, Washington, D.C.: U.S. Department of Education.

*Symposium on Homeless Education and Title I.* (Proceedings, 2001). Hosted by U.S. Department of Education and the National Center for Homeless Education at SERVE Greensboro, NC.

**Education for Homeless Children and Youths Program  
Non-Regulatory Guidance**

**Title VII-B of the McKinney-Vento Homeless Assistance Act, as amended by  
the Every Student Succeeds Act**



**July 27, 2016**

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*The U.S. Department of Education does not mandate or prescribe practices, models, or other activities in this non-regulatory guidance document. This guidance contains examples of, adaptations of, and links to resources created and maintained by other public and private organizations. This information, informed by research and gathered in part from practitioners, is provided for the reader's convenience and is included here to offer examples of the many resources that educators, parents, advocates, administrators, and other concerned parties may find helpful and use at their discretion. The U.S. Department of Education does not control or guarantee the accuracy, relevance, timeliness, or completeness of this outside information. Further, the inclusion of links to items does not reflect their importance, nor is it intended to endorse any views expressed, or materials provided.*

- Explore possibilities for volunteers to provide transportation for homeless students. This option should be considered only if pupil transportation safety policies would allow it and if sufficient driver background checks are conducted.
- Consider economical approaches to providing transportation. Brainstorm cost-saving solutions with LEA and community stakeholders.

## **K. Dispute Resolution Procedures**

### **K-1. Under the McKinney-Vento Act, are States required to have procedures to resolve disputes regarding educational placement of homeless children and youths?**

Yes. Every State must have procedures for the prompt resolution of disputes regarding the educational placement of homeless children and youths. (See section 722(g)(1)(C)). In addition, some LEAs have their own written dispute resolution policy that describes procedures for resolving disputes at the local level. Because these policies should be consistent with the State dispute resolution policy, a State may wish to provide technical assistance to LEAs in developing a strong local dispute resolution policy or even provide a common local policy that each LEA can adopt. The benefit of a common local dispute policy is to create consistency as homeless students move across school district lines due to their homelessness.

### **K-2. What procedures must an LEA follow if a dispute arises between a school and a parent, guardian, or unaccompanied youth or guardian regarding eligibility, school selection, or enrollment of a homeless child or youth?**

If a dispute arises over eligibility, school selection, or enrollment, the LEA must immediately enroll the homeless student in the school in which enrollment is sought, pending final resolution of the dispute, including all available appeals. (Section 722(g)(3)(E)(i)). The dispute resolution policy should also consider that the statutory definition of “enroll” and “enrollment” includes attending classes and participating fully in school activities. (See section 725(1)). Therefore, dispute resolution procedures at the LEA and SEA level should address barriers to attending classes and fully participating in school activities. Inter-district enrollment disputes should be resolved at the SEA level (See question K-8).

Homeless families and youths may be unaware of their right to challenge placement and enrollment decisions. Therefore, the LEA must provide the parent, guardian, or unaccompanied youth with a written explanation of any decisions related to school selection or enrollment made by the school, the LEA, or the SEA involved, along with a written explanation of the appeal rights. (Section 722(g)(3)(E)(ii)). The LEA must refer the unaccompanied youth, parent, or guardian to the local liaison, who must carry out the dispute resolution process established by the SEA as expeditiously as possible. (Section 722(g)(3)(B)(iii)). The local liaison should assist the child and family in preparing the appeal and should make the resources of the school (e.g., copying, mailing, or obtaining records) available to the parent, guardian, or unaccompanied youth.

### **K-3. What elements should be included in the written explanation of the enrollment decision and the right to appeal this decision?**

If a dispute arises over eligibility, school selection, or enrollment in a school, the parent, guardian, or unaccompanied youth must be provided with a written explanation of any decisions related to

eligibility, school selection, or enrollment made by the school, the LEA, or the SEA involved, including the rights of the parent, guardian, or unaccompanied youth to appeal such decisions. (Section 722(g)(3)(E)(ii)). Notice and written explanation from the LEA about the reason for its decision, at a minimum, should include the following:

- An explanation of how the school reached its decision regarding eligibility, school selection, or enrollment, which should include:
  - A description of the action proposed or refused by the school;
  - An explanation of why the action is proposed or refused;
  - A description of any other options the school considered;
  - The reasons why any other options were rejected;
  - A description of any other factors relevant to the school's decision and information related to the eligibility or best interest determination including the facts, witnesses, and evidence relied upon and their sources;
  - Appropriate timelines to ensure any relevant deadlines are not missed; and
- Contact information for the local liaison and State Coordinator, and a brief description of their roles.

#### **Tips for Establishing an Effective Dispute Resolution Process**

In establishing a strong effective dispute resolution process, LEAs may also consider including the following items in information distributed to parents, guardians, or unaccompanied youths when informing them of decisions regarding enrollment:

- Notice of the right to file a complaint, raise a compliance issue, or file an appeal;
- A step-by-step description of how to appeal the school's decision that includes a simple form parents, guardians, or unaccompanied youths can complete and submit to the school to initiate the dispute process. Copies should be provided to the parent, guardian, or youth for their records;
- Notice that, if the parent, guardian, or unaccompanied youth are English learners, use a native language other than English, or need additional supports because of a disability, translators, interpreters, or other support services will be made available without charge in the appropriate language;
- Notice of the right to be enrolled immediately in the school in which enrollment is sought pending final resolution of the dispute;
- Notice that immediate enrollment includes receiving adequate and appropriate transportation to and from the school of origin and the ability to fully participate in all school activities;
- List of legal and advocacy service providers in the area that can provide additional assistance during any part of the process;
- Contact information for the local liaison and State Coordinator, with a brief description of their roles; and

- Timelines for resolving district- and State-level appeals.

These processes may include, but are not limited to, any administrative procedures adopted by the LEA for addressing matters such as parent or student complaints, attendance, credit recovery, or grade placement. In some circumstances, additional concerns may be appropriately addressed in an Individualized Education Program (IEP) team meeting or a Section 504 placement team meeting. Other appropriate processes may include investigation of matters related to bullying, sexual harassment, or illegal discrimination.

**K-4. How can an LEA ensure that the written explanation of its decision or determination and the notice to appeal is in a manner and form understandable to a parent, guardian, or unaccompanied youth?**

The LEA should ensure that all decisions and notices are drafted using language and formatting appropriate for low-literacy, limited vision readers, and individuals with disabilities.

For children and youth and/or their parents or guardians who are English learners or whose dominant language is a language other than English, LEAs must provide translation and interpretation services in connection with all stages of the dispute resolution process, consistent with the requirements of the Equal Educational Opportunities Act (20 U.S.C. 1701 et seq.) and Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.).

If the parent, guardian, or unaccompanied youth has access to email, the LEA should provide notices electronically followed by a written notice provided in person or sent by mail.

**K-5. What types of situations fall outside of the parameters of the McKinney-Vento Act dispute resolution process?**

Not all eligibility or enrollment disputes initiated by a parent, guardian, or unaccompanied youth are eligible to go through a dispute resolution process at the LEA or SEA level. For example, when the child or youth is not residing in a homeless situation in the boundaries of an LEA, but the parent, guardian, or unaccompanied homeless youth seeks to initiate an enrollment dispute in that particular LEA. Or, for example, a parent, guardian, or unaccompanied youth may wish to use the dispute resolution process to resolve a disagreement that is unrelated to the McKinney-Vento Act, such as a special education issue. In these cases, the LEA should refer the parent, guardian, or unaccompanied youth to the program or administrator that would more effectively address the complaint.

**K-7. What are effective strategies for LEAs and SEAs to use to resolve enrollment disputes?**

LEAs and SEAs should consider the following strategies for effectively resolving disputes:

- Resolve disputes at the district level rather than the school level;
- Create an option for an informal process as an alternative to formal appeals, which should be in place but must not waive the parent's, guardian's, or unaccompanied youth's access to a more formal process if the informal resolution is not successful;
- Inform parents, guardians, and unaccompanied youths that they can bring a lawyer, a non-lawyer advocate, or any other person to assist them in such a proceeding or appeal;

- Ensure that any written notice is complete, as brief as possible, simply stated, tailored to limited literacy readers, and provided in a language and format the parent, guardian, or unaccompanied youth can understand.
- When inter-district issues arise, ensure representatives from all involved districts and the SEA are present to resolve the dispute;
- A State-level appeal process, involving the State Coordinator, should be available for appeals of district-level decisions and resolution of inter-district disputes;
- Any communication to the State Coordinator should be provided to all parties involved to ensure fairness;
- The dispute resolution process should be as informal and accessible as possible, including not requiring unnecessary notarization or authentication of documents or other materials submitted, not requiring strict legal evidentiary standards, and allowing for impartial and complete review;
- Parents, guardians, and unaccompanied youths should be able to initiate the dispute resolution process directly at the school they choose, as well as at the district or local liaison's office;
- States should establish timelines to resolve disputes at the local and State level. The dispute resolution should be prompt but not sacrifice equitability and fairness;
- Parents, guardians, and unaccompanied youths should be informed that they can provide written or oral documentation to support their position;
- Parents, guardians, and unaccompanied youths should be given the opportunity to challenge the school system's assertions; and

Students must receive all services for which they are eligible until final resolution of all disputes and appeals. (See sections 722(g)(3)(E)(i) and (iv)).

#### **Tips for Promoting Supportive Discipline and a Positive School Climate for Homeless Students**

Homeless children and youths face many challenges outside of the classroom. It is critical for schools, therefore, to provide safe and supportive climates for homeless students and to employ fair discipline strategies. Removing students from school (e.g., by suspending a student) should be used only as a last resort; this is particularly important due to the high mobility of homeless students and the lack of access to food and other services that out of school suspension or expulsion may cause.<sup>23</sup>

SEAs and LEAs should:

- Create awareness among educators and administrators of the types of behaviors that might be related to a student's homelessness and provide strategies to assist the students;
- Ensure that, prior to taking disciplinary action, school personnel consider issues related to a student's homelessness. This may be especially relevant when students accumulate absences and tardies related to a change of caregivers or nighttime residence;

<sup>23</sup> For more information on supportive school discipline, please see <http://www2.ed.gov/policy/ecn/guid/school-discipline/fedeftorts.html#guidance>.



- Review discipline records for individual schools to identify patterns in punishment that could indicate an unfair bias against students experiencing homelessness;
- Consult with school behavior response teams to assign discipline corresponding to the behavior;
- Assign advocates for students and consult them appropriately as decisions are made;
- Determine the key contact—caregiver, student, parent, or guardian—with whom to address truancy and other behavioral issues;
- Provide information to school personnel regarding how trauma can impact student behavior and how to mitigate the effects of trauma in the school environment by providing trauma-informed support;
- Connect homeless students with mental health services as needed;
- Work with community agencies to provide mentoring or other support;
- Make referrals to parenting classes as needed for pregnant and parenting youths;
- Provide clear and specific expectations of appropriate class and school behavior, positive and consistent classroom management practices, and frequent positive interactions with teachers and staff members;
- Encourage teachers to establish nurturing and culturally responsive classrooms to ensure that all students feel a sense of belonging and value;
- Implement discipline alternatives to suspensions or separating homeless children and youths from their peers; and
- Implement a schoolwide approach to positive and proactive behavioral support systems and behavioral interventions for at-risk students.

## **V. Collaboration and Coordination**

### **L. Coordinated Services**

#### **L-1. What education, homeless assistance, and social services programs should be considered as part of State and LEA coordination duties under the McKinney-Vento Act?**

Many of the Department's programs use the McKinney-Vento Act definition of "homeless children and youths" and have parallel coordination requirements with the McKinney-Vento program. Of those, the main programs are Title I, Part A of the ESEA, and IDEA Parts B and C for children with disabilities ages three through 21 and birth through two, respectively. In the postsecondary education context, the College Cost Reduction Act amendments to the Higher Education Act (HEA) also authorize local liaisons to verify the unaccompanied homeless youth status for the purpose of applying for independent student status below the age of 24 on the Free Application for Federal Student Aid (FAFSA).

Several Federal programs administered by the U.S. Department of Agriculture (USDA) and the U.S. Department of Health and Human Services (HHS) use the McKinney-Vento Act's definition of "homeless children and youths" referenced in A-1, so it is important for State Coordinators and local liaisons to coordinate for several reasons: to determine eligibility consistently across agencies

# Dispute Resolution

If a dispute arises over **eligibility**, school selection or enrollment in a school (**including full participation**):

- The student shall be immediately enrolled in the school in which enrollment is sought, pending resolution of the dispute (**including all available appeals**).
- The parent, guardian or unaccompanied youth must be provided a written explanation of decisions **made by the school, LEA or SEA**, and how to appeal them.—
- The parent, guardian or youth must be referred to the liaison, who must carry out the dispute resolution process as expeditiously as possible.
- The liaison shall ensure unaccompanied youth are immediately enrolled pending resolution of the dispute.

# Avoiding Disputes

- Designate and train appropriate liaisons and school-based contacts. 11432(g)(1)(J)(ii), (iv); 11432(g)(6)(A)(ix)
- Rectify concerns raised during monitoring.
  - States are now required to monitor LEAs. 11432(f)(5)
- Develop and implement good local policies on school discipline, identification, enrollment, retention; barriers due to fees, fines, and absences; credit accrual; full participation in academic and extra-curricular activities; enrollment of unaccompanied youth; school stability; transportation; privacy; inter-district collaboration.

**ENGLISH LANGUAGE LEARNERS (ELL), MIGRANT OR IMMIGRANT STUDENTS**

In accordance with Title VI of the Civil Rights Act of 1964, the Mobile County Public School System will meet any requirements of the Act regarding giving English Language Learners (ELL), Migrant, and Immigrant students access to a free, appropriate education, removing barriers to enrollment for these students, and assisting in securing necessary documents.

Reference: Title VI of the Civil Rights Act of 1964  
Hearing: May 25, 2010  
Adopted: May 25, 2010

## STUDENT RIGHTS AND CONDUCT

A Student Handbook and Code of Conduct will be adopted and reviewed by the board in accordance with state law. Students and their parents will be given a copy each school year and acknowledge in writing that they have reviewed the document.

Reference: Alabama Code - §16-1-24.1.  
Alabama Code - §16-28-12.

Reference: Model Notification of Rights Under the Protection of Pupil Rights Amendment

Reference: Model Notification of Rights Under FERPA for Elementary and Secondary Schools

Reference: Model Notice and Consent/Opt-Out for Specific Activities

Reference: Model Notice for Directory Information

**Legal Reference:** Alabama Code - §16-1-14; §16-1-23; §16-1-24; §16-1-24.1; §16-1-24.3; §16-28-12; §16-28A-3;  
20 U.S.C. §1232g; 34CFR §SEC Part 99

**Date Adopted:** December 11, 2007

## **VOLUNTARY RELIGIOUS EXPRESSION**

The Mobile County Board of School Commissioners 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, organizational, and social skills; college preparatory and career readiness training; proficiency in and appreciation of the performing arts; and the development of personal skills that are designed to facilitate attainment of the foregoing objectives, future academic success, and employability. The scholastic work of the system's students will be evaluated in light of the foregoing standards and objectives, academic and curricular guidelines and criteria established or approved by the state and the Board of School Commissioners of Mobile County, and determined by evaluation, achievement, assessment, and testing materials, instruments, methods, and measures that have been generally recognized as appropriate for such purposes within the educational community and applied successfully in public school settings.

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

**DRESS CODE**

All elementary, middle and high schools in the Mobile County Public School System will enforce a mandatory uniform policy.

Reasonable accommodation will be made for students with financial hardship and for religious beliefs if such accommodation would not unduly interfere with the effective functioning of the school.

## **ELECTRONIC COMMUNICATION DEVICES**

Reference: Student Code of Conduct

**Legal Reference:** Alabama Code - §16-1-27.  
**Date Adopted:** December 11, 2007



## **SEARCHES**

School officials will cooperate with local law enforcement agencies by permitting periodic searches for illegal drugs on the approval of the superintendent and building principal.

## **CORPORAL PUNISHMENT**

The Board of School Commissioners prohibits the use of corporal punishment as a means of student discipline.

**PHYSICAL ABUSE OR NEGLECT**

All professional personnel shall report suspected physical abuse or neglect of children according to the Alabama Code. Said Code provides immunity from liability for persons reporting suspected abuse or neglect.

**DRUG FREE SCHOOL POLICY**

The Mobile County Public School System requires that all students referenced in the System's Drug Free Policy Procedures be subjected to drug testing as set forth in said procedures.

The Mobile County Public School System shall comply with all laws regarding the maintenance of drug free schools including, but not limited to, Code of Alabama § 16-1-24.1, as amended, and the regulations of the Alabama State Department of Education.

Reference: Procedures: Drug Free School Policy

Legal Reference: Code of Alabama § 16-1-24.1, as amended.

Date Adopted: July 24, 2008

Hearing Dates: March 19, 2013, March, 25, 2013

Date Amended: March 25, 2013

## **BULLYING**

### **Section 1: Bullying, Intimidation, Violence, and Threats of Violence Prohibited.**

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

### **Section 2: Definitions**

In this policy, these terms shall have the following meanings:

- (a) "Bullying" means a continuous pattern of intentional behavior on or off of school property, on a school bus, or at a school-sponsored function including, but not limited to, cyberbullying or written, electronic, verbal, or physical actions that are reasonably perceived as being motivated by any characteristic of a student, or by the association of a student with an individual who has a particular characteristic, if the characteristic falls into one of the categories of personal characteristics contained in this policy. To constitute bullying, a pattern of behavior may do any of the following:
  - Have the effect of substantially interfering with the educational performance, opportunities, or benefits of a student.
  - Have the effect of substantially disrupting or interfering with the orderly operation of the school.
  - Have the effect of creating a hostile environment in the school, on school property, on a school bus, or at a school-sponsored function.
  - Have the effect of being sufficiently severe, persistent, or pervasive enough to create an intimidating, threatening, or abusive educational environment for a student.
- (b) "Hostile environment" means the perception by an affected student that the conduct of another student constitutes a threat of violence or bullying and that the conduct is objectively severe or pervasive enough that a reasonable person, under the circumstances, would agree that the conduct constitutes bullying, threat of assault, or assault.

- (c) “Violence” means the unjustified infliction of physical force by a student with the intent to cause injury to another student or damage to the property of another student.
- (d) “Threat” means a statement of an intention to inflict pain, injury, damage, or other hostile action to cause fear of harm. The intention may be communicated through an electronic, written, verbal, or physical act to cause fear, mental distress, or interference in the school environment. The intention may be expressly stated or implied and the person communicating the threat has the ability to carry out the threat.
- (e) “Threat of violence” means an unjustified expression of intention to inflict injury or damage that is made by a student and directed to another student.
- (f) “Intimidation” means an unjustified threat or other action that is intended to cause fear or apprehension in a student.
- (g) “Student” as used in this policy means a person who is enrolled in the Mobile County Public School System.

### Section 3: Description of Behavior Expected of Students

- (a) Students are expected to treat other students with courtesy, respect, and dignity and comply with the Student Code of Conduct. Students are expected and required (1) to comply with the requirements of law, policy, regulation, and rules prohibiting bullying, violence, or intimidation; (2) to refrain from inflicting or threatening to inflict violence, injury, or damage to the person or property of another student, and (3) to refrain from placing another student in fear of being subjected to violence, injury, or damage when such actions or threats are reasonably perceived as being motivated by any personal characteristic of the student that is identified in this policy.
- (b) Bullying, intimidation, violence, or threats of violence are prohibited and will be subject to appropriate disciplinary consequences and/or sanctions if the perpetrator of such action is found to have based the prohibited action on one or more of the following personal characteristics of the student:
  - Race
  - Sex
  - Religion
  - National origin
  - Disability

#### Section 4: Consequences for Violations

A series of graduated consequences for any violation of this policy will be those outlined in the Student Code of Conduct or any rule or standard adopted under authority of this policy.

#### Section 5: Reporting, Investigation, and Complaint Resolution Procedures

(a) Complaints alleging violations of this policy may be made on a Board-approved complaint form available in the Student Code of Conduct, on the website, or at the school's office. The complaint must be delivered to the principal or the principal's designee either by mail or personal delivery. Incidental or minor violations of the policy may be presented and resolved informally.

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 is authorized to inform the student's parent or guardian of the report unless at the discretion of the school principal or the principal's designee the apparent cause of the threat of suicide is child abuse or other significant harm from a parent or guardian.

(b) Upon receipt of the complaint, the principal or the principal's designee will 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 a reasonably prompt investigation of the complaint. The investigation will entail the gathering of relevant facts and evidence taking into account the circumstances of the complaint. If the investigation establishes a violation, appropriate disciplinary sanctions may 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 may be subject to disciplinary sanctions that may include any sanction, penalty, or consequence that is available to school officials under the Student Code of Conduct. A student who deliberately, recklessly, and falsely accuses another student of a violation of this policy may be subject to disciplinary sanctions as outlined in the Student Code of Conduct.

#### Section 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 on the website of the Mobile County School Board and each school, shall be available at each school office, and shall be included in the Student Code of Conduct that is distributed to each student at the beginning of each school year.

## STUDENT SEXUAL HARASSMENT

- A. Sexual Harassment Prohibited - Sexual Harassment in any form that is directed toward students is prohibited. Persons who violate this Board 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.
- B. Definition - For purposes of this policy, sexual harassment means conduct on the basis of sex that satisfies one or more of the following:
1. Sexual assault as defined in 20 U.S.C. §1092(f)(6)(A)(v), dating violence as defined in 34 U.S.C. §12291(a)(10), domestic violence as defined in 34 U.S.C. §12991(a)(8), or stalking as defined in 34 U.S.C. §12291(a)(30);
  2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the Board's education program or activity;
  3. An employee of the Board conditioning the provision of an aid, benefit or service of the recipient on an individual's participation in unwelcome sexual conduct (otherwise known as "quid pro quo").

34 C.F.R. §106

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

1. Demands for sexual favors accompanied by implied or overt promises of preferential treatment or threats with regard to the student's educational status;
  2. Unwelcome, inappropriate sexual touchings;
  3. Repeated unwelcome solicitations of sexual activity or sexual contact;
  4. Verbal harassment or abuse of a sexual nature, including graphic comments, the display of a sexually suggestive object(s) or pictures, and sexual propositions.
- C. Sexual Harassment Complaint Procedures - In accordance with Title IX of the Education Amendments of 1972, the Superintendent is authorized and directed to establish, implement and revise more detailed sexual harassment complaint procedures that are



designed to provide students who believe that they are victims of unlawful sexual harassment with a thorough, discreet, and prompt internal procedure for investigating and resolving verbal or written reports of sexual harassment and formal complaints. These procedures have been drafted so as to facilitate the gathering of relevant facts and evidence, permit timely assessment of the merits of the complaint, provide an opportunity for informal resolution of complaint where appropriate, eliminate any harassment that is established by the investigation, to provide supportive measures to the complainant and/or respondent, establish a grievance process for formal complaints of sexual harassment, address confidentiality requirements, and prevent any retaliation based upon the filing of the complaint. The procedures comply with Title IX and its implementing regulations and reflect due regard for the legal rights and interests of all persons involved in the complaint, and have been drafted, explained, and implemented so as to be understandable and accessible to all student population groups and ages. Procedures include proper recordkeeping and retention requirements in accordance with Title IX's implementing regulations.

- D. 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" (see C 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.
- E. 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 the student who believe that they have been subjected to sexual harassment. The complaint procedures will also be published in the Board's Student Code of Conduct. The Superintendent will undertake to provide training of Title IX coordinators, investigators, decision-makers, and all employees regarding the above sexual harassment policies and procedures.

Legal Reference: 34 C.F.R. Part 106

Reference-Procedures: Student Sexual Harassment Complaints

Adopted: \_\_\_\_\_

## STUDENT SEXUAL HARASSMENT COMPLAINT PROCEDURE

The Board does not discriminate on the basis of sex in its education programs or activities it operates, nor does it tolerate sexual harassment. All inquiries, questions, or comments regarding Title IX concerns should be sent to: Bryan Hack, Human Resources Supervisor, Title IX Coordinator, 1 Magnum Pass, P.O. Box 180069, Mobile, AL 36618 (251) 221-4543, Bhack@mcps.com. In accordance with Board Policy 5.281, all complaints regarding *sexual harassment* should be filed and reviewed under the Board's student sexual harassment policy and procedures. The procedures are set forth below. Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator receiving the person's verbal or written report. All other complaints under Title IX should be filed with the Title IX Coordinator and will be reviewed according to the Board's general complaint and grievance policy and procedures.

Sexual harassment, as defined in the Board Policy 5.281 and herein, 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. The Board reserves the right to modify these policies and procedures in order to comply with applicable law. In the event that any court, agency, commission, legislative body, or other authority of competent jurisdiction issues a finding that limits the validity or enforceability of Title IX or its implementing regulations, in whole or in part, the Board's policies and procedures shall be deemed modified and/or limited to the extent necessary to comply with any applicable court, agency, commission, legislative body, or other authority's finding or order.

### A. Definitions -

**1. Complainant** - complainant means a student who is alleged to be the victim of conduct that could constitute sexual harassment.

**2. Respondent** - respondent means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

**3. Sexual harassment** - For purposes of the Title IX sexual harassment policies and procedures, sexual harassment means conduct on the basis of sex that satisfies one or more of the following:

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

**4. Formal Complaint** - Formal complaint means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the school system investigate the allegation of sexual harassment. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity in the school system for which the complaint relates to.

**5. Actual knowledge** - Actual knowledge means notice of sexual harassment or allegations of sexual harassment to: (1) the Title IX Coordinator, (2) any official of the school system who has authority to institute corrective measures on behalf of the school system, or (3) to any other employee of the Mobile County Public School System. This standard is not met when the only official of the school system with actual knowledge is the respondent (alleged perpetrator).

**6. Supportive Measures** - Supportive Measures means non-disciplinary, non-punitive, individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint, and/or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the school system's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the school system's educational environment, or deter sexual harassment. Supportive measures may include, but not be limited to:

- a. counseling
- b. extensions of deadlines or other course-related adjustments;
- c. modifications of work or class schedules;
- d. campus escort services;
- e. mutual restrictions on contact between the parties;
- f. changes or modifications to student schedules;
- g. increased security and monitoring of certain areas of campus; and
- h. other similar measures.

**7. Education program or activity** - "Education program or activity" includes locations, events, or circumstances over which the Board exercises substantial control over both the respondent and the context in which the sexual harassment occurs.

## B. Jurisdictional issues

An administrator, campus principal, or his or her designee, may address student issues and impose discipline and/or sanctions through a separate Student Code of Conduct provision if any student acts are found to fall outside the jurisdiction of the Board's sexual harassment policy: In accordance with Title IX's implementing regulations, the following are outside the jurisdiction and scope of the sexual harassment policy:

1. **Outside educational program.** Alleged behavior that occurs off-campus, outside an educational activity or program, and only has an on-campus effect;
2. **Outside the United States.** Alleged behavior that occurs outside the United States.
3. **Outside definition of Sexual Harassment.** Alleged behavior that falls outside the definition of "sexual harassment."

## C. Presumption under Title IX

Under Title IX and its implementing regulations, it is presumed that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

## D. Informal Report of Sexual harassment and Response

**1. Report** - In accordance with Title IX of the Education Amendments of 1972, and its implementing regulations, found at 34 C.F.R. § 106.44(a), any person may report sex discrimination, including sexual harassment, (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator as identified in these procedures, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Such a report may be made at any time, by using the telephone number or email address, or by mail to the office address listed for the Title IX Coordinator above.

Students are also permitted to report allegations of suspected sex discrimination, including sexual harassment to any other administrator, teacher, counselor, or any other Board employee. All Board employees have a duty to promptly refer such allegations to the building principal, so long as the building principal is not the Respondent and/or not alleged to be involved with the report of sexual harassment, and/or the Title IX Coordinator, or his or her designee. If the report involves the campus principal, the report shall be made or filed directly with the Title IX Coordinator by the reporting party or complainant. If a Board employee fails to forward any sexual harassment report or complaint as provided herein, such failure may result in disciplinary action against the Board employee.

Upon receipt of any informal report of sexual harassment from any complainant and/or Board employee, the principal should also notify the Title IX Coordinator of the report. The Title IX Coordinator will make a determination as to whether the principal should review and investigate the concerns, and/or whether the Title IX Coordinator, or his or her designee will review and investigate.

**2. Supportive Measures** - Upon receiving a informal report, or a copy of a report of sexual harassment, the Title IX Coordinator, or his or her designee, should promptly contact the complainant to discuss the availability of supportive measures, consider the complainant's wishes

with respect to supportive measures, inform the complainant of the availability of supportive measures with or without filing of a formal complaint, and explain the process of filing a formal complaint.

**3. Response** - Upon receiving an informal report of sexual harassment, the principal, Title IX Coordinator, or his or her designee, should respond promptly and in a manner that is not deliberately indifferent. A deliberately indifferent response is a response that is clearly unreasonable in light of known circumstances. The principal, Title IX Coordinator, or his or her designee should take steps to investigate the allegations using various procedures and investigating techniques, including but not limited to interviews, phone contact, data reviews, and witness reports.

**4. Determination** - Following a review and investigation of the allegations, the principal, Title IX Coordinator, or his or her designee should make a determination of whether the allegations have been substantiated as factual based on the preponderance of the evidence and whether the actions appear to be violations of this policy. If the allegations are determined to be true, and a finding is made that the Respondent engaged in sexual harassment, supportive measures may also be offered to the Respondent. In addition, if Respondent is found to have engaged in sexual harassment, responsive actions or recommendations may include any sanctions as listed in the Student Code of Conduct. *Before the imposition of any disciplinary sanctions or other actions that are not supportive measures against a respondent can be imposed, however, the formal complaint and grievance process outlined below must be initiated and followed.*

#### E. Formal Complaint and Grievance Process

All formal complaints of sexual harassment should comply with the requirements of 34 C.F.R. § 106.45. The formal complaint process should be investigated and findings made with reasonable promptness. Temporary delays of any of the grievance processes, and/or limited extensions of time frames, will be allowed for (1) good cause, with (2) written notice to the complainant and the respondent of the delay or extension, and (3) the reasons for such action. Good cause may include but not be limited to, considerations such as the absence of a party, a party's advisor, a witness, concurrent law enforcement activity, or the need for language assistance or accommodation of disabilities.

In accordance with the requirements of 34 C.F.R. § 106.45, the following procedures will apply to the formal complaint process.

##### **1. Filing the Formal Complaint**

A complainant or the Title IX Coordinator may file a formal complaint of sexual harassment. Such complaints should be submitted on the Board's "Sexual Harassment Complaint Form." (attached) A complainant may file a formal complaint with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information listed herein. The complainant should sign the document or provide their name if submitting the Sexual Harassment Complaint Form by e-mail. Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a complainant or otherwise a party under 34 C.F.R. part 106 or under 34 C.F.R. § 106.45. See 34 C.F.R. § 106.30(a).

##### **2. Notice.**

Upon receipt of a formal complaint, the Title IX Coordinator, or his or her designee, shall provide written notice to the parties (complainant and respondent). The Written notice shall contain the following:

- a. Notice of the Board's grievance process as outlined below, including any available informal resolution process;
- b. Notice of the allegations of sexual harassment potentially constituting sexual harassment as defined and including sufficient details known at the time. Sufficient details should include the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known.
- c. A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process.
- d. A statement informing the parties that they may have an advisor, of their choice, who may be, but is not required to be, an attorney.
- e. A statement informing the parties that they may inspect and review evidence gathered as a result of the formal complaint process.
- f. A statement informing the parties that the Board's sexual harassment policies and procedures prohibit knowingly making false statements or knowingly submitting false information during the grievance process.

### **3. Dismissal of Formal complaint.**

A formal complaint shall, or may, be dismissed in the following situations:

- a. Mandatory Dismissal. If the conduct alleged in the formal complaint (1) would not constitute sexual harassment even if proved, (2) did not occur in the Board's education program or activity, or (3) did not occur against a person in the United States, then the Title IX Coordinator, or his or her designee, must dismiss the formal complaint with regard to that conduct for purposes of sexual harassment under Title IX. Such a dismissal does not preclude action against the respondent under another provision of the Student Code of Conduct.
- b. Permissive Dismissal. The Title IX Coordinator may dismiss a formal complaint, or any allegations therein, if at any time during the investigation or grievance process:
  - i. The respondent is no longer enrolled in the school system and/or the respondent is no longer employed by the school system; or
  - ii. A complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein;
  - iii. Certain circumstances prevent the Title IX Coordinator, or his or her designee, from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein (e.g., passage of time, lack of cooperation by the complainant).

c. Written notice of dismissal. Upon a required and/or permitted dismissal pursuant to the above paragraphs of this section, the Title IX Coordinator, or his or her designee, must promptly send written notice of the dismissal and reason(s) therefore simultaneously to the parties.

#### **4. Investigation process and Written Report.**

By authority of the Board, the Title IX Coordinator, or his or her designee, upon receipt of an formal complaint alleging sexual harassment, shall promptly undertake or authorize an investigation (individual investigating is hereinafter “the appointed investigator”). The Title IX Coordinator may be the appointed investigator, or the Title IX Coordinator may choose to have the principal serve as the appointed investigator, so long as the principal is not the alleged respondent and/or so long as the formal complaint does not involve the principal. The appointed investigator may also be another Board official, or a third party as deemed appropriate under the circumstances. The appointed investigator shall conduct a formal investigation to discover and examine the facts related to the allegation(s).

The investigation process should be conducted in accordance with 34 C.F.R. 106.45(b)(5). During the investigation, the Complainant and the Respondent will have an equal opportunity to submit information and corroborating evidence, to identify witnesses who may have relevant information, and to submit questions to be asked of the other party. Questions for the other party will be asked by and at the discretion of the appointed investigator. The appointed investigator will meet separately with the complainant, the respondent, and any witnesses, and will gather other relevant and available evidence and information. To the extent possible, the investigation will be conducted in a manner that protects the privacy of all parties involved. While the Board cannot guarantee complete privacy, information collected during the investigation will be communicated only to the parties and those with a need to know in order to fulfill the purposes of Board’s policies and to comply with applicable laws.

#### **5. Written Report.**

The investigation should be completed as soon as practicable. The appointed investigator should prepare a written report which fairly summarizes the relevant evidence. The appointed investigator may draw conclusions as to whether, based on the preponderance of the evidence, an allegation is substantiated, unsubstantiated, or that there is insufficient information to substantiate. The appointed investigator may also draw conclusions as to whether or not any other Student Code of Conduct provisions or policies were violated. To the extent allowed by laws that apply to matters of confidentiality, the written investigative report should be provided to the parties and their advisors in draft form prior to the appointed investigator supplying the final investigative report to the designated administrator who will make the determination of responsibility. The draft investigation report should be redacted in accordance with state and/or federal law (e.g. FERPA) before the parties’ review.

After the Title IX Coordinator, or his or her appointed investigator, has sent the complainant and respondent the draft investigative report, the complainant and respondent will have ten (10) days to prepare a written response to the draft report. The appointed

investigator will consider the response(s) provided, if any, prior to completing the investigation report. The complainant and respondent's response should also contain any written, relevant questions that a party wants asked of any party or witness. Each party will then have an opportunity to provide answers, and an opportunity for any additional, limited, follow-up questions from each party. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent. The appointed investigator should inform the party proposing questions regarding any decision to exclude a question as not relevant. Ultimately, the appointed investigator has the sole discretion to determine the relevance of evidence, and whether it should be included in, or excluded, from the investigation report. Once the investigative report is complete, the appointed investigator should send the complainant and respondent a written copy of the Final Investigation Report. Both parties will be provided ten (10) days to review the Final Investigation Report and provide a written response if they desire. The Final Investigation Report will be redacted in accordance with state and/or federal law (e.g. FERPA) before the parties' review. The appointed investigator shall then submit the written report, and any responses thereto, to the designated administrator.

#### **6. Determination regarding responsibility.**

The Superintendent's designee shall be responsible for making a determination regarding responsibility, (hereinafter referred to as the "designated administrator"). The designated administrator, however, cannot be the same person as the Title IX Coordinator or the Title IX Coordinator's appointed investigator. The designated administrator must issue a written determination regarding responsibility. The Respondent is presumed to not have engaged in prohibited conduct until the designated administrator finds that there is sufficient evidence based on a preponderance of the evidence that the respondent has violated the Board's sexual harassment policy.

The designated administrator should review the investigation report, the documentary evidence, and any other relevant information to render a written decision based on the preponderance of the evidence as to 1) whether the conduct alleged occurred; and 2) whether each allegation has been substantiated, unsubstantiated, or that there is insufficient information to substantiate that respondent violated the Board's sexual harassment policy. The designated administrator may also render a written decision as to whether other provisions of the Student Code of Conduct, policies, and/or rules were violated. If violation(s) are found, the designated administrator may issue and/or recommend sanctions to the appropriate campus principal. The designated administrator should not render a written determination until both parties have been provided ten (10) days to review the above Final investigation report.

Both parties should then be provided a copy of the written determination. The written determination will be redacted in accordance with state and/or federal law before the parties' review. The written determination must include:

- a. identification of the allegations potentially constituting sexual harassment;



- b. a description of the procedural steps taken from the receipt of the formal complaint through the determination;
- c. findings of fact supporting the determination;
- d. conclusions regarding the application of the Board's Student Code of Conduct to the facts;
- e. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the designated administrator recommends being imposed on the respondent, and whether remedies designed to restore or preserve equal access to the education program or activity will be provided by the school system to the complainant; and
- f. The procedures and permissible bases for the complainant and respondent to appeal.

The determination regarding responsibility becomes final either (1) on the date that the school system provides the parties with the written determination of the result of the appeal, if an appeal is filed, or (2) if an appeal is not filed, the date on which an appeal would no longer be considered timely.

A decision by the designated administrator regarding a determination of responsibility does not constitute an employment action with respect to respondent employee(s). Any sanction imposed on an employee as a result of the determination of responsibility shall be done in accordance with Board Policy and applicable state and federal law.

Any recommended sanction(s) imposed on a student respondent shall be done in accordance with the Student Code of Conduct.

## **7. Appeals.**

### **a. Right to an appeal.**

Should the complainant or the respondent disagree with the designated administrator's finding of responsibility and/or disagree with the Title IX Coordinator's, or his or her designee's, dismissal of a formal complaint or any allegations therein, such party shall submit a written notice of appeal within five (5) days of receiving the written determination of responsibility or dismissal of the formal complaint. The written notice of appeal should include a statement outlining the bases for appeal and any evidence which supports the appeal. The following reasons are those in which a party may appeal:

- i. A procedural irregularity affected the outcome of the matter;
- ii. New evidence was not reasonably available at the time the determination regarding responsibility or dismissal was made, and such evidence could affect the outcome of the matter; or
- iii. The Title IX Coordinator, appointed investigator(s), or designated administrator had a conflict of interest or bias for or against complainants or respondents generally, or the individual

complainant or respondent specifically, that affected the outcome of the matter.

b. Appeal process.:

- i. Upon receiving the written notice of appeal, as soon as practicable, the Title IX Coordinator, must notify the other party in writing when an appeal is filed;
- ii. After receiving the notice of appeal from the Title IX Coordinator, each party will be provided five (5) days to submit a written statement in support of, or challenging, the determination.
- iii. The Superintendent, or his or her designee, will hear appeals of decisions based on student-on-student sexual harassment. (appeal authority)
- iv. The Superintendent will hear appeals of decisions based upon actions by Board employees. (appeal authority)
- v. If (1) no appeal is filed within five (5) days of the receipt of the notice of the designated administrator's written determination; or, 2) if the appeal authority determines that the appeal does not identify one of the bases for appeal listed above, then the appeal authority will provide simultaneous notice to the parties that no valid appeal was filed and that the decision of the designated administrator is final and the case is closed.
- vi. Upon receiving the notice of appeal, the Title IX Coordinator will forward the appeal, and any supporting information or evidence, to the appropriate appeal authority. The appeal authority will review the appeal documents, the written determination of responsibility by the designated administrator, any new evidence submitted by the parties, and the investigation report and exhibits. The appeal authority will render a written decision which includes a rationale for the decision as to each of the grounds appealed. The appeal authority will forward the decision to Title IX Coordinator within fourteen (14) days from the date of receipt of the appeal, unless circumstances require additional time. The decision of the appeal authority will be final.

F. Informal Resolution

The Board does not require, as a condition of enrollment, continuing enrollment, and/or enjoyment of any other right, that a complainant or respondent waive his or her right to an investigation and/or adjudication of formal complaints of sexual harassment consistent with this section. Similarly, the Board does not require the parties participate in an informal resolution process under this section, and the Board will not offer an informal resolution process unless a formal complaint is filed. However, if at any time prior to reaching a determination regarding responsibility under the **formal complaint** process, the Board reserves the right to facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication. Should the Title IX

Coordinator, or his or her designee, believe that an informal resolution process may be appropriate, the Title IX Coordinator, or his or her designee, shall:

**1. Notice.**

Provide to the parties a written notice disclosing:

- i. the allegations;
- ii. the requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations;
- iii. provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint; and
- iv. any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared; and

**2. Consent.**

Obtain the parties' voluntary, written consent to the informal resolution process;

**3. Student-on-Student Harassment.**

The informal resolution process will only be utilized in student-on-student complaints, and it will not be utilized to resolve allegations that an employee sexually harassed a student.

**G. Confidentiality**

All Board employees must keep confidential the identity of a person who complains or reports sexual harassment, including parties and witnesses, except as permitted by law and to carry out the purpose of these procedures.

Board employees should also work to maintain the confidentiality of supportive measures that are provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the school to provide the supportive measures.

**H. No Retaliation**

The Board will discipline or take appropriate action against any student, teacher, administrator or other school personnel who retaliates against any person who reports sexual discrimination-including sexual harassment or violence- or any person who assists or participates in an investigation, or who assists or participates in the formal grievance process relating to such harassment or violence.

Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment. The exercise of rights protected under the First Amendment does not constitute retaliation prohibited under this section. Charging an individual with a Student Code of Conduct violation for making a materially false statement in bad faith in the course of the complaint procedure section under this part does not constitute retaliation prohibited under this section, provided, however, that a negative

determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

#### I. Harassment or Violence as Abuse

Under certain circumstances, alleged harassment or violence may also be possible abuse under Alabama Law. If so, duties of mandatory reporting under Ala. Code §16-1-24 and Ala. Code §26-14-1 may be applicable.

#### J. Emergency removal/administrative leave

In addition to offering supportive measures to the complainant, the school system may need to initiate an emergency removal of the respondent from campus. In accordance with 34 C.F.R. 106.44, the Title IX formal complaint and grievance process does not prevent a principal from immediately removing a student respondent from the educational program or activity on an emergency basis, provided that the principal: (1) informs the Title IX Coordinator of the alleged act, and (2) conducts an individualized safety and risk analysis and determines that emergency removal is necessary in order to protect a complainant or other student or individual from an immediate threat to physical health or safety. In the event that an emergency removal of a student respondent is necessary, the principal should comply with the Student Code of Conduct provisions regarding suspension and expulsion of students in order to provide respondent with the appropriate notice and opportunity to challenge the decision.

Emergency removal does not modify any rights under the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act.

#### K. False Statements and Allegations

The Board's sexual harassment policies and procedures prohibit anyone from knowingly making false statements or knowingly submitting false information during the sexual harassment complaint procedures. A student who deliberately, recklessly, and falsely accuses another student and/or employee of a violation of this policy will be subject to disciplinary sanctions as outlined in the Code of Student Conduct.

#### L. Record-keeping

All records shall be maintained in accordance with 34 C.F.R. § 106.45(b)(10). Specifically, the school system will keep records related to reports of alleged sexual harassment for a minimum of seven (7) years, including investigation records, disciplinary sanctions, remedies, appeals, and records of any action taken, including supportive measures. If supportive measures are not offered in response to a report, the records retained should document why supportive measures were not offered.

## Student Sexual Harassment Complaint Form

This form may be used by a student, a student's parent or guardian, or an individual acting on a student's behalf who believes the student is a victim of sexual harassment to submit a complaint regarding sexual harassment (Board Policy 5.281 Student Sexual Harassment). This form should be submitted to the principal of the school. However, if the complaint concerns the principal, the complaint may be made directly to the Title IX Coordinator or the Superintendent.

Student's Name: \_\_\_\_\_ School: \_\_\_\_\_

Grade: \_\_\_\_\_

Name of Person Completing the Form (if not the student) \_\_\_\_\_

Your Home Phone: \_\_\_\_\_

Your Home Address: \_\_\_\_\_

Describe the sexual harassment, including all pertinent facts supporting the complaint.

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(Attach additional paper, if needed.)

When did this happen (over what time period if continuing or more than once):

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(Attach additional paper, if needed.)

Identify the person(s) whose actions led to the filing of the complaint, and all witnesses or other persons having information that is relevant to the complaint.

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(Attach additional paper, if needed.)

Do you have suggestions for resolving this situation? If so, list them here:

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(Attach additional paper, if needed.)

**Attach copies of documents or other evidence that is relevant to the complaint.**

I affirm that to the best of my knowledge, the foregoing information is true, accurate, and complete.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## **Youth Suicide Awareness and Prevention**

### **Introduction**

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 2<sup>nd</sup> and 3<sup>rd</sup> 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.

The *Jason Flatt Act*, which amends 16-28B-8 of the Code of Alabama 1975, includes several elements listed below (*in italics*) which should be interpreted as Policy. “To the extent that the legislature shall appropriate funds, or to the extent that any local board may provide funds from other sources, each school system shall implement the following standards and policies for programs in an effort to prevent student suicide”:

### **Section 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.

**Section 2.** The *Jason Flatt Act* includes several elements which should be interpreted as Policy. Mobile County Public Schools will:

- (1) Foster individual, family, and group counseling services related to suicide prevention.
- (2) Make referral, crisis intervention, and other related information available for students, parents, and school personnel.
- (3) Foster training for school personnel who are responsible for counseling and supervising students.
- (4) Increase student awareness of the relationship between drug and alcohol use and suicide.
- (5) Educate students in recognizing signs of suicidal tendencies and other facts and warning signs of suicide.
- (6) Inform students of available community suicide prevention services.
- (7) Promote cooperative efforts between school personnel and community suicide prevention program personnel.
- (8) Foster school-based or community-based, or both, alternative programs outside of the classroom.
- (9) 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.

- (10) 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 suicide.
- (11) Provide training for school employees and volunteers who have significant contact with students on the Mobile County Public School System policy to prevent harassment, intimidation, and threats of violence.
- (12) 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.
- (13) Provide annual training for all certificated school employees in suicide awareness and prevention. This training may be provided within the framework of existing inservice training programs or as a part of required professional development offered by Mobile County Public School System.

### **Section 3. Description of Behavior Expected of Students**

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 to (1) comply with the requirements of the law, policy, regulation, 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.

### **Section 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.

### **Section 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 guardians, and employees by such means and methods as are customarily used for such purposes, including publication on the Mobile County Public School System website.

Legal Reference: Alabama Code Section 16-28B-8, as amended, ("Jason Flatt Act")  
Date Adopted: September 25, 2017



**HEALTH SERVICES**

A program of student health services shall be offered as required by law. -

## WELLNESS

The board believes a good education prepares students for all facets of life, including healthy living. In accord with the state Board of Education's Implementation Guidelines for Exercise and Nutrition, the school board supports activities to encourage student wellness, including:

- Integrating nutrition information across the curriculum, aside from the health curriculum, when appropriate;
- Providing students opportunities for physical activity such as physical education courses and intramural athletics;
- Adopting regulations regarding reimbursable meals consistent with federal guidelines;
- Encouraging students to participate in the school meal programs for which they are eligible; and
- Supporting professional development for staff and informational programs for students on nutrition and physical education.

The superintendent designates an administrator to oversee the board's efforts to promote student wellness and collaborate with parents, students, administrators and food authority representatives when developing student wellness policies and programs.

Reference: State Board of Education Resolution (as amended) July 12, 2005  
Statewide Committee to Review the State of Health of America's Youth with  
Particular Emphasis on Alabama's Youth: Implementation Guidelines for Exercise  
and Nutrition

**Legal Reference:** P.L. 108-265 Section 204.

**Date Adopted:** December 11, 2007

### **MEDICATION**

Students may not take medicine during school hours unless a parent or guardian has notified the principal in writing when it is necessary for a student to be administered medicine during school hours. Self-administering of medication (i.e., asthma inhalants and insulin) is allowed in accord with state law. The Student Handbook and Code of Conduct will outline procedures for receiving, labeling and dispensing medicine to students.

Reference: Alabama Code - §16-1-39.

## COMMUNICABLE DISEASES

Staff will observe the current guidelines and advisories for the control of communicable diseases in public schools as recommended by the state Department of Public Health.

**Acquired Immune Deficiency Syndrome:** Employees have a duty to treat as highly confidential any knowledge or speculation concerning the HIV status of a student. Malicious or frivolous allegations in regard to HIV status or violation of medical privacy are cause for disciplinary action.

No information regarding a person's HIV status will be divulged to any individual or organization without a court order or the informed, written, signed and dated consent of the person with HIV infection (or the parent or guardian of a legal minor). The written consent must specify the name of the recipient of the information and the purpose for disclosure.

All health records, notes and other documents that reference a person's HIV status will be kept in a secure and confidential file apart from any student record or employee file.

**AIDS/HIV Infection Control:** Employees are required to follow infection control guidelines in all settings and at all times. Schools will operate according to the standards promulgated by the U.S. Centers for Disease Control Occupational Health and Safety Administration for the prevention of blood-borne infections. Equipment and supplies needed to apply the infection control guidelines will be maintained and kept reasonably available. School Health Services personnel will implement the precautions, investigate, correct and report on instances of lapse.

School staff members are expected to alert the supervisor of the Department of Health Services if a student's health condition or behavior presents reasonable risk of transmitting any infection.

If a situation occurs at school in which a person might have been exposed to an infectious agent, such as an instance of blood to blood contact, school authorities will counsel that person, (or, if a minor, alert a parent or guardian) to seek appropriate medical evaluation.

**HIV and Athletics:** School authorities will make reasonable accommodations to allow students with HIV infection to participate in school-sponsored physical activities.

Physical education teachers and athletic program staff will complete an approved first aid and injury prevention course that includes implementation of infection control guidelines. Student orientation about safety on the playing field will include guidelines for avoiding HIV infection.

**HIV Prevention Education:** Parents and guardians will have opportunities to preview HIV prevention curricula and material. School staff members will assist parents or guardians who ask for help in discussing HIV infection with their children. If a parent or guardian submits a written request to a principal that a child not receive instruction in specific HIV prevention topics at school, the child will be excused without penalty.

The board will cooperate with HIV prevention efforts in the community that address out-of-school youth and youth in situations that put them at risk of acquiring HIV.

**Related Services:** Students will have access to voluntary, confidential, age and developmentally appropriate counseling about matters related to HIV infection through the assigned school nurse. School administrators will maintain confidential linkage and referral mechanisms to facilitate voluntary student access to appropriate HIV counseling and testing programs and to other HIV-related services as needed. Public information about resources in the community will be kept available for voluntary student use.

**Staff Development:** All school staff members will participate in a planned HIV education program that includes annual review sessions. Certain employees also will receive additional specialized training as appropriate to their positions and responsibilities.

**DO NOT ATTEMPT RESUSCITATION ORDERS**

No DNAR (Do Not Attempt Resuscitation) requests from parents or guardians will be honored under any circumstance.

**Automated External Defibrillator (AED) Program**

A program to place and monitor automatic defibrillators in the schools shall be offered as required by Act 2009-754, Section 16-1-45.

Legal Reference: Alabama Code, Section 16-1-45  
Public Hearing: March 17, 2011  
Date Adopted: March 28, 2011

### **Opt-In for Mental Health Services by Parent or Legal Guardian Policy/Procedures**

No student under the age of fourteen may participate in mental health services, unless (1) the student's parent or legal guardian has submitted a written opt-in granting permission for the student to participate or (2) there is an imminent threat to the health of the student or others.

For purposes of this policy, "mental health services" includes services, treatment, surveys, or assessments relating to mental health; however, it does not include instructional activities designed to educate students regarding topics related to mental health (1) contained in the school system's approved curriculum or (2) otherwise required to be taught by law (e.g., Erin's Law; Jason Flatt Act).

This policy is not applicable to any "mental health services" contained in a student's PST, IEP, or §504 plan. Consent for those services will be obtained in accordance the specific procedures required by federal and/or state law, and information regarding any mental health services will be provided in the pertinent plan.

A. **Written Notification** – At least annually, the school system shall provide parents and legal guardians a written notification regarding school provided or sponsored mental health services. The notification will include the purpose and general description of each of the mental health services available; information regarding ways parents may review materials to be used in guidance and counseling programs available to students; and information regarding ways parents may allow, limit, or prevent their student's participation in the programs.

The written notification may be provided electronically, including through the school system's online enrollment portal or by such other means and methods as are customarily used for such purposes.

B. **Opt-In To Participate in Mental Health Services** –

1. *General Requirement* – For a student under the age of fourteen to participate in mental health services, written permission by the student's parent or legal guardian is required annually. The written permission must be specific as to any treatment and not broad in nature. Parents and legal guardians may be provided the opportunity to opt-in electronically during online enrollment or by such other means and methods as are customarily used for such purposes.
2. *Rescinding Permission* – A parent or guardian may rescind permission for a student to participate in mental health services at any time by providing written notice to school administration.
3. *Requests for Opt-In and Referrals Authorized* – If a parent or legal guardian does not initially opt-in to mental health services, school officials may contact the parent



or legal guardian to (1) attempt obtain permission for the student to participate in mental health services if the school official believes that the student would benefit from services or if circumstance arise for which services could be beneficial; and/or (2) provide a parent or legal guardian with a referral or information regarding mental health services that may be available to a student through other agencies or providers.

4. *Exception for Imminent Threat* – If a parent or legal guardian has not opted-in to mental health services, a student may be provided mental health services if there is an imminent threat to the health of the student or others. School employees may determine in their discretion whether such an imminent threat exists and provide any mental health services they deem necessary under the circumstances.

C. **Information for Parents/Legal Guardians** – If a student’s parent or legal guardian elects to opt-in to mental health services, the individual providing services shall keep the parent fully informed regarding any diagnosis and any recommendations for additional treatments beyond the services for which the parent or legal guardian has already opted in. The parent shall have the authority to make final decisions regarding any such recommended counseling and treatments.

D. **Recordkeeping** – Written records maintained by the school system and directly related to a student’s mental health services will be treated in the same manner as health care records and are subject to the confidentiality protections applicable to education record generally. Such records will be available for examination and review by authorized persons in the manner prescribed and to the extent required by federal and/or state law.

Records pertaining to a student’s mental health services will be kept separately from academic records unless including such record(s) in the student’s academic record is necessary to implement a state and/or federal law (e.g., special education referral process).

Legal Reference: Ala. Act. No. 2022-442

Date Adopted:

## **Annual Notification Regarding School Provided or Sponsored Mental Health Services**

### ***Mental Health Services***

The school system provides or sponsors the following mental health services. The following list contains some examples:

1. **Mentoring** - Peer Helpers, Big Brothers/Big Sisters, and/or Social Work Interns work with students in school on topics such as friendships, healthy relationships, anger management, and anxiety.
2. **Assessments or Surveys** - includes questionnaires provided to students related to social behaviors, feelings, etc.
3. **Crisis intervention** - short-term, immediate assistance by school counselor or professional for a specific situation.
4. **School-Based Mental Health** - On-going mental health services by school professionals or private practitioners in the school setting.

### ***Review of Materials***

You may request to review any materials used in the guidance and counseling programs available to students by contacting the student's principal.

### ***Information Regarding How to Allow, Limit, or Prevent Your Child's Participation in Mental Health Services***

Under Alabama law, no student under the age of fourteen may participate in ongoing school counseling services including, but not limited to, mental health services, unless (1) the student's parent or legal guardian has submitted a written opt-in granting permission for the student to participate or (2) there is an imminent threat to the health of the student or others.

Therefore, if your child is under fourteen, they will only be allowed to participate in mental health services if you opt-in. **If you would like the school system to be able to offer and/or provide mental health services to your child, you must opt-in for each service listed for them to participate in that service.**

Even if you do not opt-in to mental health services, your child may be provided mental health services if there is an imminent threat to their health or others. School employees may determine in their discretion whether such an imminent threat exists and provide any mental health services they deem necessary under the circumstances.

**Parent of students with disabilities:** Please note that the opt-in process is not applicable to any school counseling services or “mental health services” contained in a student’s IEP or §504 plan. Consent for those services will be obtained and information regarding your child’s mental health services will be provided through the usual special education process.

## OPT-IN FOR MENTAL HEALTH SERVICES

As of the date of my signature below, my child, \_\_\_\_\_, is under the age of 14 years old:

☐ Yes

☐ No

**If No, stop here.**

**If Yes, continue below.**

**I hereby give my permission for my child to participate in the following mental health services:**

**[Check the box for each mental health service you want to be available to your child]**

☐ **Mentoring** - Peer Helpers, Big Brothers/Big Sisters, Social Work Interns work with students in school on topics such as friendships, healthy relationships, anger management, and anxiety.

☐ **Assessments/Surveys** – includes questionnaires provided to students related to social behaviors, feelings, etc.

☐ **School-Based Mental Health** - On-going mental health services by school professionals or private practitioners in the school setting.

You may rescind permission for a student to participate in mental health services at any time by providing written notice to school administration.

\_\_\_\_\_  
Parent/Guardian Name (Printed)

Date: \_\_\_\_\_

\_\_\_\_\_  
Parent/Guardian Name (Signature)

**EXTRACURRICULAR ACTIVITY PARTICIPATION**

Reference: AAC 290-3-1-.02(18).

**Date Adopted: December 11, 2007**

**STUDENT TRANSPORTATION**

The board will provide transportation for students attending their zoned school and who live two or more miles from the assigned school.

The superintendent is authorized to approve temporary transportation service to meet extraordinary and extenuating circumstances.

**Date Adopted: December 11, 2007**

**TRANSPORTATION SAFETY**

Safety rules and regulations for student transportation will be developed and distributed annually.

Student conduct rules will be provided in the Student Code of Conduct.

Bus driver rules and regulations will be provided in the Transportation Handbook.

### **VEHICLE MAINTENANCE PROGRAM**

A regularly scheduled vehicle maintenance program will be implemented in keeping with economic and safety concerns.

**Date Adopted: December 11, 2007**



**SPECIAL USE OF SCHOOL BUSES**

School bus use will be restricted to the transportation of pupils to and from school and for other purposes approved by the assistant superintendent of Student Support Services and supervisor of Transportation.



**MOBILE COUNTY PUBLIC  
SCHOOL SYSTEM  
POLICY BOOK**

**CHAPTER 6:  
PERSONNEL**

## Chapter 6.00 – Personnel

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6.66	<u>Bereavement</u>
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**ETHICS (GENERAL)**

Reference: Alabama Code - §36-25-1  
Alabama Code - §36-25-5  
Alabama Code - §36-25-7  
Alabama Code - §36-25-8  
Alabama Code - §36-25-9  
Alabama Code - §36-25-10  
Alabama Code - §36-25-11  
Alabama Code - §36-25-12  
Alabama Code - §36-25-13  
Alabama Code - §36-25-14  
Alabama Code - §36-25-17  
Alabama Code - §36-25-24

**Date Adopted: December 11, 2007**

**CODE OF ETHICS FOR PROFESSIONAL EDUCATORS**  
**Educator Code of Ethics (July 2005)**

The primary goal of every educator in the state of Alabama must, at all times, be to provide an environment in which all students can learn. In order to accomplish that goal, educators must value the worth and dignity of every person, must have a devotion to excellence in all matters, must actively support the pursuit of knowledge, and must fully participate in the nurturance of a democratic citizenry. To do so requires an adherence to a high ethical standard.

The Alabama Educator Code of Ethics defines the professional behavior of educators in Alabama and serves as a guide to ethical conduct. The code protects the health, safety and general welfare of students and educators; outlines objective standards of conduct for professional educators; and clearly defines actions of an unethical nature for which disciplinary sanctions are justified.

**Standard 1: Professional Conduct**

An educator should demonstrate conduct that follows generally recognized professional standards.

Ethical conduct includes, but is not limited to, the following:

- Encouraging and supporting colleagues in the development and maintenance of high standards.
- Respecting fellow educators and participating in the development of a professional and supportive teaching environment.
- Engaging in a variety of individual and collaborative learning experiences essential to developing professionally in order to promote student learning.

Unethical conduct is any conduct that impairs the certificate holder's ability to function in his or her employment position or a pattern of behavior that is detrimental to the health, welfare, discipline, or morals of students. Unethical conduct includes, but is not limited to, the following:

- Harassment of colleagues.
- Misuse or mismanagement of tests or test materials.
- Inappropriate language on school grounds.
- Physical altercations.
- Failure to provide appropriate supervision of students.

**Standard 2: Trustworthiness**

An educator should exemplify honesty and integrity in the course of professional practice.

Ethical conduct includes, but is not limited to, the following:

- Properly representing facts concerning an educational matter in direct or indirect public expression.
- Advocating for fair and equitable opportunities for all children.
- Embodying for students the characteristics of intellectual honesty, diplomacy, tact, and fairness.

Unethical conduct includes, but is not limited to, the following:

- Falsifying, misrepresenting, omitting, or erroneously reporting professional qualifications, criminal record, or employment history when applying for employment or certification.
- Falsifying, misrepresenting, omitting, or erroneously reporting information submitted to federal, state, and/or other governmental agencies.
- Falsifying, misrepresenting, omitting, or erroneously reporting information regarding the evaluation of students and/or personnel.
- Falsifying, misrepresenting, omitting, or erroneously reporting reasons for absences or leaves.
- Falsifying, misrepresenting, omitting, or erroneously reporting information submitted in the course of an official inquiry or investigation.

**Standard 3: Unlawful Acts**

An educator should abide by federal, state, and local laws and statutes.

Unethical conduct includes, but is not limited to, the commission or conviction of a felony or of any crime involving moral turpitude. As used herein, conviction includes a finding or verdict of guilty, or a plea of *nolo contendere*, regardless of whether an appeal of the conviction has been sought or a situation where first offender treatment without adjudication of guilt pursuant to the charge was granted.

**Standard 4: Teacher/Student Relationship**

An educator should always maintain a professional relationship with all students, both in and outside the classroom.

Ethical conduct includes, but is not limited to, the following:

- Fulfilling the roles of trusted confidante, mentor, and advocate for students' growth.
- Nurturing the intellectual, physical, emotional, social, and civic potential of all students.
- Providing an environment that does not needlessly expose students to unnecessary embarrassment or disparagement.
- Creating, supporting, and maintaining a challenging learning environment for all students.

Unethical conduct includes, but is not limited to, the following:

- Committing any act of child abuse, including physical or verbal abuse.
- Committing any act of cruelty to children or any act of child endangerment.
- Committing or soliciting any unlawful sexual act.
- Engaging in harassing behavior on the basis of race, gender, national origin, religion, or disability.
- Soliciting, encouraging, or consummating an inappropriate written, verbal, or physical relationship with a student.
- Furnishing tobacco, alcohol, or illegal/unauthorized drugs to any student or allowing a student to consume alcohol or illegal/unauthorized drugs.

#### **Standard 5: Alcohol, Drug and Tobacco Use or Possession**

An educator should refrain, from the use of alcohol and/or tobacco during the course of professional practice and should never use illegal or unauthorized drugs.

Ethical conduct includes, but is not limited to, the following:

- Factually representing the dangers of alcohol, tobacco and illegal drug use and abuse to students during the course of professional practice.

Unethical conduct includes, but is not limited to, the following:

- Being under the influence of, possessing, using, or consuming illegal or unauthorized drugs.
- Being on school premises or at a school-related activity involving students while documented as being under the influence of, possessing, or consuming alcoholic beverages or while using tobacco. A school-related activity includes, but is not limited to, any activity that is sponsored by a school or a school system or any activity designed to enhance the school curriculum such as club trips, etc., where students are involved.

#### **Standard 6: Public Funds and Property**

An educator entrusted with public funds and property should honor that trust with a high level of honesty, accuracy, and responsibility.

Ethical conduct includes, but is not limited to, the following:

- Maximizing the positive effect of school funds through judicious use of said funds.
- Modeling for students and colleagues the responsible use of public property.



Unethical conduct includes, but is not limited to, the following:

- Misusing public or school-related funds.
- Failing to account for funds collected from students or parents.
- Submitting fraudulent requests for reimbursement of expenses or for pay.
- Co-mingling public or school-related funds with personal funds or checking accounts.
- Using school property without the approval of the local board of education/governing body.

### **Standard 7: Remunerative Conduct**

An educator should maintain integrity with students, colleagues, parents, patrons, or businesses when accepting gifts, gratuities, favors, and additional compensation.

Ethical conduct includes, but is not limited to, the following:

- Insuring that institutional privileges are not used for personal gain.
- Insuring that school policies or procedures are not impacted by gifts or gratuities from any person or organization.

Unethical conduct includes, but is not limited to, the following:

- Soliciting students or parents of students to purchase equipment, supplies, or services from the educator or to participate in activities that financially benefit the educator unless approved by the local governing body.
- Accepting gifts from vendors or potential vendors for personal use or gain where there appears to be a conflict of interest.
- Tutoring students assigned to the educator for remuneration unless approved by the local board of education.

### **Standard 8: Maintenance of Confidentiality**

An educator should comply with state and federal laws and local school board policies relating to confidentiality of student and personnel records, standardized test material, and other information covered by confidentiality agreements.

Ethical conduct includes, but is not limited to, the following:

- Keeping in confidence information about students that has been obtained in the course of professional service unless disclosure serves professional purposes or is required by law.
- Maintaining diligently the security of standardized test supplies and resources.

Unethical conduct includes, but is not limited to, the following:

- Sharing confidential information concerning student academic and disciplinary records, health and medical information, family status/income, and assessment/testing results unless disclosure is required or permitted by law.
- Violating confidentiality agreements related to standardized testing including copying or teaching identified test items, publishing or distributing test items or answers, discussing test items, and violating local school system or state directions for the use of tests or test items.
- Violating other confidentiality agreements required by state or local policy.

### **Standard 9: Abandonment of Contract**

An educator should fulfill all of the terms and obligations detailed in the contract with the local board of education or educational agency for the duration of the contract.

Unethical conduct includes, but is not limited to, the following:

- Abandoning the contract for professional services without prior release from the contract by the employer;
- Refusing to perform services required by the contract.

### **Reporting**

Educators are required to report a breach of one or more of the Standards in the Alabama Educator Code of Ethics as soon as possible, but no later than sixty (60) days from the date the educator became aware of the alleged breach. Educators should report the unethical conduct to the Department of Human Resources. Department personnel will investigate the allegation and recommend to the superintendent appropriate action based on the investigation results. Complaints must be filed in writing and must include the original signature of the complainant.

## STAFF CONDUCT

The board expects employees to conduct themselves in such a way as to promote an appropriate school atmosphere. In dress, interpersonal relationships and conduct, whether communicated or performed in person, in writing, and/or electronically, all staff should recognize that they are being continuously observed by students, other employees, parents and community members, and that their actions and demeanor will be reflected in the conduct of the students and/or may impair their effectiveness as an employee. Profanity and lewd or obscene language, whether spoken, written, or by gesture, are unsuitable and prohibited in the school setting.

Employees who intentionally strike, improperly restrain or otherwise physically or verbally abuse students will be disciplined accordingly and are subject to discipline, up to and including termination.

Employees may not furnish lists of students or parents to anyone selling instructional or equipment materials.

The personal life of an employee, including the employee's personal use of system owned or private electronic equipment (such as through texting, social networking sites and other personal portrayal on the internet) will be the concern of and warrant the attention of the Board if it impairs the employee's ability to effectively perform his/her job responsibility, if it disrupts the school or classroom environment or if it violates local, state or federal laws or contractual agreements. Unprofessional conduct pertaining to students or school related issues, including such unprofessional conduct on personal social media profiles, may subject the employee to disciplinary actions consistent with local law, state law, federal law, and/or Board policy. Employees are prohibited from any purely personal contact with students on social media sites unless it involves matters of public concern (such as political issues).

All employees shall maintain a professional relationship with students at all times, both inside and outside of school. No employee shall engage in inappropriate or unprofessional conduct, including specifically conduct of a sexual nature, with a student at any time. This includes a prohibition on any inappropriate communication, conduct or action performed in person, in writing, or conveyed electronically through such means as a telephone, cell phone, computer, personal data assistant or other telecommunication device, including text messaging, instant messaging and social networking.

Legal Reference: Alabama Code - § 36-25-2; §36-25-5; § 36-25-8

Date Adopted: December 11, 2007

Public Hearing: March 17, 2011

Amended: March 23, 2011

**CONFIDENTIALITY**

Employees should be judicious in the dissemination and discussion of sensitive student information, particularly confidential materials. Divulgence of any confidential material will result in an investigation by the superintendent and possible disciplinary action.

## EMPLOYEE DRESS CODE

This policy covering employee dress code and appearance is established in order to uplift, enhance and promote the professional image of the school system. These guidelines should be reviewed by supervisors with the staff members each year before the opening of school.

In departments where uniforms or uniformity in dress is prescribed by the Board of School Commissioners, all effected personnel are required to abide by direction and procedure.

All employees (professional, administrative and support personnel) should be professionally and appropriately attired when representing the school system or conducting school system business.

Schools or departments may adopt a voluntary dress code for uniforms.

Immediate or site supervisors may approve exceptions on this code for special or occasional activities.

Reasonable accommodation should be made for religious beliefs if such accommodation would not unduly interfere with the effective functioning of the schoolroom.

### Restrictions:

An employee's dress may not be so unusual, inappropriate or lacking in cleanliness that it clearly disrupts classroom or learning activities. Examples of attire considered inappropriate for school employees include but are not limited to:

- Jeans (except for custodian and bus drivers and as allowed for special occasions or special work as approved by the immediate or site supervisor)
- Overalls
- Shorts (except for P.E. teachers and bus drivers)
- Athletic type shoes (except as allowed for special occasions or special work as approved by the immediate or site supervisor)
- Spandex or bicycling type attire as outer wear
- Visible piercing except to ears
- Clothing that is provocative, revealing, indecent, vulgar or obscene
- Blouses or shirts with low necklines, bare midriffs and excessively tight clothing
- Visibly torn or ragged attire
- Sweat suit-type attire (except for P.E. teachers, bus drivers, and custodians)
- Footwear that is considered beachwear (flip flops), soft plastic (Crocs), bedroom shoes or slippers (Any footwear that may cause injury to the wearer or others must not be worn)
- Clothing which promotes alcoholic beverages, tobacco, or the use of controlled substances by words or symbols
- Clothing that contains profanity or nudity, depicts violence, or is sexual in nature by words or symbols
- Undergarments worn as an outer garment or any see-through clothing
- Any item of clothing or jewelry that creates a disruption of the school environment/learning activities or that poses a threat to the safety and well-being of students or staff.
- Tattoos that are indecent, vulgar, obscene (Such tattoos must be covered by clothing)

- Clothing that promotes or includes logos of K-12 schools outside of the Mobile County Public School System.

Each department/school will evaluate this policy at the end of the school year. The superintendent of his/her designee will review the results of these evaluations and present proposed changes to the board as appropriate.

Date Adopted: December 11, 2007

Date Amended: September 25, 2013

**EQUAL EMPLOYMENT OPPORTUNITY*****Equal Employment Opportunity***

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.

Implementing Regulations Authorized – The Superintendent is authorized 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.

### UNAUTHORIZED PAYMENTS

Notification to the Employee – Upon discovery of any unauthorized or erroneous payment or disbursement of funds to an employee, the System 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 System's ability to recover funds in question could be jeopardized by doing so, the System will arrange a reasonable schedule of repayment so as to avoid undue hardship to the employee.

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 grievance procedure. Monies may be withheld by the System pending completion of the grievance process, provided that, should the System 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 System is unable to contact the employee in the first instance, the System 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.

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

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.

**Date Adopted: September 27, 2021**



### SEARCHES (PERSONNEL)

*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.

*Employee Property* – The Board reserves the right to inspect employees' vehicles, purses, files, and other personal property if a supervisor forms a reasonable individualized suspicion that the property contains evidence of a violation of Board policy or contains any material, object, or substance that otherwise creates or presents a risk of harm or injury to the school, the workplace, or persons therein.

*Use of Recovered Items* – Property, material, substances, information, or records that are obtained, discovered, or recovered as a result of a search may be retained and used for any lawful purpose.

**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.

Date Adopted: September 27, 2021

## **RECRUITMENT**

The school system will employ the best qualified personnel available. All positions will be posted according to state law. The administrative leadership team will establish and maintain a continuous plan for actively recruiting promising personnel for employment by the board.

Reference: Alabama Code - §16-22-15

## NEPOTISM

All applicants must disclose any existing family relationships that possibly could exist in the event the applicant is hired. All employees who are being promoted or who apply for a transfer within the system or who receive notice of involuntary (mandatory) transfer must disclose to the Human Resources Division and their current or prospective immediate supervisor any family relationships with other board employees. This disclosure must be made regardless of whether or not the reassignment would place the employee in the same department with a family member or would result in the employee supervising or being supervised by a family member.

*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.

*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 Alabama law.

Alabama laws governing nepotism include, but are not necessarily limited to Alabama Code Annotated § 16-22-15 and the Alabama Ethics Act (Alabama Code Annotated § 36-25-1 et seq).

**Date Adopted: December 11, 2007**

**Date Amended: August 24, 2017, September 27, 2021**

## EMPLOYMENT CONTRACTS

At-Will Employment – Except as may otherwise be provided or required by law (such as the continuing service or tenure provisions of the Students First Act of 2011), 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.

Legal Reference: §§ 16-24c-1 et. seq.

Date Adopted: December 11, 2007

Date Amended: September 27, 2021

## QUALIFICATIONS AND DUTIES

Employees are expected to be qualified and competent in the performance of duties assigned to them and commensurate to their position. Employees holding positions requiring state certification must meet certification requirements. Failure to maintain appropriate certification when required for the position will result in termination.

Employees have a duty to perform their jobs responsibly and in a conscientious manner. In addition to any specific job requirements set forth in job descriptions or elsewhere, employees are expected to meet the following general performance and service standards:

- a. Employees are required to be punctual and to attend work regularly.
- b. Employees are required to perform the duties and responsibilities that are assigned to them by the Board, the Superintendent, or their supervisor(s). Such duties and assignments may extend beyond or outside the instructional day and may include off-campus functions, events, and activities.
- c. Employees are expected to treat all students, co-employees, visitors, and guests of the Board with respect. Employees are expected to demonstrate moderation, restraint, and civility in their dealings with others and, in general, to serve as appropriate role models for students in their behavior and demeanor.
- d. Employees are required to obey all laws, ordinances, Board policies, and supervisory directives, and are expected to follow the Alabama Educator Code of Ethics and other pertinent authority while carrying out duties for the Board.
- e. Employees whose duties include the instruction or supervision of students must provide effective supervision, discipline, organization, and instruction of the students. 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 suggests inappropriately familiar interaction with students.
- h. Employees are required to report to work or to school functions in attire that is appropriate to their positions and the nature of the function and that is in keeping with generally accepted standards of decorum and professionalism. Service and other employees who are issued uniforms shall wear uniforms when required.
- 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. Teachers are expected to share in non-teaching responsibilities that are considered by the principal, at his/her discretion, as necessary or desirable to the proper functioning of the total school program. Teachers also are expected to share in the responsibility for supervising co-curricular activities. Extra duty should be assigned as equitably as possible, at the principal's discretion.

**Legal Reference:** Alabama Code - §16-23-1; §16-23-2; §16-24c-1, et. seq..

**Date Adopted:** December 11, 2007

**Date Amended:** August 24, 2017, September 27, 2021

## COMPENSATION AND PAY PLAN

The Superintendent shall prepare or cause to be prepared salary schedules for school system personnel each fiscal year. The salary schedules shall be presented annually to the Board for review and approval.

Base pay for classroom teachers and those other selected, certificated individuals whose work day is spent working directly with students or whose work product solely benefits the instruction of children, shall be determined by the State of Alabama Teacher's Salary Matrix. From time to time, the State of Alabama publishes certain salary matrices for other types of employees. In those situations in which the State publishes a State Salary Matrix for a particular group of employees, the State Salary Matrix shall control.

For all other employees, including principals, assistant principals, and central office certified administrators, the Superintendent shall develop and recommend a compensation or pay plan to the Board for adoption. Changes in the plan, after initial adoption, shall be approved annually by the Board.

The compensation or pay plan is designed to provide appropriate pay for the assessed worth of system jobs. The current plan shall consist of step salary schedules for the following employee groups or pay families:

1. Teachers
2. Administrative/Professional
3. Clerical/Technical
4. Manual Trades
5. High School Principals
6. Middle School Principals
7. Elementary School Principals
8. High School Assistant Principals
9. Middle School Assistant Principals
10. Elementary School Assistant Principals
11. Occupational Therapy/Physical Therapy
12. Child Nutrition Program Managers and CNP Assistants
13. Bus Drivers
14. Bus Aides
15. Nurses

The compensation or pay plan is designed and administered to accomplish the following:

1. Stay competitive with appropriate labor markets for the various categories of jobs performed by personnel,
2. Recognize the levels of skill, effort, and responsibility required for different jobs,
3. Protect continued length of service to the Board with regard to the hiring of new employees, and
4. Fiscally control and provide cost effective guidelines.

A copy of the System's compensation or pay plan for the current year is available in the administrative offices and shall be posted on the System's Internet website.

**Step Advancement:** Each eligible classified employee and certified personnel not paid on the teacher's salary matrix shall, upon recommendation by the Superintendent and a majority approval by the board, advance one step on the salary schedule each budget year (currently October 1 of each year). In years' in which the Superintendent does not make a recommendation for a step increase or the Board does not, by a majority vote, approve the recommendation for a step increase, there shall be no step movement. Employees not paid on a state salary matrix who are not assigned to a salary schedule or who have reached the highest step on their salary schedule shall receive, every three years, a cost of living increase equal to 1.5% of their current salary contemporaneously with the step advancement of other eligible employees. In those years in which no step movement occurs no cost of living increase shall be granted.

Employees paid on a state salary schedule (the "State Salary Matrix or Schedule") shall progress automatically to the next appropriate step.

**Assignment to Pay Grade:** Consistent with economic and job market indicators, the Assistant Superintendent or Executive Manager of Human Resources (the pay plan administrator) may recommend to the Superintendent the initial assignment or re-assignment of a job title to a specific pay grade, salary schedule and/or step. Additionally, the Superintendent retains the right to recommend the initial assignment and/or reassignment of a job title to a specific pay grade, salary schedule and/or step at any time. The annual publication of the compensation or pay plan (i.e., salary schedules) shall reflect any adjustments made. The state of Alabama recently authorized the hire of Adjunct Instructors. The rates of pay for these specialized, often part time, instructors may



vary greatly based on the type of instruction involved. The Superintendent and Executive Manager of Human Resources are authorized to negotiate such reasonable salaries as necessary to hire said Adjunct Instructors.

**Assignment to Step within Pay Grade:** The steps within each of the pay grades are compensation steps and are not based on experience credit. They are NOT experience steps. Personnel can be assigned to a compensation step based on factors other than experience. Market competitiveness for the particular position can be considered.

**Salary Retention:** A contract principal who is transferred voluntarily or otherwise to a school that is smaller in enrollment shall retain the same salary and compensation step as held previously until the end of the contract period. A tenured principal or assistant principal who is transferred voluntarily or otherwise in the same position to a school with a smaller enrollment shall retain the same compensation step for a period of one employment year (July 1 through June 30) or portion thereof. At the end of that period of time, the salary appropriate for the work assignment in the subsequent year may be given unless said change is delayed by the Superintendent.

If a principal or assistant principal is transferred, either voluntarily or otherwise to a position other than principal or assistant principal, or if he or she applies for and is recommended and approved for a central office position, the salary shall be paid on the appropriate step for the new position. Experience in the System will be a factor in determining appropriate step placement.

A principal who is re-assigned or voluntarily accepts a position of assistant principal will be placed on the Assistant Principal Step Salary Schedule at the same step he or she occupied as a principal. If the principal had earlier been placed on a higher step as an incentive, his/her step will be reduced by the amount of the incentive to determine the appropriate step placement.

If a contract principal's contract is not renewed, and if he/she is hired in another position other than principal, he/she shall be placed on the salary schedule appropriate for the work assignment (i.e., he/she shall not retain the salary of a principal for one year.)

**New Jobs:** Newly established positions or jobs approved by the Superintendent shall be analyzed and classified by the pay plan administrator and assigned to an existing job family and corresponding pay grade.

**Assignment of Salaries for New Hires:** The Superintendent or designee shall approve pay assignment to a step within the appropriate salary schedule for new employees in accord with state law and regulations and the following general guidelines:

- New employees with limited work experience in the job title to which they are being hired shall be placed generally at the zero (Step 0) step of the assigned step salary schedule.
- With the Superintendent's approval, new employees may be placed at any other step above Step Zero. .
- Former employees, who previously left the System in good standing, and are rehired in the same position that they were in previously, may be placed on the same step that the employee was on at the time they left the System. For example, a bookkeeper who resigned in good standing at step 12, who is rehired as a bookkeeper five years later, will be placed on step 12 at the time of her rehire. Employee's that are rehired in a different position will be placed at the appropriate step for the new position. This provision will be applicable to any former employee rehired after January 1, 2012 and has no retroactive applicability. This provision applies specifically to classified employees. The Executive Manager of Human Resources shall have authority to adjust the step at which the employee is rehired as necessary to reflect changes in the salary schedule that have occurred since the respective employees left the system.

(See also the Salary Schedules approved by the Board of School Commissioners on September 27, 2021)

Date Adopted: December 11, 2007

Date Last Amended: September 27, 2021

**TENURE AND NON-PROBATIONARY STATUS**

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.

Legal Reference: Alabama Code Annotated § 16-24C-4.

Date Adopted: December 11, 2007  
Date Amended: September 27, 2021

**SELECTION OF DEPARTMENT CHAIRPERSON**

In compliance with established procedures, each year the principal of a school shall select a certified teacher to serve in the supplemental position of department chairperson, grade level leader or a similar leadership position. Since the selection is supplemental for one year, a person selected shall not be eligible to receive tenure in the supplemental position.

Reference – Procedures: Selection of Department Chairperson

**Date Adopted: December 11, 2007**

**PROCEDURE:  
SELECTION OF DEPARTMENT CHAIRPERSON**

**Job Description - The Department Chair will:**

1. Serve as a liaison between the Curriculum supervisors and the school administration. This should include the following items but should not be limited to the following:
  - Provide assistance with textbook problems
  - Provide information on in-service opportunities
  - Provide information on curriculum revisions
  - Check email at least once daily
  - Send requested information back to supervisor in a timely manner
  - Provide supervisor with copies of monthly agendas and sign-in sheets, and weekly minutes from collaboration meetings
  - Provide CRT information and study guides
2. Serve as liaison between the local school administration and the teachers.
3. Assist in curriculum matters as needed, such as scheduling of classes.
4. Conduct regular department meetings.
5. Serve as department representative on the school SAE committee.
6. Coordinate and maintain inventories of materials, manipulatives, resource materials and books, inventories, and supplies.
7. Coordinate the ordering of chemicals, equipment, and supplies.
8. Coordinate department monies with school bookkeeper.
9. Coordinate equipment and lab facilities.
10. Mentor new and inexperienced teachers.
11. Coordinate participation in local, county, and regional competitions and fairs.
12. Attend all scheduled and called department chair meetings.
13. Facilitate and monitor the use of best practices in the alignment of curriculum, instruction, assessment, and improvement.
14. Use comparison trend and benchmark data to drive instruction and assess the rate of school/classroom improvement.
15. Participate in one week of mandatory summer training (stipend will be provided).
16. Assist with data collection and analysis in area of content responsibility.
17. Perform other duties as assigned by the principal.

**Qualifications:**

The person selected to be department chair should have the following:

1. Have a minimum of three (3) years teaching experience.
2. Have a valid teaching certificate and meet HQ status in core related field.
3. Have good people, organizational, and communication skills.
4. Have a minimum of one year experience at the current school.
5. Have received at least a satisfactory on most recent evaluation.

**Selection Process:**

The department chair will be selected by the principal based on the required qualifications.

## **SUPERVISION**

Supervision will be provided to employees by their immediate supervisors or their designees and/or their supervisors.

**FITNESS TO WORK**

If the supervisor certifying an employee's payroll has reason to believe that the employee may be incapable of performing assigned duties because of a health-related problem, the supervisor may require a doctor's written statement verifying the employee's fitness for his or her assigned duties.

**DIRECTORY INFORMATION**

Each employee will provide his/her full and correct name, address and phone number to the board's Human Resource Division and must notify that office promptly when his/her name, address or phone number changes. Employees may exclude their addresses and phone numbers from directory listings made available to the public by notifying the Human Resource Division and their immediate supervisors of their desire not to have such information made available to the public.

### **EMPLOYEE ORIENTATION**

An orientation program addressing board policies and procedures pertinent to the effective operation of the school system will be conducted for new personnel by the hiring principal or division and/or department head. All teachers new to the school system shall participate in a New Teacher Induction program sponsored by the Department of Staff Development.

All employees shall familiarize themselves with and abide by the policies and procedures of the board. Failure to abide by relevant law, policy, and procedures may result in discipline or termination.



### **STAFF/FACULTY MEETINGS**

Staff is expected to attend meetings called by the superintendent or his/her designee, their principals, or supervisors.

**Legal Reference:** Alabama Code - §16-9-16; §16-24-B-4

**Date Adopted:** December 11, 2007

### **SCHEDULES/OVERTIME**

Principals/Supervisors will formulate and disseminate schedules for teachers and other personnel working under their supervision. Employees are expected to observe and conform to time schedules furnished by their Principal/Supervisor.

The school day is the time when classes are in session, when faculty and in-service meetings are being held, and when student activities are being conducted. All schools should have the school doors open for a minimum of eight (8) consecutive hours each work day.

Professional personnel are to hold parent-student conferences as needed during their planning and conference periods and/or after school if determined necessary by the principal.

For purposes of determining eligibility of overtime and/or compensatory time off ("comp time"), employees will be designated "exempt" or "non-exempt," according to the federal Fair Labor Standards Act. The work week will be considered Sunday through Saturday.

Principals and Supervisors are authorized to grant a non-exempt employee who works beyond the regular working time permission to delay arriving for work the succeeding day by the same amount of time, hour-for-hour. The appropriate notation should appear on the employee's time card.

A principal or a supervisor may arrange for an employee's work schedule to change within a given work week with the understanding that the total number of hours worked would not exceed 40.

Overtime work may be required on occasion because of emergency situations or the need to complete specific work by a certain date. Employees are expected to perform such work if given notice of at least one day, except in emergency situations. Supervisors will give employees as much advance notice as possible of required overtime work, and employees who refuse such assignments may be subject to discipline. Repeated refusals to work overtime may constitute grounds for dismissal. During extenuating circumstances relating to natural and man-made disasters, Exempt employees will be eligible for overtime at the prevailing overtime rate for pre/post disaster related activities as described in the Hurricane Disaster Plan or otherwise directed by the Superintendent. The plan is used for any disaster related incident delegated by the Superintendent of Schools and/or Board of School Commissioners for recovery.

Overtime shall not be worked by any non-exempt employee without direct approval from their supervisor.

**Date Adopted: December 11, 2007**

**Date Amended: September 27, 2021**

**Date Adopted: December 11, 2007**

## **SUBSTITUTE TEACHERS**

Reference: AAC 290-3-2-.03(h)

Reference - Procedures: Substitute Teachers

**Date Adopted: December 11, 2007**

**PROCEDURE:  
SUBSTITUTE TEACHERS**

In the event of teacher absence, the supervising principal or his designee will make arrangements for the employment of a qualified substitute teacher, either by reporting electronically to Sub Finder or directing the teacher to report to Sub Finder.

Substitute teachers are expected to carry out instructions provided by the regular teachers and to prepare daily reports normally required of the regular teacher.

To ensure the highest level of quality and continuity in the instructional program, training will be given to the substitute teachers. Such programs also should cover board policies and procedures, particularly those related to student safety.

**STUDENT TEACHERS/INTERNSHIPS**

The board recognizes the potential value to public education of cooperation with higher educational institutions in improving the quality of teacher training through student teaching opportunities and/or internship programs operating in the school system. Accordingly, the approval of the superintendent or his/her designee for the implementation of such programs within the school system is encouraged.

### **GIFTS TO STAFF MEMBERS**

Staff members may accept gifts from students on special occasions provided the cost of any such gift is not excessive and its acceptance does not violate the code of professional ethics or state law.

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

Reference: Alabama Code Annotated §36-25-1, et seq.; Alabama Ethics Opinion 2011-12

Date Adopted: December 11, 2007

Date Amended: September 27, 2021

### **TUTORING FOR PAY**

Teachers tutoring for pay are restricted to tutoring only students who are not enrolled in their classes. Teachers may not receive money or its equivalent for any outside tutoring of pupils in their classes. Tutoring for any form of non-school board remuneration may not occur during regular school hours nor may it occur on school property.

**Legal Reference:** Alabama Code - §36-25-5.  
11, 2007

**Date Adopted:** December 11, 2007

## CONSULTING

Reference: Alabama Code - §36-25-5

Date Adopted: December 11, 2007

**Date Adopted: December 11, 2007**



## **EXCHANGE TEACHING**

Employees may participate in international exchange programs upon the recommendation of the superintendent in accordance with approved procedures.

**Date Adopted: December 11, 2007**

## **COACHING NON SCHOOL SYSTEM ATHLETIC TEAMS**

No employee may receive compensation for services in any way relating to any non Mobile County Public School System school athletic team. There is a conflict of interest and a division of loyalties created in such a situation because of the ability of the employee to steer Mobile County Public School System athletes to non Mobile County Public School System school athletic teams to the detriment of the Mobile County Public School System athletic programs.

Reference: ASHAA Handbook, p. 60-61, Sections 12, 13. Recruiting (2016-2017 ed.)  
Adopted: August 12, 2013  
Amended: August 24, 2017

## **EMPLOYEE CONFLICTS OF INTEREST**

Employees may not use their offices or positions for personal gain and must adhere to applicable provisions of the Alabama Ethics Law.

**Legal Reference:** Ala. Code § 36-25-1, et seq.

Date Adopted: September 27, 2021

**OUTSIDE EMPLOYMENT**

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

- a. Employees will not engage in outside business activities or render any service for another employer during such time as duties and responsibilities have been assigned by the Board;
- b. Employees will not accept outside employment that would interfere with or impair the ability of the employee to perform duties as a Board employee effectively;
- c. Employees may not accept work that could compromise the employee's independent judgment in the exercise of duties for the Board;
- d. Employees may not use or disclose confidential information acquired through Board employment for their personal gain or for the benefit of a third party.

Date Adopted: September 27, 2021

## EVALUATION

### **Certified Staff**

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

The System may also use its internally created summative evaluation instrument for summative purposes.

### **Classified Employees**

Classified personnel will be evaluated in accordance with criteria and procedures to be developed by the Superintendent or his/her designee.

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

**Date Adopted: December 11, 2007**

**Date Amended: August 24, 2017, September 27, 2021**

**TRANSFER**

Reference: Alabama Code - §16-24C-7

**Date Adopted: December 11, 2007**

**Date Amended: August 24, 2017**

## RESIGNATION

### **Certified Staff**

Reference: Alabama Code - §16-24C-11

### **Classified Staff**

A non-professional employee who wishes to terminate his/her services with the board must notify his immediate supervisor at least two weeks prior to the proposed date of termination. The two weeks' notice begins on the day that the resignation is received. The immediate supervisor will notify the assistant superintendent of Human Resources.

**Date Adopted: December 11, 2007**  
**Date Amended: August 24, 2017**

**TENURE AND NONPROBATIONARY STATUS**

Reference: Alabama Code - §16-24C-4

**Date Adopted: December 11, 2007**

**Date Amended: August 24, 2017**



**REPRIMAND**

Policy Deleted

**Date Adopted: December 11, 2007**

**Date Deleted: August 24, 2017**

**SUSPENSION**

Reference: Alabama Code - §16-24C-6(i)

**Date Adopted: December 11, 2007**

**Date Amended: August 24, 2017**

**TERMINATION/CANCELLATION**

Reference: Alabama Code - §16-24C-5  
Alabama Code - §16-24C-6  
Alabama Code - §16-24C-8  
Alabama Code - §16-24C-9  
Alabama Code - §16-24C-10  
Alabama Code - §16-24C-12

**Date Adopted: December 11, 2007**  
**Date Amended: August 24, 2017**

## **REDUCTION IN FORCE**

A reduction in force may take place when the board determines that a financial exigency, program change, serious disaster or other legitimate business reason requires the reduction of personnel through contract termination and approves acting under this policy. Such a determination constitutes the necessary cause for dismissal.

Prior to the implementation of a reduction in force, the board will determine, upon the recommendation of the Superintendent, the organizational levels/areas to be reduced. The board should determine whether organizational levels/areas (i.e., elementary, food service) are to be considered distinct categories. The personnel within these levels may be considered separately (i.e., elementary and secondary, physical education, music, etc.). In addition, the superintendent will, to the extent possible, use attrition and non-renewal to achieve staff reduction.

The superintendent's recommendation will address the organizational areas(s) or level(s) to be reduced, the level of employees to be affected and the particular employees to be terminated.

Irrespective of a reduction in force, if a non-tenured or probationary employee is non-renewed in accordance with state law, this policy does not apply to those individuals and in such circumstances, there will be no right to recall pursuant to this policy. Non-tenured and probationary employees are not granted any retention or recall rights by this policy except as provided under state law.

### **Certified Employees**

#### **1. Tenured Employees**

Non-tenured employees will be reassigned or terminated prior to tenured employees except as follows. Non-tenured employees will be retained when a tenured employee is terminated only if the tenured employee is not legally qualified (based on state certification and federal highly qualified standards) to teach in the position the non-tenured employee occupies.

If more than one legally qualified tenured employee is being considered for dismissal from a specific position, the following criteria, in the order stated, will be used to determine which will be retained:

- a. Highly qualified status. A tenured employee who is highly qualified for the position under federal guidelines will be given consideration over a tenured employee who is not highly qualified for the position.
- b. Certification in a teaching position which is being retained and is open. A tenured employee with regular (non-provisional) certification for the retained position will be given consideration over a tenured employee with a provisional certification.
- c. Effectiveness as reflected by the three most recent performance evaluations.
- d. Professional education and work experience related to the current or projected assignment.

- e. Seniority in continuous, uninterrupted, full-time certified employment with the board, beginning on the date employed.

If, based upon these factors, two or more tenured faculty are equally qualified for the position, then lots will be drawn.

Any tenured employee terminated or demoted pursuant to this policy shall have a one-time recall right to a position for which he or she is certified and legally qualified for one calendar year from the effective date of his or her termination or demotion. Tenured teachers dismissed through staff reductions will, for one year, be offered re-employment if legally qualified and competent in the area of need in reverse order of dismissal before non-tenured teachers in the same teaching area are added to the staff. If a former employee refuses any offer of employment pursuant to this provision, his or her right of recall is forfeited.

## 2. **Non-Tenured Employees**

Again, this policy in no way gives non-tenured employees a contractual right to employment. The state law right to non-renew remains with the board in all respects. Non-tenured employees do not have any recall or re-employment rights under this policy.

### **Support Employees**

#### 1. **Non-Probationary Employees**

Probationary employees will be reassigned or terminated prior to non-probationary employees except as follows. Probationary employees will be retained when a non-probationary employee is terminated only if the non-probationary employee is not qualified by experience and/or education to occupy the position the probationary employee occupies.

If more than one non-probationary employee is considered for dismissal from a specific position then the following criteria in the order stated will be used to determine which employee will be retained:

- a. Effectiveness as reflected by the three most recent performance evaluations.
- b. Education and work experience related to the current or projected assignment.
- c. Seniority in continuous, uninterrupted, full-time employment with the board beginning on the date employed.

If, based on these factors, two or more non-probationary employees are equally qualified for the position, then lots will be drawn.

Any non-probationary employee terminated or demoted pursuant to this policy has a one-time recall right to the position from which he or she was terminate or demoted for one calendar year from the effective date of his or her termination or demotion, in reverse order of the dismissal or demotion. If a former employee refuses any offer of employment pursuant to this provision, hisor her right of recall is forfeited.

## **2. Probationary Employees**

Again, this policy in no way gives probationary employees a contractual right to employment. The state law right to non-renew remains with the board in all respects. Probationary support employees do not have any recall or re-employment rights under this policy.

**Date Adopted: December 11, 2007**

**Date Amended: September 27, 2021**

## PERSONNEL RECORDS

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

**Alternate Data Storage** – Personnel file data may be stored or maintained electronically or digitally.

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

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

Reference: Alabama Code - § 16-22-14

Reference – Procedures: Personnel Records

**Date Adopted: December 11, 2007**

**Date Amended: September 27, 2021**

**PROCEDURE:  
PERSONNEL RECORDS**

The following procedures will govern requests to review folders:

1. Any employee desiring to review his folder is required to give the Division of Human Resources a 24-hour notice.

Procedures for employees obtaining copies of information from personnel folders.

1. These specific requests from the employees should be made in writing addressed to the Executive Manager of Human Resources. In the event a telephone request is received, the above should be called to the attention of the employee.
2. Upon written request and prepayment at the rate of fifteen (\$.50) cents per page the division will proceed to duplicate the requested copies. The copying fee shall be paid in cash, cashier's check, or postal money order only. No personal checks will be accepted.



## **GRIEVANCES**

An investigation will be made whenever grievances are registered against school board employees. Employees against whom charges are made will have the opportunity to understand the charges made against them and to present pertinent facts bearing upon those charges before official action is taken. Persons making grievances are required, before any action is taken, to submit complaints in writing or to sign prepared statements summarizing their charges.

Issues pertaining to salary, placement on the salary schedule, assignment to a compensation step, assignment to a job family or to a pay grade, or to any other concern pertaining to the compensation of individual employee or groups of employees are addressed annually during the board's adoption of the subsequent budget-year salary schedule. Those issues are excluded from consideration under this policy and its accompanying Grievance Procedures.

Before filing a grievance, an employee is encouraged to discuss the issues with his/her immediate supervisor. Employees should exhaust all means of remedying grievances prior to seeking board action.

Employees unfamiliar with the process to be observed in airing grievances may contact the Employee Relations Personnel Administrator or his/her superior or other designee to request guidance.

Reference – Procedures: Grievances

**Date Adopted: December 11, 2007**

## **PROCEDURE: GRIEVANCES**

Note: Employees unfamiliar with the process to be followed in filing “grievances” may contact the Employee Relations Personnel Administrator or his/her designee and request guidance.

### General Provisions and Definitions:

Grievance: A grievance is a complaint brought by an employee alleging that either an administrator or employee has taken one of the following actions:

1. A violation, misinterpretation, or misapplication of an existing board policy, administrative rule or administrative procedure;
2. Unprofessional conduct directed towards the grievant or impugning his/her personal good name or professional reputation;
3. The change in a recognized administrative practice which has been consistently followed for at least one calendar year which imposes a hardship on the employee.

Matters not covered by definition of grievance: The term “grievance” does not include:

1. Matters dealing with denials of promotions, or requests for voluntary transfers unless an identified board policy or administrative procedure has also been violated or misinterpreted;
2. Matters dealing with involuntary transfers, or terminations which are covered by the Teacher Tenure Act or the Fair Dismissal Act;
3. Alleged violations of State or Federal law or existing Court Orders; or
4. Issues pertaining to salary, placement on the salary schedule, assignment to a compensation step, assignment to a job family or to a pay grade, or any other concern pertaining to the compensation of individual employee or groups of employees.

Days: The term “days” when used in this procedure shall mean working school days as established by the Board adopted 12-month calendar for the applicable school year. At all Steps in the grievance policy procedures, the employee or his/her representative and the relevant administrator may mutually agree to suspend the relevant time frame requirements.

**STEP I (Local School)**

An employee who feels that he/she has a grievance shall present the matter in appropriate written form, within thirty (30) days of the alleged grievance, to his/her principal or immediate supervisor. Failure by the grievant to file the grievance within thirty (30) days of the alleged grievance will result in the automatic denial of the grievance. The grievant shall provide a statement of the grievance and the relief sought.

Should the employee receive satisfaction, the matter is considered closed.

The principal or immediate supervisor has fifteen (15) work days, except in emergency - not to exceed ten (10) additional work days - from receipt of written grievance form to conduct a conference with the employee to discuss the grievance.

After the Step I conference is held, the principal or immediate supervisor shall submit a written disposition report setting forth the reasons for his/her disposition within five (5) days after the conference has been held. If the grievance calls for relief or action which the Step I supervisor cannot provide, the Step I supervisor shall deny the grievance on this basis.

Upon receipt of the Step I disposition report by the employee's principal or immediate supervisor, the grievant shall have no longer than ten (10) days to file for an appeal should he/she desire.

Failure of grievant to file a timely appeal automatically forfeits any further appeal for relief at any other advanced step of the grievance procedure.

**STEP II (Employee Relations)**

If the grievant files a written notice of appeal, the Employee Relations Personnel Administrator or his/her designee will schedule a meeting/hearing with the employee, the immediate supervisor and any representative within thirty (30) days after receiving written notification of appeal.

The Employee Relations Personnel Administrator may consolidate grievances arising out of the same or similar circumstances providing that it will not change the time requirements.

Additional documentation may be submitted by the employee or the immediate supervisor. A hearing shall be conducted at which time the employee and his/her representative and the principal or immediate supervisor will have the opportunity to present their positions regarding the grievance in dispute. The employee and the principal or immediate supervisor may present witnesses and whatever documentary evidence he or she may wish to present in support of his or her position regarding the grievance. A party shall have the right to call and question his/her witnesses. A full presentation by all witnesses present and other pertinent testimony shall be considered by the Employee Relations Personnel Administrator or his/her designee. However, the hearing will not be a formal, adversarial hearing governed by normal legal rules of evidence or procedure.

An official recording will be made for each conference by the Employee Relations Personnel Administrator or his/her designee. A grievant desiring a transcript of the conference shall be responsible for the taping and transcribing of the hearing. Parties are expected to conduct the hearing within a reasonable period of time.

The parties shall submit to the Employee Relations Personnel Administrator or his/her designee at least four (4) days prior to the scheduled hearing a list of those witnesses whom he/she desires for the Board to require to be present at the hearing, along with a statement regarding the materiality of the witnesses' testimony. The attendance at the Step II hearing of any material witnesses employed by the board is required as requested by the hearing officer. Material witnesses are those witnesses who will offer relevant, non-redundant factual testimony. If a material witness is unable to appear, or if the administration is unable to procure the attendance of a witness at the scheduled hearing, then the parties can agree to a postponement of the hearing for the purpose of obtaining the testimony in question.

In the event individuals responsible for serving as a hearing officer or designating a hearing officer are listed as witnesses by the grievant and the grievant furnishes the statement listing the reasons for calling said witness, the superintendent or his/her designee shall appoint a hearing officer who has no direct, personal or first-hand knowledge of the matters in controversy.

The Employee Relations Personnel Administrator or his/her designee shall have fifteen (15) work days after the conference to provide a written decision. The written decision shall explain the reasons for the Employee Relations Personnel Administrator's decision. If the grievance is solved, or no further action is requested in writing, the matter is considered closed.

The principal, immediate supervisor and grievant shall have no longer than ten (10) work days to file for an appeal of any unfavorable decision.

Failure of the grievant to comply with the steps above automatically forfeits any further appeal for relief at any advanced step of the grievance procedure.

Mediation Procedure: In those cases where there are multiple grievances filed by multiple grievants and the grievances arise out of the same or similar facts or circumstances, then the Employee Relations Personnel Administrator or his/her designee has the discretion to try and resolve the dispute through informal mediation and to make every reasonable effort to arrive at a fair and equitable solution.

After thirty (30) days or thereafter from the start of mediation, the grievant(s) shall have the right to decide that the mediation is no longer worthwhile, and the grievance(s) will then be heard at Step II in compliance with the provisions of this policy.

### **STEP III (Superintendent or Designee)**

If the grievant or supervisor is dissatisfied with the preceding Step II decision, a written appeal should be submitted to the superintendent or his/her designee within fifteen (15) days.

The superintendent or his/her designee shall, within thirty (30) days, review the tape of conference and documentation accumulated at Step II. The superintendent or his/her designee shall provide either a written statement adopting the decision of the Step II administrator or a written decision explaining the basis and rationale for his/her decision to the grievant.

If the grievance is resolved or no further action is requested in writing, the matter is considered closed.

The grievant and the principal or relevant administrator shall have no longer than ten (10) days to file for an appeal of any unfavorable decision.

Failure of the grievant to comply with the steps above automatically forfeits any further appeal for relief at any advanced step of the grievance procedure.

### **STEP IV (Board of School Commissioners)**

If the grievant or supervisor is dissatisfied with the Step III decision, a written request for review should be submitted within ten (10) days to the superintendent or his/her designee requesting a review of all tapes and documentation by the Board of School Commissioners.

After receiving such written request, the superintendent or acting superintendent shall submit available tapes and documentation to each board member for their review as a part of the bi-monthly action at one of the next three (3) bi-monthly board meetings. In the event an emergency prevents to submission of the available tapes and documentation to the board members on one of the next three (3) bi-monthly board meetings, the available tapes and documentation should be submitted to the board members within a reasonable time.

## **6.46**

The board's decision to uphold the superintendent's decision or overturn the superintendent's decision shall be made during one of the next three (3) bi-monthly board meeting following the date of submission of the available tapes and documentation as described in the preceding paragraph.

The superintendent or acting superintendent will inform the grievant of the board's decision within fifteen (15) days after the board renders a decision.

## EMPLOYEE SEXUAL HARASSMENT

The Board strictly prohibits unlawful discrimination in all of its programs, offices, departments and facilities. Sexual harassment, as defined by law, is a form of unlawful discrimination and will not be tolerated from employees or other persons associated with the Board.

**Definition of Sexual Harassment** - Sexual harassment consists of unwelcome sexual advances requests for sexual favors, and other physical verbal conduct of a sexual nature when:

- a. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.;
- b. Submission to or rejection of such conduct by an individual as used as the basis for decisions affecting the individual's employment, or other benefits provided by the Board; or
- c. Submission to such conduct or communication is made a term or condition, either explicitly or implicitly, of employment or other employment benefits provided by the Board.

**Examples of Prohibited Conduct** - The following are examples of conduct that may constitute sexual harassment depending on individual circumstances:

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

### **Employee Complaint Resolution Procedure**

- a. **Reporting** - Any employee with reason to believe that he or she has been or is being subjected to any form of sexual harassment should report the matter immediately. Under no circumstances will an employee be required to present the complaint to the person who is the subject of the complaint.
- b. **Informal Complaint** - An employee may choose to submit a sexual harassment complaint to a supervisor for investigation and resolution at the departmental or local

level without resorting to formal complaint procedures. If the supervisor is the subject of the complaint, the complaint may be submitted to the Superintendent for resolution. If the complaint is not resolved informally to the satisfaction of the complaining employee, the employee must contact the Superintendent or his/her designee to initiate formal complaint procedures.

### **Formal Complaint Procedure**

**Persons Responsible for Receiving and Investigating Formal Complaints** - The Superintendent or his/her designee is responsible for receiving and investigating formal complaints regarding sexual harassment. The Human Resources Supervisor is an additional official to which formal complaints can be reported. If the Superintendent or his/her designee is unavailable or is the subject of the complaint, the alternate should be contacted regarding the formal complaint.

**Complaint form, contents** - Formal complaints should be made in writing, signed by the complainant, and fully describe the circumstances surrounding the alleged harassment. Harassment complaints that cannot be made in writing should be memorialized by the Superintendent or his/her designee.

**Investigation** - The Superintendent or his/her designee will promptly investigate the complaint, review the results of any investigation with legal counsel or other appropriate officials, make any findings that are supported by the investigation, and recommend appropriate action based on these findings. The complainant will be informed of the outcome of the investigation.

**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.

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

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

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



## PROFESSIONAL DEVELOPMENT OPPORTUNITIES

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

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

The following provisions shall apply to professional leave:

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

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

Reference: Alabama Code - §16-1-8.1; Alabama Code - §16-13-231(b)(1)(e)(3)

**Date Adopted: December 11, 2007**

**Date Amended: September 27, 2021**

### **PROFESSIONAL AND EMPLOYEE ORGANIZATIONS**

Attendance at all meetings to deal with matters pertaining to employee and professional organizations and which professional personnel are affiliated is voluntary and is separate from meetings sponsored by the school system.

Principals may excuse from regular duties personnel to play important leadership roles in programs and activities sponsored by professional and employee organizations. Such leave must receive advance approval from authorized personnel within the Human Resource Division.

Employees attending meetings approved consistent with this policy may receive their regular salaries, and the board may pay the full cost of substitutes serving in their absence.

### ANNUAL LEAVE/OPTIONAL VACATION DAYS

Twelve month employees are designated either 240 or 260 day employee type, depending on their hire date as a 12-month employee. They are entitled to annual leave, sick days, personal leave, and holidays. Because of a hire date prior to July 1, 1999, 240 day employees are entitled to additional days off (optional vacation days).

Annual leave or optional vacation days may be taken at intervals during the year so long as arrangements are pre-approved by the supervising administrator and so long as time taken does not exceed time earned. Unused annual leave will be allowed to accumulate up to the maximum of forty-five (45) as of the attendance reporting date for the June 30<sup>th</sup> payroll.

Annual leave is earned on an accrual basis. It is not awarded in advance of time worked. Employees leaving the system shall be paid for unused accumulated annual leave.

The number of holidays can vary in number at the board's discretion. Generally, these holidays are:

• July 4 <sup>th</sup>	1
• Labor Day	1
• Veterans Day	1
• Thanksgiving	2
• Christmas	2
• New Years	2
• Martin Luther King	1
• President's Day	1
• Mardi Gras	2
• Memorial Day	1

Total 14

The superintendent and board may desire to have certain offices/departments/divisions of the system open and adequately staffed for the public on non-holidays. Division heads and supervisors may be required to ensure staffing and supervision during these times.

Benefit days may be reported in half-day increments for record-keeping purposes.

Based on the nature of their work, some employees are scheduled to work on holidays (e.g. security guards) for which they will be compensated accordingly. Failure to work on holidays as scheduled will result in disciplinary action. Non-exempt employees who are called in to perform emergency work on holidays will also be compensated accordingly (e.g. emergency maintenance personnel).

	12-Month Employees Hired Before July 1, 1999	12-Month Employees Hired After July 1, 1999
Employee Type	240*	260*
Number of Holidays	14	14
Number of Annual Leave Days	10 – first 12 months 15 – after 120 months	5 – first 12 months of employment 10 – 13-120 months of service 15 – 121-240 months of service 20 – after 240 months of service
Number of Optional Vacation Days	7 to 9 Depending on what day of week July 1 falls and if it is a leap year	None

\*Hourly/Daily rate of pay is calculated on employee type.

The number of annual leave days for employees who move from a 10-month work calendar to a 12-month work calendar is determined by the total number of months as an employee as shown in the table above under “12-Month Employees Hired After July 1, 1999.”

#### OPTIONAL VACATION DAYS

Unused optional vacation days as of June 30<sup>th</sup> of each year can be converted to accumulated annual leave. If an employee wishes to carry over the unused optional vacation days to sick leave instead of annual leave, a signed request must be on file in the Payroll Department before the June 1<sup>st</sup> deadline for carryover requests.

Employees leaving the system may convert accrued optional vacation days to count as sick leave.

**Legal Reference:** Alabama Code §16-1-18.1; §16-8-26.

**Date Adopted:** December 11, 2007

**Date Amended:** September 27, 2021

### **ADMINISTRATIVE LEAVE**

The Superintendent or his or her designee may place any employee on paid administrative leave when investigating alleged misconduct by the employee, when disciplinary actions are pending, or when required in the best interest of the school system. Administrative leave is not disciplinary in nature or purpose and does not affect the employee's compensation, benefits, tenure, or nonprobationary status. Administrative leave may be accompanied by such additional restrictions or conditions as may reasonably be imposed by the Superintendent, or his/her designee, under the circumstances (e.g., limitation on access to school property).

**Legal Reference:** Alabama Code - §16-24C-9

**Date Adopted:** December 11, 2007

**Date Amended:** August 24, 2017, September 27, 2021

## PROFESSIONAL LEAVES AND ABSENCES

The board believes that providing leaves and absences to employees for continued professional growth helps to attract and retain employees who will continue to grow professionally.

### Certified Employees:

Tenured certified staff is eligible for unpaid leave for professional study up to, but not exceeding, one full scholastic year or calendar year. In all cases, assignment of an individual to the same school or work location upon return from professional leave is not guaranteed.

### Classified Employees:

Classified employees may be allowed to take an unpaid Educational Leave of Absence with approval from Human Resources for a period of up to one year. Employees must be non-probationary status prior to the requested period of leave.

General Terms and Conditions: Employees must be enrolled in an educational program leading to a degree in teaching. Proof of enrollment shall be provided prior to approval of the leave and proof of completion of courses shall be provided at the end of each semester or quarter.

The following terms and conditions will apply to any such request:

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

The Superintendent is granted the sole discretion to approve the request for such leave and may consider the extent of disruption to the school system, benefits to the school system that will be derived as a result of the leave, the ability to secure a suitable substitute for the period of leave, length of service of the employee requesting leave, and any other factor the Board deems appropriate. Except as provided to the contrary by applicable law, the employee shall not be entitled to return to the same position held before the commencement of leave, and may be assigned to a different work location or position upon return from the leave at the discretion of the Board.

Any employee who fails to return to work with the school system after the expiration of Educational Leave shall be considered to have abandoned his/her job and will be recommended for termination.

**Date Adopted: December 11, 2007**

**Date Amended: September 27, 2021**

### **EMERGENCY, LEGAL LEAVE**

Absences necessitated or occasioned by unforeseen emergencies and other extenuating circumstances not covered by other policies may be authorized by the superintendent. Authorization of such absences and compensation for same will be in accordance with approved procedures.

Permanent and full-time employees are entitled to regular compensation while performing jury duty (ALA. CODE §12-16-8) or when the employee is summoned under subpoena or other legal requirement to testify at trial in a court of law or in an administrative proceeding constituted under the statutory authority of the agency conducting the proceedings. Paid leave is not authorized for employees to meet with attorneys, to attend depositions, or to otherwise prepare for legal proceedings unless the presence of the employee is requested or required by the Board.

**Date Adopted: December 11, 2007**

Date Amended: September 27, 2021



## **SICK, MATERNITY/PATERNITY LEAVE**

If any employee is absent from work for more than five consecutive workdays: he/she or an immediate family member must provide a physician's statement or legal documentation which verifies sickness, disability, birth or adoption of a child and apply for a leave of absence. Should circumstances (such as, but not limited to, frequent or excessive absences) warrant it, a supervisor may require a physician's statement or legal documentation for any absence.

### **Tenured And Non-Probationary Full Time Employees**

All tenured and non-probationary full time employees are eligible for the following leaves of absence. The first twelve weeks of these leaves of absence will be credited as Family Medical Leave Act (FMLA) coverage.

An employee must use accrued paid leave days (i.e. vacation, optional days, sick leave, sick leave borrowed from the Sick Leave Bank, etc), if any are available, for any approved leave of absence. If no accrued paid leave days are available, then an approved leave of absence will be unpaid.

#### **1. Sick Leave:**

- a. The employee must apply for a leave of absence by filling out form HR-124 and submit it along with the proper medical documentation covering the period requested on the leave request.
- b. Should the employee be medically cleared to return to work within three weeks of the end of a school quarter, that employee may be required to remain off work until the beginning of the next quarter. The Board may require an employee who has taken leave due to medical reasons to provide the Board with a healthcare provider's certification in form acceptable to the Superintendent in order to return to work.
- c. This type of leave of absence must be in a paid status if Accumulated Sick Days are available. If no Accumulated Sick Days or other paid leave days are available, the leave of absence will be unpaid.

#### **2. Maternity/Paternity Leave:**

- a. If any employee requests a maternity/paternity leave, he/she must apply for a leave of absence by filling out form HR-124 and submit it along with the proper medical or legal documentation that verifies the birth or adoption of a child covering the period requested on the leave request.
- b. For maternity/paternity leaves of absence, the employee must state on the HR-124 the beginning and ending dates requested.
- c. Due to the issues of long-term substitutes, employees may not be returned from a maternity/paternity leave of absence prior to the expiration of the requested ending date.
- d. Should the employee request to be cleared to return to work within three weeks of the end of a school quarter, that employee may be required to remain off work until the beginning of the next quarter.
- e. Except for the above example, maternity/paternity leaves will not be extended beyond the originally requested ending date or one year from the beginning date of the leave, whichever is earlier.

**Non-Tenured And Probationary Full Time Employees**

Non-tenured and probationary full time employees, if eligible in accordance with the Family Medical Leave Act, may be granted a leave of absence up to twelve (12) weeks.

**Period of Leave**

The total period, at any one time, a tenured or non-probationary employee is allowed to take for a leave of absence is limited to twelve (12) months. If eligible for FMLA coverage, the total period, at any one time, a non-tenured or probationary employee is allowed to take for a leave of absence is limited to twelve (12) weeks. If not eligible for FMLA coverage, a non-tenured or probationary employee is not allowed to take a leave of absence. Any employee remaining off beyond these time limitations will have to resign, retire (if eligible) or be recommended for termination.

**Miscellaneous Provisions**

An employee who fails to apply for sick or maternity/paternity leave as outlined in this policy shall be considered to have abandoned his/her job and may be recommended for termination.

Failure to provide proper documentation may result in denial of the leave of absence and if the employee does not report to work, he/she shall be considered to have abandoned his/her job and may be recommended for termination.

An employee who fails to return to work after the expiration of any period of leave (without approval of an extension of the leave) shall be considered to have abandoned his/her job and may be recommended for termination.

Employees are not allowed to work during any leave of absence in which a physician or mental health provider certifies disability. For maternity/paternity leaves, employees are not allowed to work unless it is part time work outside their normal working hours. However, this would not apply to a part time job at night or on the weekend. Violators will be considered to have abandoned his/her job since they are working elsewhere when they could be working for the school system and may be recommended for termination.

All regular full-time employees are eligible for paid sick leave. All eligible employees earn sick leave days at the rate provided for by state law. Eligible employees may accumulate sick leave as provided by state law. Eligible employees may only use paid sick leave for absences caused by the following:

1. Personal illness;
2. Incapacitating personal injury;
3. Attendance upon an ill member of the employee's immediate family, defined as a spouse, parent, child, sibling or any person with a close personal tie;
4. Death of a family member, including a spouse, parent, child, sibling, mother or father-in-law, son or daughter-in-law, brother or sister-in-law, nephew or niece, grandparent, grandchild, aunt or uncle;
5. Death or care of an individual with whom unusually strong personal ties exist because of a relationship other than those listed above.

Employees must certify that sick leave was used for one of the reasons provided in state law. If the employee's principal or department head has probable cause to believe that an employee has abused or misused sick leave, a physician's statement verifying the existence and nature of the illness or medical condition may be required by the Board. Abuse of sick leave may subject the employee to disciplinary action.

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

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.

Calculation of 12-month period – The board uses a rolling 12-month period which is measured backward from the date an employee uses any FMLA leave. Under the rolling 12-month period, each time an employee takes FMLA leave, the remaining leave entitled is the balance of the 12 weeks which has not been used during the immediately preceding 12 months.

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.
- e. 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.

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.

#### 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.

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.

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.

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

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.

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.

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.

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.

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.

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.

Reference: US Code - Title 29, Chapter 28 (Family and Medical Leave) Reference:  
Alabama Code - §16-1-18.1 (Accumulation of Sick Leave)

Resource: Family Medical Leave Act Advisor

Resource: U.S. Department of Labor Employment Law Guide: Chapter I –Family Medical Leave Act

Date Adopted: February 26, 2008

Date Amended: September 27, 2021

## **SICK LEAVE BANK**

The board supports and establishes a Sick Leave Bank open to all full time certified and classified employees in accordance with state law. Specific procedures and regulations for the operation of the Sick Leave Bank will be developed and approved as directed by state law.

Reference: Alabama Code - §16-22-9

Reference - Procedures: Sick Leave Bank

**Date Adopted: December 11, 2007**

Date Amended: September 27, 2021

**PROCEDURE:  
SICK LEAVE BANK**

The purpose of the Sick Leave Bank (SLB) shall be to provide a loan of sick leave days up to the maximum allowed by law for participants in the SLB after their accumulated sick leave days have been exhausted. The SLB shall also manage sick leave days donated to a member for catastrophic illnesses or injuries. All operations of the SLB shall conform to Alabama Code, Section 16-22-9 and 16-1-18.1. Should any of these procedures conflict with state or federal law, then the applicable law will take precedence over the conflicting provision of the SLB procedures.

**GENERAL LOAN GUIDELINES**

- A. Any full-time or part-time employee of the Board of School Commissioners (BOARD) who receives accumulated sick days as a benefit is eligible to join the SLB. Participation shall be on a voluntary basis. Employees must join or withdraw at the beginning of the school year no later than the last business day in September otherwise they will not be eligible to participate until the following school year. New employees may join the SLB within the first four (4) weeks following their employment date.
- B. Forms to join the SLB will be available from the Division of Human Resources and the office at each school site. To join the SLB, the employee shall complete and sign the authorization form to contribute two (2) sick leave days OR to commit two (2) sick leave days for deposit in the SLB. Pledged days shall be deposited from the first two (2) sick leave days earned by the employee. To avoid any per diem salary deduction during this time frame, the participant may apply to the Committee for a loan should the participant need sick leave.
- C. The Business Division/Payroll Office and Division of Human Resources will maintain accurate records of contributors eligible to participate in the SLB.
- D. The membership shall not be allowed to borrow or owe in excess of fifteen (15) days, unless fifty (50%) or more of the SLB members vote to extend this limit.
- E. To be eligible for a loan from the SLB, a participating member must have exhausted all accumulated sick leave in his/her personal account. Also, the applicant must have missed at least three (3) days due to the same illness (not a recurring illness such as headache or sinus infection) before applying for a loan from the SLB. Any sick leave drawn from the SLB by a participating employee shall be used in accordance with the definition of sick leave as set forth in state statutes and BOARD policies/procedures.

- F. The SLB Committee shall determine the number of days loaned to an applicant. Factors to be considered in making this decision shall include but are not limited to: (1) the applicant's need; (2) the circumstances of the illness; (3) years of service in the system and (4) the availability of days currently on deposit.
- G. The SLB Committee shall require a statement from the applicant's attending doctor certifying the nature of the illness and disability as a prerequisite for awarding a loan.
- H. In cases where the applicant is incapacitated, the employee may authorize a designee to apply to the SLB on the contributor's behalf.
- I. An individual cannot leave the school system without repaying any outstanding debt of leave days from the SLB. If the employee has no sick leave days remaining in his/her record, then his/her final pay check shall be reduced in an amount equal to the number of days of debt times the employee's daily rate of pay. Such moneys collected shall be converted to equivalent sick leave days and re-deposited in the SLB.
- K. Any member who is retiring from the school system may withdraw his/her contributed days to be applied toward the person's retirement credits.
- L. Sick leave days owed to the SLB shall be paid back at a rate of one per month beginning with the next available earned sick leave day and continuing in this manner until the entire debt has been repaid. To avoid any per diem salary deduction during this repayment time should the participant need sick leave; the participant may apply to the Committee for a loan.

#### **CATASTROPHIC PROVISIONS**

- A. In accordance with state law, an employee must be a member of the SLB to receive or donate days for catastrophic illnesses or injuries.
- B. A catastrophic illness is defined as "any illness or injury so certified by a licensed physician which causes the employee to be absent from work for an extended period of time." The "extended period of time" will be determined on a case-by-case basis by the SLB Committee in the system where the beneficiary employee works.



- C. In accordance with state law, before sick leave days for a catastrophic illness may be donated, the employee who is to receive such days shall have no sick leave days or personal leave remaining in his/her personal account. Also, a participating member must borrow and utilize days from the SLB up to the maximum number of days allowed from the SLB (currently 15 days). Any donated days may be used to repay the loan days borrowed. No employee may donate more than thirty (30) sick leave days to a single employee. However, no limit is established on the number of days a beneficiary employee may receive from donors. Donated days will be at the donor's discretion.
- D. The applicant must have missed at least three (3) days due to the same illness (not a recurring illness such as headache or sinus infection) before applying for a catastrophic donation from the SLB. Sick leave days may be donated to a beneficiary employee to be used for the same reasons covered in the Sick Leave Policy of the BOARD.
- E. The SLB Committee is required to forward sick leave days donated by participants to another SLB for use by a particular employee who is suffering a catastrophic illness.
- F. A beneficiary employee may earn regular sick leave while on catastrophic leave donated by other employees; however, the beneficiary employee must use the day earned each month as it is earned.
- G. Donated days not used by the beneficiary employee shall revert to employees who donated the days on a prorated basis. Odd days shall be distributed by random selection. After the beneficiary employee returns to work, unused days are returned to the donors after thirty (30) days.
- H. A signed statement is required from the beneficiary employee or the chairperson of the SLB Committee stating that the beneficiary agrees to use the donated days.
- I. To donate or receive catastrophic sick leave days, the donating employee and the beneficiary employee must complete the transfer authorization form required by the committee.

**ESTABLISHMENT OF THE COMMITTEE**

- A. The SLB Committee shall be composed of five (5) members. Four members are elected by secret ballot of SLB participants. The superintendent, with the approval of the BOARD, appoints one member to the committee. The four elected members of the committee shall be comprised of two certified employees and two classified employees.
- B. Members of SLB Committee are elected for a term of one (1) year. Persons may not serve for a term longer than five (5) years.
- C. The SLB Committee is charged with the responsibilities as dictated by state law, federal law and BOARD policy for the administration and operation of the SLB. Decisions and actions of the SLB may only occur by a majority vote. The attendance of at least three persons is required to constitute a quorum.
- D. The duties of the Sick Leave Bank Committee shall consist of:
  - 1) The SLB Committee will elect by majority vote one of its own as chairperson. Elections for this position shall occur on the first meeting of the new committee. The chairperson may succeed him/her self in this position.
  - 2) Meetings of the Committee shall be set by the Committee on a schedule to convene at least once a month. Additional meetings may be called by the chairperson or by the request of at least two members of the Committee. A representative from Employee Relations shall attend as an ex officio participant.
  - 3) The Committee shall investigate any alleged abuse of the SLB. All Due Process rights shall be afforded the employee. A finding of abuse shall require the violator to repay all sick leave credits to the SLB. The superintendent or BOARD may impose additional disciplinary actions.
  - 4) The committee shall develop guidelines, procedures and forms for the operation of the SLB. The guidelines shall be approved by the membership by secret ballot. Any changes to these guidelines and procedures shall be either recommended by the committee or brought to the committee by a petition of 5% of the membership. These changes will then be presented to the membership for approval by secret ballot. No recommended changes shall be submitted for a vote that conflict with state or federal law.

## PERSONAL LEAVE

All regular full-time employees are eligible for up to two personal leave days in each school year without loss of pay. Personal leave may not be accrued from year to year.

Teachers may be reimbursed at the end of the school year for each day of unused personal leave. The amount of the reimbursement will be at the same daily rate approved for substitute teachers.

No employee is required to divulge his/her reasons for requesting personal leave. Unused personal leave will roll over to sick leave after the June 30th payroll is processed.

Personal leave should not interfere with the school systems' ability to operate in an efficient and effective way. Except in emergency situations, personal leave must be requested with the employee's principal or supervisor as far in advance of the requested date as possible, but no later than five (5) working days prior to the first date of anticipated leave. A request for personal leave must be made in accordance with such procedures as may be established by the Superintendent, or his or her designee. It is the responsibility of the principal or other immediate supervisor to determine whether the provisions set forth below are met in granting or denying the request for personal leave.

The following provisions should apply to personal leave:

- a. Leave must involve minimum interruption to the educational program or department. The principal or supervisor will take into consideration the total number of personnel to be away for any reason and the extent to which provisions for all teaching assignments and duties can be made.
- b. Employees may not take personal leave immediately before or after a holiday or during the first or last two weeks of the students' school year, except in circumstances approved by the immediate supervisor of the employee in advance.
- c. Employees may not take personal leave on scheduled professional development days, except in such circumstances approved by the immediate supervisor of the employee in advance.
- d. Employees should confirm a substitute for their absence if a substitute is required so as to ensure the efficient and effective operation of the school and/or to ensure appropriate supervision of students. For all employees in which a substitute is required, if a substitute has not been secured, a principal or immediate supervisor may deny a request for personal leave.
- e. For all employees in which a substitute is required, employees must make adequate preparation for the substitute before departing.
- f. The Superintendent or his or her designee is hereby authorized to develop procedures and forms for implementing this policy.

Employees starting work after December 31st are entitled to one day personal leave for that school year.  
Employees starting work after March 31st are entitled to no days of personal leave for that school year.

**Legal Reference:** Alabama Code - §16-8-26.

**Date Adopted: December 11, 2007**

Date Amended: September 27, 2021

**PROCEDURE:  
PERSONAL LEAVE**

The employee shall submit the Application for Leave Form to his supervising administrator as early as practical prior to the leave data so that arrangements can be made for assigned duties to continue in his absence.

The employee's leave will be properly coded by the timekeeper.

## MILITARY LEAVE

Military leave is available to all eligible employees in accordance with state and federal law. An employee who is to be on military leave is to inform his/her administrative supervisor by presenting his/her military orders and filling out a request for a leave of absence.

Reference: Alabama Code - §31-2-13 (pay)

Alabama Code - §31-12-1

Alabama Code - §31-12-4

Alabama Code - §31-12-5

Alabama Code - §31-12-7

Reference: Procedures for Military Leave

Resource: Attorney General's advisory opinion 2002-90 (federal and state duty)

Resource: Attorney General's advisory opinion 2002-270 (determining pay rate)

Resource: USERRA Guide

## **RELIGIOUS LEAVE**

Reference - Procedures: Religious Leave

**Date Adopted: December 11, 2007**

**PROCEDURE:  
RELIGIOUS LEAVE**

A written request for leave in order to observe recognized religious holidays should be made by the employee to his/her immediate administrative supervisor. If the supervisor recommends that approval is given, a written recommendation is to be made to the assistant superintendent of Human Resources. If approval is given, the Executive Manager of Human Resources will write a letter of confirmation.



## **BEREAVEMENT**

Reference: Alabama Code - §16-1-18.1

Reference - Procedures: Bereavement

**Date Adopted: December 11, 2007**

**PROCEDURE:  
BEREAVEMENT**

Any absence due to bereavement of a member of the immediate family is to be timely reported. The relationship of the bereaved is to be indicated on the leave request.

Any absence due to the bereavement of a nonmember of the immediate family is to have the approval of the employee's immediate supervisor.

## **JOB-RELATED INJURY**

**On-The-Job Injury Leave.** On-the-job injury includes an accident or injury to an employee that occurs in the course of performing job duties for the Board or when the employee is directed or requested by the employer to be on the property of employer and which prevents the employee from working or returning to the job.

Employees who are accidentally injured on the job may be approved for paid “on- the-job injury” leave without using sick days, provided that:

- a. The employee submits a signed written account of the accident to the principal or supervisor within twenty-four (24) hours after the injury occurred. The written account shall be attested by the principal or supervisor and forwarded immediately to the Superintendent’s office. If the injured employee is not able to notify the Board, another person reasonably knowledgeable about the employee’s condition and circumstances leading to the injury may provide the required notification.
- b. The injured employee submits written medical certification from the attending licensed physician within ten (10) days of the injury, stating that the employee was injured and was unable to work or cannot return to work due to a specified injury, if there is a reasonable expectation that the employee will return to work and, if so, the expected date of that return. The Board may require a second opinion from a Board specified physician, at its expense.

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

Reference: Alabama Code - §16-1-18.1

Reference: Procedures: Job Related Injury

**Public Hearings: February 11, 2015; February 19, 2015**

**Date(s) Amended: March 25, 2015, September 21, 2021**

**PROCEDURE:  
JOB RELATED INJURY**

Job Related Injuries are to be reported immediately to the Department of Human Resources Office/Employee Health Programs Nurse on the appropriate forms by the employee's administrator or designee.

An employee injured on the job shall report any and all injuries immediately to his administrator or designee and complete a Report of Injury Form (SS433). An Accident Report Form (SS431) shall be filed as soon as possible.

THE FOLLOWING PROCEDURES WILL BE USED BY THE EMPLOYEE TO CLAIM BENEFITS UNDER THE PAY CONTINUATION PROGRAM.

1. If the injury requires no apparent medical treatment.
  - a. The administrator or designee will:
    - i. Complete the Report of Injury form (SS433)
    - ii. Provide the employee with a copy of the Report of Injury form (SS433). Should the employee see medical care after work hours, he/she will take the copy of the Report of Injury (SS433) to the treatment site. The employee will notify his administrator or designee the next work day if treatment is obtained after work hours.
    - iii. Complete the Accident Report Form (SS431).
    - iv. Send the Report of Injury (SS433) and Accident Report Form (SS431) to the Health Services Office via Mail Bag.
  - b. The Office Nurse will send copies of these forms to the Department of Human Resources/Employee Relations for the employee's file.
2. If injury requires medical treatment:
  - a. The administrator or designee shall:
    - i. Fax Report of Injury (SS433) to and call the Office Nurse.
    - ii. Send the employee to the treatment site with the I.D. Card or Letter, Report of Injury (SS433) and the Physician Statement Form:
    - iii. Complete the Accident Report Form (SS431).
  - b. The Office Nurse faxes the Report of Injury (SS433) and the Release of Information Form and calls the treatment site.
  - c. The injured employee goes to the treatment site and presents the Report of Injury (SS433), ID Card or Letter and the Physician Statement Form.
    - i. Immediately after treatment, the Physician Statement Form, or other treatment form from the treatment site must be presented to the Health Services Office Nurse in order to determine work status. The Physician Statement Form, or other treatment form from the treatment site, is faxed

by the treatment site to the Office Nurse or taken by employee or designee to his/her administrator who will call or fax the report to the Office Nurse. If injuries prevent the employee or designee from complying with the above guidelines, the employee or designees must call the Office Nurse so she may obtain needed information from the treatment site.

- d. The Office Nurse will provide copies of the documentation to the Department of Human Resources/Employee Relations.

3. Continuation of Pay for days missed.

- a. With proper documentation from the examining physician and responsible administrator or designee, the injured employee, who is declared unable to return to work, will receive full salary, not to exceed ninety (90) work days.
- b. The absence will be coded as a Code 9 on the payroll report and the pay will continue as approved by the assistant superintendent of Human Resources or designee.
- c. If the employee fails to report for their assigned regular duty when released by the treating physician, and assigned by the supervisor, or refuse light duty as recommended by the treating physician and accepted and assigned by his/her administrator, the request will be handled by the Reimbursement process must take place within forty-five (45) working days after the employee is released from the physician and returns to work.

4. Reimbursement from State Board of Adjustment.

- a. Code of Ala. 1975, § 41-9-60 provides that an employee may apply to the State Board of Adjustment for any expenses not covered by insurance or days of work missed exceeding ninety (90) days. The statute requires that a claim be filed within one year of the date of injury.

### **JOB ABANDONMENT**

Any employee who has been absent from work for more than three (3) consecutive work days and who has not obtained approved leave will be considered to have abandoned his/her job. The superintendent may recommend termination of an employee who has been absent from work without approval for more than three (3) consecutive days.

**Date Adopted: December 11, 2007**

**Date Amended: August 24, 2017, September 27, 2021**

**COMMUNICABLE DISEASE**

In the event that an employee contracts a communicable disease, the regulations for the control of communicable disease, as recommended by the Mobile County Health Department, will be followed. In the event that an employee contracts a communicable disease not presently controlled by the regulations, the Mobile County Health Department will be requested to advise the superintendent and board whether the employee should be excused from the workplace.

The superintendent or his/her designee may place any infected employee on immediate administrative leave with full pay until such time as a determination may be made whether or not the employee's presence on the job poses a serious potential threat to the health or welfare of students or employees.

## **DRUG-AND ALCOHOL-FREE WORKPLACE**

Employees are required to report to work with no alcohol or illegal drugs or mind altering substances in their bodies. Employees are prohibited from using, possessing, manufacturing, distributing or making arrangements to distribute or purchase alcohol or illegal drugs while on school property or attending school-related activities. Employees under the influence of alcohol or illegal drugs while on duty will be subject to termination.

The board will require drug or alcohol testing under the following conditions, in addition to randomly testing those employees who are required to have a commercial driver's license (CDL):

- All prospective employees who have been offered employment contingent on negative test results for the presence of alcohol or illegal drugs;
- All employees who operate school system vehicles or motorized equipment who are not required to have CDL are subject to random testing; and
- All employees as to whom there is a reasonable suspicion of the influence of alcohol or illegal drug use while on duty.

All employees are subject to testing for alcohol and any and all illegal drugs, including but not limited to amphetamines, cannabinoids, cocaine, opiates and phencyclidine. Such tests will be arranged by the drug program coordinator.

### **For Positions/Personnel Requiring a Commercial Driver's License:**

The Department of Human Resources in conjunction with the Transportation Department will develop and distribute to all personnel or persons in positions requiring a CDL who have been given an offer of employment for positions requiring a CDL a copy of the board's Drug and Alcohol CDL Testing Guidelines and Procedures. These guidelines will include this policy in addition to addressing the specific information required under Part 382 of Title 49 of the Code of Federal Regulations. Applicable personnel and persons receiving the guidelines shall sign a statement certifying that they have received the materials.

### **For All Other Personnel:**

#### **Prospective Employees**

Pre-employment substance screening by a school system-approved drug testing agency will be required for prospective employees after being offered employment contingent on a negative result.

Prospective employees are required to sign a consent/release form before submitting to screening. Prospective employees will be disqualified for hire if they test positive, refuse to submit to a test, or refuse to execute the required consent/release form.

The cost of the drug test is the responsibility of the prospective employees.



## **Current Employees**

### **1. Reasonable Suspicion**

All employees may be required to submit to screening whenever a supervisor observes circumstances which provide reasonable suspicion of drug or alcohol use. The supervisor's determination that reasonable suspicion exists should be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or odors of or emanating from the employee.

Alcohol tests are authorized for reasonable suspicion only if the required observations are made during, just before or just after the period of the work by employees acting within the line and scope of employment. An alcohol test may not be conducted by the person who determines that reasonable suspicion exists to conduct such a test.

Refusal to submit to a reasonable suspicion test request will be considered grounds for dismissal.

The assistant superintendent or executive manager of Human Resources or his/her designee or coordinator of the drug program should be notified whenever possible or feasible prior to referring the employee for reasonable suspicion testing.

The coordinator of the drug program or his/her designee will make arrangements for reasonable suspicion drug and/or alcohol testing.

If an employee is required to take a reasonable suspicion drug and/or alcohol test, transportation to and from the testing site will be arranged.

### **2. Random Testing**

Random, unannounced drug screening of all employees who drive school system vehicles or motorized equipment will be conducted.

Random selection for testing of the above employees will adhere to the same guidelines as those followed for employees with a CDL.

### **3. Post Accident Testing**

Alcohol and controlled substance tests shall be conducted as soon after an accident as practicable on any driver or equipment operator:

1. Property damage of a substantial nature.
2. Physical injury to any person.

Drivers or motorized equipment operators must make themselves readily available for testing, absent the need for immediate medical attention.

**Prescription Drugs**

The proper use of medication prescribed by a physician is not prohibited; however, the misuse or abuse of prescribed (or over the counter) medications is prohibited.

All employees who are using drugs at the direction of a physician must notify their supervisor prior to beginning work when those drugs may affect their job performance.

Employees who are subject to this must provide documentation from their physician stating that the substance does not adversely affect their ability to perform their duties in a safe manner.

**Employee Education**

The board will provide to employees subject to this policy, educational material and the names of treatment facilities for alcohol and substance abuse.

The Mobile County Public School System shall comply with the requirements of Alabama Code Annotated §16-1-24.1 and the policies and procedures of the Mobile County Public School System, as amended from time to time, shall be established and/or modified as necessary to comply with the aforesaid section.

Legal Reference: Alabama Code Annotated § 16-1-24.1

**Date Adopted: December 11, 2007**

**Hearing Dates: March 19, 2013; March 25, 2013**

**Date Amended: March 25, 2013**

## **SUBSTITUTES AND TEMPORARY POSITIONS**

**SUBSTITUTE EMPLOYEES.** Persons employed to work on a daily basis or for a period of brief duration to replace persons absent or on approved short-term leave are substitute employees. Persons in this category include teachers, school clerks, bus drivers, bus aides, and campus custodial and CNP assistants. Substitute and temporary employees are not eligible for benefits and privileges available to permanent, part-time and full-time employees. Pay for substitute employees is paid at a rate set by the board.

**SUBSTITUTE TEACHERS.** Substitute teachers must be certified by the State Department of Education as a substitute teacher. The Division of Human Resources is responsible for administering the procedures for persons to become substitute teachers.

A principal or his/her designee is responsible for securing substitutes from the approved list in case of absence of a regular teacher. Individual school guidelines pertaining to calling substitutes will be outlined in writing and given to each teacher at each school. Substitute teachers are expected to carry out instructions provided by the principal and regular teachers and to prepare such daily reports as are ordinarily required of the regular teacher.

Principals should ensure that substitute teachers are reported to payroll and are paid only in accordance with board-approved substitute pay rates. Regular teachers are prohibited from making their own arrangements for paying substitutes. The principal and the regular teacher should see that the substitute teacher has the necessary instructions, materials to teach effectively, lesson plans as well as textbooks, class rolls, seating charts and an outline of local school procedures.

In emergency situations, such as the inability to secure a substitute for a regular teacher who must leave school unexpectedly because of an emergency, the principal may utilize regular teachers to cover the classes.

**TEMPORARY EMPLOYEES:** Extra persons employed to work on a regular full-time basis for a limited period of time are considered temporary, and, as such, are not eligible for those benefits and privileges available to permanent, full-time employees.

### **POLITICAL ACTIVITIES**

Employees are prohibited from engaging in political activities in support of or in opposition to specific candidates while officially discharging their responsibilities.



**MOBILE COUNTY PUBLIC  
SCHOOL SYSTEM  
POLICY BOOK**

**CHAPTER 7:  
FISCAL AND BUSINESS  
MANAGEMENT**

## **Chapter 7.00 – Fiscal and Business Management**

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**FISCAL YEAR**

Reference: Alabama Code - §16-13-1

**Date Adopted: December 11, 2007**



### **FUND BALANCE**

For purpose of this policy, one month's operating balance is defined as all general fund expenditures, including transfers out, as of September 30, divided by twelve (12) months.

The Board of School Commissioners of Mobile County recognizes that the management of school system funds necessitates the development of an adequate fund balance to guard against pro-ration, natural disasters and emergencies, and as required by Act No. 2006-196.

The Board of School Commissioners of Mobile County will maintain a minimum of one month's operations in the General Fund, as calculated using data from the September 30 General Purpose Financial Statement.

Reference – Procedures: Fund Balance

Statutory Reference: School Fiscal Accountability Act (Act No. 2006-196)

**Date Adopted: December 11, 2007**

**PROCEDURE:  
FUND BALANCE**

- The superintendent and staff will develop fiscally prudent operating budgets utilizing budget year funding allocations.
- During the normal course of business, the superintendent and staff will monitor budgets on a monthly basis to ensure that expenditures do not cause the fund balance to fall below one month's operating balance and provide documentation to the board evidencing compliance.
- Any excess revenue over expenditures balances that may occur annually will be added to the general fund balance until it reaches one month's operations, as required by Act No. 2006-196.
- In the event of pro-ration, natural disasters or emergencies, the board must approve expenditures that could potentially cause the fund balance to fall below one month's operation.

### **CHIEF FINANCIAL OFFICER**

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

**Legal Reference:** Alabama Code - §16-13A-4 & 5  
**Date Adopted:** December 11, 2007

Date Amended: September 27, 2021

## ANNUAL BUDGET

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

The Superintendent or Chief School Financial Officer will inform the Board, before the Board votes on a budget or budget amendment 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. In determining the General Fund expenditures and fund transfers out, the proposed budget or budget amendment shall be used.

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

**Date Adopted: December 11, 2007;**

**Date Amended: September 27, 2021**

## **PRIORITIES**

Appropriations made by the board shall be made in the following order:

1. Payment of all charges required by legislative act;
2. Payment of all interest charges and sinking fund for the retirement of all existing indebtedness; and
3. Operation, maintenance, and support of all other departments, institutions, agencies, and charges.

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

Note: Based on local act which is inconsistent with current law and practice.

**Legal Reference:** Local Act No. 277, (S. 246 Craft), pg. 111

Date Adopted: December 11, 2007

Date Amended: September 27, 2021



**The Mobile County Public School System  
Investment Policy Statement  
Adopted: September 26, 2022**

**I. Replacement of Prior Investment Policy**

The Mobile County Public School System (“MCPSS” or the “System”) has previously adopted an investment policy statement as follows:

*INVESTMENTS Funds will be invested to earn the highest yield possible in a qualified public depository as defined by state law. Interest earned from such investments will be deposited to the respective fund. The superintendent will oversee a prudent investment program.*

The following investment policy statement as adopted by the Board of School Commissioners for MCPSS is meant to repeal and replace the aforementioned investment policy statement in its entirety.

**II. Purpose**

The purpose of this Investment Policy Statement (the “Policy”) is to formalize guidelines for the investment of municipal funds of MCPSS. The goals of the investment program of MCPSS are to provide (i) maximum fund security with sufficient liquidity in order to meet daily cash flow demands and (ii) maximize investment returns on municipal funds within the parameters of this investment policy.

**III. Governing Authority**

a. Applicable Laws

- i. State Law. The System’s investment program shall be operated in conformity with Ala. Code §11-81-19, 11-81-20 and 11-81-21 (1975) (the “Investment Statutes”), Chapter 14A of Title 41, Code of Alabama (the “Safe Act”), and any other applicable state legal requirements.
- ii. Federal Law. Funds constituting bond proceeds within the meaning of the Arbitrage Regulations promulgated by the Department of the Treasury shall be invested in compliance with such regulations.

**IV. Scope**

This policy applies to the investment of all funds managed by the System’s Registered Investment Advisor(s) (“RIA(s)”) with the exception of the investment of employees’ retirement funds which are otherwise invested by the Retirement Systems of Alabama (“RSA”). For clarity, funds covered under the

scope of this policy and managed by RIAs or Managers will be established in a separate account from the general operating account of the System.

## V. General Objectives

The primary objectives of investment activities shall be safety, liquidity, and return.

### a. Safety

Investments shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. The objective will be to mitigate credit risk and interest rate risk.

#### i. Credit Risk. The System will minimize credit risk, which is the risk of loss of all or part of the investment due to the failure of the security issuer or backer, by:

- Limiting investments to the types of securities listed in Section IX and those applicable under the Safe Act,
- Pre-qualifying and conducting ongoing due diligence of the financial institutions, broker/dealers, intermediaries, and advisers with which the System will do business in accordance with Section VII, and
- Diversifying the investment portfolio as further discussed in Section X.

#### ii. Interest Rate Risk. The System will minimize interest rate risk, which is the risk that the market value of securities in the portfolio will fall due to changes in market interest rates, to the extent possible, by:

- Structuring the investment portfolio in a laddered manner so that some portion of securities will have shorter term maturities of ongoing operations, thereby avoiding the need to sell securities on the open market prior to maturity.
- Investing any needed operating funds primarily in shorter-term securities, money market mutual funds, and limiting individual security maturity in accordance with this policy (see Section X).

### b. Liquidity

The System's investment portfolio shall remain sufficiently liquid to meet all System operating requirements that may be reasonably anticipated. This is accomplished by structuring the portfolio so that securities mature concurrent with cash needs to meet anticipated demands (static liquidity). Furthermore, since all possible cash demands cannot be anticipated, the portfolio should include sufficient securities with active secondary or resale markets (dynamic liquidity). Alternatively, a portion of the portfolio may be placed in money market mutual funds or similar vehicles which meet the requirements of the Investment Statute and offer next-day liquidity for short-term funds.

### c. Return

The System's investment portfolio shall be designed with, at a minimum, the objective of attaining a market rate of return throughout budgetary and economic cycles, considering the investment risk constraints and liquidity needs of the System. Return on investment is of secondary importance compared to the safety and liquidity objectives described

above. The System's core investments are limited to relatively low risk securities in anticipation of earning a fair return relative to the risk being assumed. System investments shall generally be held until maturity with the following exceptions:

- A security with declining credit may be sold early to minimize loss of principal;
- Selling a security and reinvesting the proceeds that would improve the quality, yield, or target duration in the portfolio may be undertaken; or
- Unanticipated liquidity needs of the investment portfolio require that the security be sold.

## VI. **Standards of Care**

### a. **Prudence**

The standard of prudence to be used by investment officials shall be the "uniform prudent investor act"<sup>1</sup> standard and shall be applied in the context of managing an overall portfolio. Board staff acting in accordance with this investment policy and exercising due diligence shall be relieved of personal responsibility for an individual security's credit risk or market price changes, provided deviations from expectations are reported in a timely fashion to the MCPSS Board and the liquidity and the sale of securities are carried out in accordance with the terms of this policy.

### b. **Ethics and Conflicts of Interest**

Employees involved in the investment process shall refrain from personal business activity that could conflict with the proper execution and management of the investment program, or that could impair their ability to make impartial decisions. Employees and Board members of MCPSS shall disclose any material interests in financial institutions with which they conduct business, in accordance with applicable laws. They shall further disclose any personal financial/investment positions that could be related to the performance of the investment portfolio. Employees shall refrain from undertaking personal investment transactions with the same individual with whom business is conducted on behalf of MCPSS.

### c. **Delegation of Authority**

Authority to manage the investment program is granted to the Chief School Finance Officer ("CSFO") of MCPSS (hereinafter referred to as the "Investment Officer" and derived from the Investment Statutes and this Policy). If the CSFO is not available then the, Superintendent, Deputy of Operations or Comptroller shall serve as the Investment Officer. Responsibility for the operation of the investment program is hereby delegated to the Investment Officer, who shall act in accordance with this Policy as well as any established written procedures and internal controls for the operation of the investment program as adopted by the Board of School Commissioners of MCPSS. No person may engage in an investment transaction except as provided under the terms of this Policy and any procedures established by the Investment Officer. The Investment Officer shall be responsible for all transactions undertaken and shall establish a system of controls to regulate the activities of subordinate employees. The

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<sup>1</sup>Uniform Trust Code, Page 2.

<https://www.uniformlaws.org/HigherLogic/System/DownloadDocumentFile.ashx?DocumentFileKey=6bae0bb2-00ea-8080-d084-5be9ef7bbc66>



Investment officer will be responsible for periodic reporting to the Board of School Commissioners of MCPSS on the results of this investment program.

## **VII. Financial Institution Requirements**

All financial institutions who desire to become qualified for investment transactions must have certain publicly available information, as appropriate to the System. This information can include at a minimum:

- Audited financial statements demonstrating compliance with state and federal capital adequacy guidelines;
- Proof of Financial Industry Regulatory Authority (FINRA) certification (not applicable to Certificate of Deposit counterparties);
- Completed broker/dealer questionnaire or in lieu of questionnaire, response to an RFP provided by the System with satisfactory responses to the System (not applicable to Certificate of Deposit counterparties);
- Certification of having read and understood and agreeing to comply with the System's investment policy statement;
- Evidence of adequate insurance coverage, SIPC (Securities Investor Protection Corporation) and/or FDIC coverage as required by the System.
- A statement agreeing to be subject to the courts of the state of Alabama, or of courts of the United States which are located within the state of Alabama, for the purpose of any litigation arising from or relating to any investment transactions with MCPSS.

The following exceptions exist to the requirements outlined in Section VII apply:

- When the System executes a competitive bid amongst financial institutions to affect the purchase or sale of one or more securities, the potential counterparties are exempt from the above requirements because of the arms-length nature of the transaction. In such case the System's RIA will be responsible for maintaining an approved list of broker-dealers.
- General Fund reserves of the Board invested directly with local banks and financial institutions and

## **VIII. Safekeeping and Custody**

### **a. Delivery vs. Payment**

All trades of marketable securities will be executed by delivery vs. payment ("DVP") to ensure that securities are deposited in an eligible custody account prior to the release of funds.

### **b. Safekeeping**

Securities will be held by a custodian selected by MCPSS with all securities held in the System's name. The safekeeping institution shall annually provide a copy of their most recent report on internal controls. (Statement of Auditing Standards No. 70, or SAS 70).

### **c. Internal Controls**

The Investment Officer has established a system of internal controls. The internal controls shall be reviewed annually with the State Department of Examiners. The controls shall be designed to prevent the loss of public funds arising from fraud, employee error, mis-

representation by third parties, unanticipated changes in financial markets, or imprudent actions by employees of MCPSS.

**IX. Suitable and Authorized Investments**

**a. Authorized Investment Types**

Investments of municipal funds by MCPSS shall be governed by the Investment Statutes, as may be amended or superseded from time to time. Currently, authorized investments are limited to the following:

- i. Direct obligations of (including obligations issued or held in book entry form on the books of) the Department of the Treasury of the United States of America.
- ii. Obligations of any of the following federal agencies, which obligations represent the full faith and credit of the United States of America:
  - Farmers Home Administration
  - General Services Administration
  - U.S. Maritime Administration
  - Small Business Administration
  - Government National Mortgage Association ("GNMA")
  - U.S. Department of Housing and Urban Development ("HUD")
  - Federal Housing Administration ("FHA")
- iii. U.S. Dollar denominated deposit accounts and certificates of deposit with banks or savings associations which are qualified public depositories under Chapter 14A of Title 41.
- iv. Pre-refunded public obligations, defined as follows: "Any bonds or other obligations of any state of the United States of America or of any agency, instrumentality or local governmental unit of any such state (1) which are not callable at the option of the obligor prior to maturity or as to which irrevocable notice has been given by the obligor to call on the date specified in the notice and (2) which are fully secured as to principal and interest an redemption premium, if any, by a fund consisting only of cash or obligations described in subdivision (i) above, which fund may be applied only to the payment of such principal of and interest and redemption premium, if any, on such bonds or other obligations on the maturity date or dates thereof or the specified redemption date or dates pursuant to such irrevocable instructions, as appropriate, and (3) which fund is sufficient, as verified by an independent certified public accountant, to pay principal of and interest and redemption, if any, on the bonds or other obligations described in this paragraph on the maturity date or dates thereof or on the redemption date or dates specified in the irrevocable instructions referred to in sub-clause (1) of this paragraph, as appropriate, and (4) which are rated, based on the escrow equivalent to the rating of direct obligations of the Department of Treasury of the United States of America by Standard & Poor's Corporation and Moody's Investors Service, Inc. or any successors thereto.
- v. Pursuant to §11-81-19, Code of Alabama, 1975 any bonds of the State of Alabama, bonds of any county in Alabama, and bonds of any municipal corporation of the State of Alabama. Pursuant to §11-81-20, Code of Alabama 1975 any public improvement bonds issued by any municipality in Alabama,

which are general obligations of such municipality. As further clarified by the Attorney General of Alabama, the investment of surplus MCPSS funds in municipal bonds shall be restricted to general obligation bonds and that revenue bonds would not be lawful investments. (See 87Q. Rep. Att. Gen. 30).

b. Collateralization

Deposit accounts shall be collateralized in accordance with the Safe Act and shall be FDIC insured.

X. Investment Diversification & Constraints

a. Diversification

- i. Diversification as a Goal. It is the policy of MCPSS to diversify its investment portfolios. To eliminate risk of loss resulting from the overconcentration of assets, all cash and cash equivalent assets in all System funds shall be diversified by maturity, issuer (except Treasuries), and security type.
- ii. Strategy Review. Diversification strategies shall be determined and revised periodically by the Investment Officer for all funds and any changes in strategy shall be reported to the Board of School Commissioners of MCPSS.
- iii. Policies and procedures for Diversification Strategies. In establishing specific diversification strategies, the following general policies and constraints shall apply:
  - Portfolio maturities shall be staggered/laddered to avoid undue concentration of assets in a specific maturity sector. Maturities selected shall provide for stability of income and reasonable liquidity.
  - Maturities selected shall provide for stability of income and reasonable liquidity.
  - Liquidity shall be assured through practices ensuring that the next disbursement date and payroll date are covered through maturing investments or marketable U.S. Treasury bills.
  - Risks of market price volatility shall be controlled through maturity diversification and duration management.
- iv. Maximum Maturities. To the extent possible, the System shall attempt to match its investments with anticipated cash flow requirements. Unless matched to a specific cash flow, the System will not directly invest in securities maturing more than three (3) years from the date of purchase. Investment of bond proceeds should meet all spenddown and arbitrage requirements of the Internal Revenue Service, should they be shorter than this investment policy allows.
- v. Default Risk. No more than 10% of the overall portfolio may be invested in the securities of a single issuer, except for securities of the US Treasury. The size of certificates of deposit should not exceed applicable SIPC or FDIC protection limits.

- vi. Liquidity Risk. Based on liquidity needs at all times, at least 25% of the overall portfolio shall be invested in securities with less than a 6-month maturity which are marketable securities and can be converted to cash within a week.
- vii. Competitive Bids. To the extent that the investment officer desires an arms-length transaction to purchase securities directly from a broker-dealer, he or she will do so utilizing a competitive bid process. The investment officer shall obtain competitive bids from at least three brokers or financial institutions on all purchases and sales of investment instruments transacted on the secondary market.

## XI. Reporting

### a. Methods

The investment officer shall prepare an investment report at annually coinciding with the first month of the calendar year., including a management summary that provides an analysis of the status of the current investment portfolio and the individual transactions executed over the last year. This management summary will allow MCPSS to ascertain whether investment activities during the reporting period have conformed to the investment policy. The report should be provided by the investment officer to the Board of School Commissioners of MCPSS. On a quarterly basis, the Investment Officer will include statements from the RIAs showing account holdings and values. If the Board of School Commissioners of MCPSS desires a more frequent report, they will give the Investment Officer notice and sufficient time to prepare a report and he or she shall present an interim report when requested. The report will include the following:

- Listing of individual securities held at the end of the reporting period including type, acquisition cost, book cost, and market value.
- Percentage of the total portfolio which each type of investment represents.
- A statement that the investment portfolio is in compliance with the investment policy and is meeting the investment policy objectives.

### b. Performance Standards

The investment portfolio will be managed in accordance with the parameters specified within this policy. The portfolio should obtain a market average rate of return during a market/economic environment of stable interest rates. A series of appropriate benchmarks shall be established against which portfolio performance shall be compared on a regular basis. The benchmarks shall be reflective of the actual securities being purchased and risks undertaken, and the benchmarks shall have a similar weighted average maturity as the portfolio.

### c. Marking to Market

The market value of the portfolio shall be calculated at least quarterly and a statement of the market value of the portfolio shall be issued as part of quarterly reporting to the Board of School Commissioners of MCPSS. This will ensure that review of the investment portfolio, in terms of value and price volatility, has been performed. In defining market value, considerations should be given to the GASB Statement 31 pronouncement.

## XII. Policy Considerations

This policy shall be reviewed on an annual basis. Any changes must be submitted by the investment officer and approved by the Board of School Commissioners of MCPSS.

### **REVENUES FROM SCHOOL-OWNED PROPERTY**

School properties may be rented at rates which offset direct costs. School lands will be managed as an income-producing enterprise. School lands may be rented or leased for various purposes at a rate comparable to market value for the specific land and use.

Fees collected will be transmitted to Business Operations in accordance with steps outlined in the rental agreement.

### **GIFTS, DONATIONS AND BEQUESTS**

All gifts, donations and bequests shall become the property of the board. The board may, under unique situations, accept gifts, donations or bequests which do not become board property.

**Date Adopted: December 11, 2007**  
**Date Revised: June 28, 2016**

## **DEPOSIT AND EXPENDITURE OF FUNDS**

### **Deposits**

All funds of the board shall be deposited with qualified depositories, as defined by law, in the manner outlined by the Chief School Financial Officer.

### **Expenditures**

The superintendent or his or her designee, subject to applicable laws and policies, may expend funds budgeted for operations without board approval of specific expenditures.

All expenditures shall be systematically recorded in line with various sections of the budget in order that a true and accurate relationship between classified expenditures and the budget can be determined at all times.

All invoices shall be paid regularly, month by month, in order that the financial status of the Mobile public schools can be accurately determined at all times and invoices covering all expenditures of the board other than those supported by personnel payrolls shall be systematically filed.

**Legal Reference:** Alabama Code - §16-13A-8 (expenditures); §41-14A-1 et.seq. (deposits)

**Date Adopted:** December 11, 2007

**Date Amended:** June 28, 2016, September 27, 2021



**AUTHORIZED SIGNATURES/  
CHECK WRITING SERVICES**

Checks drawn on the general fund or any special fund, with the exception of the local school activity fund, require the signature of the superintendent and the Chief School Financial Officer. Checks drawn on local school activity funds require the signature of the principal.

All checks used will be pre-numbered. All checks drawn on board funds may be signed electronically the board, under the direct supervision of the Business Services Department.

The board will designate the authorized signatures for depositories to honor.

**Legal Reference:** Alabama Code - §Act 16-13A-8

**Date Adopted:** December 11, 2007

**Date Amended:** September 27, 2021

**BONDED EMPLOYEES AND OFFICERS**

Board employees and officers responsible for handling or expending school funds or property shall be adequately bonded at all times as prescribed by State Board of Education regulations.

### **LOCAL SCHOOL FUNDS**

Funds held in school accounts, regardless of the funding source, will be maintained and accounted for in accordance with the Business Division Procedure Manual, Local School Accounting 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.

All purchases made for and in the name of individual schools shall be approved by the principal. The principal is responsible for assuring all purchasing at the school level conforms to board policies, business office procedures and regulations.

All local school purchases of a single item costing \$500 or more are to be approved by the chief financial school officer. Principals are prohibited from entering contracts on behalf of the local school.

**Legal Reference:** Alabama Code - §16-13A-6

**Date Adopted:** December 11, 2007

## AUDITS

Business and financial transactions of the Board and the records of Board financial accounts will be audited in accordance with state law and appropriate auditing and accounting standards.

The Internal Auditor shall audit, review, and otherwise investigate the receipts and disbursements of funds to ensure compliance with legal requirements, ethical standards, and other policies and procedures. The purpose of the Internal Audit function is to provide assurance that the System's internal control processes are operating effectively and make recommendations for improvement if deficiencies are discovered. School/department audit selections will follow a revolving schedule with preference to schools, departments, and activities that are high-risk, have concerns reported, and/or as school leadership changes are made.

**Legal Reference:** Alabama Code § 16-13A-7

**Date Adopted:** December 11, 2007

**Date Amended:** September 27, 2021

**Date Adopted:** December 11, 2007

### **WORTHLESS CHECKS**

The Board of Education authorizes the superintendent to charge a fee for worthless checks and to implement procedures for collection of worthless checks written to the school system, including referring the matter to the district attorney for prosecution.

Uncollected fund balances in the Child Nutrition Program will not be carried over from one fiscal year to the next. Monies will be taken from non-public funds at the end of the fiscal year to cover the amount of the worthless checks. When payment has been received, the funds will be deposited into the non-public fund account.

## ACCOUNTING

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

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

**Date Adopted: September 27, 2021**

**Date Adopted: December 11, 2007**

## **PURCHASING AUTHORITY**

The Purchasing Department will strive to obtain maximum value for expenditures to purchase equipment, materials or services. Insofar as possible, the department will propose standards and specifications for all equipment, materials, supplies and services to be purchased. Purchases will be initiated by a requisition approved by the appropriate administrator. The Purchasing Department has authority to question the quality, quantity and kind of material requested.

Date Adopted: December 11, 2007

Date Amended: September 27, 2021

## **BIDDING REQUIREMENTS**

Reference: Alabama Code - §16-13B-1, et seq.

**Legal Reference:** Alabama Code - §41-16-2 et seq.

**Date Adopted:** December 11, 2007

Date Amended: September 27, 2021



### **SURPLUS EQUIPMENT AND SUPPLIES**

The Board has the option to sell surplus property at “Fair Value” on a negotiated basis or through competitive bid procedure. The Division of Business Services will approve all property sales prior to completion.

Any surplus property declared unusable may be disposed of in a reasonable, environmentally sound manner, including donation to appropriate nonprofit groups.

**Legal Reference:** Alabama Code - §16-8-8

**Date Adopted:** December 11, 2007

**Date Amended:** September 27, 2021

**Date Adopted:** December 11, 2007

**CASH IN SCHOOL SYSTEM BUILDINGS**

All monies collected within the schools shall be prudently handled and safeguarded.

Monies collected by school employees for any purpose shall be submitted to the school principal or his designee who shall provide for its prompt and proper deposit. Money shall not be left overnight in classrooms. Monies totaling \$25.00 or more are to be deposited and not left on school premises overnight. Monies collected by central office departments should be turned into the Business Division General Accounting Office daily.

## **PETTY CASH ACCOUNTS**

Petty cash accounts are prohibited.

### **VENDING MACHINE CONTRACTS**

Principals and department managers may allow vending machines in their respective schools and departments only in accordance with the current vending contract approved by the Board and signed by the Superintendent.

It is the responsibility of the vendor and the principal to insure all State Laws and Child Nutrition Guidelines regarding the operation of vending machines are met.

Reference – Procedures: Local School Accounting Procedures, Section I

State References: Alabama's Healthy Snack Standards for Foods and Beverages at School  
Alabama Department of Education Log #FY02-3005

Legal References: USDA Rule, 7 CFR 210.11 and 220.12

Date Adopted: July 24, 2008

## **LIABILITY**

Liability claims shall be referred to the State Board of Adjustment.

**Date Adopted: December 11, 2007**

## **INSURANCE PROGRAM**

The Business Division and Facilities Division will develop and implement an insurance program to cover the buildings and property owned by the Board, taking into consideration financial feasibility, advice from professionals in the field, availability of State Insurance Program coverage and self-insurance options. The program should be evaluated periodically and the analysis submitted to the superintendent and Board for review.

A cumulative, up-to-date record will be kept of all insurance records and policies on school buildings, equipment and insurable properties.

Legal Reference: Alabama Code §16-8-42

Date Adopted: July 24, 2008

## **INVENTORY CONTROL**

The superintendent is responsible for implementing and maintaining inventory on all fixed assets and equipment.

The primary responsibility for inventory control rests with Business Operations and will be regulated in accordance with standard accounting procedures and practices.

Principals are responsible for reporting changes in inventory to Business Operations, Fixed Asset Office. The principal will be held accountable for inventories at the local school and will be held personally accountable for any unreported losses. The principal has the prerogative to hold the individual teacher in the assigned classroom areas responsible for losses of equipment, should said losses not be reported to the principal as they occur.

A physical inventory of all fixed assets and equipment will be made on an annual basis by the financial division. Other physical inventory of supplies may be made at the discretion of appropriate staff.

**Date Adopted: December 11, 2007**

**Date Amended: September 27, 2021**

## **PAYROLLS**

All employees of the board shall be paid on the basis of payrolls approved by the supervisor responsible for the employee (i.e., principal, director, etc.) except as otherwise directed by the superintendent.

The treasurer-comptroller shall pay promptly all payrolls.

All regular employees of the board will be paid at least monthly with checks distributed according to a schedule annually established by the superintendent.



### **SALARY DEDUCTIONS**

With the exceptions of deductions for absences not covered by paid leave and those required by law, all categories of deductions from salary must be approved in writing by the employee.

Reference: Alabama Code - §16-22-6  
Alabama Code - §16-22-17

**Date Adopted: December 11, 2007**

### **NON-TRAVEL EXPENSE REIMBURSEMENT**

Expenses, other than travel expenses, incurred in the performance of duties shall be reimbursed, provided said expenses are authorized by the appropriate official in charge of the budget account incurring said expense and appear to be reasonable amounts for the charges incurred and with the approval of the supervisor as spelled out in the procedures of the division incurring the expense. Expenses shall be reimbursed up to \$200.00; expenses greater than \$200.00 shall be reimbursed with advance approval of the purchase by the appropriate Business Division Representative.

**Date Adopted: December 11, 2007**

**Date Revised: June 28, 2016**

**TRAVEL EXPENSE REIMBURSEMENT / PART 200 REQUIREMENTS****Employees: Student Sponsors**

Local school funds may be used to reimburse actual documented expenses of professional employees who serve as sponsors on student educational excursions.

**Employees: In-County**

Employees traveling within Mobile County on approved travel shall be reimbursed for personal vehicle usage expenses at the cost-per-mile rate currently accepted by federal and/or state laws applicable at that time.

**Employees: Out-of-County**

Travel related expenses incurred in the performance of duties or assignments is reimbursable, provided said employee has obtained prior approval for travel from the superintendent or his/her designee and provided the expenses are reasonable and are authorized by the appropriate officials in charge of the budget account to be charged. All authorized expenses with the exception of personal vehicle usage expenses will be reimbursed at actual cost to the employee for all eligible expenses. Personal vehicle usage expenses will be reimbursed at the cost-per-mile rate currently accepted by federal and/or state laws applicable at that time. Documentation of expenses is required. Board personnel shall travel by tourist class when on authorized travel, but will be eligible for first class travel when tourist class is not available.

**Board Members: Out-of-County**

Board members shall inform the other members of the board of any plans to travel on official board business. If possible, notice should be provided in advance and in writing. Board members will be reimbursed for actual expenses while on official business travel provided that necessary documentation is submitted and costs are reasonable in light of the event and location. Personal vehicle usage expenses will be reimbursed at the cost-per-mile rate currently in use by the system. If air travel would have been less costly, the vehicle usage expenses only will be reimbursed based on the average cost of advanced-purchased coach travel. All board travel reimbursement requests are to be shared with all board members.

Board members are expected to travel economically and will travel tourist class when on official business travel. Board members will be eligible for full reimbursement for first class travel only if tourist class is not available.

**Part 200 Requirements**

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.

**Legal Reference:** Alabama Code - §16-1-6; §16-13-14; U.S. Department of Education and  
U. S. Department of Agriculture Part 200 Requirements

**Date Adopted:** December 11, 2007

**Date Revised:** September 28, 2016

### **USE OF VEHICLES AND/OR EQUIPMENT**

Board vehicles and/or equipment may not be used for personal business.

The assignment of system-owned vehicles and/or equipment to supervisory personnel is strictly for the purpose of expediting the delivery of services by board employees and should not be construed by employees as a fringe benefit unless required by the Internal Revenue Code. Personal Use of a company vehicle is a taxable, non cash fringe benefit. Personal use includes, but is not limited to, commuting to and from work..

Reference – Procedures: Use of Vehicles and/or Equipment

**Date Adopted: December 11, 2007**

Date Amended: September 27, 2021

**PROCEDURE:  
USE OF VEHICLES AND/OR EQUIPMENT**

1. Mobile County Public School System Vehicles are provided for the following purposes:
  - a. Transporting materials, tools or equipment used by employees in their daily job assignment.
  - b. Transporting employees whose job assignments require extensive travel within the system.
2. Driver Qualifications
  - a. Driver must hold a valid license for the operation of the type of vehicle to be driven.
  - b. Driver's experience record shall not prevent his/her insurability with the system's insurance carrier.
3. Each driver must exert every reasonable effort to assure that his/her assigned vehicle is maintained in a safe operating condition. The driver shall perform a visual daily inspection to detect need for any obvious necessary adjustments or repairs. This inspection should include, but not necessarily be limited to, tires, glass, lights, horn, windshield wipers, brakes, exhaust system, etc. Any defects noted should be reported to the employee's supervisor for corrective action.
4. In the event of an accident on the public streets involving a system vehicle, the driver should:
  - a. Render such assistance as warranted to any injured person(s)
  - b. Report the accident to appropriate law enforcement authorities dependent upon the geographic location.
  - c. Secure the name(s) of the insurance carrier of all vehicle(s) involved in the accident as well as the names and addresses of all persons involved in the accident along with those people who witnessed the incident.
  - d. Immediately report the accident to his/her respective system supervisor for information and/or assistance. However, the driver should exercise caution not to:
    1. Leave the accident scene until authorized to do so by the investigating police.
    2. Make any statements at the scene accepting responsibility for the accident.

5. No system employee shall operate a system vehicle while under the influence of alcohol, drugs, or any controlled substance. A legal conviction for the violation of this provision shall be cause for dismissal.
6. A vehicle owned by the system shall not be used by an employee for personal use nor may it be driven by a member of the employee's family.
7. The use of system credit cards shall be limited to purchases of fuel for system owned vehicles or as otherwise approved by the administrator who issued the cards.
8. The personal use of system vehicles is strictly prohibited. The misuse of system vehicles or gasoline credit cards could result in the criminal prosecution of the offending individual(s).
9. A contemporaneous log shall be maintained in each system owned vehicle. The log shall be kept on approved system log forms. Each supervisor shall be responsible for approving the logs.
10. Vehicle must use system services for normal and routine fueling purposes while operating in the system area. The responsibility for fueling a vehicle and maintaining the proper crankcase lubricating oil level is placed on the assigned driver.
11. The vehicle should be securely locked at all times in the absence of the assigned driver.
12. All vehicles must be stored overnight in system facilities unless otherwise authorized for potential emergencies which might arise during non-use hours as approved by the superintendent or his designee. Personnel who may be required to return to duty on an emergency basis, using personal transportation for the event, shall be reimbursed at the established rate per mile. The employee shall keep a log to document such travel.
13. All procedural statements concerning vehicles shall apply as applicable to equipment.
14. All system owned vehicles will be marked with the system emblem and vehicle identification number. Exception to the rule must be made in writing by the superintendent.
15. The Fixed Assets Department will notify the Risk Management Supervisor of changes in vehicle status. The Risk Management Supervisor will place and maintain proper insurance coverage on each system vehicle during the period of system ownership.

In the event of an accident involving the vehicle, the department head will submit to the Risk Management Supervisor a Vehicle Accident Report within 24 hours of the accident. The Risk Management Supervisor will file the necessary reports (claims) with the insurance carrier.

### **CHILD NUTRITION PROGRAM MANAGEMENT**

The Child Nutrition Program (CNP) shall provide food service for breakfast and lunch in all schools where feasible. The CNP management shall be coordinated within the Business Operations Division, with the local school principal responsible for its management in his/her school.



**SANITATION INSPECTIONS**

The principal has primary responsibility in seeing that the child nutrition staff meets applicable rules and regulations relative to sanitation. The principal may request assistance from the Child Nutrition Director in discharging this responsibility.

Date Adopted: December 11, 2007

Date Amended: September 27, 2021

**SCHOOL SALE OF COMPETITIVE FOOD AND BEVERAGES**  
**SCHOOL SALE OF COMPETITIVE FOOD AND BEVERAGES**

During meal service times, “Child Nutrition Program” may sell only those competitive foods and beverages which make a significant contribution to the students’ daily requirement for nutrients. Food services operated for profit in the school, separate and apart from the non-profit breakfast and lunch program, may not operate during meal service times. All income from concessions or extra sale items being vended or sold during meal service periods must be deposited into the Child Nutrition Program account.

Reference: State Board of Education Resolution (as amended) July 12, 2005

Resource: Statewide Committee to Review the State of Health of America’s Youth with Particular Emphasis on Alabama’s Youth: Implementation Guidelines for Exercise and Nutrition

**Legal Reference:** P.L. 108-265 Section 204  
**Date Adopted:** December 11, 2007

Date Amended: September 27, 2021

### **SPECIAL FUNCTIONS**

Special functions include the preparation of any meals, food or beverage by the Child Nutrition staff other than for programs (breakfast and lunch) approved under the official Child Nutrition application. Principals are authorized to approve special functions provided they conform to all approved policies and procedures, do not interfere with the serving of meals to students, and do not result in expenses to the Child Nutrition Program for food, supplies, utilities or labor. A report of each special function should be made to the Child Nutrition Director on an approved form and attached to the monthly child nutrition financial report.

### **FOOD SAFETY PROGRAM**

For purpose of this policy, each school within the Mobile County Public School System will implement and maintain a food safety program based on the Hazard Analysis Critical Control Point (HACCP) guidelines as required by the United States Department of Agriculture.

The Board of School Commissioners of Mobile County recognizes that the food safety programs in the schools participating in the National School Lunch Program or the School Breakfast Program will conform to Section 111 of the Child Nutrition and WIC Reauthorization Act of 2004 (Public Law 108-265) amended section 9(h) of the Richard B. Russell National School Lunch Act.

The Board of School Commissioners of Mobile County will maintain a food safety program in each school following HACCP guidelines for the preparation and service of school meals served to children.

### **CHARGED MEAL POLICY**

It is the intent of the Mobile County Public School System to provide an opportunity for every student to eat a nutritious breakfast and lunch during the school day. It is also the intent of the Mobile County Public School System to comply with all federal program regulations pertaining to the National School Breakfast and National School Lunch programs. Program regulations do not allow for meal charges to the Child Nutrition Program. Students must remit payment for meals at the time of service.

Each local school principal, at their discretion, may develop a written contingency plan to provide meals to a student in the event the student does not have available funds. If a student cannot pay for a meal, and there is no written contingency plan in effect, an alternate meal consisting of: 2 oz. bread/grain, 2 oz. meat/meat alternate and a carton of milk will be provided to the student. Students who have documented dietary needs will be given a meal that meets the nutritional guidelines and the specifications of their diet restrictions if an alternate meal is needed.

**Date Adopted: December 11, 2007**

### **CASH MANAGEMENT FOR FEDERAL FUND**

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. Disbursements will be made within twenty business days after receipt of funds.

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

Board procedures to minimize the cash balances in federal program funds are expected to prevent the aggregate cash balance 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 School 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 deposit under the SAFE program.

### **DETERMINATION OF ALLOWABLE COSTS**

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 allowable costs for the federal program. Actions to determine allowable costs will assure that:

- The proposed expenditure is included in the federal program budget;
- The proposed expenditure is reasonable and necessary for the federal program;
- The proposed expenditure is consistent with procedures for financial transactions of the board including:
  - Purchase order approval procedures;
  - Contract review and approval procedures;
  - Applicable competitive purchasing procedures and;
  - Documentation supports allowability of transaction.

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.

**Legal References:** U. S. Department of Education and U. S. Department of Agriculture  
Part 200 Requirements  
**Date Adopted:** September 28, 2016

## CONFLICT OF INTERESTS

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

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

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

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

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

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



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

**Legal Reference: U. S. Department of Education and U. S. Department of Agriculture  
Part 200 Requirements  
Date Adopted: September 28, 2016**

## PROCUREMENT

The board will follow state laws for the procurement of property and services. The primary state procurement laws for Alabama school boards are:

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

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

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

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

The board will request proposals for those professional service contracts (excluding architectural and engineering services) that are exempt under state procurement laws if the contracts exceed \$250,000 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.

**Legal References:** U. S. Department of Education and U. S. Department of Agriculture  
Part 200 Requirements

**Date Adopted:** September 28, 2016



**MOBILE COUNTY PUBLIC  
SCHOOL SYSTEM  
POLICY BOOK**

**CHAPTER 8:  
SCHOOL LAND/  
FACILITIES AND  
SUPPORT SERVICES**

## **Chapter 8.00 – School Land/Facilities and Support Services**

8.10	<u>School Lands and Sites</u>
8.11	<u>Leases, Sales, Exchange of School Land</u>
8.12	<u>Emergency Sale and Cut of Timber</u>
8.20	<u>Long-Range Capital Planning</u>
8.21	<u>Project Planning</u>
8.22	<u>Bids and Quotes</u>
8.23	<u>Change Orders</u>
8.30	<u>Naming School Properties</u>
8.31	<u>Plaques to Honor Citizens</u>
8.40	<u>Building and Grounds Management</u>
8.50	<u>Long-Range Maintenance Program</u>
8.51	<u>Maintenance Records</u>
8.52	<u>Repairs</u>
8.53	<u>Vandalism</u>
8.54	<u>Cleaning Program</u>
8.60	<u>Traffic and Parking Controls</u>

**SCHOOL LANDS AND SITES**

School lands will be supervised by the general direction of a Facilities/Land manager, who reports to the superintendent.

A complete and systematic file will be kept on all board property, including deeds and plats of school sites.

**Date Adopted: December 11, 2007**

### **LEASES, SALES & EXCHANGE OF SCHOOL LANDS**

The paramount objective relative to lease, sale and exchange of school lands is the production of the maximum income possible from such lands, consistent with sound managerial practices, without unduly diminishing long-range benefits to be derived from such lands, or the use thereof.

1. The board may sell real property on a negotiated basis or through competitive bid procedure. The Business Office will handle all real property sales with the review and approval of the board.
2. The board is vested with and exercises the power to sell, lease, or exchange any of its real property subject to restrictions under state law including Alabama Act No. 87-280.
3. The sale or exchange of such property, irrespective of the value, shall be supported and substantiated by an appraisal obtained by the board. If the appraisal of the property to be sold or exchanged has already been obtained by the board and is on file dating back beyond a two-year period, such appraisal shall be disregarded and a new or updated appraisal obtained.

Reference – Procedures: Agricultural Leases, Hunting Leases

Legal References: Alabama Code - § 16-8-40; Local Act 87-280

Date Adopted: July 24, 2008

**PROCEDURE:  
AGRICULTURAL LEASES**

Facilities shall conduct a survey of all school board lands leased for grazing, pasture, farming, nursery, hunting, and for all purposes to make certain that such lands have been properly categorized and assessed for such purposes. The conduct of such survey shall be carried out under the supervision and direction of the Facilities manager with the Chairman of Facilities and Lands Committee serving in an advisory and liaison capacity between the personnel directly responsible for the conduct of such survey and the board and superintendent.

Soil test borings shall be conducted when the same is considered necessary by the Facilities manager to determine the type soil and the best and highest income-producing purpose for which the parcel or section of property is best suited.

The services and assistance of the Mobile County Soil Conservation Office, the County Farm Agent, and the State Conservation Department shall be sought in carrying out the responsibilities and duties outline above if such action is considered necessary by the persons responsible for carrying out the duties and assignments mentioned herein.

All farming, woodland grazing, and improved pasture leases shall have initial terms of one to five years. All such leases shall run for consecutive one year periods from January 1 of each year to December 31 of the same year, with all rents due January 1 of each year and delinquent after January 10 of the same year.

All delinquencies shall be reported to the board in their first regularly held meeting following January 10 of each year.

All of the general policies (NAD) herein which hold implication for agricultural leases are incorporated herein by reference and are applicable and binding on the holders of and all agricultural leases granted under this policy.

The board shall continue to use the same agricultural lease forms which are presently in use until such time a change is recommended by the superintendent to the board and approved in official board meeting.

All persons desiring to lease farming or improved pasture land must meet the minimum standards required to qualify for U. S. Department of Agriculture, A.S.C.S., and S.C.S. Assistance Programs.

**PROCEDURE:  
HUNTING LEASES**

Hunting leases shall only be consummated with responsible, corporate clubs, corporate groups, and lastly with responsible, bona fide resident citizens of Mobile County who own real property within the City and/or County of Mobile in their own individual right.

Hunting leases shall run for consecutive one to five year periods from June 1 of each year to May 31 of the succeeding year with all rents due June 1 and delinquent after June 10 of the same year. All delinquencies will be reported to the Board in their first meeting following June 10 of each year.

Persons, clubs, and groups residing in the vicinity of school lands available for lease and persons holding agricultural leases or other leases on school lands shall be given first consideration for hunting leases on school lands.

Violation, by the lessee, of Federal, State and Local game laws shall be sufficient grounds for lease cancellation.

All of the General Policies (NAD) herein which hold implication for hunting leases are incorporated herein by reference and are applicable and binding on the holders of and all hunting leases granted under this policy.



### **EMERGENCY SALE & CUTTING OF TIMBER**

The superintendent and Facilities manager are authorized to approve the cutting and sale of timber immediately following a timber fire or damage to timber due to adverse weather or other casualty conditions when the deferment of action until a regular board meeting, in all probability, would result in economic loss to the school system.

**Date Adopted: December 11, 2007**

### **LONG-RANGE CAPITAL PLANNING**

A program for long-range needs determination will be developed and continually updated. All divisions will participate. Included within this program shall be an evaluation of present and future needs. The program should encompass such areas as the following: obsolescence determination, instructional needs, enrollment projections, sites, cost, and revenue information. The superintendent will coordinate the efforts of all divisions.

Reference: Alabama Code - §16-13-231(e)(1)

**Date Adopted: December 11, 2007**

## **PROJECT PLANNING**

Each capital project involves extensive planning by representatives of all divisions. The implementation and organization of this plan rests with the superintendent.

Educational specifications will be developed by the staff with extensive involvement from principals and teachers. Other personnel will be involved as determined by administrative staff with approval of the superintendent.

**Legal Reference:** Alabama Code - §16-9-17

**Date Adopted:** December 11, 2007

## BIDS AND QUOTATIONS

Reference: Alabama Code - §39-2-2

Alabama Code - §41-16-50

Alabama Code - §41-16-52

Alabama Code - §41-16-55

Alabama Code - §41-16-56

Alabama Code - §41-16-58

Alabama Code - §41-16-59

Alabama Code - §41-16-60

Alabama Code - §41-16-61

**Legal Reference:** Also see generally - Alabama Code - §32-2-1 *et seq.*; Alabama Code - §41-16-50 through 63

**Date Adopted:** December 11, 2007

### **CHANGE ORDERS**

Change orders costing less than \$1,000 will be approved by the superintendent and will be reported to the board.

Change orders which exceed the amount of \$1,000 will be approved by the board.

**Date Adopted: December 11, 2007**

### **NAMING SCHOOL PROPERTIES**

At the discretion of the board, schools, building and facilities may be named or renamed to commemorate individuals, whether living or deceased, who have made outstanding contributions to society. If a school, building or facility is named or renamed for a living individual, that individual must be at least 70 years old and for at least the preceding five years, must not have been an elected official in the State of Alabama or an employee of the school system.

Only the board has the authority to name properties owned by the board in accordance with the procedures set forth. Furthermore, the action of the board to name or rename such properties must be pursuant to a unanimous board vote.

Reference - Procedures: Naming of School Properties

**Date Adopted: December 11, 2007**

**PROCEDURE:  
NAMING OF SCHOOL PROPERTIES**

The following steps must be followed in requesting that a school, building or facility be named or renamed in accordance with policy 8.30:

1. Contact the board member for the district where the school is located and advise him of the request to name or rename a school, building or facility.
2. Contact persons and organizations whose collective memberships reflect a fair cross-representation of the community where the school is located. This may be teachers, alumni, churches and other organizations or governing bodies such as city or town councils.
3. Obtain from the representative persons or organizations, written evidence of their support of the proposed naming or renaming. This evidence may be in the form of a resolution, a letter on the organization's letterhead by persons authorized to sign on behalf of the organization, or signed petitions.
4. Present the evidence of support to the representative board member. Upon the satisfactory completion of the first three (3) items, the representative district board member may place the item on the Board's Action Agenda for consideration by the board along with all pertinent documents.

### **PLAQUES TO HONOR CITIZENS**

The board may approve as a tribute for citizen service placing a plaque on premises noting the honoree's contributions.

**Date Adopted: December 11, 2007**



**BUILDING AND GROUNDS MANAGEMENT**

Changes to buildings and grounds must be coordinated through the Facilities Division.

**Date Adopted: December 11, 2007**

### **LONG RANGE MAINTENANCE PROGRAM**

A maintenance plan, including summer projects, will be developed as a part of a comprehensive maintenance program. This plan will be considered as part of the board's long range capital outlay plan and annual budget and should be reported annually to the superintendent.

**Date Adopted: December 11, 2007**

## **MAINTENANCE RECORDS**

A complete system of records on the maintenance of school buildings will be kept. The records system must be sufficient in scope to allow for cost analysis. An annual report will be made to the Facilities manager.

## **REPAIRS**

The maintenance crews are responsible for all regular maintenance and repairs on school buildings and fixing equipment associated with individual schools, consistent with board policy. Specialized maintenance that cannot be handled by regular maintenance crews will be referred to the Facilities manager, who will arrange or approve arrangements to accomplish needed repairs.

In emergency situations, requests for assistance may be made directly to the Maintenance Department.

## **VANDALISM**

The board will not tolerate vandalism, theft, or any other forms of property destruction or misuse. The principal is to report all acts of vandalism and theft to the police, the Facilities Division, and General Administration and cooperate with officials in the investigation and prosecution of suspected vandals, thieves and burglars.

**Date Adopted: December 11, 2007**

### **CLEANING PROGRAM**

The school's cleanliness is the responsibility of the principal. The Facilities Division shall provide two eight-hour in-service training meetings for custodial staff per year. The Maintenance Department will arrange assistance as needed and be available to aid in the maintenance of the adequate cleaning program for each school and to evaluate the effectiveness of such program.

## **TRAFFIC AND PARKING CONTROLS**

The Facilities Division will provide leadership in developing traffic and parking controls in and around school facilities in conjunction with other divisions, building administrators and City/County traffic engineers.

Local principals oversee traffic and parking at their schools. Any changes should be approved through the Facilities Division.



**MOBILE COUNTY PUBLIC  
SCHOOL SYSTEM  
POLICY BOOK**

**CHAPTER 9:  
PUBLIC AND  
ORGANIZATIONAL  
RELATIONS**



## **Chapter 9.00 – Public and Organizational Relations**

- 9.10 Parental/Family Involvement
- 9.11 Visitors to the Local School
- 9.12 Interviews with Students
- 9.13 Adult Sex Offender
- 9.20 General Government Relations
- 9.21 News Media Relations
- 9.22 Military Recruiters

## **PARENTAL/FAMILY INVOLVEMENT**

The board encourages parental and other family member involvement in all facets of the child's educational development and school life. The board urges staff to develop programs to involve parents and families when possible and to engage in ongoing communication.

### **Title I Schools**

A parents' meeting will be held at least once annually at each Title I school to discuss the program and develop a parental involvement policy for Title I schools.

Reference: Model Notification of Rights under the Protection of Pupil Rights Amendment

Reference: Model Notification of Rights under FERPA for Elementary and Secondary Schools

Reference: Model Notice and Consent/Opt-Out for Specific Activities

Reference: Model Notice for Directory Information

## VISITORS TO THE LOCAL SCHOOL

All persons not assigned to a school shall report directly to the office when visiting in a school.

Parents or guardians who come to school in support of or pursuant to business on behalf of their child, school board employees, persons approved by the principal to come to the school for instructional purposes such as resource persons or volunteer aides, or those invited by central administration and/or the local principal shall be permitted to visit schools with the principal's permission during the time classes are in session.

All other persons must receive a letter of introduction to the local school principal from the superintendent or designee. This includes, but is not limited to, those desiring to visit a school in order to interpret, sell and/or promote products, special interests or services, and/or to promote the interest of commercial or non-school agencies or organizations of a political, partisan, controversial or sectarian nature. Based upon an investigation, the superintendent or designee may deny the request for a letter of introduction. If approved, the letter shall be presented to the local school principal. The local school principal may exercise his/her discretion in developing procedures for the scheduling of visits, thereby governing individuals visiting in the school.

The local school principal shall have the authority to prevent disruptions in the school. Any visitor visiting the campus, whether by letter of introduction or not, who disrupts or interferes with the normal activities of the school may be removed from the school by the principal or, if necessary, upon his request by a constituted law enforcement agency. The local school principal shall have the administrative discretion to anticipate a visitor's substantial and material disruption of school activities or discipline and shall have the authority to remove the visitor prior to the foreseen actual disruption.

Upon request of the superintendent, the principal shall certify whether any sales persons, persons who are advocates of employee organizations or special groups advocating special causes have been authorized to visit in the local school and permitted to utilize any instructional time, including faculty or in-service meeting time.

In recognition of the importance of time in news reporting, the principal or his designee shall respond immediately to media requests for school visitation or information, so long as the control of the school remains under the supervision of the principal.

The Mobile County Public School System shall also comply with all laws (and amendments thereto) concerning adult sex offenders.

Legal Reference: Ala. Code§ 15-20A-17 (as amended by Act 2014-421)

**Date Adopted: December 11, 2007**

**Date Amended: October 27, 2015**

### **INTERVIEWS WITH STUDENTS**

Interviews with students, teachers, and other local school employees on school campuses sponsored and conducted by the mass media shall have the approval of the principal or such other person as may be responsible for the school at that time by virtue of any other provisions of these policies.

Interviews held with students on school campuses or when a student is under the supervision of the school at off-campus activities sponsored by the school shall be observed by the student's parent or guardian or by a professional member of the local school staff except as otherwise approved by the principal, with the prior approval of the parent or guardian.

### **ADULT SEX OFFENDERS**

Adult sex offenders who have been convicted of a sex offense must:

- a. Notify the principal of the school or his designee before entering school property or attending the Pre K-12 school activity;
- b. Immediately report to the principal of the school or his designee upon entering the property or arriving at the Pre 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 Pre K-12 school activity.

For the purpose of this subsection, a Pre K-12 school activity is an activity sponsored by a school in which students in grades Pre K-12 are the primary intended participants or for whom students in grades Pre 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.

The Superintendent may develop procedures regarding this policy.

**Legal Reference: Alabama Code §15-20A-17**

**Date Adopted: April 26, 2017**

**GENERAL GOVERNMENT RELATIONS**

The board will cultivate cooperative working relationships with local, county, state and federal governmental bodies which impact public education.

**Date Adopted: December 11, 2007**

## **NEWS MEDIA RELATIONS**

The news media is a vital means of maintaining communication with the general public. The board shall endeavor to utilize mass media in an effort to keep the public informed about the schools. The Office of Communication shall serve as the primary contact for assisting media representatives in securing information and in dissemination of the news. The Office of Communication shall be authorized to seek out, identify, and analyze new developments associated with the school system as a basis for writing feature stories for consideration by mass media representatives.

The Office of Communication shall alert mass media representatives in writing of factual errors in reports made to the public which deal with public education through furnishing correct information on subjects treated.

In the interest of maintaining time-on-task at the local schools, news media representatives are requested to contact the Office of Communication prior to going to a school.

## MILITARY RECRUITERS

Reference: Ala. Code § 16-1-25 (on campus recruiting).

Reference: USDE Oct. 9, 2002, letter (access to students/records).

**Legal Reference:** U.S.C. 7908, Section 9528 as amended by P.L. 107-110 and P.L. 107-107 (National Defense Authorization Act for Fiscal Year 2002), Section 54.

**Date Adopted:** December 11, 2007