



**MOBILE COUNTY PUBLIC
SCHOOL SYSTEM
POLICY BOOK**

**CHAPTER 6:
PERSONNEL**

Chapter 6.00 – Personnel

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ETHICS (GENERAL)

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

Date Adopted: December 11, 2007

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

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

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

Standard 1: Professional Conduct

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

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

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

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

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

Standard 2: Trustworthiness

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

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

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

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

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

Standard 3: Unlawful Acts

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

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

Standard 4: Teacher/Student Relationship

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

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

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

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

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

Standard 5: Alcohol, Drug and Tobacco Use or Possession

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

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

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

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

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

Standard 6: Public Funds and Property

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

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

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

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

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

Standard 7: Remunerative Conduct

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

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

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

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

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

Standard 8: Maintenance of Confidentiality

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

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

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

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

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

Standard 9: Abandonment of Contract

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

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

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

Reporting

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

STAFF CONDUCT

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

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

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

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

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

CONFIDENTIALITY

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

EMPLOYEE DRESS CODE

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

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

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

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

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

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

Restrictions:

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

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

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

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

Date Adopted: December 11, 2007

Date Amended: September 25, 2013

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

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

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

UNAUTHORIZED PAYMENTS

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

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

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

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

Date Adopted: September 27, 2021

SEARCHES (PERSONNEL)

Board Property – All school system property, facilities, and grounds may be entered, inspected, and searched for any lawful purpose by Board officials or their designees at any time, without prior notice and to the fullest extent permitted by law. The right to enter, inspect, and search includes and extends to (but is not limited to) Board owned or controlled offices, desks, file cabinets, lockers, storage areas, computers, files, documents, data, and devices however and wherever kept, stored, or maintained.

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

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

WORK ATTENDANCE AN ESSENTIAL JOB FUNCTION

Punctual, regular attendance is an essential job function of every job and position, and employees are expected to report to work when scheduled to work and to remain at work each working day.

Date Adopted: September 27, 2021

RECRUITMENT

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

Reference: Alabama Code - §16-22-15

NEPOTISM

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

Supervisory Relationships – Employment decisions and relationships that violate any provision of Alabama law, including state ethics and nepotism laws, are prohibited. The Superintendent is authorized to take action to identify and correct violations of the policy in a manner consistent with applicable law.

Employment of Family Members – Board members, administrators, or supervisors may not use their positions to directly or indirectly seek or secure the employment of any family member as defined in Alabama law.

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

Date Adopted: December 11, 2007

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

EMPLOYMENT CONTRACTS

At-Will Employment – Except as may otherwise be provided or required by law (such as the continuing service or tenure provisions of the Students First Act of 2011), by contract, or by the specific terms of their appointment, all personnel are deemed “at-will” employees and may be terminated, demoted, reassigned, suspended, or disciplined with or without pay, or with reduced pay, and with or without cause.

Legal Reference: §§ 16-24c-1 et. seq.

Date Adopted: December 11, 2007

Date Amended: September 27, 2021

QUALIFICATIONS AND DUTIES

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

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

- a. Employees are required to be punctual and to attend work regularly.
- b. Employees are required to perform the duties and responsibilities that are assigned to them by the Board, the Superintendent, or their supervisor(s). Such duties and assignments may extend beyond or outside the instructional day and may include off-campus functions, events, and activities.
- c. Employees are expected to treat all students, co-employees, visitors, and guests of the Board with respect. Employees are expected to demonstrate moderation, restraint, and civility in their dealings with others and, in general, to serve as appropriate role models for students in their behavior and demeanor.
- d. Employees are required to obey all laws, ordinances, Board policies, and supervisory directives, and are expected to follow the Alabama Educator Code of Ethics and other pertinent authority while carrying out duties for the Board.
- e. Employees whose duties include the instruction or supervision of students must provide effective supervision, discipline, organization, and instruction of the students. Employees must complete and submit required reports accurately and in a timely fashion.
- f. Employees must respect, protect, and exercise due care in the handling, use, and operation of Board property and equipment.
- g. Employees shall at all times maintain appropriate, “professional” distance from students and shall not engage in conduct (including communication of any kind) that constitutes, solicits, or suggests inappropriately familiar interaction with students.
- h. Employees are required to report to work or to school functions in attire that is appropriate to their positions and the nature of the function and that is in keeping with generally accepted standards of decorum and professionalism. Service and other employees who are issued uniforms shall wear uniforms when required.
- i. Employees shall promptly disclose to the Board any fact that would disqualify them from employment or that renders them unable to perform their essential job functions.

- j. Teachers are expected to share in non-teaching responsibilities that are considered by the principal, at his/her discretion, as necessary or desirable to the proper functioning of the total school program. Teachers also are expected to share in the responsibility for supervising co-curricular activities. Extra duty should be assigned as equitably as possible, at the principal's discretion.

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

Date Adopted: December 11, 2007

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

COMPENSATION AND PAY PLAN

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Date Adopted: December 11, 2007

Date Last Amended: September 27, 2021

TENURE AND NON-PROBATIONARY STATUS

Employees are required to serve the maximum period of any probationary service provided or permitted by law before tenure, non-probationary status, or any other statutorily sanctioned form of employment security will be recognized by the Board.

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

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

SELECTION OF DEPARTMENT CHAIRPERSON

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

Reference – Procedures: Selection of Department Chairperson

Date Adopted: December 11, 2007

**PROCEDURE:
SELECTION OF DEPARTMENT CHAIRPERSON**

Job Description - The Department Chair will:

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

Qualifications:

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

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

Selection Process:

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

SUPERVISION

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

Legal Reference: Alabama Code - §16-24B-4(a).
Date Adopted: December 11, 2007

FITNESS TO WORK

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

DIRECTORY INFORMATION

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

EMPLOYEE ORIENTATION

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

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

STAFF/FACULTY MEETINGS

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

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

Date Adopted: December 11, 2007

SCHEDULES/OVERTIME

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

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

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

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

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

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

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

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

Date Adopted: December 11, 2007

Date Amended: September 27, 2021

Date Adopted: December 11, 2007

SUBSTITUTE TEACHERS

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

Reference - Procedures: Substitute Teachers

Date Adopted: December 11, 2007

**PROCEDURE:
SUBSTITUTE TEACHERS**

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

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

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

STUDENT TEACHERS/INTERNSHIPS

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

Date Adopted: December 11, 2007

GIFTS TO STAFF MEMBERS

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

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

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

Date Adopted: December 11, 2007

Date Amended: September 27, 2021

TUTORING FOR PAY

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

Legal Reference: Alabama Code - §36-25-5.
11, 2007

Date Adopted: December 11, 2007

CONSULTING

Reference: Alabama Code - §36-25-5

Date Adopted: December 11, 2007

Date Adopted: December 11, 2007

EXCHANGE TEACHING

Employees may participate in international exchange programs upon the recommendation of the superintendent in accordance with approved procedures.

Date Adopted: December 11, 2007

COACHING NON SCHOOL SYSTEM ATHLETIC TEAMS

No employee may receive compensation for services in any way relating to any non Mobile County Public School System school athletic team. There is a conflict of interest and a division of loyalties created in such a situation because of the ability of the employee to steer Mobile County Public School System athletes to non Mobile County Public School System school athletic teams to the detriment of the Mobile County Public School System athletic programs.

Reference: ASHAA Handbook, p. 60-61, Sections 12, 13. Recruiting (2016-2017 ed.)
Adopted: August 12, 2013
Amended: August 24, 2017

EMPLOYEE CONFLICTS OF INTEREST

Employees may not use their offices or positions for personal gain and must adhere to applicable provisions of the Alabama Ethics Law.

Legal Reference: Ala. Code § 36-25-1, et seq.

Date Adopted: September 27, 2021

OUTSIDE EMPLOYMENT

Employees may only engage in outside employment under the following terms and conditions:

- a. Employees will not engage in outside business activities or render any service for another employer during such time as duties and responsibilities have been assigned by the Board;
- b. Employees will not accept outside employment that would interfere with or impair the ability of the employee to perform duties as a Board employee effectively;
- c. Employees may not accept work that could compromise the employee's independent judgment in the exercise of duties for the Board;
- d. Employees may not use or disclose confidential information acquired through Board employment for their personal gain or for the benefit of a third party.

Date Adopted: September 27, 2021

EVALUATION

Certified Staff

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

The System may also use its internally created summative evaluation instrument for summative purposes.

Classified Employees

Classified personnel will be evaluated in accordance with criteria and procedures to be developed by the Superintendent or his/her designee.

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

Date Adopted: December 11, 2007

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

TRANSFER

Reference: Alabama Code - §16-24C-7

Date Adopted: December 11, 2007

Date Amended: August 24, 2017

RESIGNATION

Certified Staff

Reference: Alabama Code - §16-24C-11

Classified Staff

A non-professional employee who wishes to terminate his/her services with the board must notify his immediate supervisor at least two weeks prior to the proposed date of termination. The two weeks' notice begins on the day that the resignation is received. The immediate supervisor will notify the assistant superintendent of Human Resources.

Date Adopted: December 11, 2007
Date Amended: August 24, 2017

TENURE AND NONPROBATIONARY STATUS

Reference: Alabama Code - §16-24C-4

Date Adopted: December 11, 2007

Date Amended: August 24, 2017

REPRIMAND

Policy Deleted

Date Adopted: December 11, 2007

Date Deleted: August 24, 2017

SUSPENSION

Reference: Alabama Code - §16-24C-6(i)

Date Adopted: December 11, 2007

Date Amended: August 24, 2017

TERMINATION/CANCELLATION

Reference: Alabama Code - §16-24C-5
Alabama Code - §16-24C-6
Alabama Code - §16-24C-8
Alabama Code - §16-24C-9
Alabama Code - §16-24C-10
Alabama Code - §16-24C-12

Date Adopted: December 11, 2007
Date Amended: August 24, 2017

REDUCTION IN FORCE

A reduction in force may take place when the board determines that a financial exigency, program change, serious disaster or other legitimate business reason requires the reduction of personnel through contract termination and approves acting under this policy. Such a determination constitutes the necessary cause for dismissal.

Prior to the implementation of a reduction in force, the board will determine, upon the recommendation of the Superintendent, the organizational levels/areas to be reduced. The board should determine whether organizational levels/areas (i.e., elementary, food service) are to be considered distinct categories. The personnel within these levels may be considered separately (i.e., elementary and secondary, physical education, music, etc.). In addition, the superintendent will, to the extent possible, use attrition and non-renewal to achieve staff reduction.

The superintendent's recommendation will address the organizational areas(s) or level(s) to be reduced, the level of employees to be affected and the particular employees to be terminated.

Irrespective of a reduction in force, if a non-tenured or probationary employee is non-renewed in accordance with state law, this policy does not apply to those individuals and in such circumstances, there will be no right to recall pursuant to this policy. Non-tenured and probationary employees are not granted any retention or recall rights by this policy except as provided under state law.

Certified Employees

1. Tenured Employees

Non-tenured employees will be reassigned or terminated prior to tenured employees except as follows. Non-tenured employees will be retained when a tenured employee is terminated only if the tenured employee is not legally qualified (based on state certification and federal highly qualified standards) to teach in the position the non-tenured employee occupies.

If more than one legally qualified tenured employee is being considered for dismissal from a specific position, the following criteria, in the order stated, will be used to determine which will be retained:

- a. Highly qualified status. A tenured employee who is highly qualified for the position under federal guidelines will be given consideration over a tenured employee who is not highly qualified for the position.
- b. Certification in a teaching position which is being retained and is open. A tenured employee with regular (non-provisional) certification for the retained position will be given consideration over a tenured employee with a provisional certification.
- c. Effectiveness as reflected by the three most recent performance evaluations.
- d. Professional education and work experience related to the current or projected assignment.

- e. Seniority in continuous, uninterrupted, full-time certified employment with the board, beginning on the date employed.

If, based upon these factors, two or more tenured faculty are equally qualified for the position, then lots will be drawn.

Any tenured employee terminated or demoted pursuant to this policy shall have a one-time recall right to a position for which he or she is certified and legally qualified for one calendar year from the effective date of his or her termination or demotion. Tenured teachers dismissed through staff reductions will, for one year, be offered re-employment if legally qualified and competent in the area of need in reverse order of dismissal before non-tenured teachers in the same teaching area are added to the staff. If a former employee refuses any offer of employment pursuant to this provision, his or her right of recall is forfeited.

2. **Non-Tenured Employees**

Again, this policy in no way gives non-tenured employees a contractual right to employment. The state law right to non-renew remains with the board in all respects. Non-tenured employees do not have any recall or re-employment rights under this policy.

Support Employees

1. **Non-Probationary Employees**

Probationary employees will be reassigned or terminated prior to non-probationary employees except as follows. Probationary employees will be retained when a non-probationary employee is terminated only if the non-probationary employee is not qualified by experience and/or education to occupy the position the probationary employee occupies.

If more than one non-probationary employee is considered for dismissal from a specific position then the following criteria in the order stated will be used to determine which employee will be retained:

- a. Effectiveness as reflected by the three most recent performance evaluations.
- b. Education and work experience related to the current or projected assignment.
- c. Seniority in continuous, uninterrupted, full-time employment with the board beginning on the date employed.

If, based on these factors, two or more non-probationary employees are equally qualified for the position, then lots will be drawn.

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Any non-probationary employee terminated or demoted pursuant to this policy has a one-time recall right to the position from which he or she was terminate or demoted for one calendar year from the effective date of his or her termination or demotion, in reverse order of the dismissal or demotion. If a former employee refuses any offer of employment pursuant to this provision, hisor her right of recall is forfeited.

2. Probationary Employees

Again, this policy in no way gives probationary employees a contractual right to employment. The state law right to non-renew remains with the board in all respects. Probationary support employees do not have any recall or re-employment rights under this policy.

Date Adopted: December 11, 2007

Date Amended: September 27, 2021

PERSONNEL RECORDS

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

Alternate Data Storage – Personnel file data may be stored or maintained electronically or digitally.

Confidentiality – In general, the contents of an employee’s personnel file will be deemed confidential except for documents, information, and materials that are matters of public information or public record under applicable state or federal law.

Access to Personnel Files – Board members, the Superintendent, Board administrators (including principals), employees of the Human Resources Department, and other persons whose duties reasonably require access to personnel files are authorized to view, copy, and use the contents of personnel files for purposes that are required by or in keeping with their official duties on behalf of the Board.

Reference: Alabama Code - § 16-22-14

Reference – Procedures: Personnel Records

Date Adopted: December 11, 2007

Date Amended: September 27, 2021

**PROCEDURE:
PERSONNEL RECORDS**

The following procedures will govern requests to review folders:

1. Any employee desiring to review his folder is required to give the Division of Human Resources a 24-hour notice.

Procedures for employees obtaining copies of information from personnel folders.

1. These specific requests from the employees should be made in writing addressed to the Executive Manager of Human Resources. In the event a telephone request is received, the above should be called to the attention of the employee.
2. Upon written request and prepayment at the rate of fifteen (\$.50) cents per page the division will proceed to duplicate the requested copies. The copying fee shall be paid in cash, cashier's check, or postal money order only. No personal checks will be accepted.

GRIEVANCES

An investigation will be made whenever grievances are registered against school board employees. Employees against whom charges are made will have the opportunity to understand the charges made against them and to present pertinent facts bearing upon those charges before official action is taken. Persons making grievances are required, before any action is taken, to submit complaints in writing or to sign prepared statements summarizing their charges.

Issues pertaining to salary, placement on the salary schedule, assignment to a compensation step, assignment to a job family or to a pay grade, or to any other concern pertaining to the compensation of individual employee or groups of employees are addressed annually during the board's adoption of the subsequent budget-year salary schedule. Those issues are excluded from consideration under this policy and its accompanying Grievance Procedures.

Before filing a grievance, an employee is encouraged to discuss the issues with his/her immediate supervisor. Employees should exhaust all means of remedying grievances prior to seeking board action.

Employees unfamiliar with the process to be observed in airing grievances may contact the Employee Relations Personnel Administrator or his/her superior or other designee to request guidance.

Reference – Procedures: Grievances

Date Adopted: December 11, 2007

**PROCEDURE:
GRIEVANCES**

Note: Employees unfamiliar with the process to be followed in filing “grievances” may contact the Employee Relations Personnel Administrator or his/her designee and request guidance.

General Provisions and Definitions:

Grievance: A grievance is a complaint brought by an employee alleging that either an administrator or employee has taken one of the following actions:

1. A violation, misinterpretation, or misapplication of an existing board policy, administrative rule or administrative procedure;
2. Unprofessional conduct directed towards the grievant or impugning his/her personal good name or professional reputation;
3. The change in a recognized administrative practice which has been consistently followed for at least one calendar year which imposes a hardship on the employee.

Matters not covered by definition of grievance: The term “grievance” does not include:

1. Matters dealing with denials of promotions, or requests for voluntary transfers unless an identified board policy or administrative procedure has also been violated or misinterpreted;
2. Matters dealing with involuntary transfers, or terminations which are covered by the Teacher Tenure Act or the Fair Dismissal Act;
3. Alleged violations of State or Federal law or existing Court Orders; or
4. Issues pertaining to salary, placement on the salary schedule, assignment to a compensation step, assignment to a job family or to a pay grade, or any other concern pertaining to the compensation of individual employee or groups of employees.

Days: The term “days” when used in this procedure shall mean working school days as established by the Board adopted 12-month calendar for the applicable school year. At all Steps in the grievance policy procedures, the employee or his/her representative and the relevant administrator may mutually agree to suspend the relevant time frame requirements.

STEP I (Local School)

An employee who feels that he/she has a grievance shall present the matter in appropriate written form, within thirty (30) days of the alleged grievance, to his/her principal or immediate supervisor. Failure by the grievant to file the grievance within thirty (30) days of the alleged grievance will result in the automatic denial of the grievance. The grievant shall provide a statement of the grievance and the relief sought.

Should the employee receive satisfaction, the matter is considered closed.

The principal or immediate supervisor has fifteen (15) work days, except in emergency - not to exceed ten (10) additional work days - from receipt of written grievance form to conduct a conference with the employee to discuss the grievance.

After the Step I conference is held, the principal or immediate supervisor shall submit a written disposition report setting forth the reasons for his/her disposition within five (5) days after the conference has been held. If the grievance calls for relief or action which the Step I supervisor cannot provide, the Step I supervisor shall deny the grievance on this basis.

Upon receipt of the Step I disposition report by the employee's principal or immediate supervisor, the grievant shall have no longer than ten (10) days to file for an appeal should he/she desire.

Failure of grievant to file a timely appeal automatically forfeits any further appeal for relief at any other advanced step of the grievance procedure.

STEP II (Employee Relations)

If the grievant files a written notice of appeal, the Employee Relations Personnel Administrator or his/her designee will schedule a meeting/hearing with the employee, the immediate supervisor and any representative within thirty (30) days after receiving written notification of appeal.

The Employee Relations Personnel Administrator may consolidate grievances arising out of the same or similar circumstances providing that it will not change the time requirements.

6.46

Additional documentation may be submitted by the employee or the immediate supervisor. A hearing shall be conducted at which time the employee and his/her representative and the principal or immediate supervisor will have the opportunity to present their positions regarding the grievance in dispute. The employee and the principal or immediate supervisor may present witnesses and whatever documentary evidence he or she may wish to present in support of his or her position regarding the grievance. A party shall have the right to call and question his/her witnesses. A full presentation by all witnesses present and other pertinent testimony shall be considered by the Employee Relations Personnel Administrator or his/her designee. However, the hearing will not be a formal, adversarial hearing governed by normal legal rules of evidence or procedure.

An official recording will be made for each conference by the Employee Relations Personnel Administrator or his/her designee. A grievant desiring a transcript of the conference shall be responsible for the taping and transcribing of the hearing. Parties are expected to conduct the hearing within a reasonable period of time.

The parties shall submit to the Employee Relations Personnel Administrator or his/her designee at least four (4) days prior to the scheduled hearing a list of those witnesses whom he/she desires for the Board to require to be present at the hearing, along with a statement regarding the materiality of the witnesses' testimony. The attendance at the Step II hearing of any material witnesses employed by the board is required as requested by the hearing officer. Material witnesses are those witnesses who will offer relevant, non-redundant factual testimony. If a material witness is unable to appear, or if the administration is unable to procure the attendance of a witness at the scheduled hearing, then the parties can agree to a postponement of the hearing for the purpose of obtaining the testimony in question.

In the event individuals responsible for serving as a hearing officer or designating a hearing officer are listed as witnesses by the grievant and the grievant furnishes the statement listing the reasons for calling said witness, the superintendent or his/her designee shall appoint a hearing officer who has no direct, personal or first-hand knowledge of the matters in controversy.

The Employee Relations Personnel Administrator or his/her designee shall have fifteen (15) work days after the conference to provide a written decision. The written decision shall explain the reasons for the Employee Relations Personnel Administrator's decision. If the grievance is solved, or no further action is requested in writing, the matter is considered closed.

The principal, immediate supervisor and grievant shall have no longer than ten (10) work days to file for an appeal of any unfavorable decision.

Failure of the grievant to comply with the steps above automatically forfeits any further appeal for relief at any advanced step of the grievance procedure.

Mediation Procedure: In those cases where there are multiple grievances filed by multiple grievants and the grievances arise out of the same or similar facts or circumstances, then the Employee Relations Personnel Administrator or his/her designee has the discretion to try and resolve the dispute through informal mediation and to make every reasonable effort to arrive at a fair and equitable solution.

After thirty (30) days or thereafter from the start of mediation, the grievant(s) shall have the right to decide that the mediation is no longer worthwhile, and the grievance(s) will then be heard at Step II in compliance with the provisions of this policy.

STEP III (Superintendent or Designee)

If the grievant or supervisor is dissatisfied with the preceding Step II decision, a written appeal should be submitted to the superintendent or his/her designee within fifteen (15) days.

The superintendent or his/her designee shall, within thirty (30) days, review the tape of conference and documentation accumulated at Step II. The superintendent or his/her designee shall provide either a written statement adopting the decision of the Step II administrator or a written decision explaining the basis and rationale for his/her decision to the grievant.

If the grievance is resolved or no further action is requested in writing, the matter is considered closed.

The grievant and the principal or relevant administrator shall have no longer than ten (10) days to file for an appeal of any unfavorable decision.

Failure of the grievant to comply with the steps above automatically forfeits any further appeal for relief at any advanced step of the grievance procedure.

STEP IV (Board of School Commissioners)

If the grievant or supervisor is dissatisfied with the Step III decision, a written request for review should be submitted within ten (10) days to the superintendent or his/her designee requesting a review of all tapes and documentation by the Board of School Commissioners.

After receiving such written request, the superintendent or acting superintendent shall submit available tapes and documentation to each board member for their review as a part of the bi-monthly action at one of the next three (3) bi-monthly board meetings. In the event an emergency prevents to submission of the available tapes and documentation to the board members on one of the next three (3) bi-monthly board meetings, the available tapes and documentation should be submitted to the board members within a reasonable time.

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The board's decision to uphold the superintendent's decision or overturn the superintendent's decision shall be made during one of the next three (3) bi-monthly board meeting following the date of submission of the available tapes and documentation as described in the preceding paragraph.

The superintendent or acting superintendent will inform the grievant of the board's decision within fifteen (15) days after the board renders a decision.

EMPLOYEE SEXUAL HARASSMENT

The Board strictly prohibits unlawful discrimination in all of its programs, offices, departments and facilities. Sexual harassment, as defined by law, is a form of unlawful discrimination and will not be tolerated from employees or other persons associated with the Board.

Definition of Sexual Harassment - Sexual harassment consists of unwelcome sexual advances requests for sexual favors, and other physical verbal conduct of a sexual nature when:

- a. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.;
- b. Submission to or rejection of such conduct by an individual as used as the basis for decisions affecting the individual's employment, or other benefits provided by the Board; or
- c. Submission to such conduct or communication is made a term or condition, either explicitly or implicitly, of employment or other employment benefits provided by the Board.

Examples of Prohibited Conduct - The following are examples of conduct that may constitute sexual harassment depending on individual circumstances:

- a. Verbal harassment or abuse of a sexual nature, including graphic or derogatory comments, the display of sexually suggestive objects or pictures, and sexual propositions;
- b. Unwelcome, inappropriate sexual touching;
- c. Repeated unwelcome solicitation of sexual activity or sexual contact;
- d. Demands for sexual favors accompanied by implied or overt promises of preferential treatment or threats with regard to an individual's employment status.

Employee Complaint Resolution Procedure

- a. **Reporting** - Any employee with reason to believe that he or she has been or is being subjected to any form of sexual harassment should report the matter immediately. Under no circumstances will an employee be required to present the complaint to the person who is the subject of the complaint.
- b. **Informal Complaint** - An employee may choose to submit a sexual harassment complaint to a supervisor for investigation and resolution at the departmental or local

level without resorting to formal complaint procedures. If the supervisor is the subject of the complaint, the complaint may be submitted to the Superintendent for resolution. If the complaint is not resolved informally to the satisfaction of the complaining employee, the employee must contact the Superintendent or his/her designee to initiate formal complaint procedures.

Formal Complaint Procedure

Persons Responsible for Receiving and Investigating Formal Complaints - The Superintendent or his/her designee is responsible for receiving and investigating formal complaints regarding sexual harassment. The Human Resources Supervisor is an additional official to which formal complaints can be reported. If the Superintendent or his/her designee is unavailable or is the subject of the complaint, the alternate should be contacted regarding the formal complaint.

Complaint form, contents - Formal complaints should be made in writing, signed by the complainant, and fully describe the circumstances surrounding the alleged harassment. Harassment complaints that cannot be made in writing should be memorialized by the Superintendent or his/her designee.

Investigation - The Superintendent or his/her designee will promptly investigate the complaint, review the results of any investigation with legal counsel or other appropriate officials, make any findings that are supported by the investigation, and recommend appropriate action based on these findings. The complainant will be informed of the outcome of the investigation.

Review by the Superintendent and the Board - A complaining party who is not satisfied with the investigation or resolution of the complaint may request that the Superintendent take additional or different action or present the complaint to the Board for its review and action. In such case, the Board will render a final decision as soon as practicable.

Confidential - To the extent possible, reports of sexual harassment will be kept confidential; however, complete confidentiality cannot be guaranteed.

Retaliation Prohibited - No retaliation or adverse action may be imposed as a result of a good faith complaint or report of sexual harassment. False accusations that are made in bad faith or for improper reasons may result in disciplinary action.

Penalties for Violation - Any employee who violates the terms of this policy or who impedes or unreasonably refuses to cooperate with a Board investigation regarding allegations of sexual harassment will be subject to appropriate disciplinary action, up to and including termination.

PROFESSIONAL DEVELOPMENT OPPORTUNITIES

Professional Leave – The Superintendent is authorized to grant professional leave with pay to Board employees to engage in educational activities which, in the judgment of the Superintendent, or his or her designee, serve the needs and interests of the school system. The number of days approved for such leave will be at the discretion of the Superintendent, or his or her designee. A request for professional leave must be made in accordance with such procedures as may be established by the Superintendent, or his or her designee. It is the responsibility of the principal or other immediate supervisor to determine whether the provisions set forth below are met in granting or denying the request for professional leave. Professional activities may include, but are not limited to:

- a. Accompanying students on school approved activities;
- b. Participation in professional development, conferences, seminars, etc.; and
- c. Attendance at conventions or meetings for professional education associations if the employee is an officer or delegate.

The following provisions shall apply to professional leave:

- a. Employees should confirm a substitute for their absence if a substitute is required so as to ensure the efficient and effective operation of the school and/or to ensure appropriate supervision of students. For all employees in which a substitute is required, if a substitute has not been secured, a principal or immediate supervisor may deny a request for professional leave.
- b. For all employees in which a substitute is required, employees must make adequate preparation for the substitute before departing.

The Superintendent or his or her designee is hereby authorized to develop procedures and forms for implementing this policy.

Reference: Alabama Code - §16-1-8.1; Alabama Code - §16-13-231(b)(1)(e)(3)

Date Adopted: December 11, 2007

Date Amended: September 27, 2021

PROFESSIONAL AND EMPLOYEE ORGANIZATIONS

Attendance at all meetings to deal with matters pertaining to employee and professional organizations and which professional personnel are affiliated is voluntary and is separate from meetings sponsored by the school system.

Principals may excuse from regular duties personnel to play important leadership roles in programs and activities sponsored by professional and employee organizations. Such leave must receive advance approval from authorized personnel within the Human Resource Division.

Employees attending meetings approved consistent with this policy may receive their regular salaries, and the board may pay the full cost of substitutes serving in their absence.

ANNUAL LEAVE/OPTIONAL VACATION DAYS

Twelve month employees are designated either 240 or 260 day employee type, depending on their hire date as a 12-month employee. They are entitled to annual leave, sick days, personal leave, and holidays. Because of a hire date prior to July 1, 1999, 240 day employees are entitled to additional days off (optional vacation days).

Annual leave or optional vacation days may be taken at intervals during the year so long as arrangements are pre-approved by the supervising administrator and so long as time taken does not exceed time earned. Unused annual leave will be allowed to accumulate up to the maximum of forty-five (45) as of the attendance reporting date for the June 30th payroll.

Annual leave is earned on an accrual basis. It is not awarded in advance of time worked. Employees leaving the system shall be paid for unused accumulated annual leave.

The number of holidays can vary in number at the board's discretion. Generally, these holidays are:

- | | |
|------------------------|---|
| • July 4 th | 1 |
| • Labor Day | 1 |
| • Veterans Day | 1 |
| • Thanksgiving | 2 |
| • Christmas | 2 |
| • New Years | 2 |
| • Martin Luther King | 1 |
| • President's Day | 1 |
| • Mardi Gras | 2 |
| • Memorial Day | 1 |

Total 14

The superintendent and board may desire to have certain offices/departments/divisions of the system open and adequately staffed for the public on non-holidays. Division heads and supervisors may be required to ensure staffing and supervision during these times.

Benefit days may be reported in half-day increments for record-keeping purposes.

Based on the nature of their work, some employees are scheduled to work on holidays (e.g. security guards) for which they will be compensated accordingly. Failure to work on holidays as scheduled will result in disciplinary action. Non-exempt employees who are called in to perform emergency work on holidays will also be compensated accordingly (e.g. emergency maintenance personnel).

	12-Month Employees Hired Before July 1, 1999	12-Month Employees Hired After July 1, 1999
Employee Type	240*	260*
Number of Holidays	14	14
Number of Annual Leave Days	10 – first 12 months 15 – after 120 months	5 – first 12 months of employment 10 – 13-120 months of service 15 – 121-240 months of service 20 – after 240 months of service
Number of Optional Vacation Days	7 to 9 Depending on what day of week July 1 falls and if it is a leap year	None

*Hourly/Daily rate of pay is calculated on employee type.

The number of annual leave days for employees who move from a 10-month work calendar to a 12-month work calendar is determined by the total number of months as an employee as shown in the table above under “12-Month Employees Hired After July 1, 1999.”

OPTIONAL VACATION DAYS

Unused optional vacation days as of June 30th of each year can be converted to accumulated annual leave. If an employee wishes to carry over the unused optional vacation days to sick leave instead of annual leave, a signed request must be on file in the Payroll Department before the June 1st deadline for carryover requests.

Employees leaving the system may convert accrued optional vacation days to count as sick leave.

Legal Reference: Alabama Code §16-1-18.1; §16-8-26.

Date Adopted: December 11, 2007

Date Amended: September 27, 2021

ADMINISTRATIVE LEAVE

The Superintendent or his or her designee may place any employee on paid administrative leave when investigating alleged misconduct by the employee, when disciplinary actions are pending, or when required in the best interest of the school system. Administrative leave is not disciplinary in nature or purpose and does not affect the employee's compensation, benefits, tenure, or nonprobationary status. Administrative leave may be accompanied by such additional restrictions or conditions as may reasonably be imposed by the Superintendent, or his/her designee, under the circumstances (e.g., limitation on access to school property).

Legal Reference: Alabama Code - §16-24C-9

Date Adopted: December 11, 2007

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

PROFESSIONAL LEAVES AND ABSENCES

The board believes that providing leaves and absences to employees for continued professional growth helps to attract and retain employees who will continue to grow professionally.

Certified Employees:

Tenured certified staff is eligible for unpaid leave for professional study up to, but not exceeding, one full scholastic year or calendar year. In all cases, assignment of an individual to the same school or work location upon return from professional leave is not guaranteed.

Classified Employees:

Classified employees may be allowed to take an unpaid Educational Leave of Absence with approval from Human Resources for a period of up to one year. Employees must be non-probationary status prior to the requested period of leave.

General Terms and Conditions: Employees must be enrolled in an educational program leading to a degree in teaching. Proof of enrollment shall be provided prior to approval of the leave and proof of completion of courses shall be provided at the end of each semester or quarter.

The following terms and conditions will apply to any such request:

- a. The leave must not unduly disrupt the operation of the Board or school. Such leave must be taken in semester blocks;
- b. The leave of absence must be for the purpose of receiving additional educational training or engaging in other activities that will benefit the instructional program and/or the operation of the school or the Board. Said leave will not be approved for an employee who wishes to receive training for a position or job outside of education;
- c. An employee requesting leave must be a tenured or non probationary employee and have at least five (5) years of service as an employee of the Board; and
- d. Request for such a leave of absence must be made on the leave request form developed by the Superintendent, with all requested information provided.

The Superintendent is granted the sole discretion to approve the request for such leave and may consider the extent of disruption to the school system, benefits to the school system that will be derived as a result of the leave, the ability to secure a suitable substitute for the period of leave, length of service of the employee requesting leave, and any other factor the Board deems appropriate. Except as provided to the contrary by applicable law, the employee shall not be entitled to return to the same position held before the commencement of leave, and may be assigned to a different work location or position upon return from the leave at the discretion of the Board.

Any employee who fails to return to work with the school system after the expiration of Educational Leave shall be considered to have abandoned his/her job and will be recommended for termination.

Date Adopted: December 11, 2007

Date Amended: September 27, 2021

EMERGENCY, LEGAL LEAVE

Absences necessitated or occasioned by unforeseen emergencies and other extenuating circumstances not covered by other policies may be authorized by the superintendent. Authorization of such absences and compensation for same will be in accordance with approved procedures.

Permanent and full-time employees are entitled to regular compensation while performing jury duty (ALA. CODE §12-16-8) or when the employee is summoned under subpoena or other legal requirement to testify at trial in a court of law or in an administrative proceeding constituted under the statutory authority of the agency conducting the proceedings. Paid leave is not authorized for employees to meet with attorneys, to attend depositions, or to otherwise prepare for legal proceedings unless the presence of the employee is requested or required by the Board.

Date Adopted: December 11, 2007

Date Amended: September 27, 2021

SICK, MATERNITY/PATERNITY LEAVE

If any employee is absent from work for more than five consecutive workdays: he/she or an immediate family member must provide a physician's statement or legal documentation which verifies sickness, disability, birth or adoption of a child and apply for a leave of absence. Should circumstances (such as, but not limited to, frequent or excessive absences) warrant it, a supervisor may require a physician's statement or legal documentation for any absence.

Tenured And Non-Probationary Full Time Employees

All tenured and non-probationary full time employees are eligible for the following leaves of absence. The first twelve weeks of these leaves of absence will be credited as Family Medical Leave Act (FMLA) coverage.

An employee must use accrued paid leave days (i.e. vacation, optional days, sick leave, sick leave borrowed from the Sick Leave Bank, etc), if any are available, for any approved leave of absence. If no accrued paid leave days are available, then an approved leave of absence will be unpaid.

1. Sick Leave:

- a. The employee must apply for a leave of absence by filling out form HR-124 and submit it along with the proper medical documentation covering the period requested on the leave request.
- b. Should the employee be medically cleared to return to work within three weeks of the end of a school quarter, that employee may be required to remain off work until the beginning of the next quarter. The Board may require an employee who has taken leave due to medical reasons to provide the Board with a healthcare provider's certification in form acceptable to the Superintendent in order to return to work.
- c. This type of leave of absence must be in a paid status if Accumulated Sick Days are available. If no Accumulated Sick Days or other paid leave days are available, the leave of absence will be unpaid.

2. Maternity/Paternity Leave:

- a. If any employee requests a maternity/paternity leave, he/she must apply for a leave of absence by filling out form HR-124 and submit it along with the proper medical or legal documentation that verifies the birth or adoption of a child covering the period requested on the leave request.
- b. For maternity/paternity leaves of absence, the employee must state on the HR-124 the beginning and ending dates requested.
- c. Due to the issues of long-term substitutes, employees may not be returned from a maternity/paternity leave of absence prior to the expiration of the requested ending date.
- d. Should the employee request to be cleared to return to work within three weeks of the end of a school quarter, that employee may be required to remain off work until the beginning of the next quarter.
- e. Except for the above example, maternity/paternity leaves will not be extended beyond the originally requested ending date or one year from the beginning date of the leave, whichever is earlier.

Non-Tenured And Probationary Full Time Employees

Non-tenured and probationary full time employees, if eligible in accordance with the Family Medical Leave Act, may be granted a leave of absence up to twelve (12) weeks.

Period of Leave

The total period, at any one time, a tenured or non-probationary employee is allowed to take for a leave of absence is limited to twelve (12) months. If eligible for FMLA coverage, the total period, at any one time, a non-tenured or probationary employee is allowed to take for a leave of absence is limited to twelve (12) weeks. If not eligible for FMLA coverage, a non-tenured or probationary employee is not allowed to take a leave of absence. Any employee remaining off beyond these time limitations will have to resign, retire (if eligible) or be recommended for termination.

Miscellaneous Provisions

An employee who fails to apply for sick or maternity/paternity leave as outlined in this policy shall be considered to have abandoned his/her job and may be recommended for termination.

Failure to provide proper documentation may result in denial of the leave of absence and if the employee does not report to work, he/she shall be considered to have abandoned his/her job and may be recommended for termination.

An employee who fails to return to work after the expiration of any period of leave (without approval of an extension of the leave) shall be considered to have abandoned his/her job and may be recommended for termination.

Employees are not allowed to work during any leave of absence in which a physician or mental health provider certifies disability. For maternity/paternity leaves, employees are not allowed to work unless it is part time work outside their normal working hours. However, this would not apply to a part time job at night or on the weekend. Violators will be considered to have abandoned his/her job since they are working elsewhere when they could be working for the school system and may be recommended for termination.

All regular full-time employees are eligible for paid sick leave. All eligible employees earn sick leave days at the rate provided for by state law. Eligible employees may accumulate sick leave as provided by state law. Eligible employees may only use paid sick leave for absences caused by the following:

1. Personal illness;
2. Incapacitating personal injury;
3. Attendance upon an ill member of the employee's immediate family, defined as a spouse, parent, child, sibling or any person with a close personal tie;
4. Death of a family member, including a spouse, parent, child, sibling, mother or father-in-law, son or daughter-in-law, brother or sister-in-law, nephew or niece, grandparent, grandchild, aunt or uncle;
5. Death or care of an individual with whom unusually strong personal ties exist because of a relationship other than those listed above.

Employees must certify that sick leave was used for one of the reasons provided in state law. If the employee's principal or department head has probable cause to believe that an employee has abused or misused sick leave, a physician's statement verifying the existence and nature of the illness or medical condition may be required by the Board. Abuse of sick leave may subject the employee to disciplinary action.

Family and Medical Leave Act (FMLA)

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

Calculation of 12-month period – The board uses a rolling 12-month period which is measured backward from the date an employee uses any FMLA leave. Under the rolling 12-month period, each time an employee takes FMLA leave, the remaining leave entitled is the balance of the 12 weeks which has not been used during the immediately preceding 12 months.

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

- a. The birth and first year care of a newborn child;
- b. The placement of a foster child or adoption;
- c. The care of an immediate family member, defined as a spouse, child or parent, with a serious health condition;
- d. The taking of medical leave because of the employee's own serious health condition.
- e. For the birth, adoption, or foster placement of a child, the entitlement to leave for child care expires at the end of the twelve (12) month period beginning on the date of birth, adoption, or placement. Leave associated with the illness of a child will only be provided if the child is under eighteen (18) years of age or is incapable of self care due to physical or mental disability.

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

- a. Any period of incapacity in connection with or following inpatient care in a hospital, hospice, or residential medical care facility.
- b. Continuing treatment by a health-care provider, to include any period of incapacity due to:
 1. A health condition, including treatment and recovery, lasting more than three (3) consecutive days, and any subsequent treatment or period of incapacity relating to the same condition;
 2. Pregnancy or prenatal care;
 3. A chronic, serious health condition which continues over an extended period of time, requires periodic visits to a health care provider, and may involve episodes of incapacity (e.g., asthma and diabetes);

4. A permanent or long-term condition for which treatment may not be effective (e.g. Alzheimer's, severe stroke) and for which supervision of a health-care provider is required;
5. Multiple treatments for restorative surgery or for a condition which would likely result in a period of incapacity of more than three (3) days if not treated.

Military Family Leave Provided by the Act

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

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

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

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

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

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

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

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

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

Maintenance of Benefits – Benefits accrued by the employee before leave is taken are not lost when approved FMLA leave is taken. Employees who are on approved FMLA leave will remain eligible to participate in benefit programs in which the employee was enrolled at the time of the leave, provided that the employee will continue to be responsible for payment of employee's portion of any cost, premium, or like payment that is required to maintain eligibility for the coverage or benefit. An employee that does not return to work after FMLA leave, will be required to reimburse the Board for the cost of benefits coverage extended to the employee during the leave, unless the reason for the employee's failure to return to work is (i) a continuing serious health condition suffered by either the employee or a family member, or (ii) other circumstances beyond the employee's control.

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

Reference: US Code - Title 29, Chapter 28 (Family and Medical Leave) Reference:
Alabama Code - §16-1-18.1 (Accumulation of Sick Leave)

Resource: Family Medical Leave Act Advisor

Resource: U.S. Department of Labor Employment Law Guide: Chapter I –Family Medical Leave Act

Date Adopted: February 26, 2008

Date Amended: September 27, 2021

SICK LEAVE BANK

The board supports and establishes a Sick Leave Bank open to all full time certified and classified employees in accordance with state law. Specific procedures and regulations for the operation of the Sick Leave Bank will be developed and approved as directed by state law.

Reference: Alabama Code - §16-22-9

Reference - Procedures: Sick Leave Bank

Date Adopted: December 11, 2007

Date Amended: September 27, 2021

**PROCEDURE:
SICK LEAVE BANK**

The purpose of the Sick Leave Bank (SLB) shall be to provide a loan of sick leave days up to the maximum allowed by law for participants in the SLB after their accumulated sick leave days have been exhausted. The SLB shall also manage sick leave days donated to a member for catastrophic illnesses or injuries. All operations of the SLB shall conform to Alabama Code, Section 16-22-9 and 16-1-18.1. Should any of these procedures conflict with state or federal law, then the applicable law will take precedence over the conflicting provision of the SLB procedures.

GENERAL LOAN GUIDELINES

- A. Any full-time or part-time employee of the Board of School Commissioners (BOARD) who receives accumulated sick days as a benefit is eligible to join the SLB. Participation shall be on a voluntary basis. Employees must join or withdraw at the beginning of the school year no later than the last business day in September otherwise they will not be eligible to participate until the following school year. New employees may join the SLB within the first four (4) weeks following their employment date.
- B. Forms to join the SLB will be available from the Division of Human Resources and the office at each school site. To join the SLB, the employee shall complete and sign the authorization form to contribute two (2) sick leave days OR to commit two (2) sick leave days for deposit in the SLB. Pledged days shall be deposited from the first two (2) sick leave days earned by the employee. To avoid any per diem salary deduction during this time frame, the participant may apply to the Committee for a loan should the participant need sick leave.
- C. The Business Division/Payroll Office and Division of Human Resources will maintain accurate records of contributors eligible to participate in the SLB.
- D. The membership shall not be allowed to borrow or owe in excess of fifteen (15) days, unless fifty (50%) or more of the SLB members vote to extend this limit.
- E. To be eligible for a loan from the SLB, a participating member must have exhausted all accumulated sick leave in his/her personal account. Also, the applicant must have missed at least three (3) days due to the same illness (not a recurring illness such as headache or sinus infection) before applying for a loan from the SLB. Any sick leave drawn from the SLB by a participating employee shall be used in accordance with the definition of sick leave as set forth in state statutes and BOARD policies/procedures.

- F. The SLB Committee shall determine the number of days loaned to an applicant. Factors to be considered in making this decision shall include but are not limited to: (1) the applicant's need; (2) the circumstances of the illness; (3) years of service in the system and (4) the availability of days currently on deposit.
- G. The SLB Committee shall require a statement from the applicant's attending doctor certifying the nature of the illness and disability as a prerequisite for awarding a loan.
- H. In cases where the applicant is incapacitated, the employee may authorize a designee to apply to the SLB on the contributor's behalf.
- I. An individual cannot leave the school system without repaying any outstanding debt of leave days from the SLB. If the employee has no sick leave days remaining in his/her record, then his/her final pay check shall be reduced in an amount equal to the number of days of debt times the employee's daily rate of pay. Such moneys collected shall be converted to equivalent sick leave days and re-deposited in the SLB.
- K. Any member who is retiring from the school system may withdraw his/her contributed days to be applied toward the person's retirement credits.
- L. Sick leave days owed to the SLB shall be paid back at a rate of one per month beginning with the next available earned sick leave day and continuing in this manner until the entire debt has been repaid. To avoid any per diem salary deduction during this repayment time should the participant need sick leave; the participant may apply to the Committee for a loan.

CATASTROPHIC PROVISIONS

- A. In accordance with state law, an employee must be a member of the SLB to receive or donate days for catastrophic illnesses or injuries.
- B. A catastrophic illness is defined as "any illness or injury so certified by a licensed physician which causes the employee to be absent from work for an extended period of time." The "extended period of time" will be determined on a case-by-case basis by the SLB Committee in the system where the beneficiary employee works.

- C. In accordance with state law, before sick leave days for a catastrophic illness may be donated, the employee who is to receive such days shall have no sick leave days or personal leave remaining in his/her personal account. Also, a participating member must borrow and utilize days from the SLB up to the maximum number of days allowed from the SLB (currently 15 days). Any donated days may be used to repay the loan days borrowed. No employee may donate more than thirty (30) sick leave days to a single employee. However, no limit is established on the number of days a beneficiary employee may receive from donors. Donated days will be at the donor's discretion.
- D. The applicant must have missed at least three (3) days due to the same illness (not a recurring illness such as headache or sinus infection) before applying for a catastrophic donation from the SLB. Sick leave days may be donated to a beneficiary employee to be used for the same reasons covered in the Sick Leave Policy of the BOARD.
- E. The SLB Committee is required to forward sick leave days donated by participants to another SLB for use by a particular employee who is suffering a catastrophic illness.
- F. A beneficiary employee may earn regular sick leave while on catastrophic leave donated by other employees; however, the beneficiary employee must use the day earned each month as it is earned.
- G. Donated days not used by the beneficiary employee shall revert to employees who donated the days on a prorated basis. Odd days shall be distributed by random selection. After the beneficiary employee returns to work, unused days are returned to the donors after thirty (30) days.
- H. A signed statement is required from the beneficiary employee or the chairperson of the SLB Committee stating that the beneficiary agrees to use the donated days.
- I. To donate or receive catastrophic sick leave days, the donating employee and the beneficiary employee must complete the transfer authorization form required by the committee.

ESTABLISHMENT OF THE COMMITTEE

- A. The SLB Committee shall be composed of five (5) members. Four members are elected by secret ballot of SLB participants. The superintendent, with the approval of the BOARD, appoints one member to the committee. The four elected members of the committee shall be comprised of two certified employees and two classified employees.
- B. Members of SLB Committee are elected for a term of one (1) year. Persons may not serve for a term longer than five (5) years.
- C. The SLB Committee is charged with the responsibilities as dictated by state law, federal law and BOARD policy for the administration and operation of the SLB. Decisions and actions of the SLB may only occur by a majority vote. The attendance of at least three persons is required to constitute a quorum.
- D. The duties of the Sick Leave Bank Committee shall consist of:
 - 1) The SLB Committee will elect by majority vote one of its own as chairperson. Elections for this position shall occur on the first meeting of the new committee. The chairperson may succeed him/her self in this position.
 - 2) Meetings of the Committee shall be set by the Committee on a schedule to convene at least once a month. Additional meetings may be called by the chairperson or by the request of at least two members of the Committee. A representative from Employee Relations shall attend as an ex officio participant.
 - 3) The Committee shall investigate any alleged abuse of the SLB. All Due Process rights shall be afforded the employee. A finding of abuse shall require the violator to repay all sick leave credits to the SLB. The superintendent or BOARD may impose additional disciplinary actions.
 - 4) The committee shall develop guidelines, procedures and forms for the operation of the SLB. The guidelines shall be approved by the membership by secret ballot. Any changes to these guidelines and procedures shall be either recommended by the committee or brought to the committee by a petition of 5% of the membership. These changes will then be presented to the membership for approval by secret ballot. No recommended changes shall be submitted for a vote that conflict with state or federal law.

PERSONAL LEAVE

All regular full-time employees are eligible for up to two personal leave days in each school year without loss of pay. Personal leave may not be accrued from year to year.

Teachers may be reimbursed at the end of the school year for each day of unused personal leave. The amount of the reimbursement will be at the same daily rate approved for substitute teachers.

No employee is required to divulge his/her reasons for requesting personal leave. Unused personal leave will roll over to sick leave after the June 30th payroll is processed.

Personal leave should not interfere with the school systems' ability to operate in an efficient and effective way. Except in emergency situations, personal leave must be requested with the employee's principal or supervisor as far in advance of the requested date as possible, but no later than five (5) working days prior to the first date of anticipated leave. A request for personal leave must be made in accordance with such procedures as may be established by the Superintendent, or his or her designee. It is the responsibility of the principal or other immediate supervisor to determine whether the provisions set forth below are met in granting or denying the request for personal leave.

The following provisions should apply to personal leave:

- a. Leave must involve minimum interruption to the educational program or department. The principal or supervisor will take into consideration the total number of personnel to be away for any reason and the extent to which provisions for all teaching assignments and duties can be made.
- b. Employees may not take personal leave immediately before or after a holiday or during the first or last two weeks of the students' school year, except in circumstances approved by the immediate supervisor of the employee in advance.
- c. Employees may not take personal leave on scheduled professional development days, except in such circumstances approved by the immediate supervisor of the employee in advance.
- d. Employees should confirm a substitute for their absence if a substitute is required so as to ensure the efficient and effective operation of the school and/or to ensure appropriate supervision of students. For all employees in which a substitute is required, if a substitute has not been secured, a principal or immediate supervisor may deny a request for personal leave.
- e. For all employees in which a substitute is required, employees must make adequate preparation for the substitute before departing.
- f. The Superintendent or his or her designee is hereby authorized to develop procedures and forms for implementing this policy.

Employees starting work after December 31st are entitled to one day personal leave for that school year.
Employees starting work after March 31st are entitled to no days of personal leave for that school year.

Legal Reference: Alabama Code - §16-8-26.

Date Adopted: December 11, 2007

Date Amended: September 27, 2021

**PROCEDURE:
PERSONAL LEAVE**

The employee shall submit the Application for Leave Form to his supervising administrator as early as practical prior to the leave data so that arrangements can be made for assigned duties to continue in his absence.

The employee's leave will be properly coded by the timekeeper.

MILITARY LEAVE

Military leave is available to all eligible employees in accordance with state and federal law. An employee who is to be on military leave is to inform his/her administrative supervisor by presenting his/her military orders and filling out a request for a leave of absence.

Reference: Alabama Code - §31-2-13 (pay)

Alabama Code - §31-12-1

Alabama Code - §31-12-4

Alabama Code - §31-12-5

Alabama Code - §31-12-7

Reference: Procedures for Military Leave

Resource: Attorney General's advisory opinion 2002-90 (federal and state duty)

Resource: Attorney General's advisory opinion 2002-270 (determining pay rate)

Resource: USERRA Guide

RELIGIOUS LEAVE

Reference - Procedures: Religious Leave

Date Adopted: December 11, 2007

**PROCEDURE:
RELIGIOUS LEAVE**

A written request for leave in order to observe recognized religious holidays should be made by the employee to his/her immediate administrative supervisor. If the supervisor recommends that approval is given, a written recommendation is to be made to the assistant superintendent of Human Resources. If approval is given, the Executive Manager of Human Resources will write a letter of confirmation.

BEREAVEMENT

Reference: Alabama Code - §16-1-18.1

Reference - Procedures: Bereavement

Date Adopted: December 11, 2007

**PROCEDURE:
BEREAVEMENT**

Any absence due to bereavement of a member of the immediate family is to be timely reported. The relationship of the bereaved is to be indicated on the leave request.

Any absence due to the bereavement of a nonmember of the immediate family is to have the approval of the employee's immediate supervisor.

JOB-RELATED INJURY

On-The-Job Injury Leave. On-the-job injury includes an accident or injury to an employee that occurs in the course of performing job duties for the Board or when the employee is directed or requested by the employer to be on the property of employer and which prevents the employee from working or returning to the job.

Employees who are accidentally injured on the job may be approved for paid “on- the-job injury” leave without using sick days, provided that:

- a. The employee submits a signed written account of the accident to the principal or supervisor within twenty-four (24) hours after the injury occurred. The written account shall be attested by the principal or supervisor and forwarded immediately to the Superintendent’s office. If the injured employee is not able to notify the Board, another person reasonably knowledgeable about the employee’s condition and circumstances leading to the injury may provide the required notification.
- b. The injured employee submits written medical certification from the attending licensed physician within ten (10) days of the injury, stating that the employee was injured and was unable to work or cannot return to work due to a specified injury, if there is a reasonable expectation that the employee will return to work and, if so, the expected date of that return. The Board may require a second opinion from a Board specified physician, at its expense.

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

Reference: Alabama Code - §16-1-18.1

Reference: Procedures: Job Related Injury

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

Date(s) Amended: March 25, 2015, September 21, 2021

**PROCEDURE:
JOB RELATED INJURY**

Job Related Injuries are to be reported immediately to the Department of Human Resources Office/Employee Health Programs Nurse on the appropriate forms by the employee's administrator or designee.

An employee injured on the job shall report any and all injuries immediately to his administrator or designee and complete a Report of Injury Form (SS433). An Accident Report Form (SS431) shall be filed as soon as possible.

THE FOLLOWING PROCEDURES WILL BE USED BY THE EMPLOYEE TO CLAIM BENEFITS UNDER THE PAY CONTINUATION PROGRAM.

1. If the injury requires no apparent medical treatment.
 - a. The administrator or designee will:
 - i. Complete the Report of Injury form (SS433)
 - ii. Provide the employee with a copy of the Report of Injury *form* (SS433). Should the employee see medical care after work hours, he/she will take the copy of the Report of Injury (SS433) to the treatment site. The employee will notify his administrator or designee the next work day if treatment is obtained after work hours.
 - iii. Complete the Accident Report Form (SS431).
 - iv. Send the Report of Injury (SS433) and Accident Report Form (SS431) to the Health Services Office via Mail Bag.
 - b. The Office Nurse will send copies of these forms to the Department of Human Resources/Employee Relations for the employee's file.
2. If injury requires medical treatment:
 - a. The administrator or designee shall:
 - i. Fax Report of Injury (SS433) to and call the Office Nurse.
 - ii. Send the employee to the treatment site with the I.D. Card or Letter, Report of Injury (SS433) and the Physician Statement Form:
 - iii. Complete the Accident Report Form (SS431).
 - b. The Office Nurse faxes the Report of Injury (SS433) and the Release of Information Form and calls the treatment site.
 - c. The injured employee goes to the treatment site and presents the Report of Injury (SS433), ID Card or Letter and the Physician Statement Form.
 - i. Immediately after treatment, the Physician Statement Form, or other treatment form from the treatment site must be presented to the Health Services Office Nurse in order to determine work status. The Physician Statement Form, or other treatment form from the treatment site, is faxed

by the treatment site to the Office Nurse or taken by employee or designee to his/her administrator who will call or fax the report to the Office Nurse. If injuries prevent the employee or designee from complying with the above guidelines, the employee or designees must call the Office Nurse so she may obtain needed information from the treatment site.

- d. The Office Nurse will provide copies of *the* documentation to the Department of Human Resources/Employee Relations.
3. Continuation of Pay for days missed.
 - a. With proper documentation from the examining physician and responsible administrator or designee, the injured employee, who is declared unable to return to work, will receive full salary, not to exceed ninety (90) work days.
 - b. The absence will be coded as a Code 9 on the payroll report and the pay will continue as approved by the assistant superintendent of Human Resources or designee.
 - c. If the employee fails to report for their assigned regular duty when released by the treating physician, and assigned by the supervisor, or refuse light duty as recommended by the treating physician and accepted and assigned by his/her administrator, the request will be handled by the Reimbursement process must take place within forty-five (45) working days after the employee is released from the physician and returns to work.
 4. Reimbursement from State Board of Adjustment.
 - a. Code of Ala. 1975, § 41-9-60 provides that an employee may apply to the State Board of Adjustment for any expenses not covered by insurance or days of work missed exceeding ninety (90) days. The statute requires that a claim be filed within one year of the date of injury.

JOB ABANDONMENT

Any employee who has been absent from work for more than three (3) consecutive work days and who has not obtained approved leave will be considered to have abandoned his/her job. The superintendent may recommend termination of an employee who has been absent from work without approval for more than three (3) consecutive days.

Date Adopted: December 11, 2007

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

COMMUNICABLE DISEASE

In the event that an employee contracts a communicable disease, the regulations for the control of communicable disease, as recommended by the Mobile County Health Department, will be followed. In the event that an employee contracts a communicable disease not presently controlled by the regulations, the Mobile County Health Department will be requested to advise the superintendent and board whether the employee should be excused from the workplace.

The superintendent or his/her designee may place any infected employee on immediate administrative leave with full pay until such time as a determination may be made whether or not the employee's presence on the job poses a serious potential threat to the health or welfare of students or employees.

DRUG-AND ALCOHOL-FREE WORKPLACE

Employees are required to report to work with no alcohol or illegal drugs or mind altering substances in their bodies. Employees are prohibited from using, possessing, manufacturing, distributing or making arrangements to distribute or purchase alcohol or illegal drugs while on school property or attending school-related activities. Employees under the influence of alcohol or illegal drugs while on duty will be subject to termination.

The board will require drug or alcohol testing under the following conditions, in addition to randomly testing those employees who are required to have a commercial driver's license (CDL):

- All prospective employees who have been offered employment contingent on negative test results for the presence of alcohol or illegal drugs;
- All employees who operate school system vehicles or motorized equipment who are not required to have CDL are subject to random testing; and
- All employees as to whom there is a reasonable suspicion of the influence of alcohol or illegal drug use while on duty.

All employees are subject to testing for alcohol and any and all illegal drugs, including but not limited to amphetamines, cannabinoids, cocaine, opiates and phencyclidine. Such tests will be arranged by the drug program coordinator.

The Superintendent is authorized to enact, from time to time, such procedures as he deems necessary to implement this Policy.

For Positions/Personnel Requiring a Commercial Driver's License:

The Department of Human Resources in conjunction with the Transportation Department will develop and distribute to all personnel or persons in positions requiring a CDL who have been given an offer of employment for positions requiring a CDL a copy of the board's Drug and Alcohol CDL Testing Guidelines and Procedures. These guidelines will include this policy in addition to addressing the specific information required under Part 382 of Title 49 of the Code of Federal Regulations. Applicable personnel and persons receiving the guidelines shall sign a statement certifying that they have received the materials.

For All Other Personnel:

Prospective Employees

Pre-employment substance screening by a school system-approved drug testing agency will be

required for prospective employees after being offered employment contingent on a negative result.

Prospective employees are required to sign a consent/release form before submitting to screening. Prospective employees will be disqualified for hire if they, refuse to submit to a test, or refuse to execute the required consent/release form.

The cost of the drug test is the responsibility of the prospective employees.

Current Employees

1. Reasonable Suspicion

All employees may be required to submit to screening whenever a supervisor observes circumstances which provide reasonable suspicion of drug or alcohol use. The supervisor's determination that reasonable suspicion exists should be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or odors of or emanating from the employee.

Alcohol tests are authorized for reasonable suspicion only if the required observations are made during, just before or just after the period of the work by employees acting within the line and scope of employment. An alcohol test may not be conducted by the person who determines that reasonable suspicion exists to conduct such a test.

Refusal to submit to a reasonable suspicion test request will be considered grounds for dismissal.

The assistant superintendent or executive manager of Human Resources or his/her designee or coordinator of the drug program should be notified whenever possible or feasible prior to referring the employee for reasonable suspicion testing.

The coordinator of the drug program or his/her designee will make arrangements for reasonable suspicion drug and/or alcohol testing.

If an employee is required to take a reasonable suspicion drug and/or alcohol test, transportation to and from the testing site will be arranged.

2. Random Testing

Random, unannounced drug screening of all employees who drive school system vehicles or motorized equipment will be conducted.

Random selection for testing of the above employees will adhere to the same guidelines as those followed for employees with a CDL.

3. Post Accident Testing

Alcohol and controlled substance tests shall be conducted as soon after an accident as practicable on any driver or equipment operator:

1. Property damage of a substantial nature.
2. Physical injury to any person.

Drivers or motorized equipment operators must make themselves readily available for testing, absent the need for immediate medical attention.

Prescription Drugs

The proper use of medication prescribed by a physician is not prohibited; however, the misuse or abuse of prescribed (or over the counter) medications is prohibited.

All employees who are using drugs at the direction of a physician must notify their supervisor prior to beginning work when those drugs may affect their job performance.

Employees who are subject to this must provide documentation from their physician stating that the substance does not adversely affect their ability to perform their duties in a safe manner.

Employee Education

The board will provide to employees subject to this policy, educational material and the names of treatment facilities for alcohol and substance abuse.

The Mobile County Public School System shall comply with the requirements of Alabama Code Annotated §16-1-24.1 and the policies and procedures of the Mobile County Public School System, as amended from time to time, shall be established and/or modified as necessary to comply with the aforesaid section.

Legal Reference: Alabama Code Annotated § 16-1-24.1

Date Adopted: December 11, 2007

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

Date Amended: March 25, 2013, October 4, 2023

SUBSTITUTES AND TEMPORARY POSITIONS

SUBSTITUTE EMPLOYEES. Persons employed to work on a daily basis or for a period of brief duration to replace persons absent or on approved short-term leave are substitute employees. Persons in this category include teachers, school clerks, bus drivers, bus aides, and campus custodial and CNP assistants. Substitute and temporary employees are not eligible for benefits and privileges available to permanent, part-time and full-time employees. Pay for substitute employees is paid at a rate set by the board.

SUBSTITUTE TEACHERS. Substitute teachers must be certified by the State Department of Education as a substitute teacher. The Division of Human Resources is responsible for administering the procedures for persons to become substitute teachers.

A principal or his/her designee is responsible for securing substitutes from the approved list in case of absence of a regular teacher. Individual school guidelines pertaining to calling substitutes will be outlined in writing and given to each teacher at each school. Substitute teachers are expected to carry out instructions provided by the principal and regular teachers and to prepare such daily reports as are ordinarily required of the regular teacher.

Principals should ensure that substitute teachers are reported to payroll and are paid only in accordance with board-approved substitute pay rates. Regular teachers are prohibited from making their own arrangements for paying substitutes. The principal and the regular teacher should see that the substitute teacher has the necessary instructions, materials to teach effectively, lesson plans as well as textbooks, class rolls, seating charts and an outline of local school procedures.

In emergency situations, such as the inability to secure a substitute for a regular teacher who must leave school unexpectedly because of an emergency, the principal may utilize regular teachers to cover the classes.

TEMPORARY EMPLOYEES: Extra persons employed to work on a regular full-time basis for a limited period of time are considered temporary, and, as such, are not eligible for those benefits and privileges available to permanent, full-time employees.

POLITICAL ACTIVITIES

Employees are prohibited from engaging in political activities in support of or in opposition to specific candidates while officially discharging their responsibilities.

TEACHERS' BILL OF RIGHTS

The Teachers' Bill of Rights requires every teacher to have an approved classroom management plan and affords teachers the right to exclude disruptive students from their classrooms in certain circumstances. The purpose of this policy is to outline the standards applicable to the development and approval of required classroom management plans; the standards applicable to the exclusion of a student from the classroom by a teacher; and the appeal process available to a teacher if a student is returned to the classroom by the principal.

For purposes of this policy, the term principal also includes assistant principal, vice principal, or his or her designee.

A. Classroom Management Plans: Each classroom plan must be approved by the principal before the tenth day of instruction for students during each academic year. Principals are authorized to set a deadline for submission of classroom management plans by teachers that provides them with ample time to review and approve plans and seek revisions.

B. Exclusion of Student from Classroom by Teacher: A teacher may exclude a student from his or her classroom due to their behavior only if:

- The student has:
 - Engaged in disorderly conduct, which is defined by the Act as any conduct that intentionally disrupts, disturbs, or interferes with the teaching of students or disturbs the peace, order, or discipline at any school;
 - Behaved in a manner that obstructs the teaching or learning process of others in the classroom;
 - Threatened, abused, intimidated, or attempted to intimidate an education employee or another student;
 - Willfully disobeyed an education employee;
 - Uses abusive or profane language directed at an education employee;
- The referring teacher followed his or her approved classroom management plan before excluding the student from the classroom; and

- The referring teacher completes any required referral form and submits it to the principal or his or her designee when the student is excluded and referred to school administration.

C. Principal Review and Decision: The Superintendent shall develop guidance and procedures for principals to handle instances of student exclusion pursuant to this policy and consistent with Alabama and Federal law.

D. Appeal: An appeal may be filed by a teacher if (1) a principal refuses to allow a student to be excluded from the classroom under this policy, or (2) a teacher believes the school principal has prematurely ended the exclusion of a student from the classroom under this policy.

The appeal process available under this policy may not be invoked if:

- The decision not to exclude a student from the classroom or to return a student to the classroom results from a decision reached at the end of a school disciplinary hearing required by the Code of Conduct or state or federal law;
- A 504 or IEP team or other legally authorized person or entity determines that a student with a disability has the right to remain in or return to the classroom under the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act of 1990; or
- The student is otherwise legally entitled to remain in or return to the classroom.

1. Filing of Appeal: The teacher must complete and submit the approved appeal form to the Superintendent within 3 school days of the principal's refusal to exclude the student from the classroom or the return of the student to the teacher's classroom.

2. Status of Student During Appeal: During the pendency of an appeal, the decision of the principal regarding the placement of the student, if any, will remain in effect.

3. Administrative Review: Upon receipt of a timely appeal, the Superintendent or designee shall start an investigation of the appeal. The investigation may include interviews of the teacher, the principal, and/or witnesses; obtaining or reviewing written statements, classroom management plans, or other pertinent documents; holding administrative conferences, and any other lawful action deemed necessary to reach a just disposition of the appeal at the discretion of the investigator.

Upon completion of the investigation, the Superintendent or designee shall prepare a written recommendation regarding the issues raised in the appeal.

The written recommendation of the Superintendent shall be transmitted to the teacher within 5 school days of the date on which the appeal is filed. Should the Superintendent need such additional time to issue a written decision, the teacher shall be notified of same in writing and advised of when the decision will be issued.

4. Appeal to Local Board of Education: A teacher may appeal the decision to the Local Board of Education by filing a written notice of appeal with the Superintendent within 3 school days of receipt of the Superintendent's written decision.

The Superintendent shall transmit to Local Board Members for their review a copy of the written appeal, the decision, and all evidence considered at any stage of the administrative review process.

Not later than 3 school day(s) following receipt of the notice of appeal by the Superintendent, the Local Board shall meet to consider the appeal. After consideration of the appeal and administrative record, the Local Board may, by majority vote:

- a) Affirm the decision of the Superintendent;
- b) Reverse or modify the Superintendent's decision; or
- c) Defer final action pending a hearing before the Local Board.

5. Hearing Process: If a hearing is requested by a majority of the Local Board, the hearing shall be set within 15 school days. The hearing procedures shall be determined by the Local Board. A final Local Board decision on the appeal shall be issued within 5 school days after the hearing ends. The Local Board shall give written notice of its final decision to all parties.

6. Local Board's Decision. The Board's decision shall be final, and the Superintendent will take steps to implement the decision.

Principal Procedures for Exclusion

1. Step One: Any student excluded from a referring teacher's classroom shall be placed under the control of the school principal or his or her designee.
2. Step Two: The principal will review the referral from the teacher and determine whether the teacher followed his or her approved classroom management plan before excluding the student:
 - a. If not, the principal may return the student to the classroom and no further action is necessary.
 - b. If so, the principal will review the referral and determine whether allegations against the student include behavior that allows the referring teacher to exclude the student from the classroom under this policy.
 - i. If not, the student will be returned to the classroom. However, if the student engaged in behavior that otherwise violates the Code of Conduct, the principal may discipline the student.
 - ii. If so, the principal will determine whether the student engaged in the behavior and, if so, determine what disciplinary action is called for under the Student Code of Conduct.
 - c. If a student in grades six through twelve is excluded by the referring teacher for his or her disorderly conduct, interference with an orderly educational process, or obstruction of the teaching or learning process of others in the classroom, the student may not be readmitted to the referring teacher's classroom for at least the remainder of the school day. The principal must communicate with the referring teacher regarding the student before he or she may be readmitted to the classroom.
 - d. If a student is returned to the classroom after being excluded by the referring teacher, the principal or his or her designee must provide written certification to the referring teacher that the student may be readmitted and the type of disciplinary action, if any, that was taken.
3. Step Three: Before returning a student to the classroom of the referring teacher, the principal will also review the records of the student to determine if the student has previously been properly excluded from the referring teacher's classroom.

- a. If a student has been excluded from the classroom two times in one semester, the principal will determine whether all other reasonable means of classroom discipline have been exhausted:
 - i. If not, the principal will take steps to work with the referring teacher to implement additional classroom discipline measures to address the student's behavior.
 - ii. If so, the student may be readmitted to the classroom only after:
 - a) The principal, referring teacher, and, if possible, the student's parent or guardian have held a conference to discuss the student's disruptive behavior patterns;
 - b) The principal informs the teacher of any course of discipline for the student going forward; and
 - c) The student's parent or guardian has been informed of the course of discipline.
- b. If a student's disruptive behavior persists following their readmittance to the classroom, upon the teacher's request, the principal shall mete out the maximum discipline provided for by the student code of conduct for the infraction, including, but not limited to, transfer to an alternative school that is approved by the Superintendent.
- c. If, during a 30-day period, a student in grades sixth through twelve is excluded for the remainder of the school day a total of three times, that student shall receive, as determined by the principal, in-school or out-of-school suspension or may be recommended for placement in an alternative school, if one is available within the school district.

Nothing in this policy shall be construed to infringe on any right provided to a student pursuant to the Individuals with Disabilities Education Act (IDEA), the Family Educational Rights and Privacy Act (FERPA), Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act of 1990, provided that student information related to this policy shall be included as necessary into any and all Individualized Education Plans (IEPs), behavioral intervention plans, and other similar documents.

Legal Reference: Act 2024-409 (Teachers' Bill of Rights).

Date Adopted: _____