



BESSEMER CITY SCHOOLS

POLICY MANUAL

Board Approved

April 17, 2018

*Bessemer City Board of Education
Policy Manual*

Table of Contents

Preface

Definitions

I. Governing Principles

II. School Board Operations

2.1 *Board Composition and Organization*

2.1.1 Composition

2.1.2 Unexpired Term Fulfillment

2.1.3 Removal from Office

2.1.4 Officers

2.1.5 Committees

2.2 *Authority of Board Members*

2.2.1 General

2.2.2 School District Organization Plan

2.3 *Board Members Duties*

2.4 *Board Member Compensation*

2.5 *Board Member Training*

2.5.1 General

2.5.2 Source of Training and Report

2.5.3 Board Self Evaluation

2.6 *Board Meetings*

2.6.1 General Provisions

2.6.2 Time and Place

2.6.3 Quorum

2.6.4 Rules of Order

2.6.5 Voting Method

2.6.6 Community Input at Work Session

2.7 *Superintendent's Responsibilities, Qualifications, and Appointment*

2.7.1 Role, Responsibilities, Qualifications, and Term

2.7.2 Scope of Executive and Administrative Authority

2.8 *Recordkeeping and Retention of Board Records*

2.9 *Association Membership*

2.9.1 Alabama Association of School Boards

2.9.2 Conventions, Conferences, Seminars

2.10 *Board Policy*

2.10.1 Policy Development

2.10.2 Policy Draft Writer

2.10.3 Policy Adoption

- 2.10.4 Policy Dissemination
- 2.10.5 Administration in Policy Absence
- 2.10.6 Suspension of Policy

2.11 Code of Conduct

III. Fiscal Management

3.1 Chief School Financial Officer

3.2 Budget

- 3.2.1 Hearing Procedure
- 3.2.2 Proposed Budget Procedure
- 3.2.3 Restrictions

3.3 Accounting

3.4 Finance Manual Authorized

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

- 3.5.1 Governmental Funds Definition
- 3.5.2 Fund Balances
- 3.5.3 Priority
- 3.5.4 Review and Reporting

3.6 Audits

3.7 Inventories

3.8 Purchasing

3.9 Deposit and Expenditure of Funds

- 3.9.1 Deposits
- 3.9.2 Investments
- 3.9.3 Expenditures
- 3.9.4 Competitive Bid Law
- 3.9.5 Authorized Signatures
- 3.9.6 Consultants

3.10 Employee Compensation

- 3.10.1 Salaries and Pay Rates
- 3.10.2 Local Supplements
- 3.10.3 Salary Administration
- 3.10.4 Salary Deductions
- 3.10.5 Minimum Wage and Overtime
- 3.10.6 Compensatory Time

3.11 Expense Reimbursement

3.12 Fees, Payments, and Rentals

- 3.12.1 Facility Use Fees
- 3.12.2 Copying and Other Charges

3.13 School Accounts

3.14 Authority to Execute Contracts

- 3.14.1 General Authority
- 3.14.2 Limitation on Authority to Bind the Board

3.15 Affiliated Organizations

- 3.15.1 School Sponsored Organizations

3.15.2 Booster Clubs, Parent-Teacher Associations, and Other Affiliated Organizations

3.16 *Fundraising*

3.17 *Child Nutrition Procurements*

3.18 *Classroom Instructional Support*

IV. General Administration

4.1 *Security / Access to Schools*

4.1.1 Security Measures Authorized

4.1.2 Access Restrictions Authorized

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

4.2.1 Prohibition on the Possession of Firearms

4.2.2 Prohibition on the Possession of Weapons

4.2.3 Illegal Drugs and Alcohol

4.2.4 Tobacco

4.2.5 Searches

4.2.6 Drug and Alcohol Free Environment

4.2.7 Adoption of Statutory Penalties and Consequences

4.3 *Accreditation*

4.4 *Use of Board Property*

4.4.1 Equipment, Supplies, Materials, Vehicles

4.4.2 Public Use of Board Facilities

4.4.3 Advertising

4.5 *Naming Board Facilities*

4.6 *Complaints and Grievances*

4.6.1 General Complaints (Grievances)

4.6.2 Limitations Regarding Availability and Application of General Complaint/Grievance Policy

4.6.3 Student Complaints and Grievances

4.6.4 Student Disciplinary Matters

4.6.5 Americans with Disabilities Act Complaint Procedure

4.6.6 Anti-Discrimination Policy

4.7 *Risk Management*

4.8 *Emergency Closing of Schools*

4.8.1 Authority of Superintendent to Close Schools

4.8.2 Make-Up Dates

4.9 *Internet Safety and Use of Technology*

4.9.1 Access to Technology Resources

4.9.2 Restriction or Loss of Technology Privileges

4.9.3 Ownership of Technology Resources and Data

4.9.4 Adoption of Rules and Regulations

4.9.5 Limitation on Liability

4.10 *Political Activity*

4.11 *AIDS/HIV*

4.11.1 School Attendance

4.11.2 Employment

- 4.11.3 Privacy
- 4.11.4 Infection Control
- 4.11.5 HIV and Athletics
- 4.11.6 HIV Prevention Education
- 4.11.7 Related Services
- 4.11.8 Staff Development
- 4.11.9 General Provisions
- 4.12 *Automated External Defibrillator (AED) Program***
 - 4.12.1 Purpose
 - 4.12.2 System Owner
 - 4.12.3 Medical Control
 - 4.12.4 Authorized AED Users
 - 4.12.5 School Office Responsibilities
 - 4.12.6 Initial Training
 - 4.12.7 Refresher Training
 - 4.12.8 Location of the AEDs
 - 4.12.9 Additional Resuscitation Equipment
 - 4.12.10 Equipment Maintenance
 - 4.12.11 Annual System Assessment
 - 4.12.12 Medical Response Documentation
 - 4.12.13 External Post Event Documentation
 - 4.12.14 Post Event Review
 - 4.12.15 System Verification and Review

V – PERSONNEL

- 5.1 *Equal Opportunity Employment***
 - 5.1.1 Objective Criteria for Employment
 - 5.1.2 Recruitment of Personnel
 - 5.1.3 Supervising Family Members
 - 5.1.4 Grievances
 - 5.1.4a Grievances Procedures
- 5.2 *Solicitations by Staff Members***
 - 5.2.1 Solicitations of Staff Members
 - 5.2.2 Conflict of Interest
 - 5.2.3 Gifts by Staff Members
 - 5.2.4 Gifts to Staff Members
 - 5.2.5 Political Activity
 - ~~5.2.6 Anti Harassment, Anti Intimidation, or Anti Bullying~~
 - ~~5.2.7 Sexual Harassment~~
- 5.3 *Personnel Records***
 - 5.3a General Policy
 - 5.3b Transfer of Information
 - 5.3c Anonymous Information
 - 5.3.1 Public Use of Personnel Records
 - 5.3.2 Notification of Personnel Vacancies
 - 5.3.3 Applications for Employment
 - 5.3.4 Employment of Personnel
 - 5.3.5 Staff Members' Responsibility for Providing Credentials

- 5.3.6 Assignment of Personnel
- 5.3.7 Orientation of Personnel
- 5.3.8 Staff Involvement in Decision Making
- 5.3.9 Job Description Development
- 5.3.10 Non-school Employment for Personnel

5.4 ~~Salary Deductions~~

- ~~5.4.1 Salary Deductions – Procedures and Regulations~~
- ~~5.4.1a Salary Deductions Regulations for Handling Payroll Deductions (Insurances and Annuity Plans)~~
- ~~5.4.1b Salary Deduction Request Form~~
- ~~5.4.1c Salary Deduction Request Signature Form~~
- ~~5.4.2 Fair Labor Standards Act~~
- ~~5.4.2a The Effect of the Fair Labor Standards Act~~
- ~~5.4.3 Compensatory Time~~
- ~~5.4.4 Vacation for Personnel – Twelve Month Employees~~
- ~~5.4.5 Non school Employment for Personnel~~

5.5 *Leave*

- 5.5.1 Sick Leave for Job Related Injuries
- 5.5.2 Sick Leave Days for Retirement Purposes
- 5.5.3 Bereavement Leave for Personnel
- 5.5.4 Military Leave for Personnel
- 5.5.5 Maternity Leave for Personnel
- 5.5.6 Legal Service Absences for Personnel
- 5.5.7 Professional Leave Policy
- 5.5.7 Vacation for Personnel – Twelve Month Employees

5.6 *Retirement of Personnel*

5.7 *Travel Expenses for Personnel*

5.8 *Possession of Weapons and Firearms*

5.9 *Possession of Firearms by School System Personnel*

5.10 *Health Examinations for Personnel*

- 5.10.1 Tuberculosis Test for Employees
- ~~5.10.2 AIDS/HIV~~
- ~~5.10.3 Drug Free Work Place~~
- ~~5.10.4 Smoking and Use of Tobacco Products~~

5.11 *Dress Code for Teachers, Teacher Aids, and Office Personnel*

5.12 *Certified Personnel Defined*

- 5.12.1 Certified Personnel Salary Schedules and Contracts
- 5.12.2 Compensation Guides and Contracts
- 5.12.3 Payroll Checks for Certified Personnel
- 5.12.4 Code of Conduct for School System Personnel
- 5.12.5 Certified Personnel Qualifications
- 5.12.6 General Qualifications of Teachers
- 5.12.7 In-service for Certified Personnel
- 5.12.8 Probation of Certified Personnel
- 5.12.9 Supervision
- 5.12.10 Staff Rights and Responsibilities
- 5.12.11 Employee Evaluations
- 5.12.12 Continuing Service for Certified Personnel
- 5.12.13 Promotion of Certified Personnel
- 5.12.14 Transfer of Certified Personnel
- 5.12.15 Suspension for Disciplinary Purposes

- 5.12.16 Separation of Certified Personnel
- 5.12.17 Reduction in Force
- 5.12.18 Resignation of Certified Personnel
- 5.12.19 Re-employment of Certified Personnel
- 5.12.20 Time Schedules and Work Loads for Certified Personnel
- 5.12.20a Staff Meetings
- 5.12.20b Institute Day
- 5.12.20c Extra Duties
- 5.13** *Annual Leaves of Absence for Certified and Classified Personnel*
- 5.14** *Personal Leaves and Absences for Certified Personnel*
- 5.15** *Sick Leave Bank for Certified and Classified Personnel*
- 5.16** *Substitute Teachers*
 - 5.16.1 Substituting for Extended Periods of Time
- 5.17** *Professional Organizations for Certified Personnel*
- 5.18** *Classified Personnel Defined*
 - 5.18.1 Payroll Checks for Classified Personnel
 - 5.18.2 Assignment of Classified Personnel
 - 5.18.3 In-service for Classified Personnel
 - 5.18.4 Supervision of Classified Personnel
 - 5.18.5 Probationary Period for Classified Personnel
 - 5.18.6 Non-Probationary Status for Classified Personnel
 - 5.18.7 Transfer of Classified Personnel
 - 5.18.8 Evaluation of Classified Personnel
 - 5.18.9 Promotion of Classified Personnel
 - 5.18.10 Separation of Classified Personnel
 - 5.18.11 Reduction in Force of Classified Personnel
 - 5.18.12 Time Schedules and Work Loads for Classified Personnel
 - 5.18.13 Personal Leaves and Absences for Classified Personnel
 - ~~5.18.13a Annual Leaves of Absence for Classified Personnel~~
 - ~~5.18.14 Overtime Compensation Classified Personnel~~
 - ~~5.18.14a Overtime Compensation Procedures~~
 - 5.18.15 School Bus Drivers Suspension or Termination
 - 5.18.16 Drivers of School Board Vehicles other than School Buses
- 5.19** *Proposed Professional Leave Policy*

VI. Students

- 6.1** *Admissions and Attendance*
 - 6.1.1 Compulsory Attendance and Entrance Age
 - 6.1.2 Admission to Schools
 - 6.1.3 Attendance Zone and Class Assignment
 - 6.1.4 Absences and Excuses
 - 6.1.5 Truancy
- 6.2** *Transfers and Withdrawals*
 - 6.2.1 Transfers
 - 6.2.2 Withdrawals
- 6.3** *Student Fees, Fines, and Charges*
- 6.4** *Concussions*
- 6.5** *Extracurricular Activities*

- 6.5.1 General
 - 6.5.2 Athletics
 - 6.5.3 Academic Ineligibility
 - 6.6** *Off-Campus Events*
 - 6.7** *Student Publications*
 - 6.8** *Student Employment (Work Release)*
 - 6.9** *Equal Educational Opportunities*
 - 6.10** *Title IX*
 - 6.10.1 Prohibition
 - 6.10.2 Title IX Coordinator
 - 6.11** *Student Sexual Harassment*
 - 6.11.1 Sexual Harassment Prohibited
 - 6.11.2 Definition
 - 6.11.3 Sexual Harassment Complaint Procedures Authorized
 - 6.11.4 Initial Confrontation of Accused Harasser Not Required
 - 6.11.5 Notice of Policy to be Promulgated
 - 6.12** *Protection of Pupil Rights Amendment*
 - 6.12.1 Consent
 - 6.12.2 Notice and Option to Opt Out
 - 6.12.3 Inspection
 - 6.12.4 Special Provisions for Certain Students
 - 6.12.5 Additional Policies and Procedures Authorized
 - 6.13** *Student Records*
 - 6.14** *Student Health Services*
 - 6.14.1 District Anaphylaxis Program
 - 6.15** *Student Conduct*
 - 6.16** *Searches (Students)*
 - 6.17** *Corporal Punishment*
 - 6.18** *Physical Restraint*
 - 6.19** *Student Suspension (including Students with Disabilities)*
 - 6.20** *Student Expulsion (including Students with Disabilities)*
 - 6.21** *Electronic Communication Devices*
 - 6.22** *Drivers' License*
 - 6.22.1 Drivers' License
 - 6.22.2 Administrative Procedures Authorized
 - 6.23** *Student Parking Privileges*
 - 6.24** *Student Competitive Extracurricular Activity Substance Abuse Policy*
 - 6.25** *Harassment, Violence, and Threats of Violence Prohibited*
 - 6.25.1 Prohibition
 - 6.25.2 Definitions
 - 6.25.3 Description of Behavior Expected of Students
 - 6.25.4 Consequences for Violations
 - 6.25.5 Reporting, Investigation, and Complaint Resolution Procedures
 - 6.25.6 Promulgation of Policy and Related Procedures, Rules, and Forms
 - 6.26** *Adult Sex Offender*
- VII. Instructional Program**

- 7.1 Curriculum**
- 7.2 Textbooks**
- 7.3 Academic Standards**
 - 7.3.1 General Grade Scale
 - 7.3.2 Advanced Placement and Honors Grade Scale
 - 7.3.3 Special Education Grading Standards
 - 7.3.4 Report Cards
 - 7.3.5 Promotion
 - 7.3.6 Class Rankings
 - 7.3.7 Credit Recovery
- 7.4 Testing**
- 7.5 Summer School Operations**
- 7.6 Dual Enrollment**
- 7.7 Correspondence or Online Courses**
- 7.8 Career and Technical Education Programs**
 - 7.8.1 Work-Based Learning Experience
 - 7.8.2 Live Work
 - 7.8.3 Safety
- 7.9 Foreign Exchange Programs**
- 7.10 Extended Programs: Community Education**
- 7.11 Graduation, Certificate of Completion, and Commencement**
 - 7.11.1 Diploma Distinction
 - 7.11.2 Valedictorian/Salutatorian
 - 7.11.3 Fifth Year Seniors
 - 7.11.4 Adult High School Diploma Program
- 7.12 School Wellness**
 - 7.12.1 Nutrition Education
 - 7.12.2 Nutrition Standards
 - 7.12.3 Physical Education and Physical Activity Opportunities
 - 7.12.4 Other School-Based Activities Designed to Promote Student Wellness
 - 7.12.5 Administrative Implementation
 - 7.12.6 Wellness Policy
- 7.13 Selection of Instructional Materials and Materials for the School Libraries**
- 7.14 Parent/Family Involvement – Meeting the Requirements of No Child Left Behind Act of 2001**
 - 7.14.1 Parental Involvement, Partnerships Encouraged
 - 7.14.2 Annual Evaluation of Initiatives
 - 7.14.3 Impediments to Parent Participation to be Identified
 - 7.14.4 Elementary and Secondary Education Act Compliance
 - 7.14.5 Notice of Rights and Information
- 7.15 School Volunteers**
- 7.16 Make Up Work**

Preface

The Bessemer City Board of Education is established under authority of State law for the purpose of exercising general supervision and administration of the public schools serving school age children who reside within the city limits of the City of Bessemer, Alabama, and of promoting the interests of the Bessemer City Schools and the children they serve. Those responsibilities are met, in part, by the adoption and implementation of formal policies by which the principles that guide decision making are established.

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

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

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

Definitions

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

- a. “Board” or “Board of Education” means and refers to the Bessemer City Board of Education.
- b. “State” means and refers to the State of Alabama.
- c. “System” or “School System” means and refers to all schools, facilities, and operations of the Bessemer City Board of Education.
- d. “State Board of Education” means and refers to the Board that exercises general control and supervision over the public schools of the State of Alabama as constituted and authorized by Ala. Code §16-3-1, *et seq.* (1975).
- e. “Alabama (State) Department of Education” means and refers to the state agency that is charged with implementing the policies, procedures, and regulations of the State Board of Education as provided in Ala. Code §16-2-1, *et seq.* (1975).
- f. “He,” “his,” or “him” means and includes all genders.
- g. “Law” includes local, state, and federal statutes, regulations, ordinances, court decisions, and binding administrative orders or directives.
- h. “Certified” or “certificated,” when used to modify the words “teacher,” “personnel,” “employee,” “staff,” or similar terms, means and refers to Board employees who hold certificated or comparable forms of licensure issued by the State Superintendent of Education under authority of Ala. Code §16-23-1 (1975).
- i. “Classified” or “support,” when used to modify the words “personnel,” “employee,” “staff,” or similar terms, means and refers to Board employees who do not hold certificates issued by the State Superintendent of Education under authority of Ala. Code §16-23-1 (1975) and who, in general, hold employment positions of the type identified in Ala. Code §16-24C-3(2) (1975).

Citations to the United States Code, the Code of Alabama, and the Alabama Administrative Code are all intended to refer the reader to sources that either serve as legal authority for the policy provisions or that provide additional or more detailed information regarding the subject matter of the policy. The citations are not exhaustive and are subject to repeal, amendment, or invalidation by court rulings. Such changes may not be reflected in the policy.

I. Governing Principles

Teaching Effectively: Learning Successfully.

The mission of Bessemer City Schools is to produce informed, responsible, productive citizens who will be lifelong learners and successful contributors of society. We will accomplish this mission in cooperation with parents and the community, by providing a dedicated staff, a diverse and challenging curriculum, and within a clean, safe and caring environment.

II. School Board Operations

2.1 *Board Composition and Organization*

2.1.1 Composition – The Bessemer City Board of Education is composed of seven (7) members who are elected to four (4) year terms. Board members must be residents of the City of Bessemer and may not be a Board employee or a member of the City Council.

[Reference: Ala. Code §§16-11-2, 16-11-3 (1975)]

2.1.2 Unexpired Term Fulfillment – Any vacancy on the Board shall be filled by appointment by the remaining members of the Board for the remainder of the unexpired term. If the vacancy is not filled within forty-five (45) days from the date of the announcement of the vacancy, the State Superintendent of Education shall make an appointment to fill the vacancy.

[Reference: Ala. Act 97-649, Ala. Code §§16-11-5, 16-12-3 (1975)]

2.1.3 Removal from Office – Members of the Board may be removed from office in accordance with procedures set forth in the Code of Alabama.

[Reference: Ala. Code §16-1-14.1 (1975)]

2.1.4 Officers – The Board will elect from its members a president and vice-president at the annual meeting of the Board held in October of each year. The Superintendent will serve as both the Board's Chief Executive Officer and secretary. If the Superintendent's position is vacant, the Board may appoint one of its members to act as secretary until such time as the Superintendent's position is filled.

[Reference: Ala. Code §§ 16-11-5, 16-12-3 (1975)]

2.1.5 Committees – The Board may divide itself into special committees for the purpose of more efficiently conducting Board business, but no recommendation or action of any committee will bind the Board without the affirmative vote of a majority of the whole Board. Board committees may make presentations at the Board Meetings at the Board's digression as needed.

[Reference: Ala. Code §§16-11-5,9 (1975)]

2.2 *Authority of Board Members*

2.2.1 General – The Board has the authority and responsibility to govern the public schools that are located within Bessemer, Alabama. Board authority will only be exercised collectively through action taken in accordance with applicable statutory and parliamentary procedures. Individual Board members have no authority to bind the Board or to act on behalf of the Board except when authorized to do so by official action of the Board.

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

[Reference: Ala. Code §16-11-20 (1975)]

2.3 *Board Member Duties*

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

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

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

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

- a. Select the person to serve as the Chief Executive Officer and Superintendent and to support each person in the discharge of his or her duties;
- b. Select the person to serve as the Chief School Financial Officer;
- c. Select, retain, and utilize legal counsel at Board's expense;
- d. Approve policies relating to the operation of the schools;
- e. Adopt a calendar of school events for each ensuing year, which calendar shall be distributed to the teachers and others as deemed necessary;
- f. Adopt the annual budget, consider and approve payrolls, and approve expenditures of funds as recommended by the Superintendent;

- g. Consider reports of transacted business and its relation to the financial status of the system;
- h. Approve principals and other employees only upon the recommendation of the Superintendent;
- i. Determine salary schedules and other personnel policies;
- j. Consider reports of the Superintendent on the progress of the schools and advise him/her on recommended changes in educational programs;
- k. Adopt plans for structural improvements and determine the means to finance them; and
- l. Inform the citizens of the community and the legislature of the needs of the schools.

2.4 *Board Member Compensation*

Board members may be compensated for their services not to exceed \$600.00 per month and reimbursed for expenses incurred in the performance of their official duties as authorized by law. However, no increase in compensation for members of the Board may be enacted during a fiscal year in which the education trust fund is in proration. Further, no increase in compensation shall take effect during the term of that elected Board. Pay increase and compensation enacted by a Board, may not take effect until the next Board is elected, during the quadrennial municipal elections pursuant to Act #2001-407.

[Reference: Ala. Code §§45-37A-40; 16-1-26 (1975), Alabama Constitution of 1901, Section 281 and Amendment 92]

2.5 *Board Member Training*

2.5.1 General – Bessemer City Board of Education members will pursue ongoing training to develop and enhance their knowledge and effectiveness as Board members, to improve Board governance and operations and to comply with State law. Training will include participation in:

- (a) Local and State orientation for newly elected or appointed school Board members;
- (b) Training or consulting workshop(s) for Board members that focuses on the Board members' roles and responsibilities, student, and school performance standards, and the delineation of each member's role as a public official holding public trust; and
- (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.

2.5.2 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. Board members will provide a report to the Board about training experiences at the next available Board meeting.

- 2.5.3 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.

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

2.6 Board Meetings

- 2.6.1 General Provisions – The Board will hold regular and Specially Called Meetings in accordance with applicable statutory requirements and as dictated by the needs of the School System. All meetings of the Board will be open to the public except as may otherwise be required or permitted by law.

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

- 2.6.2 Time and Place – Public notice of the dates, times, and places of meetings of the Board will be given in the manner prescribed by law. Board members will be given such advance notice of Specially Called Meetings as is practicable under the circumstances.

[Reference: Ala. Code §§16-11-5, 36-25A-1, *et seq.* (1975)]

- 2.6.3 Quorum – Four (4) members of the Board shall constitute a quorum for transaction of Board business at all meetings including but not limited to, Special Called Meetings, Work Sessions, and Board Meetings. Four (4) members of the Board must vote together to pass an item of business before the Board.

[Reference: Ala. Code §§16-11-5, 36-25A-1, *et seq.* 36-25A-2(12) (1975)]

- 2.6.4 Rules of Order – Board Meetings will be conducted in accordance with the most recently revised edition of *Robert's Rules of Order*. No motion or resolution shall be declared adopted without the concurrence of the majority of the whole Board.

A member shall be entitled to the floor only on recognition by the presiding officer. Once a member has been recognized and has taken the floor, he/she shall not be interrupted for any reason other than a call to order; and in such case, the presiding officer shall rule promptly on the point of order and the speaker shall be allowed to proceed if he/she is in order. The presiding officer may impose reasonable limits on debate or remarks, including limiting the number of speakers and their allotted time on either side of an issue.

The member who has made a motion shall be entitled to the privilege of closing debate.

A motion to reconsider may be made by a member who voted on the prevailing side in the original vote. Such motion may be made only at the same meeting or at an adjournment thereof at which the action is taken.

A member shall be entitled to have his or her remarks included in the minutes with the consent of the Chair.

The Chair may direct a synopsis of the debate on any question to be included in the minutes.

[Reference: Ala. Code §16-11-5 (1975)]

- 2.6.5 Voting Method – Board members shall not be represented by proxy at any meeting at any time. All Board members present at meetings shall be authorized to speak on issues, offer and second motions, and vote.

Any matter requiring a vote of the Board shall be voted by open ballot.

A roll call vote may be required by the Chair on matters of extreme importance or at the request of any Board member.

When the roll is called on any question, the silence of a member shall constitute an affirmative vote, unless he/she states that he/she abstains.

- 2.6.6 Community Input at Work Session

The Board will accommodate comments from the community with a community input section on the agenda. Community members must sign in before the Work Session begins. The speaker will adhere to the rules of the Public Participation Policy. The Board shall vest in the Chair or presiding officer of the Board 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 School System. This portion of the Work Session shall not exceed twenty (20) minutes with three (3) minutes per speaker.

2.7 *Superintendent's Responsibilities, Qualifications, and Appointment*

- 2.7.1 Role, Responsibilities, Qualifications, and Term – The Superintendent serves as the Chief Executive Officer of and secretary to the Board. The Superintendent may exercise such prerogatives and duties as are prescribed by statute, as are delegated or specified in an employment contract, or as are otherwise lawfully assigned by the Board. The Superintendent must possess the minimum qualifications for the position that are established by law and such other qualifications as may be specified by the Board. The term of the Superintendent's appointment will be established by contract and may be renewed, extended, or modified, subject to any limitations regarding the extension or renewal of the appointment as are imposed by law.

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

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

2.8 *Recordkeeping and Retention of Board Records*

Board records will be maintained by the Superintendent or his/her designee in the manner and for the length of time required by law. Otherwise, records will be retained and disposed of in accordance with procedures that will include a records retention and destruction schedule to be prepared and promulgated by the Superintendent and approved by the Board.

[Reference: Ala. Code §36-25A-4 (1975)]

2.9 *Association Membership*

2.9.1 Alabama Association of School Boards – The Board will at least maintain membership in the Alabama Association of School Boards.

2.9.2 Conventions, Conferences, Seminars – Members of the Board are encouraged to attend (at the Board's expense) local, state, and national conventions and conferences pertaining to educational improvement of Board members, and to affiliate with and attend conferences and workshops presented by the State and National School Board Associations.

Professional publications and documents of the School System shall be made available to Board members for information and data pertaining to professional development.

2.10 *Board Policy*

2.10.1 Policy Development – The Board shall, upon written recommendation of the Chief Executive Officer, determine and establish a written educational policy for the Board and its employees and shall prescribe rules and regulations for the conduct and management of schools. Before adopting the written policies, the Board shall, directly or indirectly through the Chief Executive Officer, consult with the applicable local employees' professional organization. Input by the applicable professional organization shall be made known to the Chief Executive Officer in writing by the professional organization's duly elected officers or representative. The Chief Executive Officer of the Board may also consult with professional assistants, principals, employees, and other interested citizens. The written policies, rules, and regulations, so established, adopted, or promulgated shall be made available to all persons affected and employed by the Board.

a. Policy Revisions – The Board shall revise policies upon notice of the need to revise, delete, or add to the Policy Manual as indicated in the Board's Procedural Manual addressing Policy Revisal Procedure.

2.10.2 Policy Draft Writer – The Superintendent or designee shall be designated as the policy draft writer for the Board. He/she shall be responsible for recasting Board consensus about policy recommendations into acceptable prose for further deliberation and/or action. After policies have been adopted by the Board, the

policy draft writer shall be responsible for codifying new or revised policies and updating the Board's Policy Manual.

2.10.3 Policy Adoption – The adoption of a policy is the responsibility of the Board. For a policy to be adopted by the Board, it must be recommended by the Superintendent and receive a majority vote of the whole Board. For a policy to be adopted, it must be brought for consideration at a Board Meeting and returned for adoption at a subsequent Board Meeting.

2.10.4 Policy Dissemination – The Board shall direct the Superintendent to establish and maintain an orderly plan for disseminating Board policies and administrative rules and regulations.

Board policies and administrative rules and regulations should be made accessible to all employees of the School System, to members of the Board, to students of the School System, and to members of the community.

2.10.5 Administration in Policy Absence – The Superintendent shall have the power to act in cases where the Board has not provided policy statements to guide administrative action. However, his or her decisions shall be subject to review of the Board. It shall be the duty of the Superintendent to inform the Board promptly of such action and of the need for policy.

2.10.6 Suspension of Policy – The Board may suspend a policy upon the recommendation of the Superintendent and a majority vote of the Board.

2.11 Code of Conduct

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

I. CODE OF INDIVIDUAL

- a. Attend and participate in regularly scheduled and specially called Board Meetings.
- b. Read and prepare in advance to discuss issues to be considered on the Board agenda.
- c. Recognize that the authority of the Board rests only with the Board as a whole and not with individual Board members.
- d. Uphold and enforce applicable laws, rules and regulations of the local Board and the State Board of Education, and court orders pertaining specifically to the School System.
- e. Render all decisions based on available facts by exercising independent judgment instead of the opinion of individuals or special interest groups.

- f. Work with other Board members and the Superintendent to establish effective policies to further the educational goals of the School System.
- g. Make decisions on policy matters only after full consideration at public Board Meetings.
- h. Comply with the requirements of Ala. Code §16-1-41.1.
- i. Communicate in a respectful, professional manner with and about fellow Board members and the Superintendent.
- j. Take no action that will compromise the Board or School System administration.
- k. Refrain from using the position of school Board member for personal or partisan gain or to benefit any person or entity over the interests of the School System.
- l. Inform the Superintendent and fellow Board members of business relationships or personal relationships for any matter that will come before the Board.
- m. Abstain from voting on or seeking to influence personnel or other actions involving family members or close associates or private interests.
- n. Communicate to the Board and the Superintendent public reaction to Board policies and school programs.
- o. Advocate for the needs, resources, and interests of the public school students and the School System.
- p. Safeguard the confidentiality of nonpublic information.
- q. Show respect and courtesy to staff members.

II. CONDUCT OF INDIVIDUALS AT BOARD MEETINGS

- a. Work with other Board members in a spirit of harmony and cooperation in spite of differences of opinion that may arise during the discussion and resolution of issues at Board Meetings.
- b. Take actions that reflect that the first and foremost concern is for the educational welfare of all students attending system schools.
- c. Make decisions in accordance with the interests of the School System as a whole based on system finances available to accomplish educational goals and comply with the School Fiscal Accountability Act.
- d. Abide by and support all majority decisions of the Board.
- e. Act on personnel recommendations of the Superintendent in a timely manner, particularly when there are financial implications of such decisions.
- f. Approve operating budgets and budget amendments that are aligned with system goals and objectives and are fiscally responsible.
- g. Honor and protect the confidentiality of all discussions during Executive Sessions of the Board.

III. CONDUCT OF THE BOARD AS A WHOLE

- a. Recognize that the Superintendent serves as the Chief Executive Officer and secretary to the Board and should be present at all meetings of the Board except when his or her contract, salary or performance is under consideration.

- b. Honor the Superintendent's authority for the day-to-day administration of the School System
- c. In concert with the Superintendent, regularly and systematically communicate Board actions and decisions to students, staff and the community.
- d. Review and evaluate the effectiveness of policies and programs to improve system performance.
- e. Develop, in concert with the Superintendent, the vision and goals for the School System to address student needs, advance student performance, and monitor the implementation of policies and programs.
- f. Provide opportunities for all members to express opinions prior to Board action.

[Reference: Ala. Code. §16-1-14.1 (1975)]

III. Fiscal Management

3.1 Chief School Financial Officer

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

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

3.2 Budget

A budget will be developed and approved for each fiscal year, which extends from October 1st to September 30th 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. Budgets will be “balanced” such that the expenditures set forth in the budget for the fiscal year will not exceed revenues and any cash balances on hand.

The Board shall hold at least two (2) open public hearings pertaining to its proposed annual budget, for the purpose of seeking input from the public concerning the proposed budget and the allocation of its resources. After at least two (2) hearings have been held, the Board shall adopt a final budget, and make copies of such available to the general public upon request.

3.2.1 Hearing Procedure

1. Each hearing shall be held during a scheduled Board Meeting in a place and in a time convenient for the general public to attend, and publicized in a manner conforming to the requirements of Alabama’s Open Meetings Act. In addition, notice of each hearing shall be posted in a conspicuous place at the Board’s Central Office, the Jefferson County Courthouse, Bessemer Division, the Bessemer City Hall, and at each school. Ala. Code §36-25A-1, *et seq.* (1975).
2. Copies of the proposed budget shall be provided to the public at each hearing on forms provided by the State Department of Education. The projected student enrollment and the total proposed expenditures for each school shall be available at each hearing.

3.2.2 Proposed Budget Procedure

The proposed budget shall reflect the total amount of resources available to the Board from all funding and revenue sources, and specifically, shall clearly delineate the following:

1. The number of teachers, librarians, counselors, administrators and other support personnel projected to be employed at each school;
2. The operating costs by category or function at each school; and

3. The operating resources earned at each school, including, but not limited to, those items contained in the Instructional Support Program of the Foundation Program, designating the amount of funds earned at each school per item based on average daily membership (ADM).

3.2.3 Restrictions

The Board shall not approve any budget for any fiscal year which shall show expenditures in excess of income estimated to be available by the various state and other officials, as required in Ala. Code §§16-13-141 and 16-13-142 (1975), plus any balances on hand, except under conditions set forth by the laws of the state governing the issuance of school warrants.

[Reference: Ala. Code §16-13-140, *et seq.* (2003)]

3.3 *Accounting*

Generally accepted accounting standards and procedures will be employed in the administration of all Board and school finances. All Board and school accounts will be reconciled to financial records. All reports required by the State Department of Education will be completed in a timely manner with copies provided to Board members.

3.4 *Finance Manual Authorized*

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

[Reference: Ala. Code §16-13A-1 (1975)]

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

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

- a. The General Fund is used to account for and report all financial resources not accounted for and reported in another fund.

- b. Special Revenue Funds are used to account for and report the proceeds of specific revenue sources that are restricted or committed to expenditure for specified purposes other than debt service or capital projects.
- c. Debt Service Funds are used to account for and report financial resources that are restricted, committed, or assigned to expenditure for principal and interest, even if it is being accumulated for future years' payments. Debt Service Funds should be used to report resources if legally mandated.
- d. Capital Projects Funds are used to account for and report financial resources that are restricted, committed, or assigned to expenditure for capital outlays, including the acquisition or construction of capital facilities and other capital assets.

3.5.2 Fund Balances – Fund balances will be reported in governmental funds under the following five (5) categories using the definitions provided by GASB Statement No. 54:

- a. Nonspendable fund balances include amounts that cannot be spent because they are either (a) not in spendable form; or (b) legally or contractually required to be maintained in-tact. Examples of nonspendable fund balance reserves for which fund balance shall not be available for financing general operating expenditures include: inventories, prepaid items, and long-term receivables;
- b. Restricted fund balances consist of amounts that are subject to externally enforceable legal restrictions imposed by creditors, grantors, contributors, or laws and regulations of other governments; or through constitutional provisions or enabling legislation. Examples of restricted fund balances include: restricted grants;
- c. Committed fund balances consist of amounts that are subject to a purpose constraint imposed by formal action of the Board before the end of the fiscal year and that require the same level of formal action to remove the constraint;
- d. Assigned fund balances consist of amounts that are intended to be used by the School System for specific purposes. The Board authorizes the Superintendent or Chief School Finance Officer to make a determination of the assigned amounts of the fund balance. Such assignments may not exceed the available (spendable, unrestricted, uncommitted) fund balance in any particular fund. Assigned fund balances require the same level of authority to remove the constraint; and
- e. Unassigned fund balances include all spendable amounts not contained in the other classifications. This portion of the total fund balance in the general fund is available to finance operating expenditures.

3.5.3 Priority – When expenditure is incurred for purposes for which both restricted and unrestricted (committed, assigned, or unassigned) amounts are available, it shall be the policy of the Board to consider restricted amounts to have been reduced first. When an expenditure is incurred for the purposes for which amounts in any of the unrestricted fund balance classifications could be used, it shall be the policy of the Board that committed amounts would be reduced first, followed by assigned amounts and then unassigned amounts.

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

3.6 *Audits*

Business and financial transactions of the Board and the records of Board financial accounts will be audited in accordance with State law and appropriate auditing and accounting standards.

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

3.7 *Inventories*

The Superintendent is required to establish effective procedures to account for all materials, equipment, and other Board property. These procedures will include an annual inventory and evaluation of tangible Board property (including fixed assets and supplemental property), to be completed no later than the end of each fiscal year, with appropriate reports submitted to the Superintendent and Chief School Financial Officer. Inventories will be kept on forms prescribed or approved by the Chief School Financial Officer. Inventory forms will show items on hand at the beginning of the fiscal year, items lost, items disposed of, items purchased or otherwise added during the year, and items on hand at the end of the fiscal year.

[Reference: Ala. Code §§16-13A-1(2); 16-13A-6(a)(6) (1975)]

3.8 *Purchasing*

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

3.9 *Deposit and Expenditure of Funds*

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

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

- 3.9.3 Expenditures – The Superintendent or his/her designee may spend funds budgeted for operations without prior Board approval unless the expenditure involves a personal services contract or capital outlay, or is subject to the bid law.

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

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

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

- 3.9.5 Authorized Signatures – Checks drawn on the general fund or any special fund require the signatures of the Superintendent and the Chief School Financial Officer or their alternates as designated by the Board. All checks used will be prenumbered. Checks drawn on Board funds may be signed and processed by electronic means, under the direction of the Chief School Financial Officer or Superintendent.

- 3.9.6 Consultants – The Board may employ consultants to assist the Board and its employees. The services of such consultants may be secured without competitive bids. Terms of employment for consultants shall be fixed by the Board.

The administrative and supervisory staff of the Board shall encourage the use of professional consultants from the State Department of Education, colleges, universities, and other sources when such consultative services will be helpful in the improvement of the instructional management program in the System. All consultants must be approved by the Superintendent and the Board prior to the invitation and arrangement for visitation by such person or persons to the School System.

3.10 *Employee Compensation*

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

[Reference: Ala. Code §16-13-231.1 (1975)]

- 3.10.2 Local Supplements – School-related booster or support organizations may fund local supplements if the Board approves such supplemental payments. Such payments may be approved only if the following conditions are satisfied:

- a. The payment is voted on and approved by the membership of the booster or support organization that proposes to fund the supplement at a regular meeting of the organization;
- b. Funding for the payment must be sufficient to cover benefits, expenses, and other payroll costs, contributions, and liabilities, if any;
- c. Sufficient unobligated funds are on hand to provide the supplemental payment;
- d. A check and letter of authorization for the payment is sent to the Board no later than the payroll cutoff date for the month in which the payment is to be made;
- e. Such local supplements shall be paid with the understanding that they do not constitute a part of any employment contract, salary schedule, or legal obligation that is enforceable against the Board, and that the Board has no continuing obligation to maintain supplemental payments to any employee that are provided, funded, or underwritten by a booster club, support organization, or similar third party; and
- f. The payments are subject to any payroll deductions that are required by law.

3.10.3 Salary Administration – Employees are expected to fulfill the work requirements of the position held for the full term of their appointment. Compensation will be prorated to reflect the number of days actually worked, subject to appropriate adjustments, credits, and allowances for available leave. Salaries for full time employees will be paid over twelve (12) months, regardless of the contract term. Personnel will be paid in accordance with customary payroll procedures, which may be modified from time to time as the needs of the system require. No employee is entitled to compensation except for work performed by the employee in accordance with an approved contract or the applicable terms of appointment. Compensation may be withheld pending the employee’s timely, accurate, and complete submission of all required records, data, and reports.

3.10.4 Salary Deductions

The School System shall make all salary deductions required by law. In no cases will the School System make other deductions unless approved, in writing, by the employee.

Federal and State Income Deductions

The School System will deduct federal and state income tax from all employees in accordance with law. Each employee of the School System shall file with the Superintendent all necessary income tax withholding forms when initially employed and when adjustments are necessary.

FICA- Social Security Deductions

The School System will deduct FICA tax from all employees in accordance with the law.

Teacher Retirement Deductions

The School System will deduct teacher retirement contributions from all employees eligible for participation in the State Teacher Retirement System. Said deduction shall be made in accordance with the law.

Insurance and Annuity Deductions

The School System will make deductions for specified insurance and annuity plans as a service to employees. Said deductions shall be made in accordance with administrative rules and regulations filed under this cover.

Other Deductions

The School System may make other deductions as a service to employees when requested, in writing, by the employee and approved by the Superintendent.

SALARY DEDUCTIONS - PROCEDURE AND REGULATIONS

General Policy

The Board shall provide for deductions from the salaries of its employees. Any employee requesting salary deductions other than membership dues or voluntary contributions must complete a Salary Deduction Request Form, indicating the total monthly amount to be deducted from his or her salary, and file the form in the Superintendent's office. The deductions shall be made from salaries earned in at least nine (9) different pay periods and shall be remitted to the appropriate company, association, or organization as specified by the employee within ten (10) days following each deduction. Deductions may be made for, but not limited to, savings plans, tax sheltered annuities, the Public Employees' Individual Retirement Account Fund, membership dues, voluntary contributions, and group insurance premiums where permissible. New authorizations for deductions of dues, voluntary contributions, or employee savings plans, must be submitted to the payroll office and deductions shall begin with the next pay period following the receipt of authorization. Upon termination of employment, any amounts owed under authorization of the employee shall be deducted from the employee's final pay check. When amounts have been correctly deducted and remitted by the Board, the Board shall bear no further responsibility or liability for subsequent transactions.

Membership Dues and Voluntary Contributions

Deductions for membership dues and voluntary contributions shall be made based upon membership lists and forms provided to the Board by the employee's organization where permissible. Such lists are to be corrected, updated, and returned to the employee's designated organization(s) not later than November 10th of each school year. Authorized deductions for membership dues and voluntary contributions shall be deducted for each succeeding year, unless the employee revokes the deductions in writing on or before September 15th of the year. An employee desiring to revoke his or her

voluntary contributions may do so by providing thirty (30) days notice of such to the Superintendent's office.

[Reference: Ala. Code §§16-22-6; 17-17-5 (1975)]

- 3.10.5 Minimum Wage and Overtime – The Board recognizes the requirements of the Fair Labor Standards Act of 1938 and its amendments. The Board expresses its intent to comply with the Act and authorizes the Superintendent to take the necessary steps to assure that the Board is in compliance with the Act.

The Superintendent is authorized by the Board to determine the need for overtime work, negotiate with employees for overtime work and to compensate them in funds and/or compensatory time in accordance with the Fair Labor Standards Act requirements.

[Reference: 29 U.S.C. §§201-219]

- 3.10.6 Compensatory Time – Compensatory time is prohibited by the Board unless the Superintendent has identified specific activities for which such time may be granted. When activities which will accrue compensatory time are identified by the Superintendent, written approval will be provided to the affected non-exempt employee(s) prior to the time that the work is initiated that will accrue such time. The written approval, which may be provided only by the Superintendent, will identify the specific dates that compensatory time may be taken.

All compensatory time shall meet the guidelines of the Fair Labor Standards Act of 1938 as amended.

3.11 *Expense Reimbursement*

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

3.12 *Fees, Payments, and Rentals*

- 3.12.1 Facility Use Fees – The Superintendent is authorized to develop, subject to state and federal laws, a schedule of reasonable fees for use of Board facilities and property by individuals, groups, or organizations that shall be effective upon approval by the Board.

- 3.12.2 Copying and Other Charges – The Superintendent is authorized to establish a schedule of reasonable charges which, upon approval by the Board, will be applied uniformly in response to requests for copies of documents and records. Nothing in this policy or in any schedule of charges authorized hereunder creates

or expands any entitlement to copies of records or access thereto beyond that which is established by law or specific Board policy.

3.13 *School Accounts*

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

3.14 *Authority to Execute Contracts*

3.14.1 General Authority – The President of the Board, or, in the absence of the president, the vice-president, will have authority to execute contracts on behalf of the Board upon approval of the contract by the Board. The Board may also authorize the Superintendent to execute contracts on behalf of the Board as its Chief Executive Officer.

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

3.15 *Affiliated Organizations*

3.15.1 School Sponsored Organizations – School-sponsored student organizations will be subject to Board policies and procedures concerning fiscal management and will maintain organization funds in school accounts. All books, records, and official documents pertaining to the management of such organizations will be maintained at the local school and will be subject to examination and audit by the Board or the principal. The use of funds collected, generated, or held by such organizations will be determined in accordance with the constitution, charter, or by-laws of the organization, with oversight by the sponsor of the organization, and subject to approval of the principal.

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

3.16 *Fundraising*

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

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

[Reference: Ala. Code §§16-13-13; 16-10-6 (1975)]

3.17 *Child Nutrition Procurements*

The Superintendent may enter into a written agreement with the Alabama Department of Education Child Nutrition Program in order to procure food and other food related products and services. The Board will comply with applicable state and federal laws and regulations governing participation in such Child Nutrition Program.

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

3.18 *Classroom Instructional Support*

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

[Reference: Ala. Code §16-1-8.1(b)(7) (1975).]

IV. General Administration

4.1 *Security / Access to Schools*

- 4.1.1 Security Measures Authorized – The Superintendent, principals, and facility administrators are authorized to take reasonable and lawful measures to protect against personal injury, trespass, vandalism, theft, and like threats to personal safety, property damage, and financial loss to or on Board property or at school functions and activities. The Superintendent should be made aware of any extraordinary or special measures that may be proposed in anticipation of or in response to any unusual security threat or risk (e.g., unusual surveillance, assignment of additional security personnel).
- 4.1.2 Access Restrictions Authorized – The Superintendent, principals, and facility administrators are authorized to regulate and restrict access to Board schools, buildings, and facilities in order to maintain appropriate security, minimize disruption and distraction within the learning environment, or to avoid a potential risk of harm to a student or employee. To that end, the Superintendent, principals, and facility administrators are authorized to implement building-level requirements and procedures governing access to Board owned or controlled buildings, grounds, property, events, and activities by school and non-school personnel, including family members and relatives, vendors, attorneys, and other visitors, and to adopt “check-in” and “check-out” requirements and procedures for students and employees.

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

- 4.2.1 Prohibition on the Possession of Firearms – The possession of a firearm in a school building, on school grounds, on Board property, on school buses, or at school-sponsored functions is prohibited except for authorized law enforcement personnel and as provided by law. For purposes of this policy, the term “firearm” has the same definition as is found in 18 U.S.C. §921 (a) (3).
- a. *Penalties for violations* – In addition to any criminal penalties that may be imposed, the following penalties will be imposed for unauthorized possession of firearms:
1. *Students* – Students will be expelled for a period of one (1) year. The expulsion requirement may be modified in writing by the Board upon recommendation of the Superintendent on a case-by-case basis. Students who are expelled for firearm possession may not attend regular school classes, but may be permitted to attend alternative schools or education programs established by the Board. Discipline of students with disabilities who violate the firearm possession policy will be determined on a case-by-case basis in accordance with federal and State law. Parents of students who violate this policy will also be notified by the principal of violations.

2. *Employees* – Employees will be subject to adverse personnel action, which may include termination.
 3. *Other Persons* – Other persons may be denied re-entry to school property.
- b. *Notification of Law Enforcement* – The appropriate law enforcement authority, which may include the city police, county sheriff, and the local district attorney, will be notified by the principal of violations of this policy.

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

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

- a. *Penalties for Violations* – In addition to any criminal penalties that may be imposed, the following penalties will be imposed for unauthorized possession of deadly weapons or dangerous instruments:
1. *Students* – Students will be disciplined in accordance with the Board’s Code of Student Conduct.
 2. *Employees* – Employees will be subject to adverse personnel action, which may include termination.
 3. *Other Persons* – Other persons may be denied re-entry to school property.
- b. *Notification of Law Enforcement* – The appropriate law enforcement authority, which may include the city police, county sheriff, and the local district attorney, will be notified by the principal of violations of this policy.

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

4.2.3 Illegal Drugs and Alcohol – The use, possession, distribution, and sale of alcohol and the illegal use, possession, distribution, and sale of drugs in a school building,

on school grounds, on Board property, on school buses, or at school-sponsored functions is prohibited.

- a. *Penalties for Violations* – In addition to any criminal penalties that may be imposed, the following penalties will be imposed for unauthorized possession of illegal drugs or alcohol:
 1. *Students* – Students will be disciplined in accordance with the Board’s Code of Student Conduct.
 2. *Employees* – Employees will be subject to adverse personnel action, which may include termination.
 3. *Other Persons* – Other persons may be denied re-entry to school property.
- b. *Notification of Law Enforcement* – The appropriate law enforcement authority, which may include the city police, county sheriff, and the local district attorney, will be notified by the principal of violations of this policy.

4.2.4 Tobacco – The use of tobacco products and the illegal possession, distribution, and sale of tobacco products on school property is prohibited.

- a. *Penalties for Violations*
 1. *Students* – Students who violate the tobacco prohibition will be disciplined in accordance with the Board’s Code of Student Conduct.
 2. *Employees* – Employees who violate the tobacco prohibition will be subject to adverse personnel action in accordance with state statute and Board policy.
 3. *Other Persons* – Other persons who violate the tobacco prohibition may be denied re-entry to school property.
- b. *Parental Notification* – Parents and guardians may be notified of actual or suspect violations of the tobacco prohibition whether or not the student is charged with a violation of Board policy, which includes the Code of Student Conduct.

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

4.2.5 Searches – Law enforcement agencies are permitted to make periodic visits to all schools to detect the presence of illegal drugs or weapons and may use any lawful means at their disposal to detect the presence of such substances. The visits will be unannounced to anyone except the Superintendent and principal.

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

4.2.6 Drug and Alcohol Free Environment – All students, employees, volunteers, parents, visitors, and other persons are prohibited from possessing, using, consuming, manufacturing, or distributing illegal controlled substances and alcohol while on Board property or while attending any Board sponsored or sanctioned event, program, activity, or function. Persons who are intoxicated or impaired by the use, consumption, or ingestion of any illegal controlled substance or alcohol are not permitted to be on school property, or to attend or participate in any Board sponsored or sanctioned event, program, activity, or function.

[Reference: Ala. Code §§16-1-24.1, 25-5-330 (1975)]

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

4.3 *Accreditation*

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

4.4 *Use of Board Property*

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

4.4.2 Public Use of Board Facilities – Rules and Regulations

Applications for Permits to Use School Facilities

It is the intent of the Bessemer City Board of Education to make our school facilities available to improve the quality of life in our community. Non-school groups or organizations wishing to use school facilities should make written application at least thirty (30) days before the proposed date of use with the Board approval. Application forms may be secured from the principals' office. The completed application shall be submitted to the principal of the school which is desired for use, who shall note thereon his approval or disapproval and promptly transmit the same to the office of the Superintendent. The Superintendent shall notify each applicant and the principal of approval or disapproval of the application as quickly as possible.

The school principal shall be responsible for keeping or maintaining a schedule of meetings, events, or activities carried on in a particular school and shall advise the Superintendent if any proposed or desired non-school use conflicts with regularly or specially scheduled school activities.

Should a conflict arise between a scheduled non-school use and regular or specially scheduled school activity, the Board expressly reserves the right to cancel or withdraw its permit previously granted for such non-school use.

All required fees must be paid prior to use of the facility. Payments will be accepted at the school that's being leased by cashier's check or money order along with a copy of the application within 14 days prior to the event. An application will not be binding upon the school district until fees are paid.

Time of Use

The school principal is responsible for scheduling events associated with the building and campus. No events may be scheduled without his/her expressed consent.

Presence of School Employees at Meetings Held on School Property

The Principal, his/her designated representative, or a qualified member or members of the custodial staff shall be present and in the building as deemed necessary by the principal during the time of any meeting held in the school or on its premises. It shall be the duty of the school employee to inspect the buildings and grounds after each meeting before locking the building. No one shall be allowed to operate or adjust equipment in a building unless approved by the Principal.

Damages and Liabilities

Those applying for use of school facilities must, as a condition of use, guarantee the immediate and full payment to the Board of any damage to, or destruction of, any school property occurring in connection with, or incidental to, its use thereof. The School District may require a performance bond be posted prior to the signing of the contract.

Applicants must also, as a condition of use, assume full liability for personal injuries arising from use of the facility for the particular rental period. The School District will require the signing of a hold harmless release by renting parties prior to signing of the contract.

General Conditions of Use

1. When school facilities are being used by non-school groups, no fixed school property shall be moved. Anyone in violation of this rule shall be denied further use of school facilities and held liable for any charges in returning property to its original place or position.
2. Soft drinks may be allowed for sale and consumption in school buildings, upon approval of the Principal. Soft drinks must be dispensed in a paper, aluminum or plastic container and consumed only in lobbies, or designated rest areas. State laws and city ordinances relating to school properties (controlling smoking and alcoholic drinks) will be strictly observed and enforced. No food or drink shall be allowed in the School Auditoriums under any circumstances.
3. Before any non-school group shall be allowed the use of a facility it shall be furnished copies of all policies, rules and regulations pertaining to use of school facilities. No agreement for use of school facilities shall be made until a statement is signed by a representative of the group indicating that such group understands fully all policies, rules and regulations governing use of school facilities and agrees to abide by same.

4. The issuance of a permit to use school facilities does not constitute Board endorsement of beliefs or opinions of the group.
5. It shall be the responsibility of persons or organizations using school buildings or grounds for any purpose to see that scheduled activities are confined to the areas for which a permit has been granted. Misconduct, violation or rules and regulations, or abuse of school property shall be deemed sufficient reason for canceling existing permits issued to that organization and/or denying the request for future permits.
6. School employee must be on duty to turn off lights, set alarms, and lock up building.

Use Fees

1. The fees for use of school facilities shall be reviewed annually by the Board of Education.
2. The Board of Education may require at its sole discretion the employment of special services to assure adequate protection of individuals, facilities and equipment. Costs for these services are not covered in the base rental fee and shall be paid by the user.
3. No fee shall be charged to school-related groups such as booster clubs, PTA, or any educational Professional Organizations. In order to avoid conflicts, all groups are encouraged to submit a schedule of meetings for the year at the beginning of each school year.
4. The City of Bessemer and City affiliated agencies holding cultural and educational events may use school facilities at no cost except those costs associated with required Board of Education staff or use of Board equipment. (If significant expenses are incurred due to operation of utilities during non-school hours the agency using school facilities may be asked to offset these costs.)

Rental fees for all other groups are as follows:

	<u>1st Hour</u>	Each Additional <u>Hour</u>
Bessemer City High School Auditorium	\$200.00	\$100.00
Bessemer City High School Gymnasium	\$200.00	\$100.00
Bessemer City High School Tiger Stadium	\$300.00	\$200.00
Other School Gymnasium	\$200.00	\$100.00
Elementary Auditorium	\$200.00	\$100.00

Rental fee does not include reimbursement to the Board of Education for the cost of required staff or equipment usage.

Such fees will be charged as follows:

- a. Certified staff as deemed necessary \$25/hour paid to the employee plus an additional \$5/hour paid to the Board to cover benefits for a total of \$30.
- b. Janitorial/Food service staff \$23/hour paid to the employee plus an additional \$5/hour paid to the Board to cover benefits for a total of \$28.
- c. Lighting and Sound director \$25/hour paid to the employee plus an additional \$5/hour paid to the Board to cover benefits for a total of \$30.

(In the event volunteer student helpers are not available, the using agency will be responsible for providing necessary assistants for the Lighting and Sound director.)

Employees will not be paid until money is received from the school.

LEGAL REF.: Board Policy as Revised October 20, 1975; Handbook -- Rules and Regulations, Bessemer City Schools

4.4.3 Advertising – Board property will not be used for commercial advertising except upon such terms and conditions as may be expressly approved by the Board.

4.5 *Naming Board Facilities*

No facility, property, building, or part thereof, under the control of the Board will be named after or for any living person or for any person who has been deceased for fewer than two years.

4.6 *Complaints and Grievances*

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

4.6.2 Limitations Regarding Availability and Application of General Complaint/Grievance Policy – The general complaint/grievance policy and any procedures adopted thereunder do not apply to specific complaint or grievance policies and procedures that are established by Board policy or law for application to special factual or legal circumstances (e.g., sexual harassment grievance procedures; review of personnel matters under the Students First Act; and “due

process” hearings provided under the Individuals with Disabilities Education Act). In such instances, the specific statutory, regulatory, or policy-based process is the applicable procedure. The general complaint/grievance procedures that are authorized under the terms of this policy may not be invoked for the purpose of challenging or seeking review or reconsideration of adverse personnel decisions that have received final Board approval. A grievance may be based on an alleged misapplication of Board policies, regulations, or procedures, but may not be used to challenge the Board’s exercise of its discretion to adopt, approve, modify, or repeal a policy, regulation, or procedure or on its failure to exercise such discretion (e.g., adoption of a school calendar, compensation policies, etc.).

- 4.6.3 Student Complaints and Grievances – Complaints, grievances, and requests for corrective action may be brought to the attention of the Board by or on behalf of students with respect to academic, athletic, extracurricular, or other non-disciplinary matters, issues, and concerns only after reasonable efforts to resolve the matter at the school and administrative levels have been exhausted. The Superintendent is authorized to develop specific procedures that will provide for fair consideration and orderly review of such complaints and grievances. Such procedures will not unreasonably burden or delay the presentation or processing of the complaint or grievance and will be subject to review and approval by the Board. Administrative judgments concerning academic or curricular matters or participation in extracurricular activities may be set aside by the Board only upon a showing that the action or decision in question is arbitrary and capricious, fundamentally unfair, or that it violates Board policy or the student’s legal rights.
- 4.6.4 Student Disciplinary Matters – The Board may consider appeals of student disciplinary decisions or actions in accordance with standards and procedures specified in the Code of Student Conduct.
- 4.6.5 Americans with Disabilities Act Complaint Procedure
 - a. *Complaint Criteria* – Persons who believe that they have been discriminated against on the basis of disability in the provision of services, activities, programs, or benefits covered by Title II of the Americans with Disabilities Act may file a written complaint with the ADA Coordinator.
 - b. *Complaint Form* – The complaint should be in writing and contain information about the alleged discrimination including the name, address, phone number of complaining party and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint, will be made available for persons with disabilities upon request.
 - c. *Complaint Process* – The complaint should be submitted to the ADA Coordinator as soon as possible, but no later than thirty (30) days after the alleged violation. The ADA Coordinator will meet with the complaining party to discuss the complaint and possible resolutions. Within fifteen (15) calendar days of the meeting, the ADA Coordinator will respond in

writing, and where appropriate, in a format accessible to the complaining party, such as large print, braille, or audio tape. The response will explain the position of the Board and offer options for substantive resolution of the complaint.

- d. *Appeal Procedure* – If the response by the ADA Coordinator does not satisfactorily resolve the issue, the complaining party may appeal the decision within fifteen (15) calendar days after receipt of the response to the Superintendent. Within fifteen (15) calendar days, the Superintendent will respond in writing, and where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.
- e. *Records Retention* – All written complaints received by the ADA Coordinator, appeals to the Superintendent, and records relating thereto will be retained by the Board for at least three (3) years.
- f. *Additional Procedures Authorized* – The Superintendent is authorized to develop such procedures as are necessary to implement this policy.

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

4.6.6 Anti-Discrimination Policy

I. Statement of Policy

It is the policy of this Board to maintain a safe and civil learning environment that is free from unlawful discrimination, harassment, or bullying due to race, color, ethnicity, national origin, sex, age, or disability. The Board prohibits any and all forms of discrimination, harassment, and bullying because of race, color, national origin, sex, age, or disability in any of its educational or employment activities.¹

It shall be a violation of the Board's policy for any student, teacher, administrator or other school personnel to discriminate, harass, or bully a student through conduct of a sexual nature or regarding race, color, ethnicity, national origin, gender, age, or disability as defined by this policy.

It shall also be a violation of the Board's policy for any teacher, administrator or other school personnel to tolerate sexual harassment or discrimination because of a student's race, color, ethnicity, gender, or disability.

The School District will act promptly to investigate all complaints, formal or informal, verbal or written, of harassment because of race, color, ethnicity,

¹ This policy should not be read to abrogate other Board and School System policies prohibiting other forms of unlawful discrimination or inappropriate behavior. The Board's intent is for all such policies to be read consistently to provide the highest level of protection from unlawful discrimination in the provision of educational services and opportunities.

gender, or disability and will promptly take appropriate action to protect individuals from further harassment.

If the School District determines that unlawful discrimination or harassment has occurred, the Board will promptly and appropriately discipline any student, teacher, administrator or other school personnel who is found to have violated this policy, and/or to take other appropriate action reasonably calculated to end the discrimination or harassment.

The Board shall determine whether a response beyond the individual level is appropriate to eliminate a hostile environment. Considerations include the nature and severity of the misconduct to determine whether a classroom, school-wide, or school system-wide response is necessary. Such classroom, school-wide, or school system-wide responses may include staff training, discrimination, harassment and bullying prevention programs, and other measures deemed appropriate by the Superintendent to address the behavior.²

II. Applicability of Policy

This policy prohibits unlawful discrimination, harassment and bullying by students, teachers, administrators, other school personnel, and visitors. For purposes of this policy, “other school personnel” shall include school Board members, school employees, agents, volunteers, vendors, contractors, or persons subject to the supervision and control of the Board.

This policy applies to behavior that takes place:

1. In any school building or on any school premise before, during or after school hours;
2. On any bus or other vehicle as part of any school activity;
3. At any bus stop;
4. During any school-sponsored activity or extracurricular activity;
5. At any time or place when the individual is subject to the authority of school personnel;
6. While using any electronic equipment owned, serviced, maintained, leased or paid-for by the School District, including but not limited to, websites, telephones, computers or computer servers; and
7. At any time or place when the behavior has a direct and immediate effect on maintaining order and discipline in the schools.

III. Definitions

For purposes of this policy, the following definitions apply:

² This policy made pursuant to the requirements of 42 U.S.C. §2000d; 20 U.S.C. §1681 et seq.; 29 U.S.C. §91 et seq.; 42 U.S.C. §§12131-12134.

1. Discrimination

Discrimination means any act or failure to act that unreasonably or unfavorably differentiates the treatment of others based solely on their membership in a socially distinct group or category, such as race, color, ethnicity, national origin, sex, pregnancy, religion, age or disability. Discrimination may be intentional or unintentional.

2. Harassment and Bullying

Harassment and bullying behavior is any pattern of gestures or written, electronic or verbal communications, or any physical act or any threatening communication that:

- (1) Places a student or school employee in actual and reasonable fear of harm to his or her person or damage to his or her property; or
- (2) Creates or is certain to create a hostile environment by substantially interfering with or impairing a student's educational performance, opportunities or benefits.

3. Hostile Environment

Hostile environment means that the victim subjectively views the conduct as harassment or bullying and that the conduct is objectively severe or pervasive enough that a reasonable person would agree that it is harassment or bullying. A hostile environment may be created through pervasive or persistent misbehavior or a single incident, if sufficiently severe.

4. Prohibited Acts

4.1 Discrimination, Harassment, or Bullying Based on Sex

This policy includes discrimination, harassment or bullying based on conduct of a sexual nature and gender.

4.1.1 Sexual Harassment

Sexual harassment of a student consists of any unwelcome and unsolicited sexual advances, requests for sexual favors, sexually motivated physical conduct, or other verbal or physical conduct or communication of a sexual nature when:

- (1) The conduct causes a student to believe that he or she must submit to the unwelcome sexual conduct in order to participate in a school program or activity;

- (2) The conduct causes a student to believe that an educational decision or evaluation of the student's progress will be based on whether or not the student submits to the unwelcome sexual conduct; or
- (3) The unwelcome sexual conduct is so severe, persistent or pervasive that it affects a student's ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, abusive, or hostile educational environment.

Sexual harassment conduct includes, but is not limited to: deliberate, unwelcome touching that has sexual connotations or is of a sexual nature; suggestions or demands for sexual involvement accompanied by implied or overt promises of preferential treatment or threats; pressure for sexual activity; continued or repeated offensive sexual flirtations, advances, or propositions; continued or repeated verbal remarks about an individual's body; sexually degrading words used towards an individual or to describe an individual; or the display of sexually suggestive drawings, objects, pictures or written materials.

4.1.2 Gender-Based Discrimination

Gender-based discrimination is unwelcome verbal, nonverbal or physical aggression, intimidation or hostility based on sex or sex stereotyping, but not involving conduct of a sexual nature. Examples of conduct that may constitute gender-based discrimination include: sexist statements; insulting or degrading comments towards one gender; and negative name-calling or imitating mannerisms when an individual does not fall within the offender's view of masculinity or femininity.

Acts of verbal, nonverbal or physical aggression, intimidation or hostility based on sex, but not involving sexual activity or language, standing alone, may constitute gender-based discrimination. Such acts may also be combined with incidents of sexually harassing conduct to determine if the incidents of sexually harassing conduct are sufficiently serious to create a sexually hostile environment.

4.2 Discrimination, Harassment, or Bullying Based on Race

Racial discrimination, harassment or bullying consists of verbal or physical conduct relating to an individual's race or color, when:

- (1) The conduct is sufficiently severe, persistent or pervasive that it affects a student's ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, abusive, or hostile educational environment;
- (2) The conduct has the purpose or effect of substantially or unreasonably interfering with an individual's academic performance;
or
- (3) The conduct otherwise adversely affects an individual's learning opportunities.

Examples of conduct which may constitute harassment because of race or color include, but are not limited to: derogatory name calling, use of words, names or labels of a historically, racially-insensitive nature, jokes or rumors based on race; nicknames emphasizing stereotypes, racial slurs, comments on manner of speaking, and negative references to racial customs; graffiti containing racially sensitive language; threatening or intimidating conduct directed at another because of the other's race or color; written or graphic material containing racial comments or stereotypes which is posted and circulated and which is aimed at degrading individuals or members of protected classes; a physical act of aggression or assault upon another because of, or in a manner reasonably related to, race or color; and other kinds of aggressive conduct such as theft or damage to property which is motivated by race or color.

IV. Reporting Procedures

Any student who believes he or she has been the victim of sexual harassment or harassment and/or discrimination based on race, color, ethnicity, national origin, gender, age, or disability by a student, teacher, administrator or other school personnel of the School District, or by any other person who is participating in, observing, or otherwise engaged in activities, including sporting events and other extracurricular activities, under the auspices of the School District, is encouraged to immediately report the alleged acts to an appropriate School District official designated by this policy.

Any teacher, administrator or other school official who has or receives notice that a student has or may have been the victim of sexual harassment or discrimination based on race, color, ethnicity, national origin, gender, age, or disability by a

student, teacher, administrator or other school personnel of the School System, or by any other person who is participating in, observing, or otherwise engaged in activities, including sporting events and other extracurricular activities, under the auspices of the School District, is required to immediately report the alleged acts to the appropriate School District official designated by this policy. This policy in no way absolves school Board employees from complying with the **mandatory reporting law, Ala. Code §26-14-3 (1975)**, which requires that K-12 employees report known or suspected child abuse or neglect to a duly constituted authority. Nothing in this policy shall prevent any person from reporting harassment directly to the Human Rights Officer or to the Superintendent. Harassment complaints made against the Superintendent should be reported directly to the Human Rights Officer.

1. Complaints

The School District encourages the complainant or the reporting party to use the report form available from the principal of each building or available from the School System office, but oral reports shall be considered complaints as well. Use of formal reporting forms is not mandated.

1.1 **Formal Complaints**

Students and/or their parents or guardians may file reports regarding suspected discrimination, harassment, or bullying. Such written reports shall be reasonably specific including person(s) involved, number of times and places of the alleged conduct, the target of suspected discrimination, harassment or bullying, and the names of any potential student or staff witnesses. Such reports may be filed with any school staff member or administrator, and they shall be promptly forwarded to the school principal for review and action in accordance with Section VI of the Anti-Discrimination Policy.

1.2 **Informal Complaints**

Students, parents or guardians, and school personnel may make informal complaints of conduct that they consider to be discrimination, harassment or bullying by verbal report to a teacher, school administrator, or other school personnel. Such informal complaints shall be reasonably specific as to the actions giving rise to the suspicion of discrimination, harassment or bullying, including person(s) involved, number of times and places

of the alleged conduct, the target of the prohibited behavior(s), and the names of any potential student or staff witness. A school staff member or administrator who receives an informal complaint shall promptly document the complaint in writing, including the above information. This written report by the school staff member and/or administrator shall be promptly forwarded to the school principal for review and action in accordance with Section VI of the Anti-Discrimination Policy.

1.3 **Anonymous Complaints NOTE: SEE/RECONCILE W/5.3c**

Students who make informal complaints as set forth above may request that their name be maintained in confidence by the school staff member(s) and administrator(s) who receive the complaint. The anonymous complaints shall be reviewed and reasonable action will be taken to address the situation, to the extent such action may be taken that does not disclose the source of the complaint and is consistent with the due process rights of the student(s) alleged to have committed acts of discrimination, harassment, and/or bullying.

2. School Personnel Responsibilities

2.1 **Principal**

In each school building, the principal is the person responsible for receiving oral or written reports of sexual harassment or discrimination based on race, color, ethnicity, national origin, gender, age, or disability at the building level. Any school personnel who receives a report of sexual harassment or discrimination based on race, color, ethnicity, national origin, gender, age, or disability shall inform the school principal immediately. However, if the report involves the school principal, the school personnel shall inform the Superintendent or the Human Rights Officer.

Upon receipt of a report, the principal must notify the Human Rights Officer immediately, without screening or investigating the report. The principal may request but may not insist upon a written complaint. A written statement of facts alleged will be forwarded as soon as practicable by the principal to the Human Rights Officer. If the report was given verbally, the principal shall personally reduce it to written form within twenty-four (24) hours and forward it to the Human Rights Officer. Failure to forward any harassment report or complaint as provided herein will result in disciplinary action against the principal. If the complaint involves the school principal, the complaint shall be made or filed directly

with the Superintendent or the School District Human Rights Officer by the reporting party or the complainant.

2.2 **Human Rights Officer**

The Board has designated its Director of Human Resources as the School District's Human Rights Officer with a responsibility to identify, prevent and remedy harassment and discrimination. The District Human Rights Officer shall:

- Receive reports or complaints of sexual harassment and discrimination based on race, color, ethnicity, national origin, gender, age, or disability;
- Oversee the investigative process;
- Be responsible for assessing the training needs of the District's staff and students in connection with the dissemination, comprehension, and compliance with this policy;
- Arrange for necessary training required for compliance with this policy; and
- Ensure that any investigation is adequate, reliable, and conducted in an impartial manner by an impartial investigator who has been trained in the requirements of equal educational opportunity, including harassment, and who is able to apply procedural and substantive standards which are necessary and applicable to identify unlawful harassment, recommend appropriate discipline, and remedies when harassment is found, and take other appropriate action to rectify the damaging effects of any prohibited discrimination, including utilizing interim measures, when appropriate, to ensure the safety of the complainant. Such interim measures, if utilized, shall not disproportionately impact the complainant.

If a complaint involves a Human Rights Officer, the complaint shall be filed directly with the Superintendent.

V. Investigation Process for Complaints

Upon receipt of a report or complaint alleging sexual harassment, or discrimination based on race, color, ethnicity, national origin, gender, age, or disability, the Human Rights Officer shall immediately undertake or authorize an investigation. Such investigation may be conducted by School District officials or by a third party designated by the School District.

The investigation may consist of personal interviews with complainant, the individual against whom the complaint is filed, and others who have knowledge

of the alleged incident or circumstances giving rise to the complaint. The investigation may also consist of the evaluation of any other information or documents, which may be relevant to the particular allegations. The complainant, if interviewed, is entitled to be interviewed separately from the accused party. The complainant may also submit documentary evidence and the names of witnesses.

Whether a particular action or incident constitutes a violation of this policy requires a determination based on all facts and surrounding circumstances. In determining whether the alleged conduct constitutes a violation of the policy, the School District shall consider:

- The nature of the behavior;
- How often the conduct occurred;
- Whether there were past incidents or past continuing patterns of behavior;
- The relationship between parties involved;
- The race, ethnicity, sex, and age of the victim;
- The identity of the perpetrator, including whether the perpetrator was in a position of power over the student allegedly subjected to harassment;
- The number of alleged harassers;
- The age of the alleged harasser;
- Where the harassment occurred;
- Whether there have been other incidents in the school involving the same or other students;
- Whether the conduct adversely affected the student's education or educational environment; and
- The context in which the alleged instances occurred.

The investigation shall be completed no later than fourteen (14) days from receipt of the report. The Human Rights Officer shall make a written report to the Superintendent upon completion of the investigation. If the complaint involves the Superintendent, the report of the investigation may be filed directly with the Board. The report shall include a determination of whether the allegations have been substantiated as factual and whether they appear to be violations of this policy. The Human Rights Officer's obligation to conduct this investigation shall not be extinguished by the fact that a criminal investigation involving the same or substantially the same allegations is also pending or has been concluded.

VI. School District Action

1. Violations

Upon receipt of a report that a violation has occurred, the School District will take prompt, appropriate formal or informal action to address, and where appropriate,

remediate the violation. Appropriate actions may include but are not limited to counseling, awareness training, parent-teacher conferences, warning, suspension, exclusion, expulsion, transfer, remediation, termination or discharge.

Expulsion may be imposed only after a hearing before the Board, a committee of the Board, or an impartial hearing officer designated by the Board in accordance with the Board's policy. This consequence is reserved for serious incidents of discrimination, harassment or bullying and/or when past interventions have not been successful in eliminating prohibited behavior.

School District action taken for violation of this policy shall be consistent with the requirements of applicable state and federal law and School District policies for violations of a similar nature or similar degree of severity. In determining what is an appropriate response to a finding that harassment in violation of this policy has occurred, the School District shall consider:

- What response is most likely to end any ongoing harassment;
- Whether a particular response is likely to deter similar future conduct by the harassers or others;
- The amount and kind of harm suffered by the victim of harassment;
- The identity of the party who engaged in the harassing conduct; and
- Whether any school personnel engaged in the harassment, and if so, the School District must also determine how it can best remediate the effects of harassment.

In the event that the evidence suggests that the harassment at issue is also a crime in violation of an Alabama criminal statute, the Board shall also direct the Human Rights Officer to report the results of the investigation to the appropriate law enforcement agency charged with responsibility for handling such crimes.

2. Results

The results of the School District's investigation of each complaint filed under these procedures will be reported in writing to the complainant and other parties by the School District in accordance with state and federal laws regarding data and records privacy and consistent with the privacy rights of the alleged harasser. In any event, said results will be reported no later than thirty (30) days after the investigation is completed.

3. Appeal

If the results of the School District's evaluation of a complaint of harassment results in a conclusion that an individual has engaged in unlawful discrimination, harassment, or bullying in violation of this policy, or that school personnel have

failed to report harassment as required herein, that individual may appeal this determination by use of established Board procedures for appealing other adverse personnel and/or education related actions.

If the results of the School District's evaluation of a complaint results in a conclusion that no unlawful harassment has occurred, an individual who was allegedly subjected to harassment and believes that this conclusion is erroneous may appeal this determination by use of established Board procedures for appealing other adverse personnel and/or education related actions.

VII. Prevention

In addition to prompt investigation of complaints of discrimination, harassment or bullying and direct intervention when such prohibited acts are verified, other District actions may ameliorate any potential problem with discrimination, harassment or bullying in school or at school-sponsored events. While no specific action is required and school needs for such interventions may vary from time to time, the following list of potential intervention strategies shall serve as a resource for administrators and school personnel:

- Respectful response to discrimination, harassment or bullying concerns raised by students, parents, or school personnel;
- Planned professional development programs addressing targeted individuals' problems, including what is safe and acceptable Internet use;
- Data collection to document victim problems to determine the nature and scope of the problem;
- Use of peers to help ameliorate the plight of victims and include them in group activities;
- Avoidance of sex-role stereotyping;
- Awareness and involvement on the part of all school personnel and parents with regard to victim problems;
- An attitude that promotes communication, friendship, assertiveness skills and character education;
- Modeling by school personnel of positive, respectful and supportive behavior toward students;
- Creating a school atmosphere of team spirit and collaboration that promotes appropriate social behavior by students in support of others;
- Employing classroom strategies that instruct students how to work together in a collaborative and supportive atmosphere; and
- Form discrimination, harassment, and bullying task forces, programs, and other initiatives involving volunteers, parents, law enforcement and community members.

In order to protect victims from further unlawful discrimination, harassment or bullying, the Board shall implement intervention strategies to: supervise and discipline offending students fairly and consistently; provide adult supervision during recess, lunch time, bathroom break and in the hallways during times of transition; maintain contact with parents and guardians of all involved parties; provide counseling for the victim if assessed that it is needed; inform school personnel of the incident and instruct them to monitor the victim and the offending party for indication of discrimination, harassment and bullying; and check with victim daily to ensure that there have been no further incidents or retaliation from offender or other parties.

VIII. Training and Programs

The Board shall direct the Superintendent to establish training and other programs that are designed to help eliminate unlawful discrimination, harassment and bullying. Information about this policy and the related complaint procedure must be included in the training plan.

Orientation sessions for students shall introduce the elements of this policy and procedure. Students will be provided with age-appropriate information on the recognition and prevention of discrimination, harassment, and bullying, and their rights and responsibilities under this and other district policies, procedures, and rules. Parents will be provided with information about this policy and procedure, as well as information about other district and school rules and disciplinary policies.

If a school-wide or school system-wide approach is necessary, the Board shall provide additional training for students, teachers, administrators, and other school personnel who have significant contact with students regarding the Board's efforts to address discrimination, harassment and bullying and will create programs to address these issues. The training or programs should provide examples of behavior that constitutes discrimination, harassment or bullying; teach employees to identify groups that may be the target of discrimination, harassment or bullying; and train school employees to be alert to locations where such behavior may occur, including locations such as school buildings, at school bus stops, and on cell phones and the internet.

IX. Notice

The Superintendent is responsible for providing effective notice to students, parents and employees of the procedure for reporting and investigation complaints

of discrimination, harassment, and bullying. The policy must be posted in each school in a place accessible to students, faculty, administrators, employees, parents and members of the public, on the School System website and copies of the policy must be readily available in the principal's and the Superintendent's office. Notice of this policy must appear in all student and employee handbooks and in any School System publication that sets forth the comprehensive rules, procedures, and standards of conduct for students and employees. The notice shall include the name, mailing address and telephone number of the Human Rights Officer, the name, mailing address and telephone number of the Alabama Department of Education, and the mailing address and telephone number of the United States Department of Education, Office for Civil Rights.

X. Coordinators

The Superintendent or designee shall publish the names, office address and phone numbers of the "Title IX Coordinator," for sex discrimination, and the "Section 504 Coordinator" and the "Special Education Coordinator(s)", for disability discrimination, in a manner intended to ensure that students, employees, applicants, parents, and other individuals who participate in the School System's programs are aware of the coordinators. The coordinators shall coordinate the School System's efforts to comply with and carry out its Title IX, Section 504 and ADA responsibilities, which include investigating any complaints communicated to school officials alleging noncompliance with Title IX, Section 504, or the ADA or alleging actions, which would be prohibited by those laws.

XI. Records and Reporting

1. Records

The Superintendent or designee shall maintain confidential records of all complaints or reports of discrimination, harassment or bullying. The records must identify the names of all individuals accused of such offenses and the resolution of such complaints or reports. The Superintendent shall also maintain records of training conducted and corrective action or other steps taken by the School System to provide an environment free of discrimination, harassment and bullying.

2. Reporting

The Superintendent shall report to the State Board of Education all verified cases of discrimination, harassment and bullying.

If after investigation, acts of discrimination, harassment, or bullying by a specific student are verified, the school principal or his or her designee shall notify in writing the parent or guardian of the perpetrator of that finding. If disciplinary

consequences are imposed against such student, a description of such discipline shall be included in such notification.

If after investigation, acts of discrimination, harassment or bullying against a specific student are verified, the school principal or his or her designee shall notify the parent or guardian of the victim of such finding. In providing such notification, care must be taken to respect the statutory privacy rights of the perpetrator of such discrimination, harassment, and bullying.

The Superintendent shall periodically advise the Board of all reported incidents of discrimination, harassment or bullying and annually advise the Board as to the number of verified acts of discrimination, harassment, and bullying, whether in the classroom, on school property, to and from school, or at school-sponsored events.

XII. Evaluation

At least annually, the Superintendent shall evaluate the effectiveness of this policy and efforts to correct or prevent discrimination, harassment and bullying and shall share these evaluations periodically with the Board.

XIII. Retaliation

Submission of a good faith complaint or report of sexual harassment or discrimination based upon race, color, gender, national origin, age, disability or ethnicity will not affect the complainant or reporter's future employment, grades, learning or working environment, or work assignments.

The Board prohibits reprisal, any form of intimidation, or retaliation against any person for reporting or intending to report violations of this policy, supporting someone for reporting or intending to report violations of this policy, or participating in the investigation of reported violations of this policy.

The Board will discipline or take appropriate action against any student, teacher, administrator, or other school personnel who retaliates against any person who reports an incident of alleged sexual, racial, gender, ethnic or disability related discrimination, harassment or bullying, or any person who testifies, assists or participates in a proceeding, investigation or hearing relating to such harassment or violence.

XIV. Officers Receiving Complaints of Harassment and/or Discrimination

The following Officers may be contacted at the phone numbers listed below and/or the Board's Central Office located at **Bessemer City Board of Education, 1621 – 5th Avenue North, Bessemer, Alabama 35020.**

Dr. Keith Stewart
**Superintendent &
Title IX Coordinator**
(205) 432-3010 Office

Mrs. Linda Roper Richardson, Ed.S.
**Human Rights Officer &
Director of Attendance and Security**
(205) 432-3019 Office

Ms. Marcy Burroughs
**Section 504 Coordinator &
Director of Curriculum and Instruction**
(205) 432-3005 Office

Dr. Edward Cox
Special Education Coordinator
(205) 432-3002 Office

4.7 *Risk Management*

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

4.8 *Emergency Closing of Schools*

4.8.1 Authority of Superintendent to Close Schools – The Superintendent is authorized to close schools if such action is warranted by weather conditions or other circumstances that pose a risk to the safety and welfare of students and employees, or that render meaningful instruction impossible (e.g., loss of power or other utility services). The decision to close schools shall be made by the Superintendent or his/her designee after consulting with community agencies responsible for the safety and well-being of the community, if such consultation is administratively feasible. Public announcements and releases to the news media shall be made by the Superintendent.

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

4.9 *Internet Safety and Use of Technology*

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

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

4.9.3 Ownership of Technology Resources and Data – All technology resources, including network and Internet resources, e-mail systems, and computers or other access devices owned, leased, or maintained by the Board are the sole property of the Board. Board personnel may, at any time and without prior notice, access, search, examine, inspect, collect, or retrieve information of any kind from the Board’s technology resources, including computer or related equipment, files, and data, to determine if a user is in violation of any of the Board’s policies, rules, and regulations regarding access to and use of technology resources, for or in connection with any other matter or reason related to the safe and efficient operation or administration of the School System, or for any other reason not prohibited by law. Users of School System technology resources have no personal right of privacy or confidentiality with respect to the use or content of such resources.

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

- a. Measures to block or filter Internet access to pictures that are obscene, that constitute child pornography, or that are harmful to minors;
- b. Restriction of access by minors to inappropriate material on the Internet;

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

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

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

4.10 Political Activity

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

- a. Employees may not appropriate Board property or resources for use in political campaigns, and may not engage in partisan political activities (including but not limited to the distribution of campaign material or literature) during regular school or duty hours or at Board sponsored or sanctioned events, functions, or at activities at which the employee is on duty or assigned official responsibilities;
- b. Employees may not represent their political beliefs or positions on political matters to be those of the Board or other Board officials, or to falsely assert or imply that their political activities or positions are endorsed by or undertaken in the name of the Board or other Board officials;
- c. Candidates and representatives of candidates for political office may not invite or allow announced or unannounced candidates for political office to address student groups except when such candidates are participating in a forum or like format that is designed to provide all candidates the opportunity to participate. Such forums may be conducted only for appropriate age groups, and with the advance approval of the school principal, Superintendent, and Board;
- d. Political signs may not be placed on schools or school Board property that are not designated polling sites. Any placement of political signs at polling sites must be in accordance with State law. Campaign literature and other material may not be

distributed on Board property during the regular school or work day, and may not be distributed at school or Board sponsored events or activities in a manner that impedes the normal and safe movement of pedestrian or vehicular traffic, that creates any other safety hazard or risk, or that disturbs or disrupts the function, activity, or event.

4.11 AIDS/HIV

The evidence is overwhelming that the risk of transmitting human immunodeficiency virus (HIV) is low in school settings when current guidelines are followed. The presence of a person living with HIV infection or diagnosed with acquired immunodeficiency syndrome (AIDS) poses no significant risk to others in school, day care, or school athletic settings.

4.11.1 School Attendance – A student with HIV infection has the same right to attend school and receive services as any other student, and will be subject to the same rules and policies. HIV infection shall not factor into decisions concerning class assignments, privileges, or participation in any school sponsored activity.

School authorities will determine the educational placement of a student known to be infected with HIV on a case-by-case basis by following established policies and procedures for students with chronic health problems or students with disabilities. Decision-makers must consult with the student's physician and parent or guardian; respect the student's family privacy rights; and reassess the placement if there is a change in the student's need for accommodations or services.

School staff members will always strive to maintain a respectful school climate and not allow physical or verbal harassment of any individual or group by another individual or group. This includes taunts directed against a person living with HIV infection, a person perceived as having HIV infection, or a person associated with someone with HIV infection.

4.11.2 Employment – The Bessemer City Board of Education does not discriminate on the basis of HIV Infection or association with another person with HIV infection. An employee with HIV infection is welcome to continue working as long as he or she is able to perform the essential functions of the position, with reasonable accommodation if necessary.

4.11.3 Privacy – Students or staff members are not required to disclose HIV infection status to anyone in the education system. HIV antibody testing is not required for any purpose.

Every employee has a duty to treat as highly confidential any knowledge or speculation concerning the HIV status of a student or other staff members. Violation of medical privacy may result in 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 of disclosure.

All health records, notes, and other documents that reference a person's HIV status will be kept under lock and key. Access to these confidential records is limited to those named in written permission from the person (or parent or guardian) and to emergency medical personnel. Information regarding HIV status will not be added to a student's permanent educational or school health record without written consent.

- 4.11.4 Infection Control – All employees are required to consistently follow infection control guidelines in all settings and at all times, including playgrounds and school buses. Schools will operate according to the standards promulgated by the U.S. 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 accessible. Director of Federal Programs or his/her designee shall implement the precautions and investigate, correct, and report on instances of lapse.

All school staff should follow universal precautions. A school staff member is expected to alert a person responsible for health and safety if a student's health condition or behavior presents a reasonable risk of transmitting any infection.

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

- 4.11.5 HIV and Athletics – This privilege of participation in physical education classes, athletic programs, competitive sports, and recess is not conditional on a person's HIV status. School authorities will make reasonable accommodations to allow students living with HIV infection to participate in school-sponsored physical activities.

All employees must consistently adhere to infection control guidelines in locker rooms and all play and athletic settings. Rulebooks will reflect these guidelines. First aid kits must be on hand at every athletic event.

All 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.

- 4.11.6 HIV Prevention Education – The goals of HIV prevention education are to promote healthful living and discourage the behaviors that put people at risk of acquiring HIV. The educational program will:

- a. Be taught at every level, Kindergarten through grade twelve;
- b. Use methods demonstrated by sound research to be effective;
- c. Be consistent with community standards;
- d. Follow content guidelines prepared by the Center for Disease Control and Prevention (CDC);
- e. Be appropriate to students' developmental levels, behaviors, and cultural backgrounds;
- f. Build knowledge and skills from year to year;
- g. Stress the benefits of abstinence from sexual activity, alcohol, and other drug use;
- h. Include accurate information on reducing risk of HIV infection;
- i. Address students' own concerns;
- j. Include means for evaluation;
- k. Be an integral part of a coordinated school health program;
- l. Be taught by well-prepared instructors with adequate support; and
- m. Involve parents and families as partners in education

Parents and guardians will have convenient opportunities to preview all HIV prevention curricula and materials. School staff members shall 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, and assures that the topic will be discussed at home or elsewhere, the child shall be excused without penalty.

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

4.11.7 Related Services – Students will have access to voluntary, confidential, age and developmentally appropriate counseling about matters related to HIV infection. 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.

4.11.8 Staff Development – All school staff members will participate in a planned HIV education program that conveys factual and current information; provides

guidance on infection control procedures; informs about current law and state, district, and school policies concerning HIV; assists staff to maintain productive parent community relations; and includes annual review sessions. Certain employees will also receive additional specialized as appropriate to their positions and responsibilities.

- 4.11.9 General Provisions – On an annual basis, school administrators will notify students, their family members, and school personnel about current policies concerning HIV infection, and provide convenient opportunities to discuss them. Information will be provided in major primary languages of students’ families.

This policy is effective immediately upon adoption. In accordance with the established policy review process, or at least every three years, Director of Federal Programs or designee shall report on the accuracy, relevance, and effectiveness of this policy and, when appropriate, provide recommendations for improving and/or updating the policy.

4.12 Automated External Defibrillator (AED) Program

- 4.12.1 Purpose – The purpose of the Automated External Defibrillator (AED) Program for the Bessemer City School System is to provide any person (student, visitor, or employee) access to lifesaving equipment and trained volunteers during the normal function of the school day and, in some circumstances, extra-curricular activities.

This policy describes minimum specification requirements for an entire, portable automated external defibrillator (AED) life-saving system. An automated external defibrillator is used to treat victims who experience sudden cardiac arrest (SCA). Sudden Cardiac Arrest is a condition that occurs when the electrical impulses of the human heart malfunction causing a disturbance in the heart’s electrical rhythm or ventricular fibrillation (VF). This erratic and ineffective electrical heart rhythm causes complete cessation of the heart’s normal function of pumping blood, resulting in sudden death. The most effective treatment for this condition is the administration of an electrical current to the heart by a defibrillator, delivered within a short time of the onset of VF. An AED is only to be applied to victims, who are unconscious, and who are without pulse, signs of circulation and normal breathing. The AED will analyze the heart rhythm and advise the operator if a shock-able rhythm is detected. If a shock-able rhythm is detected, the AED will charge to the appropriate energy level and advise the operator to deliver a shock.

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

- 4.12.2 System Owner – The Automated External Defibrillator Program Coordinator for the Bessemer City School System will be appointed by the Superintendent (e.g. lead nurse, athletic director). Responsibilities of the AED Coordinator include:

- a. Selection of employees for AED training and distribution of AED-trained employee lists as required;
- b. Coordination of training for emergency responders;
- c. Coordinating equipment and accessory maintenance;
- d. Maintaining on file a specifications/technical information sheet for each approved AED model assigned or donated to the school;
- e. Revision of this procedure as required;
- f. Monitoring the effectiveness of this system; and
- g. Communication with the medical director on issues related to the medical emergency response program including post-event reviews.

The AED Coordinator will maintain on file and make available when needed documentation regarding:

- a. General safety and health standards;
- b. County/State AED Guidelines;
- c. Medical emergency action plan;
- d. Infection control procedure for universal precautions;
- e. State immunity from liability exclusion; and
- f. AED Procedure.

4.12.3 Medical Control – The Bessemer City School System shall seek and maintain a collaborative agreement with a local physician willing to serve as medical advisor for the AED Program. The medical advisor has ongoing responsibility for:

- a. Providing medical direction for use of the AEDs;
- b. Writing a prescription for the AEDs;
- c. Reviewing and approving guidelines for emergency procedures related to the use of AEDs and CPR;
- d. Evaluation of post-event review forms and digital files downloaded from the AED; and
- e. Regular collaboration with the AED Program Coordinator.

4.12.4 Authorized AED Users – Initial and ongoing training sessions will be coordinated by the School System health services program in conjunction with the American Heart Association and/or the American Red Cross. Participants who successfully complete the course requirements will be awarded a course completion card and

will be expected to respond accordingly to an emergency, to complete the documentation, and follow up as needed. The AED may be used by the following:

- a. Employees including: administrators, nurses, athletic/activities director, athletic trainers, and office staff;
- b. Additional staff as identified by administration (teachers, coaches, field/game managers, and security staff);
- c. Any trained volunteer responder who has successfully completed an approved CPR/AED training program and has a current successful course completion card. A volunteer can, at their discretion, provide voluntary assistance to victims of medical emergencies. The extent to which these individuals respond shall be appropriate to their training and experience. These responders are encouraged to contribute to emergency response only to the extent they are comfortable. The emergency medical response of these individuals may include CPR, AED, or medical first aid;
- d. Responsibilities of the AED-trained employees include:
 1. Activating internal emergency response system and providing prompt basic life support, including AED and first aid according to training and experience;
 2. Understanding and complying with requirements of this policy; and
 3. Following the more detailed procedures and guidelines for the AED program

4.12.5 School Office Responsibilities – The school office staff is responsible for:

- a. Understanding and complying with requirements of this policy;
- b. Receiving emergency medical calls from internal locations;
- c. Using an established 911 check-list to assess the emergency and determine the appropriate level of response;
- d. Contacting the external community 911 response team (EMS) if required;
- e. Deploying AED-trained employees to the emergency location; and
- f. Assigning someone to meet the responding EMS aid vehicle and directing EMS personnel to the site of the medical emergency. Once the emergency service arrives, care will be transferred to the responding 9-1-1 professionals.

4.12.6 Initial Training – Trained employees must complete adequate training to provide basic first-aid, CPR, and AED that will be provided on site. AED training must be a course approved by the Alabama Department of Education. Trained

employees will also be trained in universal precautions against blood borne pathogens. The school office shall maintain training records for the trained employees. NOTE: If the AED Program includes the treatment of children under eight years old or under 25kg (55 lbs.), training should include infant/child CPR/FBAO since techniques differ from adult CPR/FBAO.

4.12.7 Refresher Training – Trained employees will renew first-aid and AED training every two years. AED-trained employees will refresh AED skills using manufacturer suggested training procedures.

4.12.8 Location of the AEDs – During school hours, the AED will be at designated locations. These locations shall be specific to each school but should allow the device to be easily seen by staff. The locations should allow staff members to retrieve the device outside of normal school hours.

After school hours, the AED may be moved from its designated location by an AED-trained athletic trainer or other designated person to support athletic department activities on a voluntary basis. A trained volunteer would have to be available and willing to support this effort during non-school hours. A visible sign must be left in the place of the AED, with the phone number of the person who took possession of the AED. The main school office shall be informed of changes in the availability of emergency medical response equipment. If equipment is withdrawn from service, the main school office shall be informed and then notified when the equipment is returned to service. The main school office shall be responsible for informing response teams of changes to the availability of the emergency medical equipment.

Contracted and other community activities are not guaranteed access to the AED as part of standard rental contracts.

4.12.9 Additional Resuscitation Equipment – Each AED will have one set of defibrillation electrodes connected to the device and one spare set of electrodes with the AED. One resuscitation kit will be connected to the handle of the AED. This kit contains two pairs of latex-free gloves, one razor, one set of trauma shears, and one facemask barrier device.

4.12.10 Equipment Maintenance – All equipment and accessories necessary for support of a medical emergency response shall be maintained in a state of readiness. The AED Program Coordinator or designee shall be responsible for having regular equipment maintenance performed. All maintenance tasks shall be performed according to the equipment maintenance procedures as outlined in the operating instructions. Following use of the emergency response equipment, all equipment shall be cleaned and/or decontaminated as required. If contamination includes body fluids, the equipment shall be disinfected.

If any changes occur in the availability of the emergency medical response equipment, the main school office must be informed. The main school office should be informed if the equipment is withdrawn from service and then notified

when the equipment is returned to service. The main school office is responsible for informing the response teams of any changes to the availability of the emergency medical equipment.

Specific routine maintenance requirements include:

- a. The AED will perform a self-diagnostic test *every 24 hours* that includes a check of battery strength and an evaluation of the internal components;
- b. A volunteer assigned by the AED Program Coordinator or his/her designee will perform a *daily* AED check following the procedure checklist. The procedure checklist will be initialed at the completion of the *daily* check. The procedure checklist will be posted with the AED;
- c. If the “system” icon is not present on the readiness display, contact the AED Program Coordinator or his/her designee immediately;
- d. If the “system battery” icon is visible, the battery charging unit needs to be replaced. You may continue to use the AED if needed;
- e. If the “system” icon is visible, the AED needs service. You may attempt to use the AED if needed. If the message “system message” appears, the AED is not usable. Continue to provide CPR until another AED is brought to the victim or EMS arrives to take over care; and
- f. If the expiration date on the electrode is near, notify the AED Program Coordinator or his/her designee immediately.

Any findings other than the “OK” indicator should be promptly reported to the system AED Program Coordinator.

Once monthly, the AED Coordinator will review the school’s main office phone operator’s checklist including the availability of trained responders and emergency notification process, emergency kit supplies, and AED status.

4.12.11 Annual System Assessment – *Once each calendar year*, the AED Program Coordinator or designee shall conduct and document a system readiness review. This shall include review of training records, equipment operation, and maintenance records. Any deficit shall be acted upon accordingly. This report shall be presented to the Superintendent and the Director of Student Services.

4.12.12 Medical Response Documentation – Internal Post-Event Documentation must be completed following each use of the medical emergency response system. The following shall be sent to the AED Program Coordinator or designee *within 24 hours* of a medical event:

- a. An incident/accident report form shall be completed by a responding employee for each incident/accident requiring first-aid of any type; and

- b. The AED-trained employee shall complete a medical event form (911 form) whenever an AED is used;

4.12.13 External Post-Event Documentation – A copy of AED use information shall be presented *within 48 hours* of the emergency to the following:

- a. Medical Advisor of the AED Program;
- b. Local EMS, county, and state officials as designated in the state and local regulations regarding AED requirements; and
- c. At a minimum, event information supplied shall include any recorded data, and all electronic files captured by the AED.

4.12.14 Post-Event Review – Following each deployment of the response team member, a review shall be conducted to learn from the experience. The AED Program Coordinator or designee shall conduct and document the post-event review. All key participants in the event shall participate in the review. Included in the review, shall be the identification of actions that went well and the collection of opportunities for improvement, as well as, critical incident stress debriefing. A summary of the post-event review shall be sent to the Director of Student Services (Health Services Program) to be kept on file.

4.12.15 System Verification and Review – The medical emergency response system is ultimately successful if necessary medical assistance is provided to victims in a timely and safe manner. Since actual use of the AED system procedure is expected to be very infrequent, other measures of effectiveness are required.

[Reference: ALA. CODE §6-5-332.3 (1975)]

V. PERSONNEL

5.1 Equal Opportunity Employment

The Board recognizes that an effective educational program in the School System depends on the quality of the personnel employed in the system. Therefore, every effort will be made to employ the most qualified personnel available.

It is the policy of the Board that applicants for positions will be selected on the basis of their qualifications, merit, and ability. No person shall be denied employment, reemployment, advancement, or evaluations nor shall be subjected to discrimination on the basis of sex, age, marital status, race, religion, national origin, ethnic group, or handicap.

Special Provisions

The Board shall comply with regulations of Title IX of the Education Amendment of 1972, the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973 as evidenced by the Equal Opportunity Policy shown above. In addition, the following provisions shall apply:

1. The Superintendent shall serve and/or designate an employee(s) on a system-wide basis to be responsible for coordinating compliance efforts of the three Acts.
2. Grievance procedures adopted by the Board shall be utilized to assure students and employees' prompt and equitable action on grievances brought under the Acts noted.

Court Order(s)

The Board shall comply with provisions of the Court Desegregation Order of 1970 as issued by the United State District Court for the Middle District of Alabama, Northern Division, and all other court orders under which the Board may be legally charged.

[Reference: Civil Rights Act of 1964 and Amendments, US Const. Amend. XIV, 1; 42 U.S.C. §§2000(e)-1 to 17; 20 U.S.C. §1681, *et seq.*; 29 U.S.C. §794; 29 U.S.C. §621 *et seq.*, Section 504 of the Rehabilitation Act of 1973]

5.1.1 Objective Criteria for Employment

The selection of personnel in the School System shall be made without regard to sex, age, marital status, race, religion, national origin, ethnic group, or handicap. The following objectives criteria shall be considered in selecting new personnel for employment within the schools of the School System:

Certified Personnel

1. College Transcript;
2. Passing score on any required Alabama teaching certification examination(s);
3. Type of teaching certificate and area of endorsement on certification;

4. Rank and class of teaching certificate;
5. Number of years of teaching experience within the School System;
6. Number of years of teaching experience in public elementary or secondary education;
7. Number of years work experience outside of education;
8. Number of years of teaching experience outside of public education;
9. Physical and mental health, where applicable, but only as related to the job function(s);
10. Grades, subjects or positions in which professional experience has been gained;
11. Student teaching level;
12. Number of hours of college credit earned above highest degree held;
13. Number of hours held in current (past 5 years) participation in seminars and workshops; and
14. Analysis of written material submitted, where applicable.

Classified Personnel

1. Appropriate transcripts;
2. Job related courses or training;
3. Number of years worked within the School System;
4. Number of years of successful job related work experience; and
5. Physical and mental health, but only as related to the job function(s).

After the use of objective criteria, a subjective evaluation in each of the following categories may also be made:

1. Past performance;
2. Character;
3. Ability;
4. Leadership; and
5. Personality.

The subjective evaluation may be based upon a personal interview and information obtained in individual references.

5.1.2 Recruitment of Personnel

It shall be the duty of the Superintendent to ensure that all certified and classified employees satisfactorily meet all requirements of State law and State Board of Education rules and regulations. In addition, the Superintendent shall always seek to employ the best qualified personnel for employment positions without regard to sex age, marital status, race, religion, national origin, ethnic group, or handicap.

The Superintendent shall establish and maintain a plan for actively recruiting promising personnel for employment by the School System.

[Reference: Ala. Code §16-11-17 (1975); Civil Rights Act of 1964, Title VII, and amendments]

5.1.3 Supervising Family Members

No supervisor or principal shall have a member of his or her immediate family working directly for him/her. Except for special reasons, two teachers from the same immediate family will not be assigned to service in any one school.

All personnel employed as of November 30, 1988, who violate this provision, are exempted from this policy.

[Reference: Ala. Code §§16-22-15.1 and 41-1-5]

5.1.4 Grievances

It is the policy of the Board to reduce, as much as possible, the potential area of grievances; to assure each employee the opportunity for an orderly presentation and review of grievances; to establish and maintain appropriate channels of communication between the staff and administration; and to resolve each grievance at the most immediate level of administration.

It shall be understood that the Board is the final authority in all matters pertaining to grievances unless an employee should desire to exercise proper redress through the courts or utilize appeal procedures as established by law.

With the ultimate objectives of serving the educational welfare of children and youth, the following grievance procedure is designed to accomplish an equitable and expeditious resolution of grievances.

[Reference: Ala. Code §16-12-15; *Pickering v. Board of Education*, 88 S. Ct. 1731 (1968); *Givhan v. Western Line consolidated School* 99 S. Ct. 693 (1979)]

5.1.4a Grievances Procedures

Section I – Purpose

The purpose of this procedure is to provide an orderly and systematic method whereby the Board and its employees can resolve differences that might develop between them in an equitable and expeditious manner.

Section II – Definitions

1. Grievance

“Grievance” shall mean a claim submitted by an employee of a violation, misinterpretation or inequitable application of local Board policy, local school rules and regulations, or system administrative procedures. The term

“grievance” shall apply to matters which fall within the discretionary powers of the Board but shall not apply to areas where the Board has no authority to act.

2. Employee

“Employee” shall mean any staff member employed on an annual basis by the Board to perform services, either full or part-time.

3. Immediate Supervisor

“Immediate Supervisor” is the employee possessing administrative authority next in rank above any grievant.

4. Days

“Days” shall mean working days exclusive of Saturday, Sunday, or official holidays, as established by the school calendar.

5. Parties in Interest

Any persons involved in the processing of the grievance.

6. In order to maintain the grievance all parties must adhere to the time lines established for resolution of the grievance. In addition, employees must initiate any grievance within thirty (30) days of an action(s) precipitating the grievance.

Step I – Section III – Informal Procedures

Hopefully, most grievances can be resolved informally and at the most immediate administrative level. With this objective in mind, simple, honest, and straightforward communication is encouraged between the employee, the principal, and the Superintendent. An employee who feels he/she has a grievance should present the matter orally to the immediate supervisor. The immediate supervisor to whom the grievance is presented shall hear and attempt to resolve the grievance within five (5) days from the time presented and advise the grievant of the decision within two (2) days thereafter. If the grievance is resolved, or if no further action is needed, the matter is closed.

If an employee feels his or her grievance has not been resolved, he/she may resort to the formal procedure as outlined in Section IV.

Step II – Section IV – Formal Procedure

In order to resolve grievances in the most appropriate fashion and in the shortest period of time possible, each grievance shall start at the most immediate level of administration (level one in most cases) and progress to the next level until the matter is resolved. If level one does not apply to a particular grievant, such as a supervisor in the central office, that level should be omitted from the process.

The grievance must be filed in writing at each level and the grievant shall indicate with his or her filing at each level who will accompany or represent him/her in any meetings or hearings that might be conducted. The accused party may have same right to representation at the hearing that might be conducted.

All decisions rendered at each level shall be set forth in writing and promptly transmitted to all parties in interest.

All meetings and hearings shall be conducted at a specified time which does not interfere with the employee's work day or the normal operation of the schools. Scheduled meetings or hearings can be changed with mutual consent of the parties in interest. All records of meetings and hearings shall be maintained in confidence; however, this shall not be interpreted to prevent such records from becoming a part of the aggrieved personnel file. Only the Board's official reporter or transcriber may be utilized to record the meeting.

Level One – Principal or Immediate Supervisor

Representation – The grievant must present the grievance, but may be accompanied by a fellow employee.

If the grievance is not resolved to the satisfaction of the aggrieved party at the informal level, the aggrieved party may file the grievance in writing with the principal or immediate supervisor. The written communication will be signed by the grievant. The principal or immediate supervisor shall set a time to discuss the grievance that is mutually convenient for the parties in interest and shall seek an amicable solution to the problem. Within five (5) days after receipt of the grievance, the immediate supervisor shall hear the grievance and within (2) days after hearing the grievance shall notify the aggrieved party in writing of the final decision. If the grievance is not resolved by the principal or immediate supervisor to the satisfaction of the aggrieved at level one, the grievant may appeal within the (10) days to the Superintendent.

Step III – Level Two – Superintendent

Representation – The grievant must be present to present the grievance initially, but may be represented by a fellow employee or by anyone of his or her choosing. However, the grievant must be present at all meetings where his or her grievance is discussed.

Within ten (10) days after receipt of the decision at level one, the aggrieved party may appeal to the Superintendent. The Superintendent shall, within a ten (10) day period following the appeal do one or more of the following as he/she may deem appropriate:

1. Review written decisions at level one together with any and all other documentary evidence that may be submitted.

2. Conduct a hearing with all persons whom he/she may choose to invite including the principal parties. The principal parties shall be provided with a list of hearing participants prior to said hearing.
3. Designate such person or persons as he/she deems appropriate to investigate the grievance and to offer recommendations prior to making his or her final decision.

The Superintendent will decide the matter within seven (7) days from the review or hearing and advise the parties concerned within two (2) days thereafter. All parties shall be notified of the decision in writing.

Step IV – Level Three – Board of Education

Representation – The grievant must be present, but may be represented by a fellow employee or by anyone of his or her own choosing.

Within ten (10) days after the receipt of the decision at level two, the aggrieved party may appeal to the Board. The Board shall conduct a hearing which may be an open or closed session as requested by the grievant and all parties having direct interest shall be permitted to attend. All hearings and appeals shall be conducted according to the following procedures:

1. The aggrieved party shall file a written request with the Superintendent for a hearing before the board. The request shall contain a detailed description of the grievance as well as previous action or inaction relative to the grievance.
2. Within fifteen (15) days following the receipt of the written request the Board shall set a time, date, and place for the hearing. All parties in interest shall be given written notice of the time, date, and place for the hearing. After written notice is given, the time, date, and place can be changed only by mutual consent of the Board and the aggrieved party.
3. All parties and the Board shall have the right to legal counsel (at own expense), to present witnesses (at own expense) and documentary evidence and to cross-examine witnesses offered by other parties.
4. All parties shall be given an opportunity to present oral arguments and written briefs within reasonable time limits (30 minutes). All such arguments and briefs shall be made available to the opposing parties.
5. The Board shall reach a decision concerning the grievance within ten (10) days after the hearing and shall convey the decision to all parties in interest within two (2) days.

The decision of the Board of Education shall be final unless the grievant decides to appeal to the courts or to utilize any other duly recognized procedure as established by law.

5.2 *Solicitations by Staff Members*

Staff members shall not solicit or sell any goods or services on school property except as may be approved by the local school principal and the Superintendent.

All fundraising campaigns conducted by school employees in the community or away from school premises to obtain funds for the school, student body, class, or club must have prior approval by the local school principal and the Superintendent. Such fundraising campaigns shall not be conducted during regular school hours.

Staff members shall not sell school related supplies and/or equipment or reference books for personal gain in the attendance area served by his or her school.

Staff members shall not furnish lists of students or parents to any commercial firm or non-School System employees without written permission from said person(s) or official requests from recognized educational or governmental agencies.

[Reference: Ala. Code §§16-11-9, 36-25-1(9), 36-25-2(a), 36-25-2(b), 36-25-2(d), 36-25-5(a), 36-25-6 to 7 (1975)]

5.2.1 Solicitations of Staff Members

The School System shall not solicit funds from or attempt to sell goods or services to employees, all charity or fund raising campaigns shall be participated in on a voluntary basis by employees of the School System.

The School System shall not allow commercial advertising or selling on school property during school or office hours without prior approval by the local school principal and/or Superintendent. (This does not apply to those commercial firms that supply goods and services for school use.)

The School System or schools within the School System shall not furnish lists of staff members or students to any commercial firm or non-School System employees without written permission from said persons or official requests from recognized educational or governmental agencies.

Membership in professional organizations shall be on an individual basis; however, the Board encourages professional personnel to affiliate with professional organizations.

5.2.2 Conflict of Interest

Employees shall not engage in any other employment or in any private business during the hours required to fulfill assigned educational duties.

Employees shall not engage in political activity during the time in which they are fulfilling assigned educational duties. Outside the time during which employees

are fulfilling assigned duties, employees may engage in political activity that does not materially interfere with or substantially disrupt the educational program.

Assemblies, school classes, materials, computers, and other equipment shall not be used for partisan political purposes.

[Reference: Ala. Code §§36-25-5(a), 36-25-6, 36-25-8, 36-25-1(9), 36-25-2(a), (b), 16-11-9, 16-24C-6(g), 36-25-9. *Hazelwood Sch. District v. Kuhlmeier*, 484 U.S. 260 (1988), *Tinker v. DesMoines Indep. Sch. District* 393 U.S. 503 (1969)]

5.2.3 Gifts by Staff Member

To Students

Staff members may, at their discretion, present personal gifts to students on special occasions provided the gift is not unduly elaborate or expensive. Staff members should always use good taste and professional judgment when giving gifts to students.

To Staff Members

Staff members may present gifts to other staff members. Staff members may not use school funds encumbered for specific purposes to purchase gifts for staff members or students.

5.2.4 Gifts to Staff Members

By Students

Staff members may accept gifts from students on special occasions, provided the gift is not unduly elaborate or expensive. Staff members should always use good taste and adhere to the code of professional ethics when accepting gifts from students.

In no case, shall a staff member accept a gift from a student group, school organization, etc., in excess of a nominal value. In no case, shall school funds be used to purchase said gifts.

By Staff Members

Staff members may accept gifts from other staff members provided the gifts are not unduly elaborate or expensive and are given on a voluntary basis.

By Outside Agencies of Individuals

Staff members shall not accept gifts from outside agencies or individuals that are a result of or a precondition to business transactions between the School System and said agency or individual.

5.2.5 Political Activity

School System personnel engaging in political activity shall make it clear that their statements and actions are theirs as individuals and that they in no manner

represent the views of the School System. No partisan political activity shall be permitted on the part of any school employee at any time during regular school hours. Under no circumstances shall School System classrooms or facilities be used as a form to espouse partisan politics.

School System personnel may participate in national, city, county or state political activities to the same extent as any other citizen, including the endorsement of candidates and contributing to political campaigns. In addition, employees of the School System shall have the same rights as any citizen to publicly support issues and circulate petitions.

School System personnel seeking public office may continue to hold their employment positions as long as all political activities are conducted on their personal time, i.e. not during the work day.

[Reference: Ala. Code §17-1-4]

5.2.6 Anti Harassment, Anti Intimidation or Anti Bullying Policy NOTE: SEE 4.6.6

~~1. The Bessemer City Board of Education is committed to a safe and civil educational environment for all students from harassment, intimidation or bullying. Harassment, intimidation or bullying means any intentional written, verbal, or physical act, when the intentional written, verbal or physical act:~~

- ~~a. Physically harms a student or damages the student's property;~~
- ~~b. Has the effect of substantially interfering with a student's education, duties and responsibilities;~~
- ~~c. Is so severe, persistent, or pervasive that it creates an intimidating or threatening educational or work environment; or~~
- ~~d. Has the effect of substantially disrupting the orderly operation of the school. Harassment, intimidation or bullying can take many forms including: slurs, rumors, jokes, innuendos, demeaning comments, drawing cartoons, pranks, gestures, physical attacks, threats, or other written, oral or physical actions. An intentional act refers to the individual's choice to engage in the act rather than the ultimate impact of the action(s).~~

~~Counseling, intervention, and/or appropriate disciplinary action, which may include, but not be limited to, referral to law enforcement and/or suspension, will be used to correct the behavior of the perpetrator, relieve the impact on the victim, restore a positive school and/or work climate, and support for victims and others impacted by the violation. False reports or retaliation for harassment, intimidation or bullying also constitutes violations of this policy. OTHER DISCIPLINARY PROCEDURES MAY~~

~~BE FOLLOWED IN CORRECTING THE BEHAVIOR OF THE PERPETRATOR.~~

~~4.2 — Students who have been determined to have engaged in prohibited behaviors are subject to disciplinary action, which may include suspension or expulsion from school. The District’s commitment to addressing such prohibited behaviors, however, involves a multifaceted approach, which includes education and the promotion of a school atmosphere in which harassment, intimidation or bullying will not be tolerated by students, faculty or school personnel.~~

~~4.3 — It is imperative that harassment, intimidation or bullying be identified only when the specific elements of the definition are met because the designation of such prohibited incidents carry special statutory obligations. However, misconduct by one student against another student, whether or not appropriately defined or not, will result in appropriate disciplinary consequences for the perpetrator.~~

~~2. — Definition of Terms~~

~~2.1 — “Harassment, intimidation or bullying” means any intentional written, verbal, graphic, or physical act that a student or group of students exhibited toward another particular student more than once and the behavior both:~~

~~2.1.1 — Causes mental or physical harm to the other student; and~~

~~2.1.2 — Is sufficiently severe, persistent or pervasive that it creates an intimidating, threatening or abusive educational environment for the other student.~~

~~2.2 — Harassment, intimidation or bullying also means electronically transmitted acts i.e., internet, cell phone, personal digital assistance (PDA) or wireless hand held device that a student has exhibited toward another particular student more than once and the behavior both:~~

~~2.2.1 — Causes mental or physical harm to the other student/school personnel; and~~

~~2.2.2 — Is sufficiently severe, persistent or pervasive that it creates an intimidating, threatening or abusive educational environment for the other student/school personnel.~~

~~2.3 In evaluating whether conduct constitutes harassment, intimidation or bullying, special attention should be paid to the words chosen or the actions taken, whether such conduct occurred in front of others or was communicated to others, how the perpetrator interacted with the victim, and the motivation, either admitted or appropriately inferred.~~

~~2.4 A school sponsored activity shall mean any activity conducted on or off school property (including school buses and other school-related vehicles) that is sponsored, recognized or authorized by the Bessemer City Board of Education.~~

~~3. Types of Conduct~~

~~3.1 Harassment, intimidation or bullying can include many different behaviors including overt intent to ridicule, humiliate or intimidate another student or school personnel. Examples of conduct that could constitute prohibited behaviors include:~~

~~2.1.1 Physical violence and/or attacks;~~

~~2.1.2 Threats, taunts and intimidation through words and/or gestures;~~

~~2.1.3 Extortion, damage or stealing of money and/or possessions;~~

~~2.1.4 Exclusion from the peer group or spreading rumors; and~~

~~3.1.5 Repetitive and hostile behavior with the intent to harm others through the use of information and communication technologies and other Web-based/online sites (also known as “cyber bullying”) such as the following:~~

~~3.1.5.1 Posting slurs on Web sites where students congregate or on Web logs (personal online journals or diaries);~~

~~3.1.5.2 Sending abusive or threatening instant messages;~~

~~3.1.5.3 Using camera phones to take embarrassing photographs of students and posting them online;~~

~~3.1.5.4 Using Web sites to circulate gossip and rumors to other students; and~~

~~3.1.5.5 Excluding others from an online group by falsely reporting them for inappropriate language to internet service providers.~~

~~4. Complaint Processes~~

~~4.1 Publication of the prohibition against harassment, intimidation and bullying and related procedures.~~

~~4.1.1 The prohibition against harassment, intimidation or bullying shall be publicized in any student handbooks and in any of the publications that set forth the comprehensive rules, procedures and standards of conduct for schools and students in the district. In additions, information regarding the policy shall be incorporated into employee training materials. The following statement shall be included: Harassment, intimidation, or bullying behavior by any student/school personnel in the Bessemer City Schools is strictly prohibited, and such conduct may result in disciplinary action, including suspension and/or expulsion from school. Harassment, intimidation, or bullying, in accordance with House Bill 276, mean any intentional written, verbal, graphic or physical acts including electronically transmitted acts i.e., internet, cell phone, personal digital assistant (PDA), or wireless hand-held device, either overt or covert, by a student or group of students toward other students/school personnel with the intent to harass, intimidate, injure, threaten, ridicule or humiliate. Such behaviors are prohibited on or immediately adjacent to school grounds, at any school-sponsored activity, on school-provided transportation or at any official school bus stop that a reasonable person under the circumstances should know will have the effect of:~~

- ~~1. Causing mental or physical harm to the other student/school personnel including placing an individual in reasonable fear of physical harm and/or damaging of students' personal property; and~~
- ~~2. Is sufficiently severe, persistent, or pervasive that it creates an intimidating, threatening, or abusive educational environment for the other student/school personnel.~~

~~5. Complaints~~

~~5.1 Formal Complaints~~

~~5.1.1 Students and/or their parents or guardians may file reports regarding suspected harassment, intimidation or bullying. Such~~

~~written reports shall be reasonably specific including person(s) involved, number of times and places of the alleged conduct, the target of suspected harassment, intimidation and /or bullying, and the names of any potential student or staff witnesses. Such reports may be filed with any school staff member or administrator, and they shall be promptly forwarded to the school principal for review and action in accordance with Section 6.~~

~~5.2 Informal Complaints~~

~~5.2.1 Students, parents or guardians and school personnel may make informal complaints of conduct that they consider to be harassment, intimidation and/or bullying by verbal report to a teacher, school administrator, or other school personnel. Such informal complaints shall be reasonably specific as to the actions giving rise to the suspicion of harassment, intimidation and/or bullying, including person(s) involved, number of times and places of the alleged conduct, the target of the prohibited behavior(s), and the names of any potential student or staff witness. A school staff member or administrator who receives an informal complaint shall promptly document the complaint in writing, including the above information. This written report by the school staff member and/or administrator shall be promptly forwarded to the school principal for review and action in accordance with Section 6.~~

~~5.3 Anonymous Complaints~~

~~5.3.1 Students who make informal complaints as set forth above may request that their name be maintained in confidence by the school staff member(s) and administrator(s) who receive the complaint. The anonymous complaints shall be reviewed and reasonable action will be taken to address the situation, to the extent such action may be taken that (1) does not disclose the source of the complaint, and (2) is consistent with the due process rights of the student(s) alleged to have committed acts of harassment, intimidation and/or bullying.~~

~~6. School Personnel Responsibilities and Intervention Strategies~~

~~5.1 Teachers and Other School Staff~~

~~6.1.1 Teachers and other school staff, who witness acts of harassment, intimidation or bullying, as defined above, shall promptly notify the school principal and/or his or her designee of the event observed, and shall promptly file a written incident report concerning the events witnessed. Teachers and other school staff~~

~~who receive student or parent reports of suspected harassment, intimidation, and bullying shall promptly notify the school principal and/or his or her designee of such report(s). If the report is a formal, written complaint, such complaint shall be forwarded promptly (no later than the next school day) to the school principal or his or her designee. If the report is an informal complaint by a student that is received by a teacher or other professional employee, he or she shall prepare a written report of the informal complaint which shall be promptly forwarded (no later than the next school day) to the school principal or his or her designee.~~

~~6.2 Administrator Responsibilities~~

~~6.2.1 Investigation~~

~~6.2.1.1 The principal and/or his or her designee shall be promptly notified of any formal or informal complaint of suspected harassment, intimidation or bullying. Under the direction of the school principal or his/her designee, all such complaints shall be investigated promptly. A written report of the investigation shall be prepared when the investigation is complete. Such report shall include findings of facts, a determination of whether acts of harassment, intimidation or bullying were verified, when prohibited acts were verified, and a recommendation for intervention, including disciplinary action shall be included in the report. Where appropriate, written witness statements shall be attached to the report.~~

~~6.2.1.2 Notwithstanding the foregoing, when a student making an informal complaint has requested anonymity, the investigation of such complaint shall be limited as is appropriate in view of the anonymity of the complaint. Such limitation of investigation may include restricting action to a simple review of the complaint (with or without discussing it with the alleged perpetrator), subject to receipt of further information and/or the withdrawal by the complaining student of the condition that his or her report be anonymous.~~

~~6.2.2 Remedial Actions~~

~~6.2.2.1 Verified acts of harassment, intimidation, or bullying shall result in an intervention by the school principal or his or her designee that is intended to ensure that the prohibition against harassment, intimidation or bullying behavior is enforced, with the goal that any such prohibited behavior will cease.~~

~~6.2.2.2 Harassment, intimidation and bullying behavior can take many forms and can vary dramatically in seriousness and impact on the targeted individual and other students. Accordingly, there is not one prescribed response to verified acts of harassment, intimidation and bullying.~~

~~While conduct that rises to the level of “harassment, intimidation or bullying,” as defined above will generally warrant disciplinary action against the perpetrator of such prohibited behaviors whether and to what extent to impose disciplinary action (detention, in and out of school suspension; or expulsion) is a matter for the professional discretion of the school principal. The following sets forth possible interventions for school principals to enforce the Board’s prohibition against “harassment, intimidation or bullying.”~~

~~6.2.2.2.1 Non-disciplinary Interventions~~

~~6.2.2.2.1.1 When verified acts of harassment, intimidation or bullying are identified early and /or when such verified acts do not reasonably require a disciplinary response, students may be counseled as to the definition of harassment, intimidation or bullying, its prohibition and their duty to avoid any conduct that could be considered harassing, intimidating or bullying.~~

~~6.2.2.3 Disciplinary Interventions~~

~~6.2.2.3.1 When acts of harassment, intimidation and bullying are verified and a disciplinary response is warranted, students are subject to the full range of disciplinary consequences. Anonymous complaints that are not otherwise verified, however, shall not be the basis for disciplinary action.~~

~~6.2.2.3.2 In and out of school suspension may be imposed only after informing the accused perpetrator of the reasons for the proposed suspension and giving him/her an opportunity to explain the situation.~~

~~6.2.2.3.3 Expulsion may be imposed only after a hearing before the Board of Education, a committee of the Board or an impartial hearing officer designated by the Board of Education in accordance with Board policy. This consequence shall be reserved for serious incidents of harassment, intimidation or bullying and/or when past interventions have not been successful in eliminating prohibited behaviors.~~

~~6.3 Intervention Strategies~~

~~6.3.1 General~~

~~6.3.1.1 In addition to the prompt investigation of complaints of harassment, intimidation or bullying and direct intervention when such prohibited acts are verified, other district actions may ameliorate any potential problem with harassment, intimidation or bullying in school or at school-sponsored activities. While no specific action is required and school needs for such interventions may vary from time to time, the following list of potential intervention strategies shall serve as a resource of administrators and school personnel:~~

~~6.3.1.1.1 Respectful responses to harassment, intimidation or bullying concerns raised by student, parents or school personnel;~~

~~6.3.1.1.2 Planned professional development programs addressing targeted individuals' problems; including what is safe and acceptable internet use;~~

~~6.3.1.1.3 Data collection to document victim's problem(s) to determine the nature and scope of the problem(s);~~

~~6.3.1.1.4 Use of peers to help ameliorate the plight of victim and include them in group activities;~~

~~6.3.1.1.5 Avoidance of sex role stereotyping (e.g., males need to be strong and tough);~~

~~6.3.1.1.6 Awareness and involvement on the part of all school personnel and parents with regard to victim's problem;~~

~~6.3.1.1.7 An attitude that promotes communication, friendship, assertiveness skills and character education;~~

~~6.3.1.1.8 Modeling by school personnel of positive, respectful and supportive behavior toward students;~~

~~6.3.1.1.9 Creating a school atmosphere of team spirit and collaboration that promotes appropriate social behavior by students in support of others;~~

~~6.3.1.1.10 Employing classroom strategies that instruct students; how to work together in a collaborative~~

and supportive atmosphere; and

~~6.3.1.1.11 Form harassment, intimidation and bullying task forces, programs and other initiatives involving volunteers, parents, law enforcement and community members.~~

~~6.3.2 Intervention Strategies for Protecting Victims~~

~~6.3.2.1 Supervise and discipline offending students fairly and consistently;~~

~~6.3.2.2 Provide adult supervision during recess, lunch time, bathroom breaks and in the hallways during times of transition;~~

~~6.3.2.3 Maintain contact with parents and guardians of all involved parties;~~

~~6.3.2.4 Provide counseling for the victim if assessed that it is needed;~~

~~6.3.2.5 Inform school personnel of the incident and instruct them to monitor the victim and the offending party for indication of harassing, intimidating and bullying behavior. Personnel are to intervene when prohibited behaviors are witnessed; and~~

~~6.3.2.6 Check with the victim daily to ensure that there had been no incidents of harassment/intimidation/bullying or retaliation from the offender or other parties.~~

~~7. Reporting Obligations~~

~~7.1 Report to the Parent or Guardian of the Perpetrator~~

~~7.1.1 If after investigation, acts of harassment, intimidation and bullying by a specific student are verified, the school principal or his or her designee shall notify in writing the parent or guardian of the perpetrator of that finding. If disciplinary consequences are imposed against such student, a description of such discipline shall be included in such notification.~~

~~7.2 Reports to the victim and his or her parent of guardian~~

~~7.2.1 If after investigation, acts of bullying against a specific student are verified, the school principal or his or her designee shall notify the parent or guardian of the victim of such finding. In providing such notification, care must be taken to respect the statutory privacy~~

~~rights of the perpetrator of such harassment, intimidation and bullying.~~

~~7.3 List of verified acts of harassment, intimidation or bullying~~

~~7.3.1 A requirement that the District administrators semiannually provide the president of the District board a written summary of all reported incidents and post the summary on the District Web site, if one exists. The list shall be limited to the number of verified acts of harassment, intimidation and bullying, whether in the classroom, on school property, to and from school, or at school-sponsored events.~~

~~7.3.2 This policy shall not be interpreted to prohibit a reasonable and civil exchange of opinions or debate that is protected by state or federal law such as the non-discrimination, suspension and expulsion/due process, violent and aggressive behavior, hazing, discipline/punishment, sexual harassment, peer sexual harassment and equal education opportunity acts.~~

~~8. Police and Child Protective Services~~

~~8.1 Allegations of criminal misconduct will be reported to law enforcement, and suspected child abuse must be reported to Child Protective Services, per required timelines. Bessemer School District must also investigate for the purpose of determining whether there has been a violation of Bessemer School District Policy or Procedure, even if law enforcement or CPS is also investigating. All Bessemer School District personnel must cooperate with investigations by outside agencies.~~

~~8.2 In addition to, or instead of, filing a bullying/harassment/intimidation complaint through this policy, a complainant may choose to exercise other options, including but not limited to filing a complaint with outside agencies or filing a private lawsuit. Nothing prohibits a complainant from seeking redress under any other provision of the Revised Code or common law that may apply.~~

~~9. Training~~

~~9.1 Orientation sessions for students shall introduce the elements of this policy and procedure. Students will be provided with age appropriate information on the recognition and prevention of harassment, intimidation or bullying, and their rights and responsibilities under this and other~~

~~district policies, procedures and rules, at student orientation sessions and on other appropriate occasions. Parents will be provided with information about this policy and procedure, as well as information about other district and school rules and disciplinary policies. This policy and procedure shall be reproduced in student, staff, volunteer and parent handbooks.~~

~~9.2 Information regarding the policy on harassment/intimidation/bullying behavior shall be incorporated into employee training materials and volunteers with direct contact with students. Time spent by school employees in the training, workshops or courses shall apply toward any state or district mandated continuing education requirements.~~

~~9.3 School personnel members are encouraged to address the issue of harassment/intimidation/bullying in other interaction with students. School personnel may find opportunities to educate students about bullying and help eliminate bullying behavior through class discussions, counseling and reinforcement of socially appropriate behavior. School personnel should intervene promptly whenever they observe student conduct that has the purpose or effect of ridiculing, humiliating or intimidating another student/school personnel, even if such conduct does not meet the formal definition of "harassment/intimidation/bullying."~~

[Reference: Ala. Code §16-11-9 (1975)]

~~5.2.7 Sexual Harassment~~

~~I. Policy~~

- ~~A. It is the policy of the Board to maintain a learning and working environment that is free from sexual harassment. No employee of the School System shall be subjected to sexual harassment.~~
- ~~B. It shall be a violation of this policy for any employee of the School System to harass another staff member or student through conduct or communications of a sexual nature as defined in Section II below.~~
- ~~C. Each administrator shall be responsible for promoting understanding and acceptance of, and assuming compliance with, state and federal laws and board policy and procedures governing sexual harassment within her/his school or office.~~
- ~~D. Violations of this policy or procedure will be cause for disciplinary action.~~

~~II. Definition~~

- ~~A. "Sexual harassment" means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:
 - ~~1. Submission to such conduct is made either explicitly or implicitly a term or condition of a person's employment or advancement or of a student's participation in school programs or activities;~~~~

- ~~2. Submission to or rejection of such conduct by an employee or student is used as a basis for decisions affecting the employee or student, or~~
- ~~3. Such conduct has the purpose or effect of unreasonably interfering with an employee's or student's performance or creating an intimidating, hostile, or offensive work or learning environment.~~

~~B. Sexual harassment, as set forth in Section II A, may include, but is not limited to the following:~~

- ~~1. Verbal harassment or abuse;~~
- ~~2. Pressure for sexual activity;~~
- ~~3. Repeated remarks with sexual or demeaning implications;~~
- ~~4. Unwelcome touching; and~~
- ~~5. Sexual jokes, posters, etc. suggesting or demanding sexual involvement, accompanied by implied or explicit threats concerning one's grades, job, etc.~~

III. Reporting Procedures

- ~~A. Any employee who feels he/she has been sexually harassed by another employee(s) or student(s) of the School System should present the complaint directly to the School System Title IX Coordinator. The complaint should be filed as soon as possible after the incident or the latest occurrence if a series of incidents are involved.~~
- ~~B. The complaint should be made to the Title IX Coordinator and may be made in person or in writing. If the initial complaint is made in person, the complainant will then be responsible for preparing a signed, written, complaint detailing the events/occurrences giving rise to the sexual harassment charge.~~
- ~~C. Such complaint of sexual harassment will not reflect upon the complainant's status, nor will it affect future employment, or work assignments.~~

IV. Investigation — Hearing Procedures

- ~~A. The Title IX Coordinator or the Superintendent's designee will promptly initiate an investigation of the allegation. Due process shall be accorded to all parties involved in the allegation throughout the investigation. The person(s) accused will be given an opportunity to present a written, signed statement detailing his or her recall of the events/occurrences leading to the sexual harassment complaint against him/her.~~
- ~~B. When the investigation is completed the person conducting the investigation shall report the findings to the Superintendent. The findings of the investigation shall be reduced to writing and copies presented to the complainant and the accused employee(s). The Superintendent and investigating officer shall meet with the complainant and accused employee to attempt to resolve the complaint.~~
- ~~C. If the complaint cannot be resolved as noted above, the Superintendent shall report the matter to the Board. The Board, at its discretion, may conduct a hearing in accordance with applicable laws and attempt to resolve the complaint.~~

~~D. If the complaint cannot be resolved by the Board, the complainant may seek redress in an appropriate court.~~

~~E. In all situations, the confidentiality of the complainant and the accused shall be respected consistent with the School System's legal obligations and with the necessity to investigate fully any allegations of misconduct and to take corrective action when it is determined that sexual harassment has occurred.~~

~~V. Sanctions~~

~~— A substantiated charge against an employee of the School System shall subject that employee to~~

~~— Disciplinary action up to and including discharge.~~

~~VI. Notifications~~

~~— This policy will be placed in the School System policy manual.~~

[Reference: Ala. Code §16-8-23 (1975); *Meritor Savings Bank FSB v. Vinson*, 477 U.S. 57 (1986); Civil Rights Act of 1964, Title VII; EEOC Guidelines, Equal Employment Opportunity Commission (EEOC), Minnesota Department of Education; and Programs for Educational Opportunity (PEO), Univ. of Michigan, Ann Arbor, Michigan]

5.3 Personnel Records

5.3a. General Policy

The Board shall establish and maintain a personnel file on each employee. It shall be the responsibility of the Superintendent to supervise the maintenance of personnel files and to maintain updated, complete, and accurate records. Any materials pertaining directly to work performance or which may tend to diminish the employee's professional or work status or reflect adversely on the employee's record of performance or character shall be provided to the employee. The employee, or any person designated in writing by the employee, may, upon request, review all of the contents in his or her personnel file and receive copies of any documents contained in the file. A representative of the employee may accompany him or her during the personnel file review. The employee may answer or object in writing to any material in his or her file and the answer or objection shall be placed in the file. Nothing in this policy shall reduce or alter the rights of principals and other supervisors to maintain work performance records which may contribute to an employee's personnel file.

5.3b. Transfer of Information

Upon written request of the employee, the Board shall transfer his or her personnel file or parts thereof to another employer or prospective employer.

5.3c. Anonymous Materials NOTE: SEE/RECONCILE WITH 4.6.6

Any anonymous complaint or material received by a school official shall be immediately provided to the Superintendent. If the material is deemed worthy of investigation by the Superintendent, the matter may be investigated. The results of the investigation shall be reduced to writing, signed by the Superintendent,

principal, or other official in charge of the complaint, dated, attached to the material in question, and placed in the personnel file of the employee. Any anonymous complaint which is not investigated within thirty (30) calendar days of its receipt by the Superintendent shall not be placed in the employee's file, and shall instead be destroyed.

[Reference: Ala. Code §16-22-14 (1975)]

5.3.1 Public Use of Personnel Records

All employees' personnel records shall be considered as confidential and the School System shall not give information from said records unless approved in writing by the employee or subpoenaed by legal authorities.

[Reference: Ala. Code §§ 16-11-9, 16-23-1 to 13 (1975)]

5.3.2 Notification of Personnel Vacancies

General Policy

The Board, through its Superintendent, shall post a notice of vacancy for each vacant personnel position at a conspicuous place at each school campus at least fourteen (14) calendar days before the position is to be filled.

Vacancies Occurring When Schools are in Session

If a personnel vacancy occurs during the time when the schools are in session, the vacancy notice shall be posted not less than seven (7) calendar days before the position is to be filled. However, all vacancies involving jobs which are supervisory, managerial, or other newly created positions shall require posting notices of at least fourteen (14) calendar days.

Notice Requirements

The notice shall include, but not necessarily be limited to all of the following:

1. Job Description and title;
2. Required Qualifications;
3. Salary schedule;
4. Information on where to submit an application;
5. Information on any deadline for applying; and
6. Must be placed in plain site in the Board's Central Office and applicable school sites.

[Reference: Ala. Code §16-22-15 (1975)]

5.3.3 Applications for Employment

Application forms must be designed to gather only information permitted by various laws. In every case, applicants must specify the type of position for

which they are applying (example: elementary teacher, principal, supervisor, bus driver, etc.)

All certified and classified personnel seeking employment with the School System must complete an approved application form. Completed application forms will remain on file and active for not less than twelve (12) calendar months. Following the minimum 12-month active period, all active application forms will be placed in inactive status. On January 1 each year all applications forms that have been on inactive status for one (1) calendar year will be discarded. Prospective employees may keep application forms active by submitting a written request to the Superintendent. It shall be the responsibility of the Superintendent to establish appropriate procedures to implement the intent of this policy.

5.3.4 Employment of Personnel

Upon written recommendation by the Superintendent, the Board, by a majority vote, shall appoint all personnel of the School System.

[Reference: Ala. Code §§16-4-9, 16-11-17, 16-12-16 (1975)]

5.3.5 Staff Members' Responsibility for Providing Credentials

Staff members are responsible for providing all credentials required for employment purposes. Applications for employment will not be actuated until all required information and credentials are provided by job applicant.

The Board shall not be obligated to pay for securing staff members' employment credentials or for any type of examination, either educational or physical, that may be considered as a requirement for employment or continued employment for any group or class of employees.

5.3.6 Assignment of Personnel

The Superintendent may assign personnel as the needs of the School System shall require. However, certified personnel are generally certificated or qualified in specialized fields of study and in all possible cases shall be assigned to employment positions based upon certification and other qualifications.

It shall always be the policy of the Board to keep involuntary reassignment of personnel to a minimum.

Personnel may request reassignment to other employment positions within the School System for which they are qualified. Such requests shall be submitted to the Superintendent through their immediate supervisor. The immediate supervisor shall transmit said request promptly to the Superintendent. Requests for reassignment will be given consideration by the Superintendent and the Board.

All teachers assigned to the School System will be assigned in compliance with the Court's desegregation order of July 16, 1970, in the U.S. District Court for the Middle District of Alabama, Northern Division.

[Reference: Ala. Code §§16-12-16, 16-12-19, 16-12-20 (1975)]

5.3.7 Orientation of Personnel

It shall be the responsibility of the Superintendent or designated representative to conduct an annual orientation program for personnel regarding policies of the Board and such other topics as may be necessary for the effective operation and improvement of the School System.

The Board encourages the administrative staff of the School System to develop and implement annual in-service programs for all newly appointed personnel, to include approved substitute teachers and employed teacher aides, to orient said personnel with the policies of the Board, rules and regulations of the Board and other matters that will assist them in understanding their employment responsibilities.

[Reference: Ala. Code §§16-11-9, 16-12-3, 16-12-15, 16-23-7 (1975)]

5.3.8 Staff Involvement in Decision Making

The Board recognizes the need for knowledgeable, constructive, and purposeful involvement of personnel affected by respective policy areas. Before adopting written policies, therefore, the Board shall, directly or indirectly through the Superintendent consult with the professional organization representing the majority of certified and classified employees and, in addition, may consult with professional assistants, principals, and teachers of the School System and the parents and other citizens served by respective schools.

In developing educational policies for the operation of the School System, the Superintendent shall include, at the planning stage, representation by those certified and classified staff who will be affected by such policies. The certified and classified staff shall be given full opportunity and encouragement to contribute in curriculum development and in the development of policies pertaining to the instructional program.

Each principal shall maintain channels for conferring with both the certified and classified employees in establishing and building policies and regulations.

The Superintendent shall confer with various segments of School System personnel concerning issues in their particular area of employment, and develop with employees, channels for communicating ideas and feelings regarding the overall operations of the schools. He or she shall weigh with care the counsel given, especially that given by groups representing large segments of the staff.

The Superintendent shall inform the Board of all such counsel in presenting recommendations for Board action.

The Superintendent and the Board shall weigh the input of personnel based on their demonstrated commitment to placing social and academic development of students ahead of special interests or selfish motives. Student development and obligations of all personnel in this respect shall be the primary emphasis of the Board and employed personnel.

Adopted policies and rules and regulations shall be filed with the State Superintendent of Education and shall be made available to all teachers, employed by the Board. Any amendments to policies, and rules or regulations shall be developed as specified above, filed with the State Superintendent and provided to teachers in a timely manner. Any administrative committee considering issues affecting employees shall be representative of the workforce of the School System.

[Reference: Ala. Code §16-1-30 (1975)]

5.3.9 Job Description Development

It shall be the duty of the Superintendent to prepare or cause to be prepared job descriptions for all certified and classified personnel employed by the School System. Each job description must specify essential functions of the job. The Superintendent shall periodically review and update job descriptions for said personnel. The Superintendent or his or her designee shall notify and familiarize said personnel with their duties and responsibilities as defined by the revised job descriptions. Employees will be given a copy of any changes to his or her job description.

5.3.10 Non-School Employment for Personnel

Part-time employment which interferes with the regular assigned work duties or reflects negatively on the image of the School System is looked upon with disfavor by the Board.

In the event the regular work of an employee suffers because of part-time employment, the employee will be requested to eliminate his or her part-time work. In the event the employee does not give up his or her part-time work, the Board will exercise its prerogative in declaring that the quality of work performed for the Board does not meet the required standards and may initiate dismissal proceedings against said employee.

5.4 ~~Salary Deductions~~—NOTE: SEE 3.10.4

~~The School System shall make all salary deductions required by law. In no cases will the School System make other deductions unless approved, in writing, by the employee.~~

Federal and State Income Deductions

The School System will deduct federal and state income tax from all employees in accordance with law. Each employee of the School System shall file with the Superintendent all necessary income tax withholding forms when initially employed and when adjustments are necessary.

FICA—Social Security Deductions

The School System will deduct FICA tax from all employees in accordance with law.

Teacher Retirement Deductions

The School System will deduct teacher retirement contributions from all employees eligible for participation in the State Teacher Retirement System. Said deductions shall be made in accordance with law.

Professional Dues and Political Deductions

The School System will withhold dues for membership to the national, state, and local education associations as a service to employees. Said dues and state political deductions shall not be made without initial authorization, in writing, by each employee. Continuing payroll deductions shall remain in effect until cancelled in writing by the employee.

Insurance and Annuity Deductions

The School System will make deductions for specified insurance and annuity plans as a service to employees. Said deductions shall be made in accordance with administrative rules and regulations filed GAL R under this cover.

Other Deductions

The School System may make other deductions as a service to employees when requested, in writing, by the employee and approved by the Superintendent.

[Reference: Ala. Code §16-22-6 (1975); Legislative Act 83-207]

5.4.1—Salary Deductions—Procedure and Regulations

General Policy

The Board shall provide for deductions from the salaries of its employees. Any employee requesting salary deductions other than membership dues or voluntary contributions must complete a Salary Deductions Authorization Form, indicating the total monthly amount to be deducted from his or her salary, and file the form in the Superintendent's office. The deductions shall be made from salaries earned in at least nine (9) different pay periods and shall be remitted to the appropriate company, association, or organization as specified by the employee within ten (10) days following each deduction. Deductions may be made for, but not limited to, savings plans, tax sheltered annuities, the Public Employees' Individual Retirement Account Fund, membership dues, voluntary contributions, and group insurance premiums. New authorizations for deductions of dues, voluntary contributions or employee savings plans, must be submitted to the payroll office and deductions shall begin with the pay period next following the receipt of authorization. Upon termination of employment, any amount owed under authorization of the employee shall be deducted from the employee's final pay check. When amounts have been correctly deducted and remitted by the Board, the Board shall bear no further responsibility or liability for subsequent transactions.

Membership Dues and Voluntary Contributions

~~Deductions for membership dues and voluntary contributions shall be made based upon membership lists and forms provided to the Board by the employee's organization. Such lists are to be corrected, updated, and returned to the employee's designated organization(s) not later than November 10th of each school year. Authorized deductions for membership dues and voluntary contributions shall be deducted for each succeeding year, unless the employee revokes the deductions in writing on or before September 15th of the year. An employee desiring to revoke his or her voluntary contributions may do so by providing thirty (30) days' notice of such to the Superintendent's office.~~

[Reference: Ala. Code §16-22-6 (1975)]

5.4.1a Regulations for Handling Payroll Deductions Insurance and Annuity Plans

~~Effective this adoption date, the regulation governing the handling of insurance and annuity plans for employees of the Board through deductions shall be according to the following procedures:~~

- ~~1. All insurance and annuity companies given the privilege to participate in payroll deductions will invoice for payment in twelve (12) equal monthly installments unless otherwise specified in writing by the Superintendent.~~
 - ~~2. Each company will prepare one invoice for each plan that the company has on the payroll system. (Example: Franklin Life Insurance Company should prepare one invoice for health insurance, and one invoice for tax sheltered annuities, and one invoice for life insurance plans.) The invoice must be received at the office no later than the 10th of the month in order that payment can be made by the first.~~
 - ~~3. The insurance year shall be considered to be the same as the fiscal year (October through September).~~
 - ~~4. In order to be given the privilege of being placed on the payroll deduction system, all companies must agree in writing to the requirements of these procedures and must secure a minimum of fifty (50) of the eligible employees; contract for each plan prior to that plan being approved for the payroll deduction system. Any plan that does not maintain at least thirty (30) employees for a two-year period will lose its payroll deduction slot.~~
 - ~~5. New applications for deductions may be filed with the Board's payroll officer any time during August 20th to September 15th and January 1st to January 15th of each year. Deductions based on authorizations made during August 20th to September 15th shall commence with the October paycheck and until revoked by written notice from the employee. Deductions based on authorizations made during January 1st to January 15th shall commence with the February paycheck, but deductions for any employee who is not paid on a 12-month basis shall be made for only those months' salary is paid, with deductions to resume. If not revoked, with the following October check.~~
 - ~~6. Cancellations must be turned in to the Payroll Officer not later than the tenth (10th) of the month in order for deduction to be cancelled for that month.~~
-

Salary Deduction Request Form

Employee Number: _____ Social Security Number: _____

Telephone Number: _____

Name: _____

Address: _____

Comment:

Present Deductions

Changes or Corrections or Additions

5.4.1c Salary Deduction Request Signature Form

~~I have reviewed this list of deductions and, except for the changes noted on this form, they are correct and are to remain in effect until cancelled in writing by me. I understand that these deductions are made in accordance with Act 83-207 (2nd Spec. Sess. 1983) of the Alabama Legislature and with the policies of this Board.~~

~~I may revoke authorization for deductions of voluntary contributions and other elected deductions by giving the Board thirty (30) days' written notice.~~

~~I further understand that I may authorize deductions for membership dues and voluntary contributions, but that such deductions are to be made based on lists of forms furnished to the Board by organizations of which I am a member. I may revoke authorization for deductions of dues by notifying the Board and the association of this revocation in writing on or before September 15th of each year.~~

Date Signature

~~5.4.2 Fair Labor Standards Act—NOTE: SEE 3.10.5~~

~~The Board recognizes the requirements of the Fair Labor Standards Act of 1938 and its amendments. The Board expresses its intent to comply with the Act and authorizes the Superintendent to take the necessary steps to assure that the Board is in compliance with the Act.~~

~~The Superintendent is authorized by the Board to determine the need for overtime work, negotiate with employees for overtime work and to compensate them in funds and/or compensatory time in accordance with the Fair Labor Standards Act requirements.~~

~~[Reference: Fair Labor Standards Act of 1938 as amended, 29 U.S.C. §201 *et seq*]~~

~~5.4.2a The Effect of the Fair Labor Standards Act~~

~~The case of *Garcia v. San Antonio* reapplied the provisions of the Fair Labor Standards Act (FLSA) of 1938 and its amendments to certain employees in education, in particular the provision dealing with additional compensation for overtime work. As authorized by the Board, the Superintendent should determine the need for overtime work, negotiate with employees the amount and timing of overtime work, and compensate the employees for that overtime work. This additional compensation is generally provided by:~~

- ~~1. Paying the employee for additional hours at the rate of at least 150% of regular pay; or~~
- ~~2. Establishing a pool of hours to be used in a manner analogous to vacation or leave time. This pool, usually called “comp time,” is accumulated at the rate of at least 1.5 hours for each additional hour worked.~~

~~In accordance with the Title 29, Part 541 of *The Code of Federal Regulations*, revised June 1983, most positions listed in this proposal are subject to the provisions of the FLSA, i.e., are “nonexempt.” “Exempt” positions are not entitled to overtime pay or compensatory release time. As outlined in the Code, exempt employees are those that meet one or more of the following criteria:~~

- ~~3. “Executive, administrative, and professional (certified) employees (including teachers and academic administrative positions (e.g., “director,” “supervisor”); or~~
- ~~4. Classified employees (a) whose primary duties consist of the management of the enterprise in which they are employed, (b) who customarily direct the work of two or more employees, (c) who have the authority to hire or fire or whose suggestions and recommendations as to the hiring, firing, or other change of status decision for other employees will be given particular weight, and (d) who customarily and regularly exercise discretionary powers.~~

~~Employees not meeting one of the above criteria are subject to the provisions of the FLSA, and as such are eligible for additional compensation for work performed in excess of forty (40) hours per week.~~

~~5.4.3 Compensatory Time—NOTE: SEE 3.10.6~~

~~Compensatory time is prohibited by the Board unless the Superintendent has identified specific activities for which such time may be granted. When activities which will accrue compensatory time are indentified by the Superintendent, written approval will be provided to the affected employee(s) prior to the time that the work is initiated that will~~

~~accrue such time. The written approval, which may be provided only by the Superintendent or his/her designee, will identify the specific dates that compensatory time may be taken. (A district wide comp sheet must be created.)~~

~~All compensatory time shall meet the guidelines of the Fair Labor Standards Act of 1938 as amended (see policy GALA under this cover).~~

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

5.5 Leave

Leave with pay may be granted to employees of the School System for absences from their assigned duties due to illness or some other unavoidable cause which prevents such employees from discharging their duties. Authorization is granted under provision of State law, rules and regulations of the State Board of Education, and Policies of the Board.

Definitions

“Sick leave” is defined as the absence from regular duty by an employee as a result of:

1. Personal illness or doctor’s quarantine;
2. Bodily injury which incapacitates an employee;
3. Attendance upon an ill member of the employee’s immediate family (parent, spouse, child, sibling), or an individual with unusually strong personal ties to the employee, such as a person who stood in loco parentis;
4. Death in the family of the employee (parent, spouse, child, sibling, parent-in-law, son-grandparent, uncle, or aunt); and
5. Death, injury, or sickness of another person who has unusually strong personal ties to the employee, such as a person who stood in loco parentis.

Authorization

Sick leave shall apply to all full time employees of the Board, including bus drivers, and shall be in accordance with the rules and regulations as follows:

1. The employee shall be allowed to accumulate one (1) sick leave day per month of employment, and shall be allowed to accumulate an unlimited number of sick leave days.
2. Earned sick leave days which have been accrued by an employee shall be transferable from one School System to another, within the State of Alabama. It shall be the responsibility of the executive officer of the school Board to ensure that certification of the number of unused sick leave days is provided to the new employer when an employee transfers employment.
3. Authorization and verification for sick leave shall be the responsibility of the employee’s immediate supervisor.
4. Where sick leave extends beyond five (5) successive days, the employee may be required, at the request of his or her immediate supervisor, to provide a doctor’s statement verifying the cause of absence.

Restrictions

Sick leave shall not be transferable to, or from School Systems outside the State of Alabama.

1. Leave for fractional parts of a day shall be counted as a full day when recorded on a teacher's sick leave record. A substitute teacher placed in charge of a class at the beginning of a school day shall remain in charge for a full day unless an exception to this rule is approved by the principal.
2. Full pay for sick leave shall be allowed only if the absences fall within the definition of sick leave as defined in this policy.

[Reference: Ala. Code §§16-22-9, 16-1-18.1 (1975)]

5.5.1 Sick Leave for Job Related Injuries

Upon determination by the Superintendent that an employee has been injured on the job and cannot return to work as a result of the injury, the salary and fringe benefits of the employee shall be continued for a period of up to ninety (90) working days, consistent with the employee's injury and the absence from work resulting from the injury.

Definitions

"On-the-job injury" is defined as any accident or injury to the employee occurring during the performance of duties or when directed or requested by the employer to be on the property of the employer which prevents the employee from working or returning to his or her job.

Authorization

The following regulations, procedures, and rights are established pertaining to employees who are injured on the job:

1. The employee shall provide notice of the injury to the Superintendent (or principal of the school, if applicable), within twenty-four (24) hours after the injury occurs. If the employee is not clinically able to make notification, another person with knowledge of the employee's injury may provide such notice.
2. The employee may be required, at the request of his immediate supervisor, to provide medical certification that the employee was injured and cannot return to work as a result of the injury. The Superintendent may, at his or her discretion, require a second opinion from another physician, at the expense of the school board, stating that there is a reasonable expectation that the employee will be able to return to work.
3. Sick leave shall not be deducted from the employee's account if absence from work is found to be a result of an on-the-job injury.
4. The Superintendent shall inform the employee of his or her right to appear before the Board of Adjustment within thirty (30) days of notification of the injury.
5. Any unreimbursed medical expenses and costs which the employee incurs as a result of an on-the-job injury may be filed for reimbursement with the State Board of Adjustment.

Restrictions

1. The Superintendent must recommend such leave, and the Board must approve such recommendation.
2. During such leave, the employee shall not receive salary in excess of one hundred percent (100%) of his or her salary.
3. Such leave may be granted only for the temporary disability of the employee as applicable to the job-related injury.

[Reference: Ala. Code §§16-22-9 and 16-1-18.1 (1975)]

5.5.2 Sick Leave Days for Retirement Purposes

General Policy

All personnel of the school district, who are members of the Alabama Retirement System and whose retirement date is on or after June 1, 1983, may use their accrued sick leave, up to the maximum number of days allowed by State law, for retirement purposes.

The following provisions shall apply:

1. Employees shall receive an accounting of accrued sick leave days annually with his or her September payroll check.
2. Those eligible to receive credit for accrued sick leave for retirement purposes shall include employees applying for service retirement, and employees retiring on disability who are otherwise eligible for service retirement. Said conversion shall not apply to eligibility for deferred retirement.
3. Accrued sick leave may be used to satisfy the ten (10), twenty-five (25), or thirty (30) years of service requirements.
4. All sick leave days to be used toward retirement must be certified by the Board.

[Reference: Ala. Code §§16-25-11.1 and 16-1-18.1 (1975)]

5.5.3 Bereavement Leave for Personnel

Immediate Family

Personnel may receive leave for bereavement related to members of the employee's immediate family. Such leave shall be with pay, provided the employee has sufficient accrued sick leave and/or personal leave, and shall be chargeable to the employee's sick leave or personal leave days.

Normally, an absence for bereavement will not exceed three (3) working days; however, when exceptional circumstances exist, additional days may be granted upon request to the Superintendent. If the employee has not accrued sufficient sick leave and/or paid personal leave days, said leave shall be without pay.

The “immediate family” is defined as spouse, parent, child, sibling, parent-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, nephew, niece, grandchild, grandparent, uncle, or aunt.

Non-Member of Immediate Family

When unusually strong personal ties exist, such as where an employee has been supported or educated by a person other than member of his or her immediate family, such relationship may be recognized for bereavement leave purposes. In such cases, said employee may receive up to two (2) days leave for bereavement with pay, subject to the approval of the Superintendent and chargeable to the employee’s accrued personal leave days. If the employee does not have personal leave days, said leave shall be without pay.

In each case, the employee shall file with the Superintendent a written statement of the circumstances justifying bereavement leave for a person other than a member of his or her immediate family.

[Reference: Ala. Code §§16-22-9 and 16-1-18.1 (1975)]

5.5.4 Military Leave for Personnel

General Policy

All employees are entitled to military leave of absence when ordered to active duty as members of a military service of the United States. Such leave of absence shall be granted for the duration of his or her active duty and until the beginning of the school year next succeeding the date on which the employee is released from military service. Employees who volunteer, are drafted, or are offered to extended active duty with any component of the U.S. Armed Forces, shall be entitled to reinstatement to their former positions or comparable positions. The Board recognizes the varying nature of federal, state, and local laws regarding military leave due to the war on terrorism. Such leave shall be observed according to current federal, state, and local laws, rules, regulations and opinions.

Definitions

“Military service of the United States” is defined as the Army of the United States, the United States Navy, the Marine Corps, the Coast Guard, the Army Specialist Corps, the Women’s Army Auxiliary Corps and the Women’s Volunteer Reserve of the United States Navy, those persons commissioned in the public health service or those persons entering into the service of any similar organization heretofore or hereafter formed by the government of the United States.

Reinstatement to Position after Military Service

An employee desiring to be reemployed by the Board must give written notice of such to the Board on or before the date on which he or she is released from military service. If such notice is not received by the Board, the Board has no further responsibility with respect to reemployment of said employee.

An employee who is reemployed by the Board within one (1) year of his or her release from military service, who is not on continuing service status but who has accumulated one or more years of teaching experience with the Board immediately prior to entering military service, shall be given credit for such experience as it relates to attaining continuing service status.

Military Service for Training or Short Term Duty

The Board will provide for the payment of employees required to attend annual summer training or special active duty for a period of time not longer than twenty-one (21) days during any one scholastic year.

[Reference: Ala. Code §§16-24C-13, 16-1-18.1 and 31-2-13 (1975)]

5.5.5 Maternity Leave for Personnel

General Policy

An employee of the School System shall be eligible for maternity leave when: 1) the employee requests leave; 2) an attending physician notifies the Board that it is in the best interest of the employee to take such leave; and 3) such leave is approved by the Board. Maternity leave shall end when the employee requests to return to work or when the attending physician determines that the employee is able to return to work. Unless the employee applies sick leave days as discussed below, maternity leave shall be without pay.

Sick Leave and Sick Leave Bank

Once an attending physician determines that the employee can no longer perform expected duties, sick leave days may be used at the discretion of the employee. If the employee is a member of a sick leave bank established in accordance with State law, such employee may be the recipient of sick leave days donated on her behalf. All accumulated sick leave days and sick leave days donated to a sick leave bank on the employee's behalf must be utilized in accordance with State law.

Restrictions

1. Maternity leave normally shall not extend over a period of time exceeding twelve (12) calendar months.
2. Maternity leave shall not be counted as experience in the determination of placement on the salary schedule, except that, a certified employee who has served at least ninety (90) days during that scholastic school year shall be placed on the salary schedule on the step she would have reached had she completed the full year.
3. An employee returning to work from an approved maternity leave shall be restored to her former position or a position of like nature, except that a certified employee returning from maternity leave shall be restored to her former position. Such employees shall maintain their tenure status and all accruable benefits; except that,

days are not to be accrued for sick leave or annual leave while on maternity leave without pay.

[Reference: Ala. Code §§16-1-18.1, 16-8-25 and 16-22-9 (1975)]

5.5.6 Legal Service Absences for Personnel

Jury Service

Personnel may be excused without loss of pay for jury service. To be eligible for jury service leave with pay, personnel must present the jury summons to their immediate supervisor as far in advance of the leave date as possible in order to secure appropriate substitutes. Personnel are not required to return to the School System the fee paid to them for jury or court service.

Court Appearances

Personnel may be excused without loss of pay for serving as a witness under subpoena in a court of law. To be eligible for court appearance leave with pay, personnel must present the subpoena to their immediate supervisor as far in advance of the leave date as possible in order to secure appropriate substitutes.

Return to Work

When School System personnel are released from jury service and/or court appearances, they are to report promptly (the same day if possible) to their employment positions.

[Reference: Ala. Code §§12-19-210 and 12-16-8 (1975), Legislative Act, 1977 No. 759; Alabama Attorney General Opinion No. 79-00115 dated February 23, 1979]

5.5.7 Professional Leave Policy

The Superintendent or his/her designee may grant professional leave when an employee devotes such leave to instructing in or attending a conference meeting or convention for training related to the direct performance of his or her job, or for other circumstances considered beneficial to the school district's educational objectives. Where an employee represents the Board while on professional leave, the Board may pay all or part of an employee's expenses, provided that prior approval for said expenses is given by the Superintendent or his/her designee.

An employee shall be limited to serving on one (1) accreditation study per year, and attending one (1) out-of-state conference or educational meeting per year, unless permission is otherwise granted by the Superintendent or his/her designee.

An employee seeking professional leave must submit a request in writing, clearly identifying and describing the reason for said request, and demonstrating why the Superintendent should grant such request. A request to attend a conference or similar educational meeting shall be submitted at least two weeks in advance, although exceptions may be made for extenuating circumstances.

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

5.5.8 Vacation for Personnel Twelve-Month Employees

General Policy

All twelve-month personnel shall be entitled to paid vacation days, to come from public funds. Twelve-month employees who have been employed by the Board for more than one (1) year but less than fifteen (15) years shall be entitled to two (2) weeks' vacation. Twelve (12) month employees who have been employed by the Board for fifteen (15) years or more are entitled to three (3) weeks' vacation. Except for first year employees. Each employee's vacation shall fully accrue on January 1. First-year employees shall earn vacation days at the rate of five-sixth of a day for each month employed. Any employee who plans to take a vacation shall schedule such in cooperation with his or her immediate supervisor.

Restrictions

1. Only twelve (12) month personnel shall earn vacation days.
2. No vacation days will be granted before they are earned, and all vacation days must be used by the employee prior to his or her effective resignation or termination date. The School System shall make cash payments for unused vacation days.
3. No employee shall accumulate over thirty (30) days by June 30th of any year effective the 2019-2020 school year.
4. At the beginning of July 1st of any year any accrued vacation in excess of thirty (30) days will be forfeited effective the 2019-2020 school year.

5.6 ***Retirement of Personnel***

Retirement Age

The Board reserves the right to require physical and/or mental examinations of any employee, regardless of age, to determine fitness for assigned responsibility.

Teacher Retirement System

Personnel who are eligible for participation in the State Teacher Retirement System are required to participate and be retired in accordance with provisions of *The Code of Alabama* and current policies of the Alabama Teacher Retirement System.

[Reference: Ala. Code §16-25-14 (1975), Legislative Acts, 85-208]

5.7 ***Travel Expenses for Personnel***

Personnel shall be reimbursed for travel expense incurred while performing duties related to their jobs, when such travel is at the request of or approved by the Superintendent.

Travel within the city

1. Prior approval for all travel must be obtained before any travel expenses can be incurred. All travel expense claims must be made on forms prescribed by the Superintendent for reclamation of travel expenses.
2. Approved travel will be limited to that travel directly related to the discharge of assigned duties.
3. Reimbursement for approved travel will be paid at the current state rate approved.

Exclusions:

1. Travel to the city office of education is not reimbursable.
2. Travel for the purpose of procuring a meal is not reimbursable.
3. There is no reimbursement for expenses other than mileage for in-city travel.

Travel within the State

1. Prior approval for all travel must be obtained from the Superintendent before any travel expenses can be incurred. All travel expense claims must be made on forms prescribed by the Superintendent for reclamation of travel expenses. Such report must show at a minimum:
 - A. Date of travel;
 - B. Destination;
 - C. Purpose of travel (specific); and
 - D. Number of miles traveled.
2. Reimbursement for actual expenses incurred shall be at the following rates:
 - A. Mileage at the state approved rate.
 - B. Meals, documented by paid tickets, up to a maximum of \$25 per day for trips not requiring overnight stay.
 - C. Meals, documented by paid tickets, for actual cost, limited to three meals per day for trips requiring overnight stay, not to exceed \$75 per day.
 - D. Other documented expenses (Individual membership dues are not allowable expense.)

Travel outside the State

Reimbursement for travel expenses outside the state shall not exceed the actual, documented expenses. Prior approval for all travel must be obtained from the Superintendent before any travel expenses can be incurred. All travel expense claims must be made on forms prescribed by the Superintendent for reclamation of travel outside the state. All expense claims for out-of-state travel and lodging should be shared with other employees when possible. Provided a person not employed by the School System shares a room with an employee, the School System employee shall be eligible for reimbursement at single room rate only. Reimbursement for personal items and entertainment will not be made.

[Reference: Ala. Code §§16-11-9 and 16-12-3 (1975)]

5.8 Possession of Weapons and Firearms

The Board prohibits all persons, other than authorized law enforcement personnel, from possessing, using, discharging, transferring or distributing any firearm or other deadly weapon on school property twenty-four (24) hours a day, seven (7) days a week and at all school sponsored events, including in one's motor vehicle on school property or at such event regardless. A license or permit to carry or possess a firearm or other weapon is not an exception to this policy. Further, no student or employee shall have in his/her possession a firearm within 1000 feet of a school, except as provided for by applicable law.

The term "firearm" means any instrument that is designed to or may be readily converted to expel a projectile by the action of explosive or air power. The term includes, any part of a firearm including the frame or receiver of a firearm.

The term "deadly weapon" means any instrument falling under the definition of "deadly weapon" under Ala. Code §13A-1-2 (2003) (the "Criminal Code"). The Criminal Code states that a deadly weapon is "(a) firearm or anything manifestly designed, made or adapted for the purposes of inflicting death or serious injury," and that the "term includes, but is not limited to, a pistol, rifle, or shotgun; or a switch-blade knife, gravity knife, stiletto, sword, or dagger, or any billy, black-jack, bludgeon, or metal knuckles." Ala. Code §13-A-1-2 (2003).

Persons in violation of this prohibition are subject to the following disciplinary action:

Disciplinary Actions for Employees/Personnel

Any employee, other than a law enforcement officer, found to be in violation of this policy will be reported to the Superintendent or his or her designee. The Superintendent has the authority to temporarily suspend such employee when, in his opinion, the circumstances necessitate immediate action. Following an investigation by the Superintendent, a hearing will be held within five (5) working days, at which time the Superintendent will present his findings to the Board and make a recommendation as to the disciplinary actions, which may include, but are not limited to, termination of the employee's employment with the school district.

Disciplinary Actions for Students

In addition to the prohibitions set forth in the first paragraph of this policy, it is further a violation of this policy for a student to be in possession of a realistic reproduction or non-functional replica of a firearm when such firearm is presented as functional firearm.

5.9 *Possession of Firearms by School System Personnel*

No employee shall be permitted to have in his or her possession a firearm on school property during regular employment hours.

Parents and other persons are hereby prohibited from bringing firearms or other weapons on school property during regular school hours or during any school function or activity when parents, students, or teachers are present.

5.10 *Health Examinations for Personnel*

Subject to the Americans with Disabilities Act and any other applicable Alabama or federal law, the Board reserves the right to require employees of the School System, at any time, at the Board's expense to submit to a physical or mental examination by a physician or physicians to be designated, or approved, by the Board. In all cases, such requirement by the Board shall be based on reasonable cause. The Board may review the employment of any person whose condition of health as described by such examination and physicians makes it impossible for the employee to perform an essential function of the employee's job. Refusal to submit to such examinations may result in adverse employment action up to dismissal.

5.10.1 Tuberculosis Tests for Employees

The following provisions shall apply to employees of the School System with respect to testing for tuberculosis:

1. Only newly employed personnel, including teachers, janitors, bus drivers, food handlers, aides, and other persons who have direct contact with children are recommended for an initial examination for tuberculosis.
2.
 - a. New employees should be tuberculin skin tested initially at the time they are employed. If the skin test is negative, no further skin testing or examinations are required.
 - b. If the tuberculin test is positive, a chest x-ray is recommended. If the chest x-ray is essentially negative, INH preventive therapy will be highly recommended for persons under 35 years of age, unless there are medical contradictions.
 - c. Persons over 35 with a positive skin test and negative chest x-ray will be considered for INH preventive therapy on an individual basis, depending upon other risk factors and the clinical judgment of the physician.
 - d. After the initial examination of all new employees for tuberculosis, no further annual skin testing or x-raying is recommended unless the local health officer or physician considers it necessary. Further procedures, such as sputum examinations, may be requested by the local health officer or clinician as deemed necessary.
3. If a female employee is employed in the first trimester of her pregnancy and is found to be skin test positive and asymptomatic, she may be x-rayed on the anniversary date of her employment or within a calendar year.

4. The State Committee of Public Health recommends that routine measure of supervision, as indicated by the Tuberculosis Control Program Guidelines, should be followed where a case is found in a school. The contacts should be investigated, examined, and considered for preventive therapy in accordance with the tuberculosis program guidelines.
5. Educational programs relating to respiratory disease, including tuberculosis, for students and employees should be encouraged at both the local and state levels.

[Reference: State Department of Public Health recommendation dated July 1, 1982]

5.10.2 AIDS/HIV NOTE: SEE SECTION 4.11

~~Bessemer City Schools shall strive to protect the safety and health of children and youth in our care, as well as their families, our employees, and the general public. Staff members shall cooperate with public health authorities to promote these goals.~~

~~The evidence is overwhelming that the risk of transmitting human immunodeficiency virus (HIV) is low in school settings when current guidelines are followed. The presence of a person living with HIV infection or diagnosed with acquired immunodeficiency syndrome (AIDS) poses no significant risk to others in school, day care, or school athletic settings.~~

School Attendance

~~A student with HIV infection has the same right to attend school and receive services as any other student, and will be subject to the same rules and policies. HIV infection shall not factor into decisions concerning class assignments, privileges, or participation in any school-sponsored activity.~~

~~School authorities will determine the educational placement of a student known to be infected with HIV on a case by case basis by following established policies and procedures for students with chronic health problems or students with disabilities. Decision makers must consult with the student's physician and parent or guardian; respect the student's family privacy rights; and reassess the placement if there is a change in the student's need for accommodations or services.~~

~~School staff members will always strive to maintain a respectful school climate and not allow physical or verbal harassment of any individual or group by another individual or group. This includes taunts directed against a person living with HIV infection, a person perceived as having HIV infection, or a person associated with someone with HIV infection.~~

Employment

~~The Bessemer City School System does not discriminate on the basis of HIV Infection or association with another person with HIV infection, in accordance with the Americans with Disabilities Act of 1990. An employee with HIV infection is welcome to continue working as long as he or she is able to perform the essential functions of the position, with reasonable accommodation if necessary.~~

Privacy

~~Pupils or staff members are not required to disclose HIV infection status to anyone in the education system. HIV antibody testing is not required for any purpose.~~

~~Every employee has a duty to treat as highly confidential any knowledge or speculation concerning the HIV status of a student or another staff member. Violation of medical privacy is cause for disciplinary action, criminal prosecution, and/or personal liability for a civil suit.~~

~~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 of disclosure.~~

~~All health records, notes, and other documents that reference a person's HIV status will be kept under lock and key. Access to these confidential records is limited to those named in written permission from the person (or parent or guardian) and to emergency medical personnel. Information regarding HIV status will not be added to a student's permanent educational or school health record without written consent.~~

Infection Control

~~All employees are required to consistently follow infection control guidelines in all settings and at all times, including playgrounds and school buses. Schools will operate according to the standards promulgated by the U.S. 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 accessible. Director of Federal Programs or designate shall implement the precautions and investigate, correct, and report on instances of lapse.~~

~~All school staff should follow universal precautions. A school staff member is expected to alert a person responsible for health and safety if a student's health condition or behavior presents a 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~~

~~shall counsel that person (or, if a minor, alert a parent or guardian) to seek appropriate medical evaluation.~~

HIV and Athletics

~~This privilege of participation in physical education classes, athletic programs, competitive sports, and recess is not conditional on a person's HIV status. School authorities will make reasonable accommodations to allow students living with HIV infection to participate in school sponsored physical activities.~~

~~All employees must consistently adhere to infection control guidelines in locker rooms and all play and athletic settings. Rulebooks will reflect these guidelines. First aid kits must be on hand at every athletic event.~~

~~All 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

~~The goals of HIV prevention education are to promote healthful living and discourage the behaviors that put people at risk of acquiring HIV. The educational program will:~~

- ~~• Be taught at every level, kindergarten through grade twelve;~~
- ~~• Use methods demonstrated by sound research to be effective;~~
- ~~• Be consistent with community standards;~~
- ~~• Follow content guidelines prepared by the Center for Disease Control and Prevention (CDC);~~
- ~~• Be appropriate to students' developmental levels, behaviors, and cultural backgrounds;~~
- ~~• Build knowledge and skills from year to year;~~
- ~~• Stress the benefits of abstinence from sexual activity, alcohol, and other drug use;~~
- ~~• Include accurate information on reducing risk of HIV infection;~~
- ~~• Address students' own concerns;~~
- ~~• Include means for evaluation;~~
- ~~• Be an integral part of a coordinated school health program;~~
- ~~• Be taught by well prepared instructors with adequate support; and~~
- ~~• Involve parents and families as partners in education.~~

~~Parents and guardians will have convenient opportunities to review all HIV prevention curricula and materials. School staff members shall 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, and assures that the topic will be discussed at home or elsewhere, the child shall be excused without penalty.~~

~~The education system will endeavor to cooperate with HIV prevention efforts in the community that address out of school youth and youth in situations that put them at high risk of acquiring HIV.~~

Related Services

~~Students will have access to voluntary, confidential, age and developmentally appropriate counseling about matters related to HIV infection. 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 conveys factual and current information, provides guidance on infection control procedures, informs about current law and state, district, and school policies concerning HIV, assists staff to maintain productive parent community relations, and includes annual review sessions. Certain employees will also receive additional specialized as appropriate to their positions and responsibilities.~~

General Provisions

~~On an annual basis, school administrators will notify students, their family members, and school personnel about current policies concerning HIV infection, and provide convenient opportunities to discuss them. Information will be provided in major primary languages of students' families.~~

~~This policy is effective immediately upon adoption. In accordance with the established policy review process, or at least every three (3) years, Director of Federal Programs or designee shall report on the accuracy, relevance, and effectiveness of this policy and, when appropriate, provide recommendations for improving and/or updating the policy.~~

5.10.3 Drug Free Work Place

NOTE: SEE 4.2.6

~~Drug abuse and use at the work place are subjects of immediate concern in our society. These problems are extremely complex and ones for which there are no simple solutions. From a safety perspective, the users of drugs may impair the well being of all employees, the public at large, and result in damage to School System property. Therefore, it is the policy of the Board that the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance in the School System's work place is prohibited. Any employees violating this policy will be subject to discipline up to and including termination. The specifics of this policy are as follows:~~

- ~~1. The School System does not differentiate between drug users and drug distribution, or sellers. Any employee who gives or in any way transfers a controlled substance to another person or sells or manufactures a controlled substance while on the job or on the premises of the School System will be subject to discipline up to and including termination.~~
- ~~2. The term "controlled substance" means any drug listed in 21 U.S.C. §812 and other federal regulations. Generally, there are drugs which have a high potential for abuse. Such drugs include, but are not limited to, alcohol, heroin, marijuana, cocaine and its derivatives, "crack", and phencyclidine (PCP). They also include "legal drugs" which are not prescribed by a licensed physician.~~
- ~~3. Each employee is required by law to inform the Superintendent within five (5) days after he or she is convicted for violation of any federal or state criminal drug statute where such violation occurred on the School System's premises. A conviction means a finding of guilt (including a plea of nolo contendere) or the imposition of a sentence by a judge or a jury in any federal or state court.~~
- ~~4. The Superintendent of the School System must notify any U.S. government agency with which the School System has a contract within ten (10) days after receiving notice from the employee or otherwise receives actual notice of such a conviction.~~
- ~~5. If any employee is convicted of violating any criminal drug statute while in the work place, he or she will be subject to discipline up to and including termination. Alternatively, the School System may require the employee to successfully finish a drug abuse program sponsored by an approved private or governmental institution, at no expense to the School System.~~
- ~~6. In order to acquaint employees with the dangers of drug abuse, the Superintendent shall establish an on-going drug awareness program for School System personnel.~~
- ~~7. All employees shall abide by this policy during any period of employment with the School System.~~
- ~~8. All employees are hereby notified of this policy by its presentation in the Board policy manual.~~

[Reference: 41 U.S.C. §81, Drug Free Workplace Act of 1988, 34 CFR Part 85, Subpart F]

5.10.4 Smoking and Use of Tobacco Products

~~The Board prohibits smoking and the use of tobacco products by school employees, students, and all other persons in all buildings, offices, schools, campuses, property and vehicles of the school district twenty four (24) hours a~~

day, seven (7) days a week and at all school district sponsored events. The Board further prohibits the possession of tobacco products or paraphernalia, including cigarette rolling papers, matches and lighters, by students at all of the above listed places and events. Persons in violation of this prohibition are subject to the following disciplinary action:

Disciplinary Actions for Employees

1st Offense: The supervisor or principal will inform the Superintendent, in writing of the violation. The Superintendent will, thereafter, write a letter of reprimand, with a copy given to the employee and the original placed in the employee's personnel folder at the Central Office.

2nd Offense: The supervisor or principal will inform the Superintendent, in writing of the violation. The Superintendent will, thereafter, write a letter of reprimand, accompanied by notice of a one day suspension, unpaid, with a copy given to the employee and the original placed in the employee's personnel file at the Central Office.

3rd Offense: The supervisor or principal will inform the Superintendent, in writing of the violation. The Superintendent will, thereafter, make a recommendation of disciplinary action to the Board of Education, which must include at least a three (3) day unpaid suspension and may include, but is not limited to termination of the employee's employment with the school district.

Disciplinary Actions for Students

1st Offense: An administrator, student, parent/guardian conference will be held. The student will receive either in-school suspension, extended work assignments before or after school, or suspension for a maximum of five (5) school days, unless other or lesser punishment is warranted under the guidelines for Special Education students. Circumstances may warrant disciplinary action as outlined under subsequent offenses. If these disciplinary actions are not effective, the principal/designee may seek additional support from Central Office staff members.

Subsequent Offenses: The student will be suspended for a maximum of five (5) days or, if the student is a Special Education student, that student will be punished as directed under the guidelines for Special Education students. If these disciplinary actions are not effective, the principal/designee may seek additional support from Central Office staff members.

Disciplinary Actions for Visitors

The visitor, whether a parent or other person, will be asked to cease the tobacco usage immediately. Visitors who refuse to cease the tobacco usage will be asked to leave the premises. If the visitor refuses, the school district's security officer will be contacted immediately to either escort the visitor from the school premises or direct the school Resource Officer to escort the visitor from the school

~~premises. In the event that these actions are unsuccessful, or if the circumstances otherwise dictate, the school district security officer or his or her designee may call the law enforcement authorities. School officials will be expected to sign an arrest warrant for any person failing to comply with the request of the district's security officer.~~

[Reference: Ala. Code §§16-4-13; 16-12-5; 16-41-2; 16-41-3; 16-41-7 (1975)]

5.11 *Dress Code for Teachers, Teacher Aides, and Office Personnel*

The Bessemer City Board of Education expects instructional and office personnel to present a professional impression in their dress and appearance and to project an acceptable role model image for their students by being clean, neat, and not offensive to the standards of the community or disruptive to the educational process.

While the Board recognizes that the courts have not always supported School Systems' efforts to regulate teachers dress unless it disrupts the educational process, it is suggested, however, that teachers, teacher aides, and office personnel refrain from wearing jeans, t-shirts, and sweat suits during the hours when school is in session or during regular office hours. Obviously, clothing should be appropriate to the assignment of the employee, such as gym clothing for physical education teachers.

Where there is a question about an employee's attire, their immediate supervisor should be consulted.

5.12 *Certified Personnel Defined*

Certified personnel are defined as persons employed by the Board who are regularly certified by the teacher certifying authority of the State of Alabama.

[Reference: Ala. Code §16-24C-3 (1975)]

5.12.1 Certified Personnel Salary Schedules and Contracts

Salary Schedules

The Superintendent shall prepare or cause to be prepared salary schedules for all professional personnel employed by the School System. The salary schedules shall be presented to the Board for review and approval annually, and shall be posted at each school or worksite.

Salary Schedules for Temporary Personnel

Salary schedules for substitute teachers and other temporary personnel shall be prepared by the Superintendent and presented to the Board annually for review and approval. Said schedules shall be based on the State's reimbursement rate for substitute personnel.

Contracts for Full-Time Personnel

The Superintendent shall issue contracts to non-tenured employees each school year not later than thirty (30) days after official approval of the appropriations bill (if adopted after September 1) supporting education to all certified personnel in accordance with State law pertaining to the issuance of contracts. The contract serves as a legal agreement to protect the interest of both said personnel and the School System. The contract periods for certified personnel shall conform to the following schedule:

1. Nine-month Personnel's work period shall encompass 187 work days and normally shall begin each year on the dates set for Institute Day. The work period shall conclude at the end of 187 working days. All work days shall be in accordance with the Annual School Calendar approved by the Board.
2. Ten-month Personnel's work period shall encompass 202 work days and normally shall begin ten (10) work days prior to the date set for Institute Day. The work period normally shall conclude ten (10) work days after the last contract day for nine (9) month personnel. Based upon the needs of the School System, the Superintendent shall be authorized to establish alternate work periods for 10-month personnel.
3. Eleven-month Personnel's work period shall encompass 222 work days and normally shall begin twenty (20) work days prior to the date set for Institute Day. The work period normally shall conclude twenty (20) work days after the last contract day for nine (9) month personnel. Based upon the needs of the School System, the Superintendent shall be authorized to establish alternate work periods for eleven (11) month personnel.
4. Twelve-month Personnel's work period shall begin on July 1 each year and conclude on June 30th of the following year and encompass 240 work days. All twelve (12) month personnel shall be considered as on call during the Thanksgiving, Christmas, and Spring holidays.

Contracts for Part-Time Personnel

The School System, upon issuing written contracts to part-time temporary personnel, shall ensure that the following terms are specified: 1) the date the contract begins; 2) the date the contract ends; 3) that only those fringe benefits required by law shall be paid by the Board; and 4) the rate of pay.

Other

All employees who do not plan to be in service the subsequent year should give written notice to the Superintendent as soon as possible, but not later than the prescribed amount of days in State Statute.

The School System shall notify, in writing, non-tenured professional personnel on, or before, the last day of the school term if their contract is to be non-renewed by the Board.

5.12.2 Compensation Guides and Contracts

The Board and its employees shall enter into contracts for fixed compensation. Such fixed compensation may be changed for any succeeding year in accordance with the Board's salary schedule.

All duties attendant to a position shall be considered inseverable.

Full credit shall be given for outside teaching experience in a public school system.

5.12.3 Payroll Checks for Certified Personnel

The first paycheck of the scholastic year for the certified staff employed for nine (9) months shall be issued on September 30. The principal is required to furnish the payroll department of the Board a payroll report containing the names of his or her staff each month. This report must show the number of days taught by each teacher and the number of days absent and cause of absences from the 21st day of the preceding month through the 20th day of the month being reported. The report must also show the names of any substitute teachers used, the dates they served, and for whom they taught.

Checks for certified personnel are due and available no later than the last working day of each school month.

All certified personnel employed by the School System shall be paid over ten (10) months. Teachers' salaries are earned in nine (9) months, but are distributed over twelve (12) months. Since teachers are paid for a 187-day school session, a teacher serving less than 187 days, excluding approved sick and personal leave days, will receive a pro rate share of the contracted salary. Teachers employed for more than 187 days shall be paid in twelve (12) payments as stated in their contract.

The Board reserves the right to hold salary checks of certified personnel who fail to furnish required data such as signed contracts, retirement forms, etc. Checks will be held only after such personnel have been requested to complete their files and have failed to comply.

[Reference: Ala. Code §16-11-17 (1975)]

5.12.4 Code of Conduct for School System Personnel

School System personnel are employed for the express purpose of contributing in a positive way to the education of the communities' youth. The community desires and deserves School System employees who will provide an educational

environment and program that will engender a well-rounded educational program and a safe and conscientious place for the children to learn.

In order to provide such educational programs and school environment in the respective schools of the School System, all employees of the Board are expected to abide by:

- a. All federal and State laws;
- b. All State Board of Education policies;
- c. All local ordinances; and
- d. All local Board policies, Alabama Educator's Code of Ethics and adopt and follow acceptable codes of conduct that reflect favorable upon the School System. Failure to comply with the above noted expectations may result in disciplinary actions.

5.12.5 Certified Personnel Qualifications

The Board requires that each certified employee in the School System hold a degree from an accredited college or university.*

Each certified employee shall hold a current and valid Alabama Teacher's Certificate, which shall be on file in the office of the superintendent.

If a teacher subsequently receives a higher certificate during the school year, the salary increase shall become effective at the time of recognition by the State Department of Education for higher degree for pay purposes.

A teacher must fulfill the continuing education requirements set forth by the Board during his or her term of employment.

*All Career Technical employees shall meet requirements of the State Department of Education for certification.

[Reference: Ala. Code §§16-3-16, 16-23-1 to 3, 16-12-16, 16-11-17, 16-23-5, 16-23-9 (1975); *Harrah Independent School District v. Martin*, 99 S. Ct. 1062 (1979)]

5.12.6 General Qualifications of Teachers

A valid Alabama Teaching Certificate is required for teaching positions in the School System.

A teacher without a valid Alabama Teaching Certificate will not be appointed to a teaching position in the School System unless the position cannot be filled by a teacher who holds a valid certificate.

If possible, each teacher is assigned to the grade(s) and/or subject(s) based on the certificate and when appropriate in major and minor fields. To meet the

accreditation requirements of the Southern Association of Colleges and Secondary Schools, all teachers in an accredited school MUST teach subjects for which they are certified. All employees must be eligible for teaching any position requiring a certificate.

According to the State Board of Education

~~Every person who teaches children of school attendance age, or who received any part of his or her remuneration from public school funds, whether he/she teaches in public, private, or parochial school is required to hold a valid Alabama Teacher's Certificate. Likewise, every person who serves as superintendent, supervisor, principal, or attendance officer is required to hold a valid Alabama Teacher's Certificate.~~

~~A uniform fee as established by the Alabama State Department of Education is required for the issuance or reinstatement of the certificate. Only a postal money order, bank cashier's check or online renewal fee will be accepted by the State Department of Education for a certificate. No fee is required for the continuance of a conditional permanent certificate from the date of lapse upon the basis of experience of credits earned during the most recent period of its validity.~~

Certificates are issued by the State Department of Education by authority of the State Board of Education in all prescribed certificates by the State of Alabama. All employees must be eligible for teaching position of any position requiring a certificate.

~~Note: After December 19, 1978, all persons issued an initial certificate, a higher level certificate or a certificate with new endorsement fields, must pass the initial teacher competency test (Alabama Perspective Teaching program)~~

The rank of all above stated certificates, according to the number of college hours, are:

Class B – Bachelor's Degree

Class A – Master's Degree

Class AA – Master's Degree plus 30 semester hours of graduate credit.

Professional certificates will be issued only to those who have finished an approved program in teacher education.

5.12.7 In-Service for Certified Personnel

The State Board of Education has mandated that all certified personnel will develop and implement a plan for professional growth and improvement annually. It is the policy of the Board that all certified personnel comply with this mandate through the guidelines established by the School System. Further, the Board encourages the School System to establish a professional development (in-service) plan that will provide meaningful professional growth opportunities for

certified personnel. In addition, the Board encourages certified personnel to participate in professional growth opportunities outside the School System through activities such as workshops, seminars, reading, travel, and graduate study.

5.12.8 Probation of Certified Personnel

Teachers and other certified employees, except probationary and contract principals as defined by Ala. Code §16-24B-2 (1975), are considered as holding probationary status until continuing service status (tenure) is attained. Teachers and other certified employees, except probationary status and contract principals, achieve continuing service status (tenure) upon serving three complete consecutive school years in this School System as provided in the Students First Act of 2011.

Teachers and other certified employees, except probationary and contract principals, whether in continuing service status or not, are considered offered re-employment for the succeeding school year at the same salary unless the Board provides written notice to the employee on or before the last day of the term of the school in which the teacher or other certified employee is employed. Teachers and other certified employees, except probationary and contract principal, are presumed to have accepted the offer of re-employment unless they notify the Board in writing to the contrary as stated in current state statute.

A teacher who has attained continuing service status and who was promoted to the role of principal or supervisor prior to July 1, 2000, shall serve for three (3) consecutive years under probation as a principal or supervisor before attaining continuing service status as a principal or supervisor.

Persons employed as principals on or after July 1, 2000, may, at the election of the Board, be employed as probationary principals for up to one full contract year. If a probationary principal is being employed as a principal for the first time, such probationary period may be for up to two (2) contract years. After the probationary principal has completed the probationary period, the Board shall either offer the probationary principal not less than a three-year contract as a contract principal, or terminate the probationary principal for any reason, or without a stated reason, as the case may be.

Contract principals, as defined by Ala. Code §16-24B-2 (1975), will be employed pursuant to a written contract for a period of not less than three (3) years. Should the Superintendent, acting as Chief Executive Officer of the Board, make a recommendation to the Board not to offer a new, renewed, or extended contract to the contract principal, the vote of the Board on such recommendation must be made ninety (90) days before the end of the existing contract. Contract principals who are not offered a new, renewed or extended contract shall receive due process as specified by Ala. Code §§16-24B-8 and 16-24B-3(e) (1) (1975.)

[Reference: Ala. Code §§16-24C-4, 16-24B-2, 16-24B-3, 16-24B-8 (1975)]

5.12.9 Supervision

The Board is vested with the general administration and supervision of the School System. Actual supervision, administration and maintenance of the School System is delegated to the Superintendent as the Chief Executive Officer of the Board.

[Reference: Ala. Code §§16-11-2, 16-12-4, 16-11-9, 16-12-11, 16-12-15 (1975)]

5.12.10 Staff Rights and Responsibilities

The Board recognizes that each employee has the same civil and constitutional rights as any other citizen. Such rights shall be respected at all times but shall be restricted if their exercise materially interferes with the educational process. No other rights and responsibilities shall be accorded staff members unless specifically incorporated in the contracts of employment entered into between the Board and the employee.

Performance of Duties

The Board shall consider the following standards as minimum in the performance of a teacher's duties;

- a) Genuine interest in the student as an individual;
- b) Adequate knowledge of the subject matter;
- c) Sufficient outside planning to create interest;
- d) Enthusiasm for the teaching profession; and,
- e) Provisions for the safety of students and an appropriate classroom environment conducive to learning

General Duties

Each teacher shall discharge his or her duties in accordance with the policies of the Board and the rules and instructions of the Superintendent and principal. He/she shall perform all other educationally related functions which the law, the Board, or his or her administrative superiors may require.

Extracurricular Duties

A teacher shall consider faculty leadership of student activities a regular part of his or her teaching duties and responsibilities. Such supervisory and leadership responsibilities shall be, insofar as possible, consistent with the teacher's abilities and interests.

Discipline

A teacher shall hold every student accountable for disorderly conduct in the school, on the way to or from school, or on the playgrounds of the school, or during recess. Teachers shall seek to minimize interruptions in the classroom by unruly students.

Supervision and Evaluation of Teachers

All teachers shall be responsible to the principal or principals of the schools where they teach, according to the approved classroom assignment schedule.

Teachers shall be evaluated by the current state evaluation tool and an assessment made of their professional performance in accordance with an approved Board form covering the following information:

- a) Personal
 - 1. Physical and mental health;
 - 2. Emotional stability, poise, and self-control;
 - 3. Personal grooming, appearance, and cleanliness of person;
 - 4. Reliability; and
 - 5. Integrity.
- b) Service
 - 1. Ability to manage children;
 - 2. Utilization of the English language;
 - 3. Enthusiasm and willingness;
 - 4. Judgment, discretion, and tact; and
 - 5. Flexibility, adaptability, and creativity.
- c) Professional
 - 1. Membership and participation in professional associations;
 - 2. Maintenance of ethical standards and general refinement of character;
 - 3. Attitude toward research, change, and innovation;
 - 4. Loyalty; and
 - 5. Continuing educational status.

Contractual Obligations

- a) The contractual and professional obligations of a certified teacher shall include planning, teaching, grading papers, keeping pupil records, counseling, and disciplining students, as well as after-school meetings, parent-teacher conferences, occasional evening supervision, and other assignments necessary for the proper organization and maintenance of the curricular program.
- b) Supervision of certain extracurricular activities which require considerable teacher time after school on an on-going basis may be contracted on a separate salary basis as approved in the annual school budget.
- c) Teachers whose classes do not extend through the entire school day shall be subject to assignments for supervisory duties during regular school hours.

Instructional Duties

Teachers shall assume responsibility for understanding the scope and aims of the curricular program, and shall make the best possible use of teaching materials. Meetings and staff work are expected of all teachers.

5.12.11 Employee Evaluations

- a. Certified Personnel – Certified employees (other than contract principals) will be evaluated in accordance with an evaluation program approved for use by the Alabama State Board of Education. Contract principals will be evaluated in accordance with rules, regulations, and requirements promulgated by the State Department of Education or as may otherwise be permitted by law.
- b. Classified Personnel – Classified personnel may be evaluated in accordance with criteria and procedures to be developed by the Superintendent.
- c. Use of Evaluations in Connection With Employment Decisions – Unless prohibited by law (including applicable regulations) or the terms of the evaluation instrument, employment evaluations may be considered in making employment decisions, together with such other information and considerations as may reasonably bear upon the wisdom, necessity, or advisability of the employment decision. However, employment evaluations are intended to enhance the overall quality of the school system’s instructional program and are not intended to confer, constitute, or give rise to any individual right, entitlement, or enforceable expectation of continued employment or advancement. Accordingly, except as may be specifically provided otherwise in state law applicable to “contract principals,” employees do not acquire any employment right or right of legal action based on any actual or alleged failure on the part of the Board or the evaluator to follow specific evaluation policies, regulations, or procedures.
- d. Special Evaluation Situations – The Superintendent, the Chief School Financial Officer, and other employees who serve in positions of special trust or sensitivity may be evaluated by such means as may be permitted by law or applicable regulation or as agreed to in an employment contract
- e. Exempt Personnel – Except when required by law or contract, temporary, substitute, and occasional employees, or employees appointed to supplemental positions (e.g., coaches, extracurricular activity sponsors) will not be formally evaluated in those roles.

5.12.12 Continuing Service for Certified Personnel

The Board shall grant continuing service status or tenured as provided by the Students First Act of 2011.

If a teacher is promoted to a supervisory position, the new promotion will not affect the continuing service status of the teacher.

[Reference: Ala. Code §16-24C-1, *et seq.* (1975)]

5.12.13 Promotion of Certified Personnel

As opportunities for certified leadership positions arise, announcement of these openings shall be sent to all schools. All eleven and twelve-month administrative/supervisory and system-wide professional positions shall be advertised on bulletin boards in every school. Certified persons who are interested in administrative and supervisory positions shall follow procedures by filing written application in the Superintendent's or designees' office.

5.12.14 Transfer of Certified Personnel

In accordance with the Students First Act of 2011, certified personnel on continuing service status may be transferred for any succeeding year from one position, school or grade to another by being given a written notice of such intention to transfer based upon the written recommendation of the Superintendent and approval of the Board, except that such transfer may be for political or personal reasons.

Certified personnel may contest a proposed transfer in accordance with provisions set forth in Ala. Code §16-24C-1, *et seq.*

Certified personnel may request transfer to other employment positions for which they are qualified. Such written request shall be submitted to the Superintendent through their immediate supervisor. Request for transfer will be given consideration by the Superintendent and the Board.

[Reference: Ala. Code §16-24C-7 (1975); Legislative Act No. 2011-270 (S.F.A)]

5.12.15 Suspension for Disciplinary Purposes

As circumstances require, a certified employee may be suspended for disciplinary purposes by the Superintendent. Due process shall be a part of the procedure and shall include the following:

1. The Superintendent shall conduct an investigation to determine the facts of the case. If the employee involved is not found to be a threat to the health and/or safety of the School System, said investigation shall be conducted in advance of any suspension. The investigation shall be conducted in a manner that ensures parties in interest an opportunity to be heard.
2. If suspension without pay for disciplinary purposes is a consideration and the employee involved is not found to be a threat to health and/or safety, the Board shall conduct a fair and impartial hearing with appropriate due process, prior to any suspension without pay. The Board, based on the facts of the hearing, shall determine if the suspension for disciplinary purposes shall be with or without pay.
3. The Board may suspend any person in its employment for the following reasons:

- a. Immorality;
- b. Incompetency;
- c. Insubordination;
- d. Willful neglect of duty; or
- e. Other good and just causes.

[Reference: Ala. Code §16-24C-9 (1975)]

5.12.16 Separation of Certified Personnel

The Board may cancel the employment contract of any employee only in accordance with Chapter 24C of Title 16 of *The Code of Alabama* (the Students First Act of 2011). Cancellation of an employment contract of a teacher on continuing service status may be made for incompetency, insubordination, neglect of duty, immorality, justifiable decrease in the number of teaching positions or any good and just cause, but cancellation may not be made for political or personal reasons.

All required records and reports shall be completed and duly filed and all School System property appropriately accounted for before final checks will be paid to personnel separating from the School System.

[Reference: Ala. Code §§16-11-17, 16-12-16, 16-24C-1 *et seq.*]

5.12.17 Reduction-In-Force

REDUCTION IN FORCE OF CERTIFIED PERSONNEL

In the event it becomes necessary to reduce the number of certified staff employed by the School System due to a decrease in student enrollment, financial exigency, changes in curriculum, consolidation or organization, the following procedures shall be followed to determine staff members to be affected in accordance with Ala. Code §16-1-33 (1975):

Procedure

1. Attrition by resignation, retirement or voluntary leaves of absence shall be the first method used to reduce the force.
2. Based on the philosophy of maintaining the best educational program possible, the Board, upon recommendation of the Superintendent, upon recommendation of the Superintendent, shall identify the grade level(s) and discipline area(s) from which staff members are to be reduced in force at respective times. For the purpose of reduction in force, the following items are defined:
 - a. Grade Level - K-6, 7-8, secondary grades 9-12, administration and supervision, special education, counseling and guidance, vocational programs, and federal programs.

- b. Discipline area -Certificate endorsement area(s) and current major teaching or administration/supervisory assignments(s) within the School System.
3. Following the identification of the grade level(s) and discipline area(s), the number of staff to be reduced from each area(s) will be determined by the Board, based on a recommendation by the Superintendent. All staff members within the identified area(s) will be rank ordered from the greatest amount of service time to the least amount of service time within the School System. The staff member(s) with the least amount of continuous service time (seniority), based on actual date of employment as reflected in the Board minutes, shall be the first to be reduced in force. In the event two or more staff members have the same amount of continuous service time within the School System based on Board minutes, the following additional criteria will be used to determine the order of reduction in force:
 - a. Degree(s) held by the staff member (the staff member with the lower degree to be reduced first).
 - b. Total years of experience in education (the staff member with the least service time to be reduced first)
4. In order for a staff member selected to be reduced in force by these procedures to displace a staff member in another discipline area with less service time, said staff member must be certified to handle the entire position of the employee he/she seeks to displace. No tenured teacher will be reduced in force when a position is either vacant or occupied by a non-tenured teacher and for which the tenured teacher is certified.
5. The above procedures shall not violate any applicable court order.
6. The names of personnel reduced in force shall be placed in a School System employment pool. Said personnel shall be given the opportunity in reverse order of their lay-off to fill the first comparable employment vacancies for which they are qualified.
7. Provided personnel in the employment pool are recalled, they shall be issued a letter of reappointment by registered mail at least fifteen (15) work days prior to the date of reemployment. Said personnel must accept or reject the offer of reemployment in writing by registered letter within five (5) working days of receipt of offer.
8. If a former employee refuses an offer of employment pursuant to this policy, rights of recall are forfeited.
9. It is understood that reduction in force constitutes termination of employment and all benefits provided by the School System cease on the effective date.

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

5.12.18 Resignation of Certified Personnel

Certified personnel shall resign in accordance with provisions of Ala. Code §16-24C-11 (1975), which states:

No teacher, whether in continuing service status, or not, shall be permitted to cancel his or her contract during the school term or for a period of thirty (30) days prior to the beginning of such school term, unless such cancellation is mutually agreed upon; any such teacher shall be permitted to cancel his or her contract at any other time by giving five (5) days written notice to the employing board.

Professional employees who do not plan to be in service the subsequent year should give written notice to the Superintendent as soon as possible, but not later than thirty (30) days prior to the beginning of the subsequent school term.

Persons canceling contracts in any other manner shall be deemed unprofessional and subject to having their certificate revoked or suspended.

The School System shall notify, in writing, non-tenured professional personnel on, or before, the last day of the school term if their contract is to be non-renewed by the Board.

[Reference: Ala. Code §16-24C-11 (1975)]

5.12.19 Re-employment of Certified Personnel

A certified employee not on continuing service status shall be considered reemployed unless he/she is notified of the nonrenewal of his or her contract as provided in Title 16, Section 24C, of *The Code of Alabama*. A certified employee on continuing service status shall be considered reemployed unless he/she is notified of the Board's intention to cancel his or her contract,

[Reference: Ala. Code §16-24C-11 (1975)]

5.12.20 Time Schedules and Work Loads for Certified Personnel

Time Schedules

Time schedules for certified personnel may be designated by the Superintendent and/or the immediate supervisor of said personnel. Certified teaching personnel are generally required to be on duty fifteen (15) minutes before and fifteen (15) minutes after school time, Monday through Friday, and the necessary time to successfully transact faculty meetings, school business, the safe and orderly dismissal of students, etc. Faculty meetings should be reasonable in terms of frequency and duration.

Work Loads

Workloads for certified personnel shall consist of all job related duties and responsibilities as may be assigned by the Superintendent, immediate supervisor, and job descriptions. The Superintendent and/or immediate supervisor shall assign workloads to certified personnel on an equitable basis. All work load assignments

shall conform to standards outlined by *The Code of Alabama*, the State Board of Education, and appropriate accreditation agencies. Further, certified personnel allotted for teaching purposes shall not be assigned workloads which remove them from teaching duties that result in an average increase in the pupil-teacher ratio for the school.

Altering Time Schedules

In order to accommodate the needs of the School System, school principals, with written approval of the Superintendent, may work with certified personnel to arrange alternate time schedules and/or workloads. In every case the following provisions shall apply:

1. Alternate time schedules and/or workloads shall not be approved that result in increased pupil-teacher ratio;
2. Alternate time schedules and/or workloads shall be mutually agreed upon by the employee and school principal;
3. Employees approved for alternate time schedules and/or workloads shall meet all contractual obligations in terms of days and hours worked; and
4. Each teacher shall be provided a minimum of thirty minutes each day free from instructional or supervisory responsibilities.

5.12.20a Staff Meetings

An administrator and/or supervisor may call staff meetings when he/she feels such meetings are warranted. Attendance by employees may be required. Such compulsory attendance should be stated within the notice announcing the meetings.

Meetings requiring employee attendance should be planned and announced as far in advance as possible in order to allow employees to appropriately plan their individual schedules. Such meetings should be reasonable in terms of frequency and duration.

5.12.20b Institute Day

Institute Day is a part of the school term for which certified personnel are paid and the attendance of certified personnel employed in a teaching, supervisory, administrative or other specified capacity is required. Failure to report may result in forfeiture of pay for that day. The Superintendent shall have authority to excuse such employees from Institute Day attendance.

[Reference: Ala. Code §16-23-7 through 11 (1975)]

5.12.20c Extra Duties

Extra work related duties may be assigned to and/or requested by professional personnel employed by the School System. When extra duties are assigned to said personnel, the following provisions shall be followed:

1. The Board requires that all duties assigned be reasonable and in support of accomplishing the overall educational objectives of the Board; and
2. Extra duties that are assigned shall be made on a fair and equitable basis, taking into consideration the nature of the activity and the teacher involved.

5.13 *Annual Leaves of Absence for Certified and Classified Personnel*

General Policy

The Board may provide leaves of absence for certified and classified personnel, which shall generally not exceed one (1) year. If, in the discretion of the Board, there is valid reason(s), an employee's leave may be extended for one (1) additional year. If leave is granted, the continuing status of an employee shall not be impaired. The employee shall be entitled, upon completion of his or her leave, to return to the school and position occupied when leave was granted, unless he or she is transferred by the Board in accordance with State law. The Board may provide for a leave of absence when an employee makes a showing of good cause, or devotes such leave to instructing in or attending schools for appropriate training, or when otherwise provided for by the State Department of Education. The Board may, in accordance with the restrictions below, provide for paid leaves of absence from public funds.

Definitions

"Employee" is defined as any person employed full time by the Board and adult bus drivers employed by the Board.

Notice of Intent to Return

An employee granted a full year's leave of absence, other than military leave, must notify the Board, in writing, by April 1st of that year as to his or her intentions to return for the coming school year. If the leave is for less than a full year, written notification of his or her intent must be received thirty (30) days prior to the official end of the leave. If written notification is not received within the prescribed time period, the Board has no further responsibility with respect to reemployment of the employee.

Restrictions

1. Payment for leaves of absence shall only be provided to full-time employees, for absences during the time schools are in session, which result from an unavoidable cause preventing the employee from discharging his or her duties.
2. Pay for absences resulting from unavoidable causes other than sickness shall not be allowed for a longer time than one week during any one scholastic year.

[Reference: Ala. Code §§16-24C-13 and 16-1-18.1 (1975)]

5.14 *Personal Leaves and Absences for Certified Personnel*

General Policy

Each teacher shall be entitled to two (2) days of non-cumulative paid personal leave annually, to be granted upon request of the employee. Such leave shall be reported as personal business, and no further explanation for requesting leave shall be required. Unused personal leave may, at the discretion of the teacher, be reimbursed to the teacher by supplemental check with the August payroll, at the rate paid regular substitute teachers in the School System, or be converted to sick leave days at the end of the school year. The annual date for determining the number of days to be reimbursed or converted to sick leave days for the previous school year shall be June 30th. Teachers shall be entitled to three (3) additional unpaid personal leave days, provided they compensate the School System for each additional day the amount paid substitute teachers.

Definitions

For purposes of this policy, “teacher” is defined as any certificated employee in the public schools.

Restrictions

1. Personal leave shall not be taken during the first or last two (2) weeks of school, or immediately before or after a holiday without prior approval of the superintendent.
2. Where possible teachers shall notify their principal and/or supervisor in advance of taking personal leave.
3. Teachers shall ensure that adequate and complete lesson plans are available when leave is taken.
4. A teacher must serve throughout the school year to be entitled to two (2) days of paid leave. A teacher who serves only one (1) semester with pay shall be entitled to one (1) day of leave, while the additional day of leave shall be available to the person replacing the teacher for the second semester.

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

5.15 *Sick Leave Bank for Certified and Classified Personnel*

General Policy

The Board, upon request of a minimum of ten percent (10%) of its full-time certified personnel and full-time classified personnel, shall establish a sick leave bank plan for each of the two groups, either jointly or separately. The decision whether to have a joint or separate sick leave bank shall be decided by the employees, using a secret balloting process. Each plan shall allow the employees to deposit an equal number of days, not to exceed five (5), of his or her earned sick leave into the bank. The days deposited shall be available to be loaned to any participating member whose sick leave has been exhausted.

Definitions

“Catastrophic illness” is defined as any illness, injury, or pregnancy or medical condition related to childbirth, certified by a licensed physician which causes the employee to be absent from work for an extended period of time.

Sick Leave Bank Committee is defined as a committee of five employees, one representing the School System and four (4) representing the participating members of the sick leave bank.

Sick Leave Bank Committee

1. At the beginning of each scholastic year, an election shall be held among the sick leave bank members, utilizing a secret balloting process, to determine four members to serve on the sick leave bank committee for a term of one year. The Superintendent shall also appoint a School System representative to the committee, subject to Board approval.
2. It shall be the exclusive responsibility of the sick leave bank committee to write the guidelines for the operation and administrative procedures of the sick leave bank, to establish procedures providing for the uniform administration of the sick leave bank, and to develop all necessary forms for the orderly operation and administration of the sick leave bank. All guidelines shall be approved by a secret ballot vote of the participating members of the sick leave bank.

Catastrophic Sick Leave

Employees, at their discretion, may donate up to thirty (30) days to the sick leave bank to be designated for a specific employee, who must be a member of the sick leave bank, for use against a catastrophic illness. No minimum number of donated days shall be required, and the recipient employee shall not be required to repay the days. Before sick leave days for a catastrophic illness may be used by a recipient employee, the employee must have exhausted all of his or her sick and personal leave. Any employee who makes such a donation shall be clearly informed that he or she will not recover the donated days. However, if a recipient employee does not require all of the days donated, the days shall revert to the credit of the donor employee.

Restrictions

Neither the Board nor the sick leave bank committee shall adopt any guideline or regulation which conflicts with any local, state or federal law, ordinance or regulation, or any of the following general regulations:

1. The Board shall establish a sick leave bank plan within thirty (30) calendar days after receiving a petition to establish such, and employee membership in the sick leave bank shall be voluntary.
2. No employee shall be allowed to owe more than fifteen (15) days to the sick leave bank, unless over fifty percent (50%) of the members of the bank vote to extend the limit.
3. Sick leave days shall be repaid to the sick leave bank monthly as re-earned by the member. Upon the resignation or other termination of an employee having an outstanding loan of sick leave days, the value of the loan shall be deducted from the final paycheck at the employee's prevailing rate of pay.
4. Any alleged abuse of the use of the sick leave bank shall be investigated by the sick leave bank committee. On the finding of wrongdoing, the member shall repay all of the sick

leave credits drawn from the sick leave bank and be subject to other appropriate disciplinary action as determined by the Board.

5. Upon retirement or transfer of the sick leave bank member, days on deposit with the sick leave bank shall be withdrawn and transferred with the employee or made accessible for retirement credit, as applicable.
6. At the beginning of the scholastic year, or upon employment of a new employee who lacks the minimum number of sick leave days required to join the bank, the appropriate number of sick leave days shall, upon application of the employee, be credited to the employee's account.
7. Before being eligible to use catastrophic sick leave days, a member of the sick leave bank must first borrow days from the sick leave bank, up to fifteen (15) days. However, if the member later qualifies for catastrophic sick leave, donated catastrophic sick leave days may be used to repay days owed to the sick leave bank.

[Reference: Ala. Code §16-22-9 (1975)]

5.16 *Substitute Teachers*

Qualifications

Substitute teachers must meet State and Local Board requirements. Substitute teachers ~~must have a tuberculin (Payne Test) skin test on file in the Office of the Superintendent and~~ possess an Alabama Substitute Teachers Certificate.

Employment

All substitute teachers must make application for employment by completing an application form at the Central Office prior to being approved to substitute in the schools of the School System.

A list of eligible substitute teachers shall be compiled annually by the Superintendent or designee. Upon being placed on the list, potential substitute teachers should contact the principals in the schools where they are willing to substitute. Local school principals shall have the authority to call substitute teachers from the list at his or her discretion.

Plan for Calling Substitute Teachers

Each local school principal is responsible for developing an approved plan for calling substitute teachers from the approved list as he/she needs them. Professional personnel who must be absent from work due to illness must notify their school principal as soon as possible.

Pay for Substitute Teachers

The pay for substitute teachers shall be least state scale and shall be paid by the Superintendent from sick or personal leave funds if absences are covered by sick or personal leave provisions.

Provided said absence is not covered by sick leave, professional or personal leave provisions, a day's pay shall be deducted from said employee's salary for each day of absence.

Paying for Own Substitutes

By law professional personnel shall not under any circumstances be permitted personally to pay for a substitute to assume their duties for any length of time. All days that professional personnel are away from their jobs must be reported by the local principal and charged to respective employees as sick leave, personal leave, etc.

5.16.1 Substituting for Extended Periods of Time

In the event certified teaching personnel are temporarily unable to perform their duties for an extended period of time (defined as more than twenty (20) school days), the Superintendent may authorize the employment of temporary teaching personnel at regular substitute pay. In such cases, certified teaching personnel employed at this pay rate must: (1) Possess an equivalent degree or a valid teacher's certificate; (2) be available to teach until the regular teacher is able to assume normal duties; and (3) must average 95% attendance in extended assignment to qualify for extended sub rate.

5.17 *Professional Organizations for Certified Personnel*

Certified personnel of the School System shall respect each other's rights to choose for themselves the professional organizations with which they affiliate. Membership in professional organizations shall be on a voluntary basis. Administrators of the School System or local schools shall not take punitive action against employees because of their membership in professional organizations, or because of their failure to affiliate with said organizations.

5.18 *Classified Employee Defined*

The term "classified employee" is as defined by the Students First Act and deemed to mean all persons employed full-time by the Board who are employed as bus drivers, lunchroom or cafeteria workers, maids and janitors, custodians, maintenance personnel, secretaries and clerical supervisors, and all other personnel not otherwise certified by the State Board of Education. Full-time employed personnel include:

1. Adult bus drivers; and
2. Other personnel whose duties require twenty (20) or more hours in each normal work week.

Substitute teachers and other employees are excluded from this personnel category.

[Reference: Ala. Code 16-24C-3(2) (1975)]

5.18.1 Payroll Checks for Classified Personnel

The pay period for the classified staff begins on September 30th for nine (9) month employees. The principal or work supervisor is required to furnish the bookkeeping department at the Board office a payroll report containing the names of his or her staff. This payroll must show the number of days worked by each employee and the number of days absent, as well as the cause of absences. It must also show the names of any substitute employees used, the dates they served, and for whom they worked.

Payroll checks for classified personnel are due and available on the last work day of each month.

Salaries for classified personnel may be earned in nine (9), ten (10), eleven (11) and twelve (12) months and effective on the date this policy is adopted shall be distributed over twelve (12) months, except those classified employees who had previously elected to have monthly salary paid in less than twelve (12) months may continue under such arrangement at their option. Following the adoption of this policy, employees will not be given the option of selecting pay periods other than twelve (12) months.

The Board reserves the right to hold salary checks of classified personnel who fail to furnish required data such as signed contracts, retirement forms, etc. Checks will be held only after such personnel have been requested to complete their files and have failed to comply.

5.18.2 Assignment of Classified Personnel

The Superintendent shall assign classified personnel to employment positions as the needs of the School System may require. He/she may reassign classified personnel to other employment positions for which they are qualified. All reassignment positions shall be made in accordance with all current state policies, statutes, laws and codes.

Classified personnel may request assignment or reassignment for employment positions within the School System for which they are qualified. Such request shall be made to said employee's immediate supervisor or shall be given consideration by the Superintendent.

[Reference: Ala. Code §16-24C-1 *et seq.* (1975); Legislative Act 2011-270 (SFA)]

5.18.3 In-service for Classified Personnel

The Board encourages the School System to establish an ongoing plan of in-service opportunities for all classified personnel. In addition, the Board directs the School System to establish annual in-service seminars for all food service personnel, custodians, maids, bus drivers, secretaries, and other such personnel to instruct them on such things as community relations, school rules and regulations, Board policy, legal limits of authority, student relations, etc. Through such

seminars and workshops employees should be encouraged to reach higher goals and, thus, improve the total school program.

5.18.4 Supervision of Classified Personnel

Upon employment, all classified personnel shall be assigned duties and responsibilities in accordance with written job descriptions. In all cases, said employees shall be placed under the direct supervision of an immediate supervisor. Employees shall be directly responsible to their immediate supervisor and should initiate all complaints, grievances, requests, etc. through said supervisor.

[Reference: Ala. Code §16-24C-1, *et seq.* (1975)]

5.18.5 Probationary Period for Classified Personnel

All classified personnel as defined under Students First Act of 2011 shall be employed on probationary status for a period not to exceed three (3) consecutive school years from of employment with this Board. During probationary years, the Board shall cause said personnel's performance to be evaluated. During the probationary period, the Board, upon the written recommendation of the Superintendent, may terminate said personnel's employment in accordance with Legislative Act No. 2011-270 (S.F.A); Ala. Code §16-24C-1, *et seq.* (1975).

5.18.6 Non-Probationary Status Classified Personnel

The Board shall grant non-probationary status to bus drivers, cafeteria workers, custodians, secretaries, and all other persons not certified by the State Board of Education who are employed full-time by the Board and who have successfully served a probationary term of three (3) consecutive school years. The Board may remove an employee during the employee's probationary period in accordance with Students First Act of 2011. Said notification shall be sent by certified or registered mail, return receipt requested to the employee's current address as listed in the Board's personnel file. It shall be the responsibility of the employee to assure accuracy of his or her address.

Upon successfully completing the probationary period, said employee shall be deemed to be employed on a non-probationary status. Termination of an employee on a non-probationary status shall only be undertaken for the reasons and in accordance with the procedures outlined in the Students First Act of 2011.

[Reference: Legislative Act, 2011-270; Ala. Code §16-24C-1, *et seq.* (1975)]

5.18.7 Transfer of Classified Personnel

The Superintendent shall have the authority to transfer classified personnel from one position to another when such transfers are in the best interest of the School

System. All transfers shall be in accordance with the provisions outlined in Legislative Act, 2011-270; Ala. Code §16-24C-1, *et seq.* (1975)

All classified personnel shall have the right to request transfers to other positions for which they are qualified. Such requests shall be made to said personnel's immediate supervisor. Such requests will be given consideration by the Superintendent.

[Reference: Ala. Code §§16-9-23, 16-24C-1 *et seq.*; Legislative Act, 2011-270]

5.18.8 Evaluation of Classified Personnel

The evaluation of classified personnel shall be the responsibility of said employee's immediate supervisor and appropriate supervisory personnel. The evaluation of an employee's effectiveness is a difficult task and subjective in nature. However, the effectiveness of the total school program is dependent upon effective and competent personnel. Evaluation of classified personnel should be carried out by the School System in a systematic, uniform, and honest manner. In order to ensure and promote the welfare of classified personnel, the evaluation of said personnel shall always encompass the provisions that follow:

1. Evaluation for re-employment purposes shall be completed at least annually. Evaluation shall be completed after work area visitations and conferences by the evaluator for all classified employees.
2. The evaluator shall reduce the findings of such visitation to writing and transmit a copy to the employee within a reasonable amount of time. Said findings shall be written on Board approved forms which outline a set of predetermined evaluation criteria. Employees will acknowledge having reviewed the evaluation summary by signature. Said personnel shall always retain the right to disagree with the evaluation.
3. When, in the opinion of the evaluator, the employee needs to improve certain skills required in his or her work, the evaluator and employee shall cooperatively develop a plan through which such skills might be acquired.
4. Every effort shall be made by the School System to provide meaningful job improvement opportunities for said personnel. Specialists and supervisors shall be made available to work with employees needing and desiring their services. Evaluators should make every effort to help classified personnel become a contributing member of the School System's staff.
5. However, when attempts to assist employees through the cooperatively developed skills improvement plan have failed the best interest of the School System must be considered.

6. A copy of the evaluation report shall be submitted to the Superintendent, one kept in the principal's/work site office, and one given to the employee. The evaluation shall be signed by the principal/work site supervisor and employee.
7. Evaluations shall be based on sufficient observations and documentations to justify decisions made concerning job performance.

[Reference: Ala. Code §16-24C-1, *et seq.*, Legislative Act, 2011-270]

5.18.9 Promotion of Classified Personnel

Selected individual classified employees will be considered for promotion based upon job performance as documented by evaluation reports. No person can be promoted until a vacancy and/or need exists for an employee in a higher-level employment position.

5.18.10 Separation of Classified Personnel

~~A classified employee who wishes to terminate his or her services with the Board shall at least fifteen (15) days prior to date of termination notify his or her immediate supervisor, who shall notify the Superintendent or his or her designated representative.~~

~~A classified probationary employee whose service is to be terminated by the Board shall be notified in writing fifteen (15) days prior to the date of termination. Classified employees on non-probationary status shall be terminated from employment in accordance with the procedures outlined in Legislative Act 2011-270. Ala. Code §16-24C-1, *et seq.* (1975)~~

All required records and reports shall be completed and duly filed and all School System property appropriately accounted for before final checks will be paid to personnel separating from the School System.

[Reference: Ala. Code §16-24C-1, *et seq.* Legislative Act, 2011-270]

5.18.11 Reduction in Force of Classified Personnel

REDUCTION IN FORCE OF CLASSIFIED PERSONNEL

In the event it becomes necessary to reduce the number of classified staff employed by the School System due to a decrease in student enrollment, financial exigency, changes in curriculum, consolidation or reorganization, the following procedures shall be followed to determine staff members to be affected:

Procedure

1. Attrition by resignation, retirement or voluntary leaves of absence shall be the first method to reduce the force.

2. Based on the philosophy of maintaining the best educational program possible, the Board, upon recommendation of the Superintendent, shall identify the work area(s) and work site(s) from which staff members are to be reduced in force at respective times. For the purpose of reduction in force, the following items are defined:
 - a. Work Areas - Child Nutrition personnel, custodians and maids, bus drivers, secretaries/bookkeepers, building maintenance, automotive mechanics, and teacher aides.
 - b. Work Sites -
Central office to include: Child Nutrition personnel, bus drivers, secretaries, bookkeepers, building maintenance, and automotive mechanics.

Local schools to include: Child Nutrition personnel, custodians and maids, secretaries/bookkeepers, and teacher aides.
3. Following the identification of the work area(s) and work site(s), the number of staff to be reduced from each area(s) and site(s) will be determined by the Board, based on a recommendation by the Superintendent. All staff members within the identified work area(s) and site(s) will be rank ordered from greatest amount of service time to least amount of service time within the School System. The staff member(s) with the least amount of continuous service time (seniority), based on actual date of employment as reflected in the Board minutes, shall be the first to be reduced in force. In the event two or more staff members have the same amount of continuous service time within the School System based on Board minutes, the following additional criteria will be used to determine the order of reduction in force:
 - a. Formal education attained by the staff member (the staff member with the least amount of formal education to be reduced first).
 - b. Total years of work related experience (the staff member with the least number of years' experience to be reduced first).
4. In order for a staff member selected to be reduced in force by these procedures to displace a staff member in the same work area at another work site with less service time, said staff member must be capable of handling the entire position of the employee they seek to displace and must submit a written request for such transfer within five (5) days after receipt of the notice of reduction in force. The list of these reduced in force shall be posted at the Central Office and work sites.
5. The names of classified personnel reduced in force shall be placed in a School System employment pool. Said personnel shall be given the opportunity in reverse order of their layoffs to fill the first comparable employment vacancies for which they are qualified.
6. Provided personnel in the employment pool are recalled, they shall be issued a letter of reappointment by registered mail at least fifteen (15) work days prior to the date of re-employment. Said personnel must accept or reject the offer of re-employment in writing by registered letter within five (5) days of receipt of the offer.
7. It is understood that reduction in force constitutes termination of employment and all benefits provided by the School System ceases on the effective date.

5.18.12 Time Schedules and Work Loads for Non-Certified Personnel

Time Schedules

Time Schedules for non-certified personnel may be designated by the Superintendent or the immediate supervisor of said personnel. In all cases, the Superintendent and/or supervisor in charge shall have the right to establish time schedules to encompass said employee's work day. Said work schedules shall be in compliance with the Fair Labor Standards Act.

Workload

Workloads for non-certified personnel shall consist of all duties and responsibilities as may be assigned by the Superintendent and/or immediate supervisor and as outlined by individual job descriptions.

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

5.18.13 Personal Leaves and Absences for Support (Classified) Personnel

General Policy

Each support personnel shall be entitled to two (2) days of non-cumulative paid personal leave annually, to be granted upon request of the employee. Such leave shall be reported as personal business, and no further explanation for requesting leave shall be required. Support personnel may choose to convert personal leave days to sick leave days at the end of the school year. The annual date for determining the number of days to be converted to sick leave days for the previous school year shall be June 30.

Definitions

Support Personnel is defined as maid, custodian, adult bus driver, lunchroom or cafeteria worker, secretary, clerk, clerical assistant, maintenance worker, or other non-certificated employee who works an average of at least twenty (20) hours weekly.

Restrictions

1. Personal leave shall not be taken during the first or last two (2) weeks of school or immediately before or after a holiday without prior approval of Superintendent.
2. Where possible, support personnel shall notify their principal and/or supervisor in advance of taking personal leave.
3. Support personnel may take one (1) personal leave day per semester; however, two personal leave days may be taken during the second semester if such leave was not used during the first semester.

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

5.18.13a Annual Leaves of Absence for Classified Personnel NOTE: SEE 5.13

~~Classified personnel are eligible for and may be granted leaves of absence at the discretion of the Board. If leave is granted, certain employment rights of the employee~~

~~continue as if he/she were in regular employment. The employee is entitled, upon completion of leave, to return to the school and position occupied when leave was granted unless transferred by the Board of Education under the provisions of Chapter 24 of *The Code of Alabama*. Leaves of absence shall be without pay in accordance with the laws of the Alabama Teacher Retirement System, leave time will not count for retirement purposes. A leave of absence does not impair the tenure status of an employee, the course for which leaves of absence may be granted are:~~

- ~~1. Study;~~
- ~~2. Illness;~~
- ~~3. Pregnancy;~~
- ~~4. Military Service; and~~
- ~~5. Other good and just cause.~~

~~Leaves of absence are normally granted for a period of time not to exceed one (1) year; however, if in the opinion of the Board there is valid reason(s), such leave may be extended for one (1) additional year.~~

~~Classified personnel granted a full year's leave of absence must notify the Board, in writing, by April of that year as to his or her intentions to return for the coming school year. If the leave is for less than a full year, written notification of his or her intent must be received thirty (30) days prior to the official end of the leave. If written notification is not received within the prescribed time period, the Board shall assume that the employee does not plan to return.~~

5.18.14 Overtime Compensation for Classified Personnel NOTE: SEE 3.10.5

I. Minimum Wage Requirements

~~To comply with the provisions of the Fair Labor Standards Act (FLSA), no non-exempt classified employee of the Board will be paid less than the current minimum wage as established by the Federal Government.~~

II. Overtime Approval

~~All non-exempt classified employees of the Board shall be scheduled to work each week that should not exceed a total time of 40 hours, except in extreme emergencies, and then only with the approval of the Superintendent or designee. Approved overtime hours worked must be recorded on the proper form and signed by the employee's supervisor and submitted to the Superintendent for his or her signature within the week in which the overtime hours are worked.~~

III. Overtime Compensation

~~Classified employees shall be granted one and one-half (1.5) hours of compensatory time for each hour of approved overtime worked up to a maximum accumulation of two hundred forty (240) hours. For any hours worked beyond the two hundred forty (240) hours of accumulated overtime, the employee shall be compensated at the rate of one and one-half (1.5) times the regular hourly pay rate.~~

~~IV. The Superintendent or designee shall be responsible for the establishment of administrative procedures to assure compliance with the provisions of this policy.~~

5.18.14a Overtime Compensation Procedures

~~Administrators and supervisors shall make every effort possible to ensure that no classified employee is required to work more than forty (40) hours per week. Employees~~

~~who are required to work more than eight (8) hours in a single day should have their work schedules adjusted for the remainder of the week to avoid the accumulation of overtime. Requests for overtime shall include the purpose and an estimate of the overtime hours to be worked. These are to be submitted on the proper forms for approval in advance by the Superintendent or designee.~~

~~Each employee's work day and work week shall be set by the Board, the school principal, and/or the employee's supervisor. Where work schedules are established by the principal or supervisor, such schedules are to be reduced to writing and a copy given to the employee and/or posted in their work area. A copy of the schedule(s) will be sent to the central office.~~

~~Employees will be compensated for scheduled/emergency overtime at a rate of time one and one half (1.5) for all hours worked over forty (40) hours in one week.~~

~~All approved overtime actually earned must be submitted on the proper form by the employee to his or her supervisor and said form submitted to the Superintendent's office during the week which the overtime is earned.~~

~~All compensatory leave must be approved in advance by the Superintendent or designee. The employee must submit his or her request for compensatory leave at least five (5) work days in advance of the effective date of the leave. The request form is forwarded to the Superintendent for approval.~~

~~Compensatory leave will be granted at a mutually acceptable time when possible and during the time that is deemed the least disruptive to the operation of the school system. Principals/supervisors can require the taking of compensatory leave when the work load is light.~~

5.18.15 School Bus Driver Suspension or Termination

The purpose of this policy is to provide a method of measuring school bus drivers' records or points using the State of Alabama point demerit system for the purpose of determining whether said driver shall continue operating a school bus on behalf of the Board of Education. We find it necessary to make the following contractual arrangement:

Suspension

When a driver reaches six (6) demerit points (cumulative over a three (3) year period), using the State of Alabama's point demerit system, as applied for various offenses and violations, he/she shall be suspended from work without pay for a period of one week.

Termination

Once a driver reaches nine (9) demerit points, or more, (cumulative over a three (3) year period), using the State of Alabama's point demerit system, he/she shall be terminated as a school bus driver or other driver with the Bessemer City Schools.

Any suspension or revocation of a driver's license, of a school bus driver or driver for the Bessemer City Board of Education, by the State of Alabama, shall subject said driver to suspension or termination, whichever is deemed appropriate at the discretion of the School Board.

Notification

Each and every school bus driver or any other driver for the School System of the City of Bessemer shall notify the Assistant Superintendent in charge of transportation of any moving traffic violation within ten (10) days from the date of receipt of such citation and further, shall further advise said Assistant Superintendent upon disposition of such citation within ten (10) days from disposition.

Affidavit

Each school bus driver and all other drivers of School System vehicles of the Bessemer City Schools shall sign an affidavit five (5) days prior to the beginning of each school year stating whether or not that driver has received any moving traffic violations in the previous 90 days. Thereafter, an affidavit must be filed by each driver for each succeeding 90-day period. For the first affidavit signed by a driver, said affidavit shall cover the period of time of the present school term.

Failure to Comply

Failure to comply with the affidavit provision or notice provision as set forth above by any School System driver shall subject said driver to a one-week suspension without pay. Two occasions of failure to comply with the above affidavit and notice requirements within a three (3) year period shall subject said driver to automatic termination.

Effective Date

The effective date shall be one year from the date that this policy was adopted by the Bessemer City Board of Education. From the date said policy was adopted until its effective date all demerit points which are accumulated will apply to both the old and the new policy with all employees being governed by the old policy during the year period after adoption but prior to the effective date. Effective upon the effective date of this policy no demerit points received by drivers, prior to the date of adoption of this policy, will be counted or considered in the accumulation of demerit points against a school bus driver under this policy.

5.18.16 Drivers of School Board Vehicles Other than School Buses

The purpose of this policy is to provide guidelines which govern drivers of Bessemer City Board of Education owned or leased vehicles other than school buses.

Termination

Any employee, whose job description requires that they operate a Board owned vehicle to carry out duties, whose driver's license is suspended or revoked could be subject to termination for the inability to perform their duties.

Each employee, whose duties require that they operate a Board owned vehicle, shall notify in writing the Assistant Superintendent in charge of personnel of any moving traffic violation within ten (10) days from the date of receipt of such citation and further shall advise said Assistant Superintendent in writing upon disposition of such citation within ten (10) days from disposition.

Failure to comply with this notification shall subject said driver to a one-week suspension without pay. Two occasions of failure to comply with the notice requirement within a three (3) year period shall subject said driver to automatic termination.

Each driver of a Board owned vehicle will be required to sign a statement which will allow the Bessemer City Board of Education to obtain the drivers driving history as recorded by the State Department of Motor Vehicles. Failure to sign such statement will result in a recommendation for termination.

5.19 *Professional Leave Policy*

The Superintendent or his designee may grant professional leave to a tenured employee to attend any conference meeting or convention related to the direct performance of their job, if such attendance is considered to be in the best interest of the School District. The Board may pay all or part of the expenses of any personnel whom it may direct to represent it at any such professional or educational meeting or in visitation to another School System. In all such cases, prior approval for said expenses must be given by the Superintendent or his designee.

Application and notification to attend a conference or similar educational meeting shall be made and approved two weeks in advance. Exceptions may be made due to extenuating circumstances.

Personnel of the School District shall be permitted to serve on but one (1) accreditation study per year and attend not more than one (1) out of state conference or educational meeting per year unless special permission is granted by the Superintendent or his designee.

The Superintendent or his designee will consider a request for professional leave of absence when such a request is submitted in writing. The request should clearly identify and describe the reason for requesting the professional leave and demonstrate why the Superintendent should favorably consider the request.

VI. Students

6.1 *Admissions and Attendance*

6.1.1 Compulsory Attendance and Entrance Age – All persons between the age of six (6) and seventeen (17) years of age are required by State law to attend school for the minimum number of scholastic days prescribed by the State Board of Education unless the person holds a certificate of exemption issued by the Superintendent or is otherwise exempt under State law.

[Reference: Ala. Code §16-28-3 (1975)]

6.1.2 Admission to Schools

- a. *Resident Students* – School-age children who reside within the municipal limits of the City of Bessemer, Alabama, may be admitted to Bessemer City Schools. For purposes of this policy, the residence of the student will be the residence of the custodial parent or legal guardian. If custody of the child is shared, alternating, or unclear, or if the child does not reside with a custodial parent or legal guardian, the domicile or actual physical residence of the child will control, except when there is evidence that the claimed residence of the child is not his actual residence, or that the claimed residence is fraudulently given as a means of avoiding or violating admission, enrollment, attendance, and residency standards and requirements.
- b. *Non-resident Students* – The Board may permit students who do not reside within the Bessemer City School Board District to attend schools within the School System. The Board may establish criteria for admission of non-resident students, and may require the payment of tuition as a prerequisite to enrollment. The Board will not provide transportation to and from school or homebound instruction outside of the city limits of the City of Bessemer.
- c. *Homeless Students* –
 - (i) Enrollment. Homeless students will be permitted to enroll without regard to residency status and may be entitled to other accommodations under federal law.

Homeless students will continue in the school they attended before becoming homeless for the duration of their homelessness, or for the remainder of the academic year if the student becomes permanently housed during an academic year. Otherwise, a homeless student may be enrolled in any school in the School System that non-homeless students who live in the attendance area in which the student is living are eligible to attend.

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

[Reference: 42 U.S.C. §11432(g)(3)(A), §11432(g)(3)(E)]

- d. *Students Expelled or Suspended from Other School Systems* – Any student who is under suspension or expulsion from another School System or a private, parochial, or other school will not be permitted to enroll until the student has satisfied the conditions for readmission set by the expelling or suspending board or authority in addition to generally applicable admission requirements established by the Board.
- e. *Required Documentation* – Students entering the School System for the first time, regardless of grade level, will be required to submit a certified birth certificate, documentation or other proof of residency, and such other registration materials as school officials may reasonably require, including but not limited to a certificate of immunization or an exemption as prescribed by the Department of Health and signed by a private physician or appropriate health department official. The Superintendent may accept alternate forms of evidence or modify otherwise applicable requirements as necessary and appropriate to accommodate migrant, immigrant, or homeless students.
- f. *Placement of Students* – The Board will determine the placement of newly enrolled students in accordance with State law.

6.1.3 Attendance Zone and Class Assignment

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

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

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

- Personal illness;
- Hospitalization;
- Emergency;
- Death in immediate family;
- Court subpoena;
- Religious holidays; or
- Absences approved by the principal.

Documentation supporting an excused absence must be submitted in a timely manner or the absence will be deemed to be unexcused. Excessive unexcused absences may result in a loss of academic credit or referral of the matter to juvenile or other appropriate legal authorities for investigation.

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

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

6.2 *Transfers and Withdrawals*

6.2.1 Transfers – The Board may permit transfers between schools within the School System for good cause. Transfer requests must be submitted in writing and must include detailed reasons for the request. The Superintendent may approve or deny a transfer request in light of the stated reasons for the request, the capacity and resources of the schools, the student’s record (including behavior, grades, attendance, and other factors), and the best interests of the student and of the School System. The existence or availability of a transfer process does not create or give rise to any right to attend a particular school, and school assignment remains wholly with the discretion of the Board.

6.2.2 Withdrawals – No student of compulsory attendance age will be permitted to withdraw from school except in accordance with State law and any withdrawal procedures that may be developed by the Superintendent.

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

6.3 *Student Fees, Fines, and Charges*

Reasonable fees, fines, and charges not prohibited by law may be established by the Superintendent with approval of the board. All such fees, fines, and charges will be

collected and accounted for in accordance with the procedures, rules, and regulations to be developed by the Chief School Financial Officer or as provided in the Board finance or local school finance manual(s). A list of schedules for fees, fines and charges will be provided to the Board annually.

6.4 *Concussions*

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

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

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

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

6.5 *Extracurricular Activities*

6.5.1 General – Students may be offered an opportunity to participate in extracurricular activities and organizations. Extracurricular activities must meet the following criteria:

- a. The organization or activity must be approved by the school principal and must have an assigned faculty supervisor or sponsor;

- b. The organization or activity must promote or serve the intellectual, cultural, personal, or physical development of the student in a manner that is consistent with the purposes of public education, the Board's legal mandate, mission statement, policies, and regulations, and with applicable requirements of state and federal law;
- c. The organization or activity must operate under and subject to general supervision of school officials; and
- d. The nature of the organization and its activities are not inconsistent with and do not interfere with instructional activities of requirements.

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

6.5.2 Athletics – Participation in Board sanctioned athletic programs will be on such terms and conditions as may be approved by the Board and any athletic association of which the Board is a member. Schools may establish terms and conditions for participation in such programs as long as school eligibility criteria are not inconsistent with system-wide eligibility or participation criteria, rules, regulations, or standards established by any athletic association or organization of which the Board is a member, or any rule, principle, or provision of applicable law.

6.5.3 Academic Ineligibility – The Board prescribes the following regulations for eligibility in this School System to participate in all extracurricular activities in accordance with national and state sanctioned athletic association guidelines and procedures.

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

- a. Physical education may count as only one (1) unit per year.
- b. No more than two (2) Carnegie units may be made up during summer school. If a unit(s) or subject(s) is repeated in summer school, the higher numerical grade for the unit(s) or subject(s) may be used to compute the composite grade average.
- c. Eligibility will be determined on the first day of the local school year and will remain in effect for one (1) complete school year. Students ineligible at the beginning of an academic year may become eligible at the end of the first semester if they meet all academic requirements at that time. *Bona fide* transfers may be dealt with according to the rules of the Alabama

High School Athletic Association for sports and rules to be developed by this Board of Education as they pertain to other extracurricular activities.

- d. Each eligible student involved in athletics must meet the definition of a regular student as defined by the Alabama High School Athletic Association.
- e. Any student who earns more than four (4) credits in the core curriculum in any given year or who accumulates a total in excess of the required four (4) per year may be exempt from earning the four (4) core courses in the succeeding year as long as that student remains on schedule for graduation with his or her class.

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

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

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

[Reference: Ala. Admin. Code 290-31-02(18)]

6.6 *Off-Campus Events*

Student participation in and travel to off-campus events, concerts, functions, and activities, and the use of school buses or other transportation for such purposes may be authorized under and subject to the following terms and conditions:

- a. The destination is an activity, event, or function that services a *bona fide* educational or related extracurricular purpose, or is an athletic event or function sponsored or sanctioned by the school or the School System and the state athletic association;
- b. Adequate information regarding the trip (e.g., destination, duration, purpose, educational purpose, mode of transportation, nature and extent of student participation) has been provided to the principal, program director, and Superintendent.
- c. Adequate arrangements are made for supervision and other risk management considerations (e.g., parental permission, medical treatment authorization, special insurance requirements);
- d. Properly certified and qualified drivers have been selected and arrangements for the costs of the trip (e.g., salary, fuels, maintenance, lodging) have been made; and
- e. Board approval of the trip is obtained.

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

6.7 *Student Publications*

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

6.8 *Student Employment (Work Release)*

Off school campus student employment during regular school hours may be authorized under and subject to the following terms and conditions:

- a. The employment does not violate state or federal law;
- b. The employment does not conflict with the student's academic coursework;
- c. The employment is necessary for the student to continue in school;
- d. Written approval is obtained from the student's parent or legal guardian and the Superintendent or his designee;

- e. Other rules, regulations, and requirements, including those pertaining to early dismissal or checkout, are observed; and
- f. Other rules and regulations that may be developed by the Superintendent and approved by the Board.

6.9 ***Equal Educational Opportunities***

No student will be unlawfully excluded from participation in, be denied the benefits of, or subjected to discrimination in any program or activity offered or sponsored by the Board on the basis of race, ethnicity, color, disability, creed, national origin, sex, immigrant or migrant status, non-English speaking ability, or homeless status.

6.10 ***Title IX***

6.10.1 Prohibition – In accordance with Title IX (20 U.S.C. §1681, *et seq.*), 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. Sexual harassment complaints should be filed and reviewed under the Board’s student sexual harassment policy. All other complaints under Title IX will be filed and reviewed according to the Board’s general complaint and grievance procedures.

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

6.11 ***Student Sexual Harassment***

6.11.1 Sexual Harassment Prohibited – Sexual harassment in any form that is directed toward students is prohibited. Persons who violate the policy will be subject to the full range of disciplinary consequences up to and including termination (for employees) and expulsion (for students) as dictated by the nature and severity of the violation and other relevant considerations. If appropriate, the circumstances constituting the violation may be reported to law enforcement agencies or child welfare agencies for further investigation and action.

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

- a. Submission to the conduct is made explicitly or implicitly a term or condition of the student’s education, including any aspect of the student’s participation in school-sponsored activities, or any other aspect of the student’s education;

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

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

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

6.11.3 Sexual Harassment Complaint Procedures Authorized – 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 sexual harassment complaints. The procedures will be drafted so as to facilitate the gathering of relevant facts and evidence, permit timely assessment of the merits of the complaint, provide an opportunity for informal resolution of complaint where appropriate, eliminate any harassment that is established by the investigation, and prevent any retaliation based upon the filing of the complaint. The procedures will reflect due regard for the legal rights and interests of all persons involved in the complaint, and will be drafted, explained, and implemented so as to be understandable and accessible to all student population groups and ages.

6.11.4 Initial Confrontation of Accused Harasser Not Required – A student who invokes the harassment complaint procedure will not be required to present the complaint to the accused or suspected harasser for resolution. Students will be permitted to report allegations of suspected harassment to any appropriate Board administrator, teacher, counselor, or employee, and such persons have a duty to promptly refer such allegations to the Superintendent or to take such action as may be required by the procedures established under “Sexual Harassment Complaint Procedures Authorized” (6.8.3) above. In no case will any employee who is the subject of a complaint be permitted to conduct, review, or otherwise exercise decision making responsibility in connection with the processing of the complaint.

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

[Reference: Student Harassment Prevention Act. (Act 2009-571, §1; Ala. Code §16-28C-1 *et seq.*)]

6.12 ***Protection of Pupil Rights Amendment***

6.12.1 Consent – The Board will obtain parental consent before students are required to participate in a survey that concerns one or more of the following protected areas (“protected information survey”) if the survey is funded in whole or in part by a program of the U.S. Department of Education (ED):

- a. Political affiliations or beliefs of the student or student’s parent(s);
- b. Mental or psychological problems of the student or student’s family;
- c. Sexual behavior or attitudes;
- d. Illegal, anti-social, self-incriminating, or demeaning behavior;
- e. Critical appraisals of others with whom respondents have close family relationships;
- f. Legally recognized privileged relationships, such as with lawyers, doctors, or ministers;
- g. Religious practices, affiliations, or beliefs of the student or parent(s); or
- h. Income, other than as required by law to determine program eligibility.

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

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

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

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

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

6.12.5 Additional Policies and Procedures Authorized – In consultation with parents, the Superintendent is authorized to develop additional policies, and arrangements to protect student privacy in the administration of protected information surveys and in the collection, disclosure, or use of personal information for marketing, sales, or other distribution purposes. The Board will directly notify parents of these

policies and procedures at the beginning of each school year and after any substantive changes are approved.

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

6.13 ***Student Records***

Educational records as defined by law or Board policy will be available for examination and review by authorized persons in the manner prescribed and to the extent required by law. Except where the context requires otherwise, the term “educational records” has the meaning given in 20 U.S.C. §1232g(a)(4). Copies of such records may likewise be provided to the extent required and under circumstances specified by applicable law or regulation. The Superintendent is authorized to establish administrative standards and procedures respecting access to such records, including a schedule of reasonable charges for the reproduction thereof. Parents will be provided required annual notification regarding educational records through the student handbook or by other appropriate means.

[Reference: 20 U.S.C. §1232g(a)(4); 34 CFR 99.3]

6.14 ***Student Health Services***

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

6.14.1 District Anaphylaxis Program

School Health Services Anaphylaxis Preparedness Program Manual

Background

The Bessemer City School System recognizes the growing concern with severe life-threatening allergic reactions with regards to food, latex, medications and insect bites or stings. The eight most common food allergies that account for 90% of food allergy reactions are milk, eggs, peanuts, tree nuts, fish, shellfish, soy and wheat. (National Institute of Allergy and Infectious Disease 2010). Children with food allergies are 2-4 times more likely to experience other allergic reactions and asthma than those without food allergies. (Branum & Lukacs, 2008.)

Pathophysiology

Anaphylaxis is a severe allergic reaction that has a rapid onset and may be fatal. During anaphylaxis, tissues in the body release histamines that cause the airways to tighten and lead to many systemic symptoms, the most important being those that are life threatening e.g. difficulty breathing and swallowing, systemic hives, feeling of impending doom, wheezing, decreased blood pressure and loss of consciousness. Results of studies of fatal allergic reactions to food found that a delay in administering epinephrine was one of the most significant risk factors associated with fatal outcomes. The symptoms of allergic reaction vary both in type and severity among individuals and even in one individual over time. Symptoms associated with an allergic reaction to food/latex/ insects include the following:

- **Mucous Membrane Symptoms:** red watery eyes or swollen lips, tongue, or eyes.
- **Skin Symptoms:** itchiness, flushing, rash, or hives.
- **Gastrointestinal Symptoms:** nausea, pain, cramping, vomiting, diarrhea, or acid reflux.
- **Upper Respiratory Symptoms:** nasal congestion, sneezing, hoarse voice, trouble swallowing, dry staccato cough, or numbness around mouth.
- **Lower Respiratory Symptoms:** deep cough, wheezing, shortness of breath or difficulty breathing, or chest tightness.
- **Cardiovascular Symptoms:** pale or blue skin color, weak pulse, dizziness or fainting, confusion or shock, hypotension (decrease in blood pressure), or loss of consciousness.
- **Mental or Emotional Symptoms:** sense of “impending doom,” irritability, change in alertness, mood change, or confusion.

Food Allergy Symptoms in Children

Children with food allergies might communicate their symptoms in the following ways:

- **It feels like something is poking my tongue.**
- **My tongue (or mouth) is tingling (or burning).**
- **My tongue (or mouth) itches.**
- **My tongue feels like there is hair on it.**
- **My mouth feels funny.**
- **There’s a frog in my throat; there’s something stuck in my throat.**
- **My tongue feels full (or heavy).**
- **My lips feel tight.**
- **It feels like there are bugs in there (to describe itchy ears).**

- **It (my throat) feels thick.**
- **It feels like a bump is on the back of my tongue (throat).**

SOURCE: The Food Allergy & Anaphylaxis Network. Food Allergy News. 2003; Vol 13, No. 2

Rationale

Federal laws including the American Disabilities Act, Individual with Disabilities Education Act, and Section 504 of the Rehabilitation Act of 1973 protect the legal rights of students with allergies along with the Food Safety Modernization Act (FSMA) which became law January 2011. These Laws protect students' individual rights as well as direct schools to develop voluntary guidelines on food allergy management.

In 1998, the American Academy of Allergy Asthma and Immunology advocated that every student with a food allergy diagnosis have an Emergency Care Plan and a prescription for Epinephrine (*Carlisle et al*, 2010).

Putting Guidelines into Practice for Anaphylaxis:

Section 1: School District Superintendent

- Provide leadership and designate School District resources to implement the School District's approach to managing severe allergies.
- Promote, disseminate, and communicate anaphylaxis allergy-related policy to all school staff, families, and the community.
- Make sure that each school has a team that is responsible for allergy management.
- Be familiar with federal and State laws, including regulations, and policies relevant to the obligations of schools to students with severe allergies and make sure your policies and practices follow these laws and policies.
- Support professional development on anaphylaxis for employees.

Section 2: School Administrator (Principal or Assistant Principal)

- Coordinate planning and implementation of a comprehensive Anaphylaxis Allergy Management and Prevention Plan for their school in conjunction with School Nurse and School Improvement team.
- Communicate School District policy for managing severe allergies to all school staff, substitute teachers, classroom volunteers and families.
- Share information about students with severe allergies with all staff members **who need to know**, provided the exchange of information occurs in accordance with FERPA and any other federal and State laws that protect the confidentiality or privacy of student information.

- Support professional development on anaphylaxis for employees.

Section 3: School Nurse

- Take the lead in planning and implementing the school's Anaphylaxis Allergy Management Prevention Plan.
- Support partnerships among school staff and the parents and doctors (e.g., pediatricians or allergists) of students with severe allergies.
- Make sure that students with severe allergies are identified. Share information with other staff who need to know in accordance with FERPA and any other federal and State laws that protect the confidentiality or privacy of student information.
- Develop an Individual/Emergency Care Plan for each student with a severe allergy and share with appropriate staff.
- Have the Epinephrine kept in a secure place that staff can get to quickly and easily. Regularly inspect the expiration date on all stored epinephrine auto-injectors.
- Annually train staff members how to administer an epinephrine auto-injector and recognize the signs and symptoms of food allergy reactions and anaphylaxis.
- Make sure that food service staff are aware of what actions must be taken as written in ECP if a food allergy emergency occurs in the cafeteria.
- Make sure that staff plan for the needs of students with food/latex/insect allergies during class field trip and during other extracurricular activities.
- Work with other school staff and parents to create a safe environment for students with severe allergies.

Section 4: Medical Director for Anaphylaxis program

- The Bessemer City School System shall seek and maintain a collaborative agreement with a local physician willing to *serve as the Medical Director* on a consultation basis; supporting the coordinated approach to managing severe allergies and anaphylaxis and the use of Epinephrine in the schools including prescriptive authority.
- Support partnerships among school staff and the parents and doctors (e.g., pediatricians or allergists) of students with severe allergies.
- Guide and support the Allergy management practices of school nurses in accordance with the Nurse Practice Act and Federal or State legislature.

Section 5: School Food Service Staff

- With the assistance of school nurse identify students with severe allergies in a way that does not compromise students' privacy or confidentiality rights.
- Make sure have and understand dietary orders, or the doctor's statement, and other relevant medical information that is needed to make meal accommodations for students with food allergies.
- Follow policies and procedures to prevent allergic reactions and cross-contact of potential food allergens during food preparation and service.
- Manage food substitutions for students with food allergies.
- Complete annual training to help recognize following:
 - ✓ Signs and symptoms of allergic reactions and how they are communicated by students.
 - ✓ How to read food labels and identify allergens.
 - ✓ How to use an epinephrine auto-injector (if delegated and trained to do so).
 - ✓ How to deal with emergencies in the school in ways that are consistent with a student's ECP.
 - ✓ When and how to call EMS and parents.
 - ✓ How FERPA, USDA, and other federal and State laws that protect the privacy and confidentiality of student information apply to students with food allergies and food allergy disabilities.
 - ✓ General strategies for reducing or preventing exposure to food allergens in the classroom, such as cleaning surfaces, using nonfood items for celebrations, and getting rid of nonfood items that contain food allergens (e.g., clay, paste).
 - ✓ Policies on bullying and discrimination against all students, including those with food allergies.

Section 6: Transportation Staff

- School Nurse will provide information on Emergency care plan for managing students with severe allergies being transported to or from school.
- Complete annual training to help you recognize and understand the following:
 - ✓ Signs and symptoms of severe allergy and how they are communicated by students.
 - ✓ How to respond to a severe allergy emergency while transporting children to and from school.
 - ✓ How to use an epinephrine auto-injector (if delegated and trained to do so).

- ✓ How to deal with emergencies in a way that is consistent with a student's ECP or transportation emergency protocol.
 - ✓ FERPA, USDA, and other federal and State laws that protect the privacy or confidentiality of student information and other legal rights of students with severe allergies.
 - ✓ Policies that prohibit discrimination and bullying against all students, including those with food/latex/insect allergies.
- Use of a two-way communication system between schools and transportation vehicles.
 - Enforce district food policies for all students riding a school bus.

Section 7: Teachers and other unlicensed personnel

- Will be provided Emergency Care Plan by School Nurse and understand the essential actions that are needed to take to help manage severe allergy reactions under nurse supervision, including when meals or snacks are served in the classroom, on field trips, or during extracurricular activities.
- Work with parents and the school nurse and other appropriate school personnel to determine if any classroom modifications are needed.
- With parental consent, share information and responsibilities with substitute teachers and other adults who regularly help in the classroom (paraeducators, aides, instructional specialists).
- Complete training to help you recognize and understand the following:
 - ✓ Signs and symptoms of severe allergies and how they are manifested in and communicated by students.
 - ✓ How to read food labels and identify allergens.
 - ✓ How to use an epinephrine auto-injector (if delegated and trained to do so).
 - ✓ How to respond to food allergy emergencies in ways that are consistent with a student's ECP, if appropriate, a Section 504 Plan, or IEP, if appropriate.
 - ✓ When and how to call EMS and parents.
 - ✓ Policies that prohibit discrimination and bullying against all students, including those with severe allergies.

- Work with the school nurse to educate parents about the presence and needs of students with severe allergies in the classroom. Raise awareness and educate parents of children without severe allergies about rules esp. “food rules” for the classroom.

Action Steps for Anaphylaxis Management:

- Providing necessary precautions and general training for staff in transportation, classrooms, the cafeteria, or the gymnasium;
- Training by licensed school nurses for all adults in a supervisory role in the recognition and emergency management of a specific medical condition for specific students;
- Creating Individual Health Care Plans (IHP), Emergency Care Plans (ECP), 504 Plans, or Individualized Educational Plans (IEP) as indicated;
- Having standing emergency medical protocols for nursing staff;
- Following specific legal documents duly executed in accordance with the regulations and laws with medical orders regarding the care of specific students with severe life-threatening conditions;
- Allowing self-directed students as assessed by the school nurse to carry life-saving medication with prior approval by the medical provider, and according to health practice and procedures, as long as duplicate life-saving medication is also maintained in the health office in the event the self-carrying student misplaces their medicines; and
- Assuring appropriate and reasonable building accommodations are in place within a reasonable degree of medical certainty

Medication Safety

At this time, Epinephrine auto-injectors will not be supplied by the School System. All Epinephrine auto-injectors will be supplied by the parents of student’s with allergies and kept in the nurse’s office.

6.15 Student Conduct

The Superintendent will prepare and present to the Board for adoption and periodic revision a Code of Student Conduct (“CSC”), with input from teachers, school personnel, students, parents and guardians, and other members of the education community and, as appropriate, the community at large. The CSC will comprehensively describe the rules and standards of conduct and discipline that will be maintained and enforced within Bessemer City Schools. The CSC will set forth the specific grounds for disciplinary action, the penalties, sanctions, or consequences that may be imposed for a violation of the CSC, the methods and procedures by which violations of the CSC will be determined, and any appeal or review procedures that are available to students. The CSC will incorporate applicable statutory and regulatory requirements, and the hearing and appeal procedures specified in the CSC will conform to applicable statutory and constitutional standards and requirements. The CSC may be incorporated in a student handbook and

will be made available to all teachers, school personnel, students, parents and guardians at the beginning of each school year. The CSC will be deemed an extension of Board policy and will have the force and effect thereof.

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

6.16 *Searches (Students)*

- a. *Board Property* – All School System property, facilities, and grounds may be entered, inspected, and searched for any lawful purpose by Board officials or their designees at any time, without prior notice and to the fullest extent permitted by law. The right to enter, inspect, and search includes and extends to (but is not limited to) Board owned or controlled offices, desks, file cabinets, lockers, computers, files, documents, data, and devices however and wherever kept, stored, or maintained.
- b. *Personal Property* – Personal property, including but not limited to vehicles, purses, wallets, gym bags, book bags, cell phones, computers, and “personal digital assistant” (PDA) devices may be searched by authorized school officials, including school principals or their designees, when reasonable suspicion exists that the property contains prohibited materials, illegal substances, weapons, or other items that are reasonably deemed to present a risk or threat to the safety or welfare of the school community.
- c. *Personal Searches* – Students may be searched whenever reasonable suspicion exists that the student possesses prohibited materials, illegal substances, weapons, or other items that are reasonably deemed to present a risk or threat to the safety and welfare of the school community. Student searches must be conducted by a school administrator in the presence of another certified school employee and may include a private pat down of the student, a search of personal items and clothing, or a more thorough search upon specific approval of the Superintendent. Personal searches will be conducted with due regard for the age and gender of the student. Searches that require physical contact between the school official and the student, removal of clothing, or examination of the student in a way that would implicate privacy concerns must be conducted and witnessed by officials of the same gender as the student and in a way that preserves the dignity of the student to the extent practicable under the circumstances. Refusal to submit to a search or to cooperate in a search as provided in this policy may be grounds for disciplinary action.
- d. *Use of Recovered Items* – Property, material, substances, information, or records that are obtained, discovered, or recovered as a result of a search may be retained and used for any lawful purpose.

6.17 *Corporal Punishment*

The Board does not permit the use of corporal punishment as a consequence for inappropriate behavior, provided that school personnel are not prohibited from using

appropriate physical contact or intervention in response to emergencies or other circumstances reasonably requiring such action.

[Reference: Ala. Code §16-28A-2 (1975)]

6.18 ***Physical Restraint***

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

[Reference: Ala. Admin. Code §§290-3-1-.01, 290-3-1-.02]

6.19 ***Student Suspension (including Students with Disabilities)***

In order to maintain order, minimize the risk of potential personal injury, property damage or disruption, or to permit an orderly investigation and evaluation of a suspected violation of school or School System rules, standards, or policies, principals may temporarily suspend a student pending a conference with the parent or guardian of the student and a final disciplinary decision. Suspension may also be imposed as a disciplinary measure as provided in the Code of Student Conduct. Suspensions will be counted as excused absences. Make up work will be permitted for such absences unless permitting such work under the circumstances would be impractical or impossible, would serve no purpose, would place school personnel at risk of harm, or would be unreasonable in light of the grounds for the suspension. Suspension of students with disabilities will be subject to applicable limitations and requirements imposed by the Individuals with Disabilities Education Act (“IDEA”) and its implementing regulations.

6.20 *Student Expulsion (including Students with Disabilities)*

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

6.21 *Electronic Communication Devices*

The use of personal, wireless communication devices by students is prohibited on school grounds unless distributed by the School System. Personal, wireless communication devices include, but are not limited to cellular telephones, pocket pagers, email devices, tablets, "walkie-talkies", laptops, or any other electronic communication device.

The Bessemer City Board of Education assumes no responsibility for theft, loss or damage to any personal/wireless communication device. The principal or his or her designee may approve the use of such devices during emergencies, natural disasters, or school related activities. The principal or his or her designee has the discretion to authorize the use of such devices when appropriate. Principals or their designees will also have the discretion to further restrict or deny the use of personal/wireless communication devices by any student to prevent the misuse, abuse, or violation of school rules regarding the use of such devices.

School officials may read, examine, or inspect the contents of any such device upon reasonable suspicion that the device contains evidence of a violation of Bessemer City Board of Education Policy, Manual the Student Code of Conduct, or other school rules.

[Reference: Ala. Code §16-1-27 (1975)]

6.22 *Drivers' License*

6.22.1 Drivers' License – Unless exempted from the requirement by Board policy, a person under the age of nineteen (19) years may not under State law obtain a driver's license or a learner's permit without being enrolled in school or meeting alternative criteria established by law. Additionally, a driver's license may be suspended or revoked if a student withdraws or fails to attend school. Students may be exempted or excused from otherwise applicable statutory requirements if

their withdrawal or nonattendance is caused by circumstances beyond the control of the student. Circumstances beyond the control of the student may be found with respect to:

- a. Students who are mentally or physically unable to attend school;
- b. Students who are regularly and legally employed in compliance with the provisions of the Child Labor Law; and
- c. Students who, because of the lack of public transportation, are compelled to walk more than two (2) miles to attend a public school.

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

6.22.2 Administrative Procedures Authorized – The Superintendent is authorized to develop procedures to implement the provisions of this policy and to comply fully with State law.

[Reference: Ala. Code §16-28-40, *et seq.* (1975)]

6.23 ***Student Parking Privileges***

In order to promote the safety and welfare of students and others who work on or visit school campuses, to encourage the development of safe and responsible driving practices, and to serve the general purposes of maintaining a drug and alcohol free school environment, students will be granted the privilege of driving and parking on school property only if they are free of the effects of alcohol or other illegal or controlled substances. Principals may impose reasonable additional conditions or requirements for the privilege of driving or parking a vehicle on school property including, for example, conditions relating to maintenance of academic, and attendance standards, discipline violations and the payment of fees. Principals may also establish priorities for issuance and assignment of parking permits. The Board reserves the right to require that sobriety or drug tests or screenings be passed as a condition to maintaining parking or vehicle permits, or privileges relating to use of a motor vehicle. Such testing or screening may also be performed whenever a school official observes or is made aware of circumstances that provide reasonable suspicion or belief that the student has used alcohol, illegal drugs, or other substances in violation of the Board's substance abuse policies. All such testing or screening will be performed at the expense of the legal guardian(s) in accordance with local, state and federal laws, and procedures that are developed by the Superintendent for approval by the Board.

6.24 ***Student Competitive Extracurricular Activity Substance Abuse Policy***

In order to promote the safety and welfare of students who participate in competitive extracurricular activities, to insure that such participation is neither impaired nor any risk

of injury exacerbated, to provide incentives to students to maintain safe and healthful practices, and to promote a school environment that is free of alcohol and illegal drugs or controlled substances, the Board reserves the right to require any student who participates in extracurricular competitive programs or activities to submit to sobriety tests or screening for illegal drugs or controlled substances prior to, during, or following a competitive event, practice, competition, or at any other time while the student is under the supervision of the School System. Such testing or screening may also be performed whenever a school official observes or is made aware of circumstances that provide reasonable suspicion or belief that the student has used alcohol, illegal drugs, or other substances in violation of the Board's substance abuse policies. All such testing or screening will be performed in accordance with local, state and federal laws, and procedures that are developed by the Superintendent for approval by the Board. Parents may incur the cost associated with subsequent drug testing under all applicable guidelines and laws.

6.25 *Harassment, Violence, and Threats of Violence Prohibited*

6.25.1 Prohibition – No student shall engage in or be subjected to harassment, violence, threats of violence, or intimidation by any other student that is based on any of the specific characteristics that have been identified by the Board in this policy. Students who violate this policy will be subject to disciplinary sanctions.

6.25.2 Definitions

- a. The term “harassment” as used in this policy means a continuous pattern of intentional behavior that takes place on school property, on a school bus, or at a school-sponsored function including, but not limited to, written, electronic, verbal, or physical acts that are reasonably perceived as being motivated by any characteristic of a student, or by the association of a student with an individual who has a particular characteristic, if the characteristic falls into one of the categories of personal characteristics set forth below. To constitute harassment, a pattern of behavior may do any of the following:
 1. Place a student in reasonable fear or harm to his or her person or damage to his or her property;
 2. Have the effect of substantially interfering with the educational performance, opportunities, or benefits of a student;
 3. Have the effect of substantially disrupting or interfering with the orderly operation of the school;
 4. Have the effect of creating a hostile environment in the school, on school property, on a school bus, or at a school-sponsored function; and/or

5. Have the effect of being sufficiently severe, persistent, or pervasive enough to create an intimidating, threatening, or abusive educational environment for a student.
- b. The term “violence” as used in this policy means the infliction of physical force by a student with the intent to cause injury to another student or damage to the property of another student.
- c. The term “threat of violence” as used in this policy means an expression of intention to inflict injury or damage that is made by a student and directed to another student.
- d. The term “intimidation” as used in this policy means a threat or other action that is intended to cause psychological or mental fear or apprehension in a student, especially for the purpose of coercing or deterring the student from participating in or taking advantage of any school program, benefit, activity or opportunity for which the student is or would be eligible.
- e. The term “student” as used in this policy means a student who is enrolled in the Bessemer City School System.

[Reference: Student Harassment Prevention Act. (Act 2009-571, §1.; Ala. Code §16-28B-1, *et seq.*)]

6.25.3 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 harassment, violence, or intimidation; (2) to refrain from inflicting or threatening to inflict violence, injury, or damage to the person or property of another student; and (3) to refrain from placing another student in fear of being subjected to violence, injury, or damage when such actions or threats are reasonably perceived as being motivated by any personal characteristic of the student that is identified in this policy.
- b. Violence, threats of violence, harassment, and intimidation (also referred to as bullying) are prohibited and will be subject to disciplinary consequences and sanctions if the perpetrator of such action is found to have based the prohibited action on one or more of the personal characteristics of the victim of such conduct, which may include but are not limited to the following:
 - The student’s race;
 - The student’s sex;
 - The student’s religion;
 - The student’s national origin; or
 - The student’s disability.

6.25.4 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 rule or standard adopted under authority of this policy.

6.25.5 Reporting, Investigation, and Complaint Resolution Procedures

- a. Complaints alleging violations of this policy must be made on Board approved complaint forms available at the principal and/or counselor's office. The complaint must be signed by the student alleging the violation or by the student's parent or legal guardian and delivered to the principal or his or her designee either by mail or personal delivery. At the request of the complaining student or the student's parent or legal guardian, incidental or minor violations of the policy may be presented and resolved informally.
- b. Upon receipt of the complaint, the principal or the principal's designee will, in their sole discretion, determine if the complaint alleges a serious violation of this policy. If the principal or his or her designee determines that the complaint alleges a serious violation, the principal or his or her designee will undertake an investigation of the complaint. The investigation will entail the gathering of relevant facts and evidence and will be conducted in a reasonably prompt time period taking into account the circumstances of the complaint. If the investigation establishes a violation, appropriate disciplinary sanctions will be imposed on the offending student(s). Other measures that are reasonably calculated to prevent a recurrence of the violation(s) may also be imposed by the principal or the School System. The person reporting the violation may, upon request, be given an explanation of the outcome of the investigation and of any steps taken to prevent a recurrence of the violation, subject to any limitations on the disclosure thereof that may be imposed by law. A person reporting a violation who is not satisfied with the outcome of the investigation may appeal the decision in writing to the local Superintendent.
- c. Acts of reprisal or retaliation against any student who has reported a violation of this policy or sought relief provided by this policy are prohibited, and are themselves a violation of this policy. Any confirmed acts of reprisal or retaliation will be subject to disciplinary sanctions that may include any sanction, penalty, or consequence that is available to school officials under the Student Code of Conduct. A student who deliberately, recklessly, and falsely accuses another student of a violation of this policy will be subject to disciplinary sanctions as outlined in the Student Code of Conduct.
- d. The complaint form developed to report violations of this policy will include a provision for reporting a threat of suicide by a student. If a threat of suicide is reported, the principal or the principal's designee will inform the student's parent or guardian of the report.

6.25.6 Promulgation of Policy and Related Procedures, Rules, and Forms

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

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

6.26 **Adult Sex Offenders**

"The mission of Bessemer City Schools is to produce informed, responsible, productive citizens who will be lifelong learners and successful contributors of society... "

Alabama law allows adult sex offenders who have been convicted of a sex offense involving a minor to be present on school premises when such offenders have a legitimate purpose for being there. However, Alabama law also requires such offenders to follow certain procedures in order to be allowed to be present at K-12 school activities and/or on Board owned property. The Bessemer City Board of Education adopts this policy in keeping with Alabama law and the safety and security of the school environment.

A. No adult sex offender, after having been convicted of a sex offense involving a minor, shall loiter on or within 500 feet of the property line of any Bessemer City Board of Education property on which there is a school, childcare facility, playground, park, athletic field or facility, school bus stop, or any other having a principal purpose of caring for, educating, or entertaining minors.

B. To loiter means to enter or remain on property while having no legitimate purpose or, if a legitimate purpose exists, remaining on that property beyond the time necessary to fulfill that purpose. An adult sex offender does not violate unless he or she has first been asked to leave a prohibited location by a person authorized to exclude the adult sex offender from the premises.

C. An authorized person includes, but is not limited to, any law enforcement officer, security officer, principal, teacher, school bus driver, coach, or any person designated with that authority by school officials. The Bessemer Board of Education authorizes any and all employees, when acting in good faith, to direct an adult sex offender to leave school property when reasonably judged to be loitering.

D. Recognizing that Alabama law provides both for sex offenders to be on school property for legitimate purposes and puts certain legal requirements on sex offenders who wish to do so, the Bessemer City Board of Education adopts this policy so as to be implemented whenever school is in session, or when any K-12 school activity is

occurring. For the purpose of this policy, “offender” refers to adult sex offenders who have been convicted of a sex offense involving a minor.

1. The offender must notify the principal or designee at least twenty-four 24 hours before entering onto school property or attending the K-12 school activity. The offender must identify himself or herself as a sex offender convicted of an offense against a minor. When less than 24 hours’ notice is provided, the request will be reviewed by school administrators prior to approval of the visit.
2. The offender must immediately report to the principal or designee upon entering school property or arriving at the K-12 school activity.
3. The offender must cooperate and submit to any efforts undertaken by school officials to monitor the whereabouts of the sex offender for the duration of his or her presence on the school property or attendance at the K-12 school activity.
4. Efforts undertaken by school officials in order to effectuate monitoring the offender while on school property or in attendance at the K-12 school activity must be limited to discreet monitoring of the offender. If discreet monitoring of the sex offender is impracticable, impossible, or if insufficient advance notification is given to arrange for proper monitoring of the offender, the offender may be denied entrance to school property or may not be allowed to attend the K-12 school activity.
5. Employees authorized to do so by the Board of Education will, when possible, provide notice to the offender that he or she is loitering or is otherwise not in compliance with this policy and must leave. If the offender refuses to leave, school authorities will notify the appropriate law enforcement agency.
6. For the purposes of this policy, a K-12 school activity is an activity sponsored by a school in which students in grades K-12 are the primary intended participants or for whom students in grades K-12 are the primary intended audience including, but not limited to, school instructional time, after school care, after school tutoring, athletic events, field trips, school plays, or assemblies.
7. Convicted sex offenders shall not be permitted to accompany or chaperone students on overnight field trips. Adult sex offenders have a duty to comply with this policy, which shall not be construed to impose 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.

VII. Instructional Program

7.1 Curriculum

The Superintendent will coordinate the design and development of a comprehensive curriculum plan in accordance with State law and any requirements of the State Department of Education for approval by the Board.

7.2 Textbooks

Textbooks will be purchased and distributed in accordance with State Department of Education Regulations. Only textbooks recommended by the local textbook committee will be approved by the Board, upon the recommendation of the Superintendent. The local textbook committee will be approved by the Board and will consist of school representatives, including parents, who will serve a term of one (1) year. Students are loaned textbooks for the duration of the course that requires the textbook and are responsible for the care of the textbook. Students must reimburse the Board for the cost of any textbooks that are lost or damaged beyond reasonable wear and tear.

[Reference: Ala. Code §16-36-62 (1975)]

7.3 Academic Standards

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

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

<u>Letter Grade</u>	<u>Numerical Grade (100 point scale)</u>	<u>Grade Point Average Points (4 point scale)</u>
A	90 – 100	4.00
B	80-89	3.00
C	70-79	2.00
D	60-69	1.00
F	40-59	0.00

7.3.2 Advanced Placement and Honors Grade Scale – Numerical grades in Advanced Placement courses (approved by the College Board) and/or Honors courses

(approved by the Board) will be weighted by adding ten (10) points. When calculating the grade point average on a four-point scale one (1) point will be added for Advanced Placement and Honors courses. All Pre-AP courses will be weighted by adding five (5) points or (one-half) .5 quality point when calculating the grade point average.

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

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

7.4 Testing

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

7.5 *Summer School Operations*

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

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

7.6 *Dual Enrollment*

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

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

7.7 *Correspondence or Online Courses*

Credit for correspondence and online courses will be recognized if the conditions and criteria established by the Alabama Department of Education for such programs are met.

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

7.8 *Career and Technical Education Programs*

7.8.1 Work-Based Learning Experience – A work-based learning experience provides students with educational opportunities in a work setting that typically cannot be obtained in a classroom and may include, but is not limited to, cooperative education, internships, clinical experiences, and other related opportunities. The Superintendent is authorized with Board approval to develop guidelines and procedures in accordance with the regulations of the Alabama State Department of Education for work-based learning experiences to be conducted in the School System, including, but not limited to, guidelines for decision making and protocol for solving problems at the workplace and school. To the extent practicable, reasonable safety procedures will be implemented in the program in accordance with Alabama State Department of Education regulations and any applicable Business/Industry Certification requirements.

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

7.8.2 Live Work – Live work consists of work conducted by students that relates to the knowledge and skills taught as part of a CTE program of study, but are presented from outside the classroom. The Superintendent is authorized to develop for

Board approval guidelines and procedures in accordance with the regulations of the Alabama State Department of Education and any applicable Business/Industry Certification requirements for live work to be conducted in the School System, including, but not limited to, a systematic method for managing live work, work requests and orders, and procedures for approval of where and for whom work may be conducted, school liability, and restrictions on live work. Any money collected for live work will be accounted for in accordance with the Board's Finance Manual.

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

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

7.9 Foreign Exchange Programs

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

7.10 *Extended Programs: Community Education*

Upon their approval by the Board, the Superintendent is authorized to implement programs and projects designed to meet the needs of the community served by the School System in accordance with any laws or regulations governing such programs. Such programs may include, but not be limited to, academic, enrichment and other such offerings as may be approved by the Board.

[Reference: Ala. Admin. Code 290-080-050]

7.11 *Graduation, Certificate of Completion, and Commencement*

Students who have satisfactorily completed requisite course work, met minimum attendance criteria, and passed required examinations are eligible for graduation. Students who have fulfilled coursework requirements but who have not passed the required state mandated requirements are **NOT** eligible to participate in graduation ceremonies. Student participation in related graduation activities will be subject to the principal's approval and payment of outstanding financial obligations. Participation in a graduation-related ceremony may be prohibited by the principal if the student violates disciplinary standards or if, in the judgment of the principal, the student's participation could lead or contribute to disorder or disruption of the ceremony or activity.

- 7.11.1 Diploma Distinctions – Students shall be awarded the appropriate diploma based on the School System's handbook requirements.

7.11.2 Valedictorian/Salutatorian

- a. *Criteria* – The valedictorian and salutatorian for the graduating class of each high school must qualify for the most advanced academic diploma offered and have been enrolled in the School System for a minimum of one (1) year prior to the date of graduation. The student with the highest numerical grade average (calculated and weighted on the 100-point scale as prescribed in the grading section above) will be the class valedictorian. The student with the second highest numerical grade average shall be the class salutatorian. In calculating the numerical grade average, all semester grades will be used, beginning with the ninth grade through the semester immediately preceding graduation. The calculated average will be carried out four decimal places and rounded off. In the case of a tie, students having the same average will be recognized as co-valedictorians and co-salutatorians.
- b. *Grade Conversion* – Where letter grades are present on a candidate’s transcript from a previously attended regionally accredited school, the candidate must have the respective school(s) submit the grades in numerical form. If school officials of the school the student previously attended cannot or will not convert the letter grades to numerical grades, the letter grades will be converted to numerical grades as follows:

A+ = 99	B+ = 89	C+ = 79	D+ = 69	F = 49
A = 95	B = 85	C = 75	D = 65	
A- = 90	B- = 80	C- = 70	D- = 60	

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

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

7.11.4 Adult High School Diploma Program – The Superintendent is authorized to establish an adult diploma program in conformity with regulations issued by the State Department of Education and such additional requirements as may be approved by the Board.

7.12 *School Wellness*

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

- 7.12.1 Nutrition Education – Nutrition education that teaches the knowledge, skills, and values needed to develop healthy eating behaviors will be integrated into the curriculum and offered throughout school campuses, including school dining areas and classrooms, by appropriately trained personnel.
- 7.12.2 Nutrition Standards – The Board will ensure that reimbursable school meals meet the program requirements and nutritional standards established by applicable state and federal regulations. The Board will encourage students to make nutritious food choices and will monitor all food and beverages sold or served to students, including those available outside federally regulated child nutrition programs. The Board will consider nutrient density and portion size before permitting food and beverages to be sold or served to students.
- 7.12.3 Physical Education and Physical Activity Opportunities – The Board will offer physical education opportunities that include the components of a sound physical education program. Physical education will equip students with the knowledge, skills, and values necessary to maintain healthful lifelong physical activity. Physical education instruction will be aligned with the curriculum. All students will be provided the opportunity to participate regularly in supervised physical activities that are intended to maintain physical fitness and to impart the benefits of maintaining a physically active and healthy lifestyle.
- 7.12.4 Other School-Based Activities Designed to Promote Student Wellness – The Board may implement other programs that help create a school environment that conveys consistent wellness messages and that is conducive to healthy eating and physical activity.
- 7.12.5 Administrative Implementation – The Superintendent is authorized to develop and implement administrative rules and directives that are consistent with this policy and that are based on input from teachers (including specialists in health and physical education), school nurses, parents and guardians, students, representatives of the school food service program, school board members, school administrators, and the public. The Superintendent will report to the Board, as requested, on programs and efforts that are designed to meet the purpose and intent of this policy.
- 7.12.6 Wellness Policy – The Bessemer City School System is committed to providing school environments that promote and protect children’s health, well-being, and ability to learn by supporting healthy eating and physical activity. The Bessemer City School System’s Wellness Policy focuses on the policy areas of nutrition education, physical activity, and other school-based activities that are designed to

promote student wellness. The local wellness policy committee has taken into consideration the following health-related factors in developing its' wellness policy:

- Children need access to healthful foods and opportunities to be physically active in order to grow, learn, and thrive;
- Good health fosters student attendance and education;
- Obesity rates have doubled in children and tripled in adolescents over the last two decades, and physical inactivity and excessive calorie intake are the predominant causes of obesity;
- Heart disease, cancer, stroke, and diabetes are responsible for two-thirds of deaths in the United States, and major risk factors for those diseases, including unhealthy eating habits, physical inactivity, and obesity, often are established in childhood;
- 33% of high school students do not participate in sufficient vigorous physical activity and 72% of high school students do not attend daily physical education classes;
- Only 2% of children (2 to 19 years) eat a healthy diet consistent with the five main recommendations from the Food Guide Pyramid;
- Nationally, the items most commonly sold from school vending machines, school stores, and snack bars include low-nutrition foods and beverages, such as soda, sports drinks, imitation fruit juices, chips, candy, cookies, and snack cakes;
- School districts around the country are facing significant fiscal and scheduling constraints; and
- community participation is essential to the development and implementation of successful school wellness policies

The Superintendent of the Bessemer City Board of Education will ensure compliance with the established district-wide wellness policy. In each school, the principal will ensure compliance with this policy. The Bessemer City School System and individual schools will create, strengthen, or work within existing Health Advisory Councils to implement, monitor, review, and, as necessary, revise the local wellness policy. Health Advisory Councils will work to ensure the following:

- All students in grades K-12 will have opportunities, support, and encouragement to be physically active on a regular basis.
- Foods and beverages sold or served at school will meet the nutrition recommendations of the *U.S. Dietary Guidelines for Americans*.
- Qualified child nutrition professionals will provide students with access to a variety of affordable, nutritious, and appealing foods that meet the health and nutrition needs of students; will accommodate the religious, ethnic, and cultural diversity of the student body in meal planning; and will provide clean, safe, and pleasant settings and adequate time for students to eat.
- To the maximum extent practicable, all schools in our district will participate in available federal school meal programs (including the School Breakfast Program, National School

Lunch Program [including after-school snacks], Summer Food Service Program, Fruit and Vegetable Snack Program, and Child and Adult Care Food Program [including suppers]).

- Schools will provide nutrition education and physical education to foster lifelong habits of healthy eating and physical activity, and will establish linkages between health education and school meal programs, and with related community services.

Local Wellness Policy Area 1: Setting Nutrition Education Goals

Within the Bessemer City School System, the primary goal of nutrition education shall be defined as “any set of learning experiences designed to facilitate the voluntary adoption of eating and other nutrition-related behaviors conducive to lifelong health and well-being,” (ADA 1996) to influence students’ eating behaviors and increase their knowledge of nutrition education.

- a) Classroom teaching: provide nutrition education that is integrated into classroom instruction;
- b) Education, marketing and promotions outside classroom links with school: nutrition education that occurs outside the classroom, or that links classroom nutrition education to the larger school community, such as school gardens and cafeteria-based nutrition education; and
- c) Teacher training: requirements for professional preparation or on-going professional development for teaching nutrition

Nutrition Education Goals

1. Provide nutrition education that will be integrated in other areas of the curriculum such as math, science, language arts, social studies, health, family and consumer science and physical education.
2. Provide nutrition education information that has been reviewed by qualified nutrition professionals.
3. To work with staff responsible for nutrition education ensuring they are adequately prepared and participate regularly in professional development activities to effectively deliver an accurate planned nutrition education program.
4. Ensure that the school cafeteria serves as a “learning laboratory” to allow students to apply critical thinking skills taught in the classroom.
5. Share nutrition education information with students, families and the entire community to positively impact their health knowledge and to select more nutritious meals for themselves and their families.
6. Encourage all students to start each day with a “healthy” breakfast.

Local Wellness Policy Area 2: Setting Physical Activity Goals

Physical education plays a critical role in educating the *whole* student. Research supports the importance of movement in educating both mind and body. Physical education contributes directly to development of physical competence and fitness. It also helps students to make informed choices and understand the value of leading a physically active lifestyle. The benefits of physical education can affect both academic learning and physical activity patterns of students. The healthy, physically active student is more likely to be academically motivated,

alert, and successful. In the preschool and primary years, active play may be positively related to motor abilities and cognitive development. As children grow older and enter adolescence, physical activity may enhance the development of a positive self-concept as well as the ability to pursue intellectual, social and emotional challenges. Throughout the school years, quality physical education can promote social, cooperative and problem solving competencies. Quality physical education programs are essential in developing motor skills, physical fitness and understanding of concepts that foster lifelong healthy lifestyles.

The Bessemer City School System will integrate physical activity across curricula and throughout the day. Participation in physical activity will take into consideration the “balancing equation” of food intake and physical activity. The following physical activity opportunities and physical education goals will be considered:

1. All students in grades K-12, including students with disabilities, special health-care needs, and in alternative educational settings, will receive physical education based on the Alabama Course of Study. All physical education will be taught by a certified physical education teacher. Student involvement in other activities involving physical activities (e.g., interscholastic or intramural sports) will not be substituted for meeting the physical education requirement. Students will spend at least fifty percent (50%) of physical education class time participating in moderate to vigorous physical activity.
2. Physical education courses will allow students to learn, practice and be assessed on developmentally appropriate motor skills, social skills and knowledge.
3. Time allotted for physical activity will be consistent with research, national and state standards.
4. Adequate equipment is available for all students to participate in physical education.
5. It is encouraged that all elementary, middle, and high schools will offer extracurricular physical activity programs, such as physical activity clubs or intramural programs. All high schools, and middle schools as appropriate, will offer interscholastic sports programs. Schools will offer a range of activities that meet the needs, interests, and abilities of all students, including boys, girls, students with disabilities, and students with special health-care needs.
6. Teachers and other school and community personnel will not use physical activity (e.g., running laps, pushups) or withhold opportunities for physical activity (e.g., recess, physical education) as punishment.
7. The school district will assess and, if necessary and to the extent possible, make needed improvements to make it safer and easier for students to walk and bike to school. When appropriate, the District will work together with local public works, public safety, and/or police departments in those efforts.
8. The school district encourages that school spaces and facilities be available to students, staff, and community members before, during, and after the school day, on weekends, and during school vacations. It is encouraged that these spaces and facilities also be available to community agencies and organizations offering physical activity and nutrition programs. School policies concerning safety will apply at all times.
9. Information will be provided to families to help them incorporate physical activity into the lives of their children.

Local Wellness Policy Area 3: Setting Goals for Other School-Based Activities Designed to Promote Student Wellness

Bessemer City Schools will take into consideration the local wellness policy when planning all school based activities (i.e. school events, field trips, dances, assemblies, etc.). Consideration will be given to the following goals, designed to promote student wellness, when planning other school based activities:

1. Creating a school environment that is safe, physically, socially, and psychologically healthful, and that promotes health enhancing behaviors. After school programs will encourage physical activity and healthy habit formation. Food and/or physical activity will not be used as a reward or punishment.
2. A sequential, age-appropriate health education, physical education, and nutrition instruction curriculum will be provided in pre-kindergarten through grade twelve that is designed to motivate and assist students in maintaining and improving their health, prevent disease, and avoid health-related risk behaviors. Nutrition education will be included during snack time as well as during meal time.
3. School health services activities will be designed to ensure access and/or referral to primary health care services, foster appropriate use of health care services, prevent and control communicable disease and other health problems, and provide emergency care for illness or injury.
4. Counseling, psychological, and social services activities will be designed to ensure access and/or referral assessments, interventions, and other services for students' mental, emotional, and social health.
5. Integrated family and community involvement activities will be designed to engage families as active participants in their child's education. These activities will enhance the ability of families to support student's school achievement and encourage collaboration with community resources and services to respond more effectively to the health-related needs of students. Schools will organize local wellness committees comprised of families, teachers, administrators, and students to plan, implement, and improve nutrition and physical activity in the school environment.
6. Opportunities will be provided for school staff to improve their health status through activities such as health assessments, health education, health-related fitness and similar activities.

[Reference: P.L. 108-265 (2004) Section 204 Child Nutrition and WIC Reauthorization Act of 2004]

7.13 *Selection of Instructional Materials and Materials for the School Libraries*

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

7.14 Parent/Family Involvement – Meeting the Requirements of No Child Left Behind Act of 2001

- 7.14.1 Parental Involvement, Partnerships Encouraged – Training and appropriate resources will be provided for teachers, administrators, and parents to strengthen the ability of strong parent-school partnerships to enhance student achievement. Parents will be involved in jointly developing appropriate parental involvement policies and in reviewing school improvement through meetings with the School System’s Parent Advisory Committee. Policies developed through this process will be distributed to parents of students attending Title I schools. Additionally, the Board will provide coordination, technical assistance, and other support necessary to assist Title I schools in planning and implementing effective parental involvement activities to improve student achievement and school improvement. The Board will coordinate and integrate parental involvement strategies with other programs as appropriate.
- 7.14.2 Annual Evaluation of Initiatives – An annual evaluation will be conducted, with the involvement of parents, to determine the effectiveness of the parental involvement policy in improving the academic quality of the schools. The evaluation will include parent surveys, focus groups, and student assessment data. Parents will also be given the opportunity to submit suggestions and concerns regarding the parental involvement policy to the parent advisory committee. This information will be reviewed annually and used to make revisions to the School System plan as necessary.
- 7.14.3 Impediments to Parent Participation to be Identified – The Board will identify barriers to greater participation by parents in parental involvement activities, with particular attention to parents who are economically disadvantaged, are disabled, have limited English proficiency, have limited literacy, or whose racial or ethnic background may impede effective participation. To the extent practicable, all information required under Section 1111 of the reauthorized Elementary and Secondary Education Act (“ESEA”), 20 U.S.C. §6301 *et seq.*, will be provided to parents in a uniform, understandable format and upon request, in an alternative format and language that the parents understand.
- 7.14.4 Elementary and Secondary Education Act Compliance – The School System will work with its schools to ensure that school-level parental involvement policies meet the requirements of section 1118(b) of the ESEA and each includes a school-parent compact consistent with section 1118(d) of the ESEA. This policy will specify that each school will:
- a. Convene an annual meeting to explain the school programs to parents and inform them of their responsibilities and right to be involved in the program;

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

7.14.5 Notice of Rights and Information – The Board will comply with the *Parents Right to Know* provision of the *Every Student Succeeds Act (ESSA)*, including the rights of parents to be informed of the credentials/qualifications of their child’s teacher(s) and paraprofessionals and their school choice and/or supplemental educational services options when schools are identified for school improvement or determined to be unsafe within the meaning of the Act.

7.15 *School Volunteers*

All school volunteers are subject to a background check. At the discretion of the Superintendent or designee, criminal background checks may be conducted on volunteers who may be working with students. School volunteers must work with supervision of certified employees of the School System.

7.16 *Make-Up Work*

If a student is absent for any excused reason, the student shall be allowed to make up school work and/or examinations missed. It is the responsibility of the student/parent to contact the teacher or teachers to arrange for make-up work within one day of returning to school. Make-up work or examinations for students absent for unexcused reasons shall be subject to principal approval.