

# JEFFERSON COUNTY BOARD OF EDUCATION

## POLICY MANUAL



**EFFECTIVE JULY 1, 2012  
UPDATED AUGUST 2021**

The Jefferson County Board of Education does not discriminate on the basis of race, color, national origin, sex, disability, religion, or age in its programs and activities or employment, and provides equal access to the Boy Scouts and other designated youth groups. The following person has been designated to handle inquiries regarding the non-discrimination policies and the application of Title IX and its regulations to the Board:

Name and Title: Dr. Laura Ware, Deputy Superintendent and Title IX Coordinator  
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The following person has been designated as the Board's Section 504 Specialist:

Title: Dr. Cherith Fluker, Homebound and 504 Specialist  
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## Preface

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

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

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

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

## Definitions

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

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

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

***Jefferson County Board of Education  
Policy Manual***

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# **I. Governing Principles**

The Jefferson County School System is committed to excellence in teaching and learning for all. As a professional learning community, we have a collective commitment to the following:

- Ensure achievement for all students by offering a challenging curriculum along with career tech pathways.
- Utilize data to guide decision-making and continuous improvement.
- Establish collaborative teaming focused on teaching and learning.
- Support faculty, administrators, and staff through relevant professional learning opportunities.
- Value skills and expertise of all employees.
- Build and maintain effective communication with families and communities.

## II. School Board Operations

### 2.1 *Board Composition and Organization*

- 2.1.1 Composition – The Jefferson County Board of Education is composed of five members who are elected to staggered six-year terms by qualified electors of Jefferson County, Alabama. The law requires that four of the five Board members reside within the Jefferson County school district. One Board member resides in an area of Jefferson County served by a city school system. No member of the Jefferson County Board of Education may be an employee of the Board.

[Reference: ALA. CODE §§16-8-1, 2 (1975)]

- 2.1.2 Officers – The Board will elect from its members a president and vice-president at the annual meeting of the Board held in November of each year. The Superintendent will serve as both the Board’s chief executive officer and secretary. If the Superintendent’s position is vacant, the Board may appoint one of its members to act as secretary until such time as the Superintendent’s position is filled.

[Reference: ALA. CODE §§ 16-8-4 (1975)]

- 2.1.3 Committees – The Board may divide itself into standing or special committees for the purpose of more efficiently conducting Board business, but no recommendation or action of any committee will bind the Board without the affirmative vote of a majority of the whole Board.

### 2.2 *Duties and Authority of Board Members*

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

### 2.3 *Board Member Compensation*

Board members may be compensated for their services and reimbursed for expenses incurred in the performance of their official duties as authorized by law.

[Reference: ALA. CODE §§16-8-5 (1975)]

## **2.4 Board Member Training**

- 2.4.1 General – Jefferson County Board of Education members will pursue ongoing training to develop and enhance their knowledge and effectiveness as Board members and to improve Board governance and operations. Training will include participation in:
- a. Orientation for newly elected or appointed school board members;
  - b. Training or consulting workshop for the local Board as a whole;
  - c. State or national school board association event addressing Board governance or operation, or other Board member development opportunities relating to leadership development, Board governance, or Board operations.
- 2.4.2 Source of Training and Report – The Board recommends the requirements of this policy be satisfied by participation in training provided by the Alabama Association of School Boards or other sources considered knowledgeable in school board governance and leadership.

[Reference: Ala. Code §16-1-41 (1975)]

## **2.5 Board Meetings**

- 2.5.1 General Provisions – The Board will hold regular and specially called meetings in accordance with applicable statutory requirements and as dictated by the needs of the school system. All meetings of the Board will be open to the public except as may otherwise be required or permitted by law.
- [Reference: ALA. CODE §36-25A-1, *et seq.* (1975)]
- 2.5.2 Time and Place – The times and places for regularly scheduled meetings will be established by the Board at the annual meeting held in November of each year, provided that the Board may modify its meeting schedule in the exercise of its sound discretion. Public notice of the dates, times, and places of meetings of the Board will be given in the manner prescribed by law. Board members will be given such advance notice of specially called meetings as is practicable under the circumstances.
- [Reference: ALA. CODE §§16-8-4, 36-25A-1 (1975)]
- 2.5.3 Rules of Order – Board meetings will be conducted in accordance with the most recently revised edition of *Robert's Rules of Order*, provided that strict adherence to the formalities of the *Rules of Order* may be reasonably relaxed in order to facilitate conduct of Board business. A majority of the whole Board will constitute a quorum for purposes of transacting Board business except as may otherwise be provided by law. Deviations from or

errors in executing parliamentary procedure do not invalidate board actions or decisions that are otherwise consistent with the intent of the board. {Revised: November 19, 2020}

## **2.6 *Superintendent’s Responsibilities, Qualifications, and Appointment***

2.6.1 Role, Responsibilities, Qualifications, and Term – The Superintendent serves as the chief executive officer of and secretary to the Board. The Superintendent may exercise such prerogatives and duties as are prescribed by statute, as are delegated or specified in an employment contract, or as are otherwise lawfully assigned by the Board. The Superintendent must possess the minimum qualifications for the position that are established by law and such other qualifications as may be specified by the Board. The Superintendent shall be appointed for a term ranging from two to four years, beginning the first day of the month of July immediately succeeding the appointment. The term of the Superintendent’s appointment will be established by contract and may be renewed, extended, or modified, subject to any limitations regarding the extension or renewal of the appointment as are imposed by law.

[Reference: ALA. CODE § 16-12-3 (1975)]

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

2.6.3 Policy Development – The Superintendent will consult on behalf of the Board with the applicable local employees’ professional organization before the Board adopts written policy. The Superintendent is authorized to consult directly with the organization or through a policy committee.

[Reference: ALA. CODE § 16-1-30 (1975)]

## **2.7 *Recordkeeping and Retention of Board Records***

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

## **2.8 *Association Membership***

The Board will maintain membership in the Alabama Association of School Boards.

## **III. Fiscal Management**

### **3.1 Chief School Financial Officer**

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

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

### **3.2 Budget**

A budget will be developed and approved for each fiscal year, which extends from October 1<sup>st</sup> to September 30<sup>th</sup> of the following year. Preparation, presentation, submission, and approval of the budget will be undertaken and completed as provided for in state law and regulations, including providing an opportunity for public input regarding the budget. Budgets will be “balanced” such that the expenditures set forth in the budget for the fiscal year will not exceed revenues and any fund balances on hand.

The Superintendent or Chief School Financial Officer will inform the Board, before the Board votes on a budget or budget amendment that will prevent the establishment or maintenance of a one-month’s operating balance. A one-month’s operating balance shall be determined by dividing the General Fund expenditures and fund transfers out by 12. In determining the General Fund expenditures and fund transfers out, the proposed budget or budget amendment shall be used.

[Reference: ALA. CODE §16-13-140, *et seq.* (1975)]

### **3.3 Accounting**

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

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

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

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

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

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

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

Assigned fund balances require the same level of authority to remove the constraint.

- e. Unassigned fund balances include all spendable amounts not contained in the other classifications. This portion of the total fund balance in the general fund is available to finance operating expenditures.

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

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

### **3.5 *Finance Manual Authorized***

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

[Reference: ALA. CODE §16-13A-1 (1975)]

### **3.6 *Audits***

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

[Reference: ALA. CODE §16-13A-7 (1975)]

### **3.7 Inventories**

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

[Reference: ALA. CODE §§16-13A-1, 6 (1975)]

### **3.8 Purchasing**

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

### **3.9 Deposit and Expenditure of Funds**

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

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

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

[Reference: ALA. CODE §16-13A-8 (1975)]

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

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

3.9.5 Consultants – The Superintendent may engage professional consultants, specialists and experts, including but not limited to medical, mental health, educational, legal, financial, technical (e.g., engineering, architectural, computer) experts and specialists for a term not to exceed ninety calendar

days and the total fees and costs of which are not expected at the time of engagement to exceed \$15,000.00 without prior Board approval, provided that the expenditure is within the amount established for such purposes in the current, Board approved budget. All such expenditures shall be reported monthly to the Board of Education in the manner prescribed by §16-13A-8 of the Code of Alabama (1975).

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

### **3.10 Employee Compensation**

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

[Reference: ALA. CODE §16-13-231.1 (1975)]

- 3.10.2 Local Supplements – School-related booster or support organizations may fund local supplements for individual Board employees if the Board approves such supplemental payments. Such payments may be approved only if the following conditions are satisfied:
- a. The payment is voted on and approved by the membership of the booster or support organization that proposes to fund the supplement at a regular meeting of the organization;
  - b. Funding for the payment must be sufficient to cover benefits, expenses, and other payroll costs, contributions, and liabilities, if any;
  - c. Sufficient unobligated funds are on hand to provide the supplemental payment;

- d. A check and letter of authorization for the payment is sent to the Board no later than the payroll cutoff date for the month in which the payment is to be made;
- e. The payments are accepted by the employee with the understanding that they do not constitute a part of any employment contract, salary schedule, or legal obligation that is enforceable against the Board, and that the Board has no continuing obligation to maintain supplemental payments to any employee that are provided, funded, or underwritten by a booster club, support organization, or similar third party; and
- f. The payments are subject to any payroll deductions that are required by law.

3.10.3 Salary Administration – Employees are expected to fulfill the work requirements of the position held for the full term of their appointment. Compensation will be prorated to reflect the number of days actually worked, subject to appropriate adjustments, credits, and allowances for available leave. Salaries for full time employees will be paid over twelve months regardless of the contract term. However, certified employees in the first year of employment with the Board may be paid over thirteen (13) months if the Board approves that option for that year. Personnel will be paid in accordance with customary payroll procedures, which may be modified from time to time as the needs of the system require. No employee is entitled to compensation except for work performed by the employee in accordance with an approved contract or the applicable terms of appointment. Compensation may be withheld pending the employee's timely, accurate, and complete submission of all required records, data, and reports.

3.10.4 Salary Deductions –

- a. Mandatory salary deductions will be made in accordance with applicable law.
- b. Deductions for membership dues will be made for organizations with at least ten per cent (10%) of Board employees as active members, as established by membership lists provided to the Board by the organization, if such deductions are allowed under state law and the organization has timely provided to the Board all certifications and expenditure reports required by law. Such membership lists will be corrected, updated, and returned to the organization no later than November 10 of each school year. Deductions will be based on the membership lists unless an employee revokes authorization for such deductions by providing written notice to the Board on or before September 15<sup>th</sup> of each

school year. Deductions will remain constant during the school year, except by the authorization of the Superintendent.

- c. The Board may offer additional insurance or benefits to employees to be paid through voluntary salary deduction in accordance with state law and the Board's financial practices and procedures.
- d. The Board will make voluntary salary deductions upon written request of employees or groups of employees as required by law and in accordance with the Board's financial practices and procedures. The Board will not create a new voluntary salary deduction unless at least 10% of its employees request the deduction.
- e. Employees are required to complete and submit all forms and provide such information as may be required to administer a salary deduction.
- f. The Board will not be liable for any good faith error made in implementing a salary deduction that has been authorized by the employee. Upon termination of employment, any amounts owed under the terms of an employee authorization will be deducted from the employee's final pay. {Revised: November 19, 2020}

[Reference: ALA. CODE §16-22-6 (1975)]

3.10.5 Minimum Wage and Overtime – In compliance with the Fair Labor Standards Act (“FLSA”), the Board will pay required minimum hourly wages and overtime to all employees who are non-exempt employees under the FLSA. For purposes of determining overtime, the workweek begins at 12:01 a.m. on Sunday and ends at midnight on the succeeding Saturday. Hours representing holidays, annual leave, sick leave, or other leave types do not count as hours worked for the purposes of calculating overtime. All non-exempt employees who work more than forty (40) hours in a work week will be paid overtime. Employees must accurately report all time worked for the Board in the manner prescribed by the Superintendent or his designee. Non-exempt employees are not authorized to work additional hours in a work week without specific direction or authorization to do so by the Superintendent, the employee's supervisor, or the supervising school principal.

3.10.6 Compensatory Time – Non-exempt employees who work more than forty (40) hours in a work week will, upon agreement between the employee and the Board, be paid overtime in the form of compensatory time. Compensatory time will be accounted for in minimum time units of one-quarter hour rounded to the nearest one-quarter of an hour. No more than two hundred forty (240) hours of compensatory time may be accumulated.

Compensatory time may be utilized by employees upon reasonable notice to the Board, unless such use will unduly interrupt the operations of the school system or school to which the employee is assigned. The Board reserves the right to require an employee to use compensatory time as necessary to reduce compensatory leave balances, and further reserves the right to “pay off” any compensatory time balance at its discretion. The Superintendent is hereby authorized to develop guidelines, procedures, and forms for use in implementing this policy.

### **3.11 Expense Reimbursement**

Board members and employees will be reimbursed for reasonable travel and subsistence expenses incurred in connection with official Board business. Official Board business for Board members shall include:

- *Travel to and from home for the purposes of attending Board meetings, participating in Board functions or activities, or otherwise transacting Board business.*
- *Travel to and from home or between schools or other Board facilities for the purpose of visiting schools or attending school or Board sponsored events in order to better enable Board members to transact business of the Board.*

Reimbursement will be in accordance with Board approved rates and such procedures and standards for submitting and documenting such expenditures as may be developed by the Chief School Financial Officer or provided in the approved Finance Manual. (Revised: March 23, 2017)

### **3.12 Fees, Payments, and Rentals**

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

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

### **3.13 *School Accounts***

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

### **3.14 *Authority to Execute Contracts***

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

3.14.2 Limitation on Authority to Bind the Board – Principals and other administrators will have authority to enter into agreements with third parties only when such agreements are made with the approval of the Board.

### **3.15 *Affiliated Organizations***

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

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

### **3.16 Fundraising**

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

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

### **3.17 Child Nutrition**

The Superintendent may enter into a written agreement with the Child Nutrition Program at the State Department of Education in order to procure food and other food related products and services. The Board will comply with all federal program regulations pertaining to the National School Breakfast and National School Lunch programs. The United States Office of Management and Budgets does not allow Child Nutrition Programs to carry bad debts associated with uncollected meal charges; therefore, it is the responsibility of the parent or guardian to pay for the meals a child purchases in advance or on a daily basis.

Parents will be notified of negative student balances and will be afforded a reasonable opportunity to clear the bad debt before the student is offered an alternate meal. The meal will consist of a grain, protein, and milk (i.e., cheese sandwich and milk or peanut butter sandwich and milk). The cost of the alternate meal will be added to the student's debit balance.

Applications are forwarded to parents at the beginning of each school year; however, families may apply for free/reduced meals at any time during the year. Additional applications can be obtained from the District's Central Office, the local school, or online at [www.jefcoed.com](http://www.jefcoed.com). Parents are responsible for the provision of funds for student meals based upon the current school year written eligibility notification relevant to the status of their submitted free/reduced application. The Superintendent is authorized to develop procedures to implement this policy.

[Reference: Ala. Admin. Code 292-080-030-.01, *et seq.*]

## IV. General Administration

### 4.1 *Security / Access to Schools*

4.1.1 Security Measures Authorized – The Superintendent, principals, and facility administrators are authorized to take reasonable and lawful measures to protect against personal injury, trespass, vandalism, theft, and like threats to personal safety, property damage, and financial loss to or on Board property or at school functions and activities. The Superintendent should be made aware of any extraordinary or special measures that may be proposed in anticipation of or in response to any unusual security threat or risk (e.g., unusual surveillance, assignment of additional security personnel).

4.1.2 Access Restrictions Authorized – The Superintendent, principals, and facility administrators are authorized to regulate and restrict access to Board schools, buildings, and facilities in order to maintain appropriate security, minimize disruption and distraction within the learning environment, or to avoid a potential risk of harm to a student or employee. To that end, the Superintendent, principals, and facility administrators are authorized to implement building-level requirements and procedures governing access to Board owned or controlled buildings, grounds, property, events, and activities by school and non-school personnel, including family members and relatives, vendors, attorneys, and other visitors, and to adopt “check-in” and “check-out” requirements and procedures for students and employees.

4.1.3 Adult Sex Offenders – Adult sex offenders who have been convicted of a sex offense involving a minor must:

- a. notify the principal of the school in advance of entering school property or attending a K-12 school activity and identify a legitimate purpose for entering school property or attending the activity;
- b. immediately report directly to the principal of the school or his designee upon entering the property or arriving at the K-12 school activity; and
- c. cooperate with and submit to any efforts undertaken by the principal of the school to discreetly monitor their presence on school property or at the K-12 school activity.

For the purposes of this policy, a K-12 school activity is an activity sponsored by a school in which students in grades K-12 are the primary intended participants or for whom students in grades K-12 are the primary intended audience including, but not limited to, school instructional time,

after school care, after school tutoring, athletic events, field trips, school plays, or assemblies.

If discreet monitoring of the sex offender is impracticable, impossible, or if insufficient advance notification is given to arrange for proper monitoring of the offender, the offender may be denied entrance to school property or may not be allowed to attend the K-12 school activity. Convicted sex offenders shall not be permitted to accompany or chaperone students on overnight field trips.

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

[Reference: ALA. CODE §15-20A-17]

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

4.2.1 Prohibition on the Possession of Firearms – The possession of a firearm in a school building, on school grounds, on Board property, on school buses, or at school-sponsored functions is prohibited except for authorized law enforcement personnel. For purposes of this policy, the term “firearm” has the same definition as is found in 18 U.S.C §921.

a. *Penalties for violations* – In addition to any criminal sanctions that may be available to the Board, the following penalties will be imposed for unauthorized possession of firearms:

1. *Students* – Students will be expelled for a period of one year. The expulsion requirement may be modified in writing by the Board upon recommendation of the Superintendent on a case-by-case basis. Students who are expelled for firearm possession may not attend regular school classes, but may be permitted to attend alternative schools or education programs established by the Board. Discipline of students with disabilities who violate the firearm possession policy will be determined on a case-by-case basis in accordance with federal and state law. Parents of students who violate this policy will also be notified by the principal of violations.
2. *Employees* – Employees will be subject to adverse personnel action, which may include termination.

3. *Other Persons* – Other persons may be denied re-entry to school property, and if warranted, prosecuted for criminal trespass.

b. *Notification of Law Enforcement* – The appropriate law enforcement authority, which may include the city police, county sheriff, and the local district attorney, will be notified by the principal of violations of this policy. {Revised: November 19, 2020}

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

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

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

1. *Students* – Students will be disciplined in accordance with the Board’s Code of Student Conduct.

2. *Employees* – Employees will be subject to adverse personnel action, which may include termination.

3. *Other Persons* – Other persons may be denied re-entry to school property and, if warranted, prosecuted for criminal trespass.

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

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

- 4.2.3 Illegal Drugs and Alcohol – The use, possession, distribution, and sale of alcohol and the illegal use, possession, distribution, and sale of drugs in a school building, on school grounds, on Board property, on school buses, or at school-sponsored functions is prohibited.
- a. *Penalties for Violations* – In addition to any criminal penalties that may be imposed, the following penalties will be imposed for unauthorized possession of illegal drugs or alcohol:
    1. *Students* – Students will be disciplined in accordance with the Board’s Code of Student Conduct.
    2. *Employees* – Employees will be subject to adverse personnel action, which may include termination.
    3. *Other Persons* – Other persons may be denied re-entry to school property.
  - b. *Notification of Law Enforcement* – The appropriate law enforcement authority, which may include the city police, county sheriff, and the local district attorney, will be notified by the principal of violations of this policy.
- 4.2.4 Tobacco – The use of tobacco products and the illegal possession, distribution, and sale of tobacco products on school property is prohibited. These prohibitions also apply to electronic cigarettes, vape pens, hookah pens, e-hookahs, vape pipes and any similar type of device designed to deliver nicotine, flavor, and other chemicals via inhalation. *[Revised: October 23, 2014]*
- a. *Penalties for Violations* –
    1. *Students* – Students who violate the tobacco prohibition will be disciplined in accordance with the Board’s Code of Student Conduct.
    2. *Employees* – Employees who violate the tobacco prohibition will be subject to adverse personnel action, which may include termination.
    3. *Other Persons* – Other persons who violate the tobacco prohibition may be denied re-entry to school property.
  - b. *Parental Notification* – Parents and guardians may be notified of actual or suspect violations of the tobacco prohibition whether or not the student is charged with a violation of Board policy, which includes the Code of Student Conduct.

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

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

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

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

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

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

### **4.3 Accreditation**

The Board will implement and adhere to such accreditation policies, principles, standards, and procedures as may be established or required by Cognia as a condition to receiving or maintaining accreditation. {Revised: September 24, 2020}

### **4.4 Use of Board Property**

- 4.4.1 Equipment, Supplies, Materials, Vehicles – Equipment, supplies, materials, vehicles, and other movable or consumable property owned by or under lease to the Board may not be used by or made available to persons or entities for private or personal use, benefit, or consumption, or for any non-Board related use or purpose. Such property may not be removed from Board premises except as necessary to serve a school or Board-related function or purpose, and with the knowledge and approval of the appropriate supervisor, administrator, or the Superintendent.
- 4.4.2 Use of Board Facilities – Schools and other Board owned or controlled facilities may be made available for use by sanctioned or generally recognized school support organizations if the use of the facility will not disrupt school operations or be inconsistent with the purpose and mission of the school system, and if adequate advance provision is made for

security, supervision, maintenance, damage prevention, post-event clean-up, liability insurance, and other risk management measures appropriate to the proposed use. Use of Board facilities for non-school organizations may be approved if the foregoing conditions are satisfied and a rental contract (or the equivalent thereof) that includes a reasonable fee or rental charge and other appropriate terms and conditions is approved by the Board. A board facility may be rented by a church for regular, recurring church services only if (1) the rental contract does not exceed one year and (2) the church is currently in possession of real property for the purpose of a church site and has documented plans that it is in the process of constructing a building to hold church services. {Revised: March 19, 2019}

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

#### **4.5 *Naming Board Facilities***

The Board shall have the authority to name facilities in the school system, as it deems appropriate. The Board may desire to recognize the outstanding contributions an individual, either living or deceased, has made to the Jefferson County Schools by naming a facility in honor or memory of the person. However, in no instance shall a facility be named in honor of an individual while that individual is serving as a member or employee of the Board.

#### **4.6 *Complaints and Grievances***

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

- 4.6.2 Limitations Regarding Availability and Application of General Complaint/Grievance Policy – The general complaint/grievance policy and any procedures adopted thereunder do not apply to specific complaint or grievance policies and procedures that are established by Board policy or law for application to special factual or legal circumstances (e.g., sexual

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

- 4.6.3 Student Complaints and Grievances – Complaints, grievances, and requests for corrective action may be brought to the attention of the Board by or on behalf of students with respect to academic, athletic, extracurricular, or other non-disciplinary matters, issues, and concerns only after reasonable efforts to resolve the matter at the school and administrative levels have been exhausted. The Superintendent is authorized to develop specific procedures that will provide for fair consideration and orderly review of such complaints and grievances. Such procedures will not unreasonably burden or delay the presentation or processing of the complaint or grievance and will be subject to review and approval by the Board. Administrative judgments concerning academic or curricular matters or participation in extracurricular activities may be set aside by the Board only upon a showing that the action or decision in question is arbitrary and capricious, fundamentally unfair, or that it violates Board policy or the student’s legal rights.
- 4.6.4 Student Disciplinary Matters – The Board may consider appeals of student disciplinary decisions or actions in accordance with standards and procedures specified in the Code of Student Conduct.
- 4.6.5 Americans with Disabilities Act Complaint Procedure –
- a. *Complaint Criteria* – Persons who believe that they have been discriminated against on the basis of disability in the provision of services, activities, programs, or benefits covered by Title II of the Americans with Disabilities Act may file a written complaint with the ADA Coordinator.
  - b. *Complaint Form* – The complaint should be in writing and contain information about the alleged discrimination including the name, address, phone number of complaining party and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the

complaint, will be made available for persons with disabilities upon request.

- c. *Complaint Process* – The complaint should be submitted to the ADA Coordinator as soon as possible, but no later than thirty (30) days after the alleged violation. The ADA Coordinator will meet with the complaining party to discuss the complaint and possible resolutions. Within fifteen (15) calendar days of the meeting, the ADA Coordinator will respond in writing, and where appropriate, in a format accessible to the complaining party, such as large print, Braille, or audio tape. The response will explain the position of the Board and offer options for substantive resolution of the complaint.
- d. *Appeal Procedure* – If the response by the ADA Coordinator does not satisfactorily resolve the issue, the complaining party may appeal the decision within fifteen (15) calendar days after receipt of the response to the Superintendent. Within fifteen (15) calendar days, the Superintendent will respond in writing, and where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.
- e. *Records Retention* – All written complaints received by the ADA Coordinator, appeals to the Superintendent, and records relating thereto will be retained by the Board for at least three (3) years.
- f. *Additional Procedures Authorized* – The Superintendent is authorized to develop such procedures as are necessary to implement this policy.

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

#### **4.7 Risk Management**

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

#### **4.8 Emergency Closing of Schools**

- 4.8.1 Authority of Superintendent to Close Schools – The Superintendent is authorized to close schools if such action is warranted by weather conditions or other circumstances that pose a risk to the safety and welfare of students and employees, or that render meaningful instruction impossible (e.g., loss of power or other utility services).

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

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

- 4.9.1 Access to Technology Resources – The Board permits restricted and conditional access to and use of its technology resources, including but not limited to computers, the “Internet,” network storage areas, and electronic mail. Such access and use is restricted to employees, students, and other persons who are engaged in *bona fide* educational and administrative activities that serve and are consistent with identified educational objectives or authorized support functions, and who, by signing an “Acceptable Use Agreement,” agree to abide by all Board policies, rules, and regulations regarding technology use. The Acceptable Use Agreement will be developed by the Superintendent for approval by the Board.
- 4.9.2 Restriction or Loss of Technology Privileges – Persons who violate any Board policy, rule, or regulation regarding technology use may be denied use of the Board’s technology resources and may be subject to additional disciplinary action.
- 4.9.3 Ownership of Technology Resources and Data – All technology resources, including network and Internet resources, e-mail systems, and computers or other access devices owned, leased, or maintained by the Board are the sole property of the Board. Board personnel may, at any time and without prior notice, access, search, examine, inspect, collect, or retrieve information of any kind from the Board’s technology resources, including computer or related equipment, files, and data, to determine if a user is in violation of any of the Board’s policies, rules, and regulations regarding access to and use of technology resources, for or in connection with any other matter or reason related to the safe and efficient operation or administration of the school system, or for any other reason not prohibited by law. Users of school system technology resources have no personal right of privacy or confidentiality with respect to the use or content of such resources.
- 4.9.4 Adoption of Rules and Regulations – The Superintendent is authorized to develop for Board approval additional or more specific rules and regulations regarding access to and use of its technology resources and to require adherence to such rules and regulations through such means as the “Acceptable Use Agreement” and application of appropriate disciplinary policies and procedures. Such rules and regulations will address or provide:

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

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

[Reference: 47 U.S.C. §254(h) and (1)]

#### 4.9.6 Digital Device Policy

- a. *Device Ownership*
  - 1. All student-assigned digital devices are the property of the state of Alabama or the Jefferson County Board of Education.
  - 2. Devices are considered “on-loan” when checked out to students.
- b. *Receiving your device*
  - 1. At the beginning of each school year, a parent/guardian must sign a release via online registration granting the district permission to provide the student with a device. If

devices become available after the online registration process, parents must sign a digital device agreement for the current school year.

2. The Jefferson County School System Technology Acceptable Use Agreement and the Online Collaborative System Account Release are also included in the online registration process. These must also be agreed to before a device can be issued. The device will be issued with one case and charger.
3. A student will not receive a device if registration isn't completed through the online process. The Jefferson County School System reserves the right to collect a device if residency cannot be verified.

c. *Returning your device*

1. The device, case, and charger condition must be assessed annually at a minimum, and may be reissued by a member of the technology team.
2. Students must turn their device in by the date set by the school principal or their designee.
3. At a minimum, the digital device and all associated items must be returned at the end of every school year by every student prior to the issuance of grading reports.
4. Failure to return the device or any accessories will result in a report of theft being filed with the appropriate authorities.
5. If a student withdraws or is expelled from the Jefferson County School System, the device, charger, and case must be immediately returned at that time.
6. All student-assigned digital devices, including the protective case and the power cable, must be returned by the student upon request of the appropriate district personnel or withdrawal from JEFCEOED.

d. *Lost or non-repairable student-assigned digital device*

1. Devices that are lost or stolen should be reported immediately to the local school.
2. A police report may be required for documentation of a stolen device.

3. The JEFCEOED Student & Parent Handbook will be followed regarding intentional damage to devices.

e. *Device Inventory and Asset Tag Information*

1. Each device is property of the Jefferson County School System, and is individually labeled and inventoried (by asset number and device serial number) to the individual student to which it has been loaned. There is an inventory asset number tagged on the bottom or back of the device.
2. At no time should any JEFCEOED inventory or asset number be tampered with or removed.
3. Tampering with or removing an asset number constitutes damage and requires the device to be immediately returned to the school.

f. *Taking Care of Your Device*

1. When not actively using the device, store the device in the provided protective sleeve or case. The protective sleeve or case is not intended to protect against droppage or pressure against the screen.
2. Carefully and considerately store your device in your locker, bookbag, and at home.
3. Carry your device in the protective sleeve or case at all times, even when not in use.
4. Do not use your device around food, liquids or drinks. Avoid getting any moisture or crumbs in any opening.
5. Do not use household cleaners to clean your device. Use only a soft, lint-free, clean cloth on the screen.
6. Never throw, slide, drop, or press harshly on your device.
7. Cases must stay free from all stickers, writing, drawings, and other marks.
8. Do not leave your device out in the sun or extreme cold.

9. Personalized screensavers and/or background are permitted. However, school disciplinary action will result from images which are inappropriate for a school setting.
- 10.. Devices are NOT allowed in locker rooms, restrooms, or in the cafeteria during lunch periods (except with specific permission from a teacher or administrator).
11. Cords, cables, and USB connections should be carefully inserted and removed to prevent damage.
12. Do NOT let anyone else borrow or use your device. You are responsible for any damage that may occur to your device, no matter the circumstances.
13. Student-assigned digital devices must not be damaged or lost. Damages to student-assigned digital devices are as follows, but not limited to:
  - 13.1 Water damage
  - 13.2 Damaged/removed barcodes or inventory labeling
  - 13.3 Any condition that will otherwise render the device unsuitable for reissue
  - 13.4 Anything that is unreasonable considering the normal and expected uses of student-assigned digital device including but not limited to:
    - 13.4.1 damage by vandalism, use of improper cleaning solutions, leaving damaging substances on the device, the dropping of heavy objects on the device, or a device that has not been maintained with proper care and use
    - 13.4.2 "acts of extreme nature" including, but not limited to, weather related damage and fire damage

g. *Device Use at School*

1. Devices are intended for use at school each day for instructional purposes. In addition to teacher expectations for their use, school messages, announcements, calendars and schedules may be accessed using the device. Students are responsible for bringing their device to all classes.
2. Devices must come to school with a full battery charge.

**STUDENT DIGITAL COMPUTING DEVICE AGREEMENT**

Digital Device Usage Agreement with Parent/Guardian and Student

Student agrees to abide by all policies and recommendations contained within the Jefferson County School System’s Digital Device Agreement, the Jefferson County School System Technology Acceptable Use Agreement, and the Jefferson County School System Student and Parent Handbook.

Student and Parent/Guardian agree that any intentional inappropriate use of the assigned digital device may result in loss of privileges associated with using the device and appropriate disciplinary measures. Student and Parent/Guardian agree to accept full financial responsibility for any damages to the assigned digital device, including replacement costs.

My signature below indicates I have read and hereby agree to the policies and procedures outlined in this document, the JEFCOED Digital Device Policy.

PRINTED NAME OF STUDENT \_\_\_\_\_

GRADE LEVEL OF STUDENT \_\_\_\_\_

STUDENT SIGNATURE \_\_\_\_\_

DATE \_\_\_\_\_

PRINTED NAME OF PARENT/GUARDIAN \_\_\_\_\_

PARENT/GUARDIAN SIGNATURE \_\_\_\_\_

DATE \_\_\_\_\_

{Board Approved: February 27, 2020; Rescinded: December 10, 2020; Revised: April 22, 2021 }

**4.10 Political Activity**

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

- a. Employees may not appropriate Board property or resources for use in political campaigns, and may not engage in partisan political activities (including but not limited to the distribution of campaign material or literature) during regular school or duty hours or at Board sponsored or sanctioned events, functions, or at activities at which the employee is on duty or assigned official responsibilities;

- b. Employees may not represent their political beliefs or positions on political matters to be those of the Board or other Board officials, or to falsely assert or imply that their political activities or positions are endorsed by or undertaken in the name of the Board or other Board officials;
- c. Candidates and representatives of candidates for political office may not invite or allow announced candidates for political office to address student groups except when such candidates are participating in a forum or like format that is designed to provide all candidates the opportunity to participate. Such forums may be conducted only for appropriate age groups, and with the advance approval of the school principal and the Superintendent; and
- d. Political signs may not be placed on schools or school board property. Campaign literature and other material may not be distributed on Board property during the regular school or work day, and may not be distributed at school or Board sponsored events or activities in a manner that impedes the normal and safe movement of pedestrian or vehicular traffic, that creates any other safety hazard or risk, or that disturbs or disrupts the function, activity, or event.

#### **4.11 Title IX**

- 4.11.1 Prohibition – In accordance with Title IX (20 U.S.C. §1681, *et seq.*), and its regulations (34 C.F.R. Part 106), the Board strictly prohibits discrimination on the basis of sex or gender in its programs or activities, including sexual harassment, as defined by law and Board policy. Inquiries regarding the application of Title IX regulations may be referred to the Board’s Title IX Coordinator, to the Assistant Secretary for Civil Rights of the Department of Education, or both. Sexual harassment complaints will be filed and reviewed under the Board’s student sexual harassment policy. All other complaints under Title IX will be filed and reviewed according to the Board’s general complaint and grievance procedures.
- 4.11.2 Title IX Coordinator – The Superintendent is authorized and directed to designate a Title IX Coordinator, whose duties will include but not be limited to receiving and responding to Title IX inquiries and complaints, and compliance with the regulations. {Revised: September 24, 2020}

## V. Personnel

### 5.1 *Employee Qualifications and Duties*

5.1.1 General Requirements – 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, 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.
- f. Employees must complete and submit required reports accurately and in a timely fashion.
- g. Employees must respect, protect, and exercise due care in the handling, use, and operation of Board property and equipment.
- h. Employees are required to report to work or to school functions in attire that is appropriate to their position 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.

### 5.1.2 Special Requirements –

- a. *Work Schedules (Teachers)* – Supervisory and instructional duties of teachers commence a minimum of fifteen (15) minutes prior to the actual arrival and conclude fifteen (15) minutes after the departure of students. Except as may otherwise be provided or required by the Board, the minimum instructional day for teachers is seven (7) hours. Assignments and duties may extend beyond the instructional day and may include off-campus functions, events, and activities; conferences and meetings with parents; supervision of student arrival and departure; and preparation for the following instructional day. Teachers will be provided a minimum of thirty (30) minutes free of instructional and supervisory responsibilities each instructional day.
- b. *Work Schedules (Support Personnel)* – The Superintendent is authorized to establish work schedules, including minimum work times, for support personnel.
- c. *Professional Certification* – In addition to requirements established by the State Board of Education and the pertinent job description, professional employees must hold a degree from an accredited college or university and hold a current, valid, and properly endorsed Alabama Teacher’s Certificate, which will be maintained in the Human Resources Department. A teacher who has completed the certification process but has not received the certificate may be employed on tentative or temporary compensation pending verification of certification from the State Department of Education. Upon receipt of such verification, appropriate adjustments will be made to the teacher’s salary. If a teacher earns a higher degree that merits increased compensation under the approved salary schedule, any salary increase will become effective upon Board approval following receipt of documentation of the new certification from the State Department of Education.
- d. *Long-Term Substitute Teachers* – Substitute teachers who hold a current valid Alabama Substitute Teacher's License that is on file in the personnel office and who serve as a substitute teacher for over twenty (20) consecutive school days for the same permanent teacher will be paid the long-term substitute teacher rate, as indicated on the Board’s salary schedule.
- e. *Substitute Teachers* – Substitute teachers must, at a minimum, possess a high school diploma and valid and current Alabama Substitute Teacher’s License or Alabama Teacher’s Certificate.

- f. *Teacher Assistants* – Teacher assistants must, at a minimum, possess (i) a high school diploma or its equivalent; (ii) a two year diploma from a college or university (or the equivalent hours) or pass the Work Keys Assessment; and (iii) a certificate from the State Department of Education verifying a “clear” status resulting from a background check.
  
- g. *Bus Drivers* – In addition to the requirements established by the State Board of Education, a bus driver must: (i) hold a valid commercial driver’s license, (ii) complete a minimum of twelve (12) hours of approved instruction in school bus driving, and (iii) satisfactorily complete a written examination and driver’s performance test approved and administered in accordance with state law. A bus driver must also meet any requirements of the entity providing the Board’s automobile liability coverage.

[Reference: ALA. CODE §16-27-4 (1975)]

## **5.2 Hiring**

- 5.2.1 Application Procedures – Job applicants for all positions must file an on-line application with the Human Resources Department of the Board. Applications must be completed in full. All information provided in the application must be truthful. Any misrepresentation of a material fact on an employment application may disqualify the applicant from consideration for the position and may subject an employee to adverse employment action, including termination.
  
- 5.2.2 Qualifications – Applicants must meet the minimum qualifications of the position as provided in Board policy, the job description for the position, the posted advertisement for the position, or applicable law or regulation. Applicants must hold such degrees, licenses, certificates, and like credentials as may be necessary, appropriate, or customary for the position in question, or such alternate qualifications as the Board may determine to be acceptable.
  
- 5.2.3 Hiring Authority – The Board is responsible for making all final hiring decisions, and no hiring decision is official, final, or effective unless and until it is approved by a vote of the Board. No principal, administrator, supervisor, or other employee has authority to hire an applicant without Board approval or to commit the Board to specific action regarding employment.

Notwithstanding the foregoing, the Board acknowledges exigent circumstances may exist where it is not practical, efficient, or possible for a regular or specially called board meeting to be called for the sole purpose of approving one or more hiring recommendations, but that

prompt action may still be needed to avoid discontinuity in instruction or to otherwise ensure the effective operation of schools. Accordingly, the Board hereby delegates, grants, and otherwise authorizes standing approval of any written appointment issued by the Superintendent in these circumstances to hire teachers, classified personnel, or other regular employees of the Board to fill open vacancies. The Superintendent's written appointment shall specify the employee's effective date of hire to be used for all purposes (e.g., verification of employee identity and employment eligibility), with the Board retroactively ratifying the appointment and hire date at a subsequent meeting. Nothing in this policy eliminates any obligation to comply with applicable job posting requirements, or any requirement that the applicant who is appointed meet the minimum qualifications in 5.2.2 above. {Revised: March 22, 2018}

[Reference: ALA CODE §§16-8-23, 16-9-23 (1975)]

5.2.4 At-Will Employment – Except as may otherwise be provided or required by law, 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.

5.2.5 Nepotism –

- a. *Supervisory Relationships* – No employee may be assigned to a work location or to a position in which the employee would report to, be evaluated by, or would work under the immediate supervision of another family member as defined in the Alabama Ethics Law. Any inadvertent employment or assignment of a family member that violates this policy must be promptly disclosed to the Superintendent upon its discovery, and all involved employees must cooperate in accepting reassignments or taking other measures necessary to correct the violation.
- b. *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 the Alabama Ethics Law.

### **5.3 Probationary Employment**

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.

#### **5.4 *Non-Teaching Supplemental Duties***

Compensation in the form of supplements may be paid for noninstructional supplemental duties in accordance with rates specified or established for such duties in the Board's official salary schedule. Such duties include coaching and sponsorship of athletic support organizations (e.g., cheerleaders, flag teams, drill teams) as well as scholastic support activities (e.g., yearbook, service clubs, academic honoraries). Such supplemental duties are considered additional nonteaching assignments to be made and approved on an annual basis or otherwise as the needs of the school require. Such supplemental duties are not considered to be a part of a teaching contract or appointment, and no tenure, continuing service status, non-probationary status, or contractual right to continued employment or compensation for such supplemental assignment will be recognized or implied in the absence of a separate written contract of employment providing for such rights.

#### **5.5 *Professional Development***

The Superintendent will develop and implement an ongoing program of professional training and development that is designed to enhance the competencies of professional and support staff. Employee attendance and participation in such training institutes, workshops, seminars, and programs may be made mandatory by the Superintendent. The unexcused failure of an employee to attend or participate in such professional development activities may constitute grounds for termination of employment or other disciplinary action.

#### **5.6 *Professional Organizations***

Employees may choose to affiliate with one or more of the various professional organizations that provide support, representation, and training to persons employed by local boards of education.

#### **5.7 *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. 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.
- 5.7.1 Employee Gifts - Employees may accept gifts from students or other members of the public, if the gifts are in accordance with the Alabama Ethics Law or other pertinent state laws.

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: ALA. CODE §36-25-1, et.seq.; Alabama Ethics Opinion 2011-12]

## **5.8 *Employee Evaluations***

- 5.8.1 Certified Personnel – Certified employees (other than contract principals) will be evaluated in accordance with an evaluation program approved for use by the Alabama State Board of Education. Contract principals will be evaluated in accordance with rules, regulations, and requirements promulgated by the State Department of Education or as may otherwise be permitted by law.
- 5.8.2 Non-Certified Personnel – Non-certified personnel may be evaluated in accordance with criteria and procedures to be developed by the Superintendent and approved by the Board. The evaluation criteria and procedures will, at a minimum, include the following:
- a. A structured evaluation cycle or schedule that may include unannounced observations or assessments during the course of the evaluation period;
  - b. A written evaluation form that specifies job-related evaluation criteria;
  - c. Group or individual employee orientation regarding the evaluation process;
  - d. An opportunity for the employee to confer with the evaluator following the evaluation; and

- e. An opportunity for the employee to disagree (in writing) with the evaluation and to have the disagreement maintained with the evaluations.
- 5.8.3 Use of Evaluations in Connection with Employment Decisions – Unless prohibited by law (including applicable regulations) or the terms of the evaluation instrument, employment evaluations may be considered in making employment decisions, together with such other information and considerations as may reasonably bear upon the wisdom, necessity, or advisability of the employment decision. However, employment evaluations are intended to enhance the overall quality of the school system’s instructional program and are not intended to confer, constitute, or give rise to any individual right, entitlement, or enforceable expectation of continued employment or advancement. Accordingly, except as may be specifically provided otherwise in state law applicable to “contract principals,” employees do not acquire any employment right or right of legal action based on any actual or alleged failure on the part of the Board or the evaluator to follow specific evaluation policies, regulations, or procedures.
- 5.8.4 Special Evaluation Situations – The Superintendent, the Chief School Financial Officer, and other employees who serve in positions of special trust or sensitivity may be evaluated by such means as the Board deems appropriate and as may be permitted by law or applicable regulation.
- 5.8.5 Exempt Personnel – Except when required by law or contract, temporary, substitute, and occasional employees, or employees appointed to supplemental positions (e.g., coaches, extracurricular activity sponsors) will not be formally evaluated in those roles.

## **5.9 Personnel Records**

- 5.9.1 Content of Personnel Files – A central personnel file will be maintained 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.

- 5.9.2 Alternate Data Storage – Personnel file data may be stored or maintained electronically or digitally.
- 5.9.3 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.
- 5.9.4 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.

## **5.10 *Employee Leave***

- 5.10.1 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.
- 5.10.2 Absences – Except as otherwise authorized under Board policy, employees may be absent from work only in the following circumstances:
- a. Illness, injury or other qualifying reason for sick leave or on-the-job injury leave under state law or the Family Medical Leave Act;
  - b. Personal leave;
  - c. Vacation leave;
  - d. Professional leave;
  - e. Military leave;
  - f. Court leave;
  - g. Unavoidable and Hardship leave;
  - h. Professional organization leave;
  - i. Other unpaid leave that is specifically approved by the Board.

Employees who know in advance that they will be absent from work must notify the Board of the expected absence in accordance with procedures specified by the Superintendent or the Board and must obtain Board approval of any leave taken for fifteen (15) consecutive days or more

notwithstanding the type of leave utilized. In the event of an emergency or incapacity that makes advance notice impractical, employees must notify the Board of their absence as early as possible. Except as otherwise provided or permitted, an employee who is absent from work without approved leave will be considered absent without leave in violation of Board policy and subject to appropriate disciplinary measures. Employees who are approved for paid leave or absences will be paid at the regular daily rate of pay; however, a day of paid leave or absence will not be counted as a day worked for the purposes of computing overtime under the Fair Labor Standards Act. Pay will be reduced on a *pro rata* basis for leaves or absences not covered by sick, vacation, personal, or other appropriate form of paid leave. The continuation of benefits during an approved absence is subject to the provisions of the particular benefit policy or plan.

### 5.10.3 Paid Sick Leave –

- a. *Persons Eligible for Paid Sick Leave* – All regular full time employees are eligible for paid sick leave.
- b. *Earning and Accumulation of Paid Sick Leave* – All eligible employees earn sick leave days at the rate provided for in state law. Nine or ten month employees who work during summer school earn one sick day for the entire summer session. Eligible employees may accumulate sick leave as provided by state law.
- c. *Use of Sick Leave* – 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.

- d. *Certification* – Employees must certify that sick leave was used for one of the reasons provided in state law and specify the reason. 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 or documentation verifying a death may be required by the Board. Abuse of sick leave may subject the employee to disciplinary action. {Revised: November 19, 2020}

[Reference: ALA. CODE §16-1-18.1 (1975)]

5.10.4 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 injured employee submits written medical certification from the attending licensed physician stating that the employee was injured and 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.
- b. The employee submits a signed written account of the accident attested by a principal or department head within twenty-four (24) hours after the injury occurred. 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.

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.

[Reference: ALA. CODE §16-1-18.1 (1975)]

5.10.5 Personal Leave – Personal leave must be requested in writing in accordance with such procedures as may be established by the Superintendent. Employees shall not be required to provide the reason that personal leave is being requested.

a. *Certified employees* –

1. *Paid Personal Leave:* All regular full time certified employees are eligible for two non-cumulative personal leave days each scholastic year without loss of pay.
2. *Additional Personal Leave:* All regular full time certified employees may be granted three additional non-cumulative personal leave days each scholastic year for which the employee will be charged an amount equal to the average daily rate of pay for a substitute teacher.

b. *Classified employees* –

1. *Paid Personal Leave:* All regular full time classified employees are eligible for two non-cumulative personal leave days each scholastic year without loss of pay.
2. *Additional Personal Leave:* All regular full time classified employees may be granted three additional non-cumulative personal leave days each scholastic year for which the employee will be charged an amount equal to the average daily rate of pay for the employee's replacement.

c. *Unused Personal Leave* –

Unused personal leave will be accounted for in accordance with state law.

[Reference: ALA. CODE §16-8-26 (1975)]

5.10.6 Vacation –

a. *Eligible Employees* – Twelve-month full-time employees are eligible for paid vacation.

b. *Vacation Benefits* – Eligible employees will earn vacation benefits as follows:

Twelve-month employees who have been employed by the Jefferson County Board of Education for less than fifteen (15) years are entitled to earn up to ten (10) days' vacation

a year. These employees earn vacation at the rate of .83 days per month and it accrues on a monthly basis.

Twelve-month employees who have been employed by the Jefferson County Board of Education for fifteen (15) years or more are entitled to earn up to fifteen (15) days' vacation a year. These employees earn vacation at the rate of 1.25 days per month and it accrues on a monthly basis.

- c. *Accrual and Accumulation of Vacation Time* –Vacation days will be accrued from July 1 of each year through June 30 of the following year. Vacation days accrued in a vacation year may be taken during that vacation year or may be carried over for one additional year.

Employees with 0-14 years of service: Employees with zero (0) to fourteen (14) years of service may accumulate up to 20 days of vacation; but may not take more than ten (10) days of vacation during the same month. Any accrued vacation days in excess of ten (10) days are forfeited if not used by June 30.

Employees with 15 years or more service: Employees with fifteen (15) or more years of service may accumulate up to 30 days of vacation; but may not take more than fifteen (15) days of vacation during the same month. Any accrued vacation days in excess of fifteen (15) days are forfeited if not used by June 30.

Exceptions to the monthly limits may be made by the Superintendent in emergency situations.

Vacation days may not be bought, sold, or donated. Accumulated vacation time will be forfeited if not used prior to the effective date of resignation or retirement. No payment will be made for any vacation leave that is unused as of the employee's resignation, termination or death.

- d. *Scheduling* – Vacations must be scheduled with the knowledge and approval of the employee's supervisor.

5.10.7 Professional Leave – The Superintendent, or his designee, is authorized to grant professional leave with pay to Board employees to engage in educational activities which, in the judgment of the Superintendent, 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.

5.10.8 Military Leave – Military leave is available to all eligible employees in accordance with state and federal law.

- 5.10.9 Court Leave – 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 proceedings 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 trials, or to otherwise prepare for or participate in legal proceedings brought by or against the employees individually unless the presence of the employee is requested or required by the Board.
- 5.10.10 Unpaid Study Leave – Upon written application by the employee, the Board may provide an unpaid leave of absence for up to one year to pursue study or professional growth opportunities. Such leave is available to nonprobationary certified personnel only. 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 leave at the discretion of the Board.
- 5.10.11 Unavoidable and Hardship Leave – Employees who are unable to report to work because of their displacement or the imposition of extraordinary personal burdens or hardship caused by natural disasters, acts of terrorism, and like acts, events, or conditions may be granted up to twenty (20) days of hardship leave with pay upon approval of the Superintendent.

Employees who are unable to report to work for other reasons beyond their control may be granted up to five (5) days leave with pay upon approval of the Superintendent.

Such leave shall not be granted to employees whose inability to report to work is based on or caused by the employee's misconduct, willful breach of Board policy, or violation of the law (e.g., incarceration).

- 5.10.12 Professional Organization Leave – Unless otherwise prohibited by law, each employees' local professional organization with at least ten percent (10%) of Board employees as active members will be granted one (1) day of leave for every 35 active members each scholastic year in order to allow selected members to attend meetings as official representatives of the professional organization. Before such leave is utilized, the organization in question shall pay the Board for the cost of the substitute for the member taking the leave. Individual employees may only take up to five (5) days of such leave each scholastic year. Each professional organization will furnish a list of active members to the Board for determining the number of days to be allotted if the professional organization desires to qualify for this type leave.

## 5.11 *Family and Medical Leave Act (FMLA)*

5.11.1 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.

5.11.2 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.

For the birth, adoption, or foster placement of a child, the entitlement to leave for childcare 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.

5.11.3 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.

5.11.4 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.

5.11.5 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.

5.11.6 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.

- 5.11.7 Use of Vacation and Sick Leave – If an employee has available sick leave, vacation 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.
- 5.11.8 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.
- 5.11.9 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.

- 5.11.10 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.
- 5.11.11 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.
- 5.11.12 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.

- 5.11.13 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.

## **5.12 Sick Leave Bank**

A "Sick Leave Bank" plan for full-time certified and classified employees is hereby established in accordance with applicable provisions of state law. A Sick Leave Bank Committee has been established to oversee the operations of the Sick Leave Bank in accordance with state law and the following provisions:

- a. *Sick Leave Bank Committee* – The Sick Leave Bank Committee will be composed of one member representing the Board and four members representing participating members of the sick leave bank.

*Board Representative* – The Member representing the Board will be appointed by the Superintendent, subject to Board approval.

*Participant Representatives* – The participant representatives will be selected by the sick leave bank members.

- b. *Procedures for Selecting Employee Representatives on Committee*

1. *Nomination* – Before each election of participant representatives, the Board will hold an open nomination period. Any employee who is eligible to participate in the sick leave bank may be nominated for one of the participant representative positions. Nominations must be written and must be received in the Human Resources Department by the deadline specified in a notice to be provided by the Superintendent or his designee through Board publications and other means of communication that are generally used for such purposes.

2. *Voting* – Each eligible nominee will be placed on the Sick Leave Bank Committee ballot. Voting will take place by ballot at Board facilities at the time specified or as may otherwise be provided by the Board. Supervision of voting will be by local facility personnel. Voting members will be required to verify their ballot by signing the Board’s voter record. Votes will be forwarded to the Human Resources Department for final tabulation. The four candidates receiving the highest number of votes will serve as participant representatives on the Sick Leave Bank Committee.
- c. *Term of Committee Members* – Sick Leave Bank Committee members will serve for a term of one year and may not serve for more than five years.
- d. *Chairman of the Sick Leave Bank Committee* – The Sick Leave Bank Committee will elect a chairman from among its representatives at its first annual meeting. The chairman will be responsible for recording organizational minutes, for conducting meetings, and for organizing meetings as necessary.
- e. *Meetings* – The Sick Leave Bank Committee will meet at least annually following each enrollment period. The Committee will also meet as necessary in its discretion.
- f. *Sick Leave Bank Committee Duties* – The Sick Leave Bank Committee will develop proposed rules and regulations for the Sick Leave Bank, to be submitted to participating members for approval. At a minimum, said rules and regulations must include those terms and provisions that are required by statute. The Committee has the authority to review both participation in the Bank and requests for leave to ensure compliance with state law, Board policy, and such rules and regulations as may be adopted by the Sick Leave Bank Committee.
- g. *Employee Participation* – Participation in the Sick Leave Bank is voluntary and open to all full-time employees of the Board. However, employee participation is subject to such rules and regulations regarding enrollment procedures, deposits, withdrawals, and participation as may be developed by the Committee.

[Reference: ALA. CODE §16-22-9 (1975)]

### **5.13 *Equal Employment Opportunity***

- 5.13.1 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.
- 5.13.2 Implementing Regulations Authorized – The Superintendent is authorized and directed 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.

### **5.14 *Employee Sexual Harassment***

- 5.14.1 Sexual Harassment Prohibited – Sexual harassment in any form that is directed toward employees is prohibited. Persons who violate the policy will be subject to the full range of disciplinary consequences up to and including termination as dictated by the nature and severity of the violation and other relevant. If appropriate, the circumstances constituting the violation may be reported to law enforcement agencies for further investigation and action.
- 5.14.2 Definition – Title IX regulations define sexual harassment to include one or more of the following:
- a. An employee conditioning the provision of an aid, benefit, or service of the school/school district on an individual's participation in unwelcome sexual conduct (i.e., *quid pro quo* sexual harassment);
  - b. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the school/ school district's education program or activity; or
  - c. Sexual assault, dating violence, domestic violence, or stalking, as each of those terms is defined by federal statutes enumerated in the Title IX regulations, 34 C.F.R. § 106.30(a).

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

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

5.14.3 Sexual Harassment Complaint Procedures Authorized – The Superintendent is authorized and directed to establish, implement and revise more detailed sexual harassment complaint procedures in compliance with Title IX that are designed to provide students who believe that they are victims of unlawful sexual harassment with a thorough, discreet, and prompt internal procedure for investigating and resolving sexual harassment complaints. The process and procedures will be drafted so as to provide supportive measures, facilitate the gathering of relevant facts and evidence, permit timely assessment of the merits of the complaint, provide an opportunity for informal resolution of complaint where appropriate, eliminate any harassment that is established by the investigation, and prevent any retaliation based upon the filing of the complaint. The procedures will reflect due regard for the legal rights and interests of all persons involved in the complaint, and will be drafted, explained, and implemented so as to comply with federal regulations, and to be understandable and accessible to all student population groups and ages.

5.14.4 Initial Confrontation of Accused Harasser Not Required – An employee who invokes the harassment complaint procedure will not be required to present the complaint to the accused or suspected harasser for resolution. Employees will be permitted to report allegations of suspected harassment to any employee and such persons have a duty to promptly refer such allegations to the Title IX Coordinator or to take such action as may be required by the procedures established under “Sexual Harassment Complaint Procedures Authorized” above. In no case will any employee who is the subject of a complaint be permitted to conduct, review, or otherwise exercise decisionmaking responsibility in connection with the processing of the complaint.

5.14.5 Notice of Policy to be Promulgated – The Superintendent will promulgate and disseminate this policy and the complaint procedures to applicants for admission and employment, the schools, parents and legal guardians, unions

and professional organizations, and will take such other steps and measures as may be reasonably available and expedient for informing the school community of the conduct prohibited by this policy and the recourse available to students who believe that they have been subjected to sexual harassment.

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

5.14.7 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.

5.14.8 Penalties for Violation – Any employee who violates the terms of this policy or who impedes or unreasonably refused to cooperate with a Board investigation regarding allegations of sexual harassment will be subject to appropriate disciplinary action, up to and including termination. {Revised: September 24, 2020}

## **5.15 Harassment**

The Board strictly prohibits unlawful discrimination in all of its programs, offices, departments and facilities. Harassment is a form of unlawful discrimination and will not be tolerated. Sexual harassment is also prohibited, but is expressly addressed in the Board's Title IX policy, and should be directed to the Title IX Coordinator. This policy applies to all other forms of harassment, including non-sexual harassment based on sex.

5.15.1 Harassment – Unwelcome hostile, intimidating or offensive conduct or communication that is based on race, color, religion, sex (including pregnancy, sexual orientation, and gender identity, but not including sexual harassment), national origin, age (40 or older), disability or genetic information when:

- a. Such conduct or communication is so severe or pervasive as to alter the terms or conditions of employment; and
- b. Creates an abusive working environment.

Harassment does not include simple teasing, off-hand comments, petty slights, annoyances, or isolated incidents (unless they are extremely serious).

5.15.2 Examples of Prohibited Conduct – The following are examples of conduct that may constitute harassment, depending on individual circumstances:

- a. Verbal harassment or abuse, including offensive jokes, slurs, epithets, name-calling, intimidation, ridicule, mockery, insults, humiliation;
- b. physical assault or threats;
- c. offensive objects or pictures;
- d. interference with work performance.

5.15.3 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 non-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 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 to initiate formal complaint procedures.

5.15.4 Formal Complaint Procedure –

- a. *Persons Responsible for Receiving and Investigating Formal Complaints* – The Superintendent is responsible for receiving and investigating formal complaints regarding non-sexual harassment. All complaints of sexual harassment must follow the Title IX sexual harassment complaint policy and procedures. The Director of Human Resources is an additional official to which formal complaints can be reported. If the Superintendent is unavailable or is the subject of the complaint, the alternate should be contacted regarding the formal complaint.
- b. *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 designated alternate official.
- c. *Investigation* – The Superintendent 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 any action that is taken as a result of the investigation.

- d. *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.

5.15.5 Confidentiality – To the extent possible, reports of harassment will be kept confidential; however, complete confidentiality cannot be guaranteed.

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

5.15.7 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 harassment will be subject to appropriate disciplinary action, up to and including termination. {Revised: September 24, 2020}

## ***5.16 Reduction-In-Force***

### ***5.16.1 Definition and Scope*** –

- a. This policy applies to reductions-in-force that are implemented by “layoffs” as contemplated by Ala. Code §16-1-33 (1975).
- b. A reduction-in-force may be declared by the Board of Education and layoffs approved thereunder if the Board determines that decreased student enrollment or a shortage of revenues requires a reduction in the work force (beyond normal attrition) in order to maintain effective provision of educational services or to meet the Board’s financial, legal, or operational obligations.
- c. A “layoff” within the meaning of this policy is a separation from employment with the Board of Education. However, employees who are laid off under authority of this policy are eligible for recall to employment as conditionally provided in this policy. The term “layoff” does not include or apply to the expiration of temporary, occasional, or “at-will” appointments or to decisions not to renew or extend employment beyond the expiration of annual or other specified terms of appointment.

5.16.2 Criteria for Implementing Layoffs –

- a. The order, priority, rank, or selection of individual employees who are to be laid off under authority of this policy shall be determined on the basis of objective criteria. However, nothing herein shall be deemed or construed to limit or abridge the Board’s legislative discretion to identify areas, departments, groupings, or classifications for reductions (layoffs). (For example, the Board is not required to justify by objective criteria or otherwise a decision to implement layoffs in noninstructional categories or employees before doing so with instructional staff).
- b. The criterion or criteria on which the layoffs are to be based shall be announced or otherwise made known by the Board to employees affected by the layoff no later than the date notice of the layoff is provided to the employees.
- c. “Objective criteria” within the meaning of this policy may include any lawful selection standard (or combination of standards) that is verifiable, calculable, measurable, or otherwise determinable by means or methods other than the personal or subjective judgments or opinions of the person(s) applying the criteria, and that would be expected to produce the same result if applied to the same employees or group of employees by different persons. For purposes of this policy, objective criteria may include, but are not limited to:
  - Seniority, longevity, or time in service that will be more specifically described in the notice of layoff that is provided to affected employees
  - Years of experience

5.16.3 Recall – Employees who have been laid off under the terms of this policy will be given priority in filling positions as enrollment or financial circumstances warrant, provided that:

- a. The nature of the position and qualifications therefore have not materially changed;
- b. The laid-off employee remains properly qualified, licensed, or certified; and
- c. The laid-off employee confirms in writing his or her availability for and interest in re-employment to the Board in accordance with

any directives that may be contained in or transmitted in conjunction with the notice of layoff.

Circumstances permitting, and to the extent practicable, the selection of employees for recall will be based on the criteria that were applied to the layoffs themselves if there are more employees eligible for recall than positions available to fill. When layoffs occur over a period of time, the Board will take relative length of separation from service into consideration in assigning recall priority, other factors being equal. In no case will any right to be recalled to employment extend beyond one year from the effective date of the employee's layoff. Recalled employees will retain credit for the tenure, years of service, and the pay and benefit status they held on the effective date of their layoff. No pay, benefits, status, or additional rights will accrue or be credited to the recalled employee for the time he or she has been laid off.

- 5.16.4 Notice – Notification of layoff and recall shall be by United States certified or registered mail, hand delivery, or such other means as are reasonable under the circumstances. Upon receipt of notification of recall, a laid-off employee shall respond affirmatively to the notice of recall in accordance with such specific directions or instructions as may be contained therein. Any laid-off employee who does not so respond or who otherwise declines an offer of reemployment by the Board will be deemed to have waived any right to be recalled under the terms of this policy.

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

## **5.17 *Unauthorized Payments***

- 5.17.1 Notification to the Employee – Upon discovery of any unauthorized or erroneous payment or disbursement of funds to an employee, the Board 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 certified 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 Board's ability to recover funds in question could be jeopardized by doing so, the Board will arrange a reasonable schedule of repayment so as to avoid undue hardship to the employee.
- 5.17.2 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 complaint procedure. Monies may be withheld by the Board pending completion of the grievance process, provided that, should the Board 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 Board is unable to contact the employee in the first instance, the Board 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.

- 5.17.3 Repayment Required as a Condition of Reemployment – The Board reserves the right to require repayment of any outstanding indebtedness as a condition to reemployment of any former employee.
- 5.17.4 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.

5.18 ***Drug and Alcohol Testing of Safety Sensitive Employees***

5.18.1 Scope – The Board will conduct employee drug and alcohol testing for employees in safety sensitive positions as required by and in accordance with federal law. Testing will be required for all employees holding a commercial drivers' license (CDL) or who occupy a safety sensitive position as designated by the Board ("covered employees").

5.18.2 Prohibited Alcohol and Controlled Substance-Related Conduct – In addition to activities identified in other policies, rules, and procedures, Board employees are prohibited from the following:

- a. Reporting for duty or remaining on duty to perform safety-sensitive functions while having an alcohol concentration in excess of the standard set by the Federal Highway Administration (FHWA);
- b. Being on duty or operating a vehicle while possessing alcohol

- c. Consuming alcohol while performing safety-sensitive functions;
- d. Consuming alcohol within eight hours following an accident for which a post-accident alcohol test is required, or prior to undergoing a post-accident alcohol test, whichever comes first;
- e. Refusing to submit to an alcohol or controlled substance test required by post-accident, random, reasonable suspicion, or follow-up testing requirements;
- f. Consuming alcohol or being under the influence of alcohol within four (4) hours of going on duty, operating, or having physical control of a vehicle;
- g. Reporting for duty or remaining on duty when using any controlled substance, except when instructed by a physician who has advised the driver and the Board that the substance does not adversely impact the performance of any safety-sensitive duty;
- h. Reporting for duty, remaining on duty, or performing safety sensitive functions with controlled substances in the employee's system.

In the event of a violation of this policy, the employee shall be removed immediately from safety-sensitive duties and shall be subject to such further actions, including disciplinary action up to and including termination, as deemed appropriate by the Superintendent and the Board.

5.18.3 Testing Program Authorized – The Superintendent is directed to establish a testing program whereby all covered employees will be tested for the presence of alcohol and controlled substances. The following tests may be conducted:

- a. *Pre-employment Testing* – Prior to the first time a covered employee performs a safety-sensitive function for the Board, the employee must undergo testing for alcohol and controlled substances.
- b. *Post-accident Testing* – Each surviving driver of an accident, as defined by the FHWA, will be tested for alcohol and controlled substances. In addition, covered employees who are involved in an accident involving injury to a person, or property damage in excess of five hundred dollars (\$500.00) will be subject to post-accident testing.
- c. *Random Testing* – The Board will conduct unannounced random alcohol and controlled substance testing of its covered employees.

- d. *Reasonable Suspicion Testing* – A covered employee must submit to alcohol or controlled substance testing whenever there is reasonable suspicion of alcohol misuse or the use of controlled substances based on specific, contemporaneous, and articulable observations concerning the appearance, behavior, speech, or bodily odors of the employee.
- e. *Return-to-Duty Testing* – A covered employee must submit to return-to-work alcohol and/or controlled substance test before being permitted to return to work following a positive alcohol or controlled substance test or other violation of this policy or federal regulations.
- f. *Follow-up Testing* – Any employee who continues performing safety-sensitive functions for the Board, following a determination that the employee requires assistance in resolving problems associated with alcohol misuse or the use of controlled substances, shall be subject to unannounced follow-up alcohol or controlled substance testing as directed by the Board’s substance abuse professional (SAP).

5.18.4 Administration of Program – The Superintendent is authorized to oversee the Board’s testing program, to contract with appropriate providers to implement the program, to develop guidelines, rules and regulations, to implement training programs, to develop and distribute educational materials and appropriate notices to covered employees, and to take such further action as may be required by federal law.

[Reference: Omnibus Transportation Employee Testing Act of 1991]

5.18.5 Compliance with Drug & Alcohol Clearinghouse Requirements – In accordance with federal law, covered employees must consent to an appropriate federal Drug & Alcohol Clearinghouse query in order to operate a commercial motor vehicle for the Board. Each covered employee must sign a limited consent for the Board’s designee to conduct a limited Clearinghouse query. Any covered employee who declines to give consent for a limited query will not be permitted to operate a commercial motor vehicle for the Board until such consent is given. Limited queries do not reveal specific information about employees. If a limited query shows that there is information in the Clearinghouse on the covered employee, the covered employee must consent to a full query, which must be conducted immediately. The covered employee will not be permitted to drive or perform safety-sensitive functions until the query results confirm that the employee’s Clearinghouse record contains no prohibitions as defined under the regulations. Any covered employee whose record reveals such prohibitions will not be permitted to drive or otherwise perform safety-sensitive functions until the covered employee

successfully completes the return-to-duty process. Any covered employee's refusal to consent or to successfully complete the return-to-duty process in accordance with federal law will be subject to disciplinary action up to and including termination.

5.18.6 Reports to Clearinghouse – The following information will be reported to the Clearinghouse in accordance with FHWA regulations:

- a. A verified positive, adulterated, or substituted drug test;
- b. An alcohol confirmation test with a concentration of 0.04 or higher;
- c. A refusal to submit to any test required by law, as enumerated above;
- d. The Board's report of actual knowledge as defined by law (i.e., direct observation, information from previous employer(s), or a traffic citation for driving a commercial motor vehicle while under the influence of alcohol or controlled substances), of:
  - (1) On duty use;
  - (2) Pre-duty use;
  - (3) Alcohol use following an accident;
  - (4) Controlled substance use;
- e. A substance abuse professional's (SAP) (as defined by law) report of successful completion of the return-to-duty process;
- f. A negative return-to-duty test; and
- g. The Board's report of completion of follow-up testing.

5.18.7 Disciplinary Action – The availability of a return-to-duty process and/or follow-up testing under this policy does not obligate the Board to provide an employee with those opportunities. The Board reserves the right to terminate or otherwise discipline employees who violate this policy in accordance with applicable state law. {Revised: September 24, 2020}

[Reference: 49 U.S.C. §31306a; 49 C.F.R. §382.701, et. seq.]

## **5.19 Searches (Personnel)**

- a. *Board Property* – All school system property, facilities, and grounds may be entered, inspected, and searched for any lawful purpose by Board

officials or their designees at any time, without prior notice and to the fullest extent permitted by law. The right to enter, inspect, and search includes and extends to (but is not limited to) Board owned or controlled offices, desks, file cabinets, lockers, storage areas, computers, files, documents, data, and devices however and wherever kept, stored, or maintained.

- b. *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.
- c. *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.

## **5.20 *Permanent Residency Sponsorship***

5.20.1 Authority and Criteria – The Board, upon written recommendation of the Superintendent, may agree to serve as the employer sponsor for an employee who is seeking to obtain lawful permanent resident status in the United States, if each of the following criteria are met:

- a. The employee is a certificated employee employed by the Board.
- b. The employee is not subject to pending suspension or other disciplinary action and is otherwise an employee in good standing.
- c. The employee has obtained tenure, non-probationary status, or a statutorily sanctioned form of employment security recognized by the Board.
- d. The Board has employed the employee for at least five years.
- e. The employee works in a subject area that is specialized or that has traditionally and consistently been difficult for the Board to staff, such that it is reasonably anticipated by the Board’s administration that labor certification criteria can be met (e.g., that an able, willing, qualified, and available United States worker will not be displaced).
- f. The Board’s responsibility to pay fees and costs is limited to those that applicable laws and/or regulations require the employer to pay as a part of the sponsorship process (e.g., legal fees for preparing

and filing employer's PERM Labor Certification and I-140 Petition).

- g. The employee agrees to pay all fees and costs that the employer is not required by law or regulation to pay (e.g., fee for filing I-140 Petition, premium processing fee(s), I-485 Petition).

5.20.2 Specific Decision-Making Authority – The Board maintains the ultimate decision-making authority to retain counsel to represent the Board in all aspects of employer sponsorship under this policy, as well as the discretion and ability to withdraw sponsorship at any time.

5.20.3 Delegation – If sponsorship is recommended by the Superintendent and agreed to by the Board, the Board delegates, grants, and otherwise authorizes the Superintendent or the Director of the Board's Human Resources Department to execute on the Board's behalf all employer-sponsored petitions and other documentation needed to effectuate the sponsorship process. The Superintendent is otherwise authorized to develop procedures to permit an employee meeting the foregoing criteria to request sponsorship by the Board and to otherwise implement this policy. {Board Approved: March 22, 2018}

[Reference: 20 C.F.R. Part 656]

## **5.21 *Prohibition on Aiding and Abetting Sexual Abuse***

Neither the Board nor any employee, contractor or agent of the Board shall assist another school employee, contractor or agent in obtaining a new job if the individual or the Board knows, or has probable cause to believe, that the other employee, contractor, or agent engaged in sexual misconduct regarding a minor or student in violation of the law. This prohibition does not apply to the routine transmission of administrative and personnel files.

In addition, this prohibition does not apply if the information giving rise to probable cause has been properly reported to a law enforcement agency with jurisdiction over the alleged misconduct, and has been reported to any other authorities as required by local, state or federal law, and at least one of the following conditions applies:

1. The matter has been officially closed or the prosecutor or police with jurisdiction over the alleged misconduct has investigated the allegations and notified school officials that there is insufficient information to establish probable cause that the school employee, contractor, or agent engaged in sexual misconduct regarding a minor or student in violation of the law; or
2. The school employee, contractor, or agent has been charged with, and acquitted or otherwise exonerated of the alleged misconduct; or

3. The case or investigation remains open and there have been no charges filed against or indictment of the school employee, contractor or agent within four years of the date on which the information was reported to a law enforcement agency. {Board Approved: November 19, 2020}

{Reference: 20 U.S.C. §7926}

## VI. Students

### 6.0 *Admission for Homeless, Migratory, Immigrant, Limited English Proficient, and Foster Care Students*

All homeless, migratory, immigrant, limited English proficient, and/or foster care students shall have equal access to the same free appropriate public education, including public preschool education, provided to other children and youth. Such students will be provided the opportunity to meet the same challenging state content and state student performance standards to which all students are held without being stigmatized or isolated.

The enrollment of homeless, migrant, immigrant, limited English proficient, and/or foster care children and youth shall not be denied or delayed due to any of the following barriers:

- A. Residency requirements
- B. Lack of social security number
- C. Lack of birth certificate
- D. Lack of school records or transcripts
- E. Lack of immunizations or health records
- F. Guardianship or custody requirements
- G. Transportation
- H. Language barriers
- I. Disabilities {Revised: January 26, 2017}

### 6.1 *Admissions and Attendance*

6.1.1 Compulsory Attendance and Entrance Age – All persons between the age of six and seventeen years of age are required by state law to attend school for the minimum number of scholastic days prescribed by the State Board of Education unless the person holds a certificate of exemption issued by the Superintendent or is otherwise exempt under state law.

[Reference: ALA. CODE §16-28-3 (1975)]

6.1.2 Admission to Schools –

- a. *Resident Students* – School-aged children who reside within Jefferson County, Alabama and not within the limits of a city operating an independent municipal school system, may be admitted to Jefferson County schools. For purposes of this policy, the residence of the student will be the residence of the custodial parent or legal guardian.
- b. *Non-resident Students* – The Board may permit students who do not reside within the Jefferson County School District to attend

schools within the school system. The Board may establish criteria for admission of non-resident students, and may require the payment of tuition as a prerequisite to enrollment. The Board will not provide transportation to and from school or homebound instruction outside of the limits of Jefferson County, Alabama.

c. *Homeless Students –*

1. *Enrollment.* Homeless students will be permitted to enroll without regard to residency status and may be entitled to other accommodations under federal law.

2. *Dispute Resolution.* When a dispute arises regarding school placement, the system will immediately enroll the homeless student in the school in which enrollment is sought by the parent, guardian, unaccompanied youth, and/or educational decision-maker pending resolution of the dispute. The Dispute Resolution Form must be completed and filed with the LEA Superintendent or designee. The Homeless Liaison will expeditiously carry out the system's dispute resolution procedures as detailed in the Board's Homeless Student Plan. *{Revised: January 26, 2017}*

d. *Students Expelled or Suspended from Other School Systems –* Any student who is under suspension or expulsion from another school system or a private, parochial, or other school will not be permitted to enroll until the student has satisfied the conditions for readmission set by the expelling or suspending board or authority in addition to generally applicable admission requirements established by the Board.

e. *Required Documentation –* Students entering the school system for the first time, regardless of grade level, will be required to submit a certified birth certificate, documentation or other proof of residency, and such other registration materials as school officials may reasonably require, including but not limited to a certificate of immunization or an exemption as prescribed by the Department of Health and signed by a private physician or appropriate health department official. The Superintendent may accept alternate forms of evidence or modify otherwise applicable requirements as necessary and appropriate to accommodate migrant, immigrant, or homeless students.

f. *Placement of Students –* The Board will determine the placement of newly enrolled students in accordance with state law.

6.1.3 Attendance Zone and Class Assignment –

- a. *Attendance Zone Assignment* – Students will be assigned to the school serving the attendance zone in which his parent(s) or legal guardian reside(s). A student whose parent or legal guardian moves from one attendance zone to another during the school year will be transferred to the school attendance zone in which the new residence is located. The student may be permitted to remain in the school attendance zone that serves the former residence until the end of the semester if all Board procedures are fully complied with and all required documents are timely submitted. Assignment decisions shall be made in accordance with and pursuant to federal court orders concerning desegregation, as applicable.
- b. *Class Assignment* – Principals will assign students to classes in keeping with school accreditation standards and any procedures or criteria that may be established at the system or school level.

6.1.4 Absences and Excuses – Students are not permitted to be absent from school without a valid excuse. Absences will be designated as excused or unexcused. Excused absences will be permitted for the following reasons:

- Personal illness
- Hospitalization
- Emergency
- Death in immediate family
- Court subpoena
- Religious holidays
- Absences approved by the principal

Documentation supporting an excused absence must be submitted in a timely manner or the absence will be deemed to be unexcused. Excessive absences may result in a loss of academic credit or referral of the matter to juvenile or other appropriate legal authorities for investigation.

*{Revised: March 12, 2019}*

6.1.5 Truancy – Parents or guardians are required to ensure that students under their care, custody or control attend school regularly. Habitual or excessive absence from school may require Board officials to refer the matter to juvenile authorities or to initiate truancy proceedings.

[Reference: ALA. CODE §16-28-1, *et seq.* (1975); Ala. Admin. Code 290-3-1-.02]

## 6.2 *Transfers and Withdrawals*

6.2.1 Transfers – All transfers between schools within the school system shall be administered pursuant to transfer guidelines and procedures approved by the federal court in the pending desegregation case involving the school

board. Transfer requests must be submitted in writing and must include detailed reasons for the request. The existence or availability of a transfer process does not create or give rise to any right to attend a particular school, and school assignment remains wholly with the discretion of the Board, except to the extent otherwise provided by applicable court order regarding desegregation.

- 6.2.2 Withdrawals – No student of compulsory attendance age will be permitted to withdraw from school except in accordance with state law and any withdrawal procedures that may be developed by the Superintendent.

[Reference: Ala. Admin. Code 290-3-1-.02]

### **6.3 *Student Fees, Fines, and Charges***

Reasonable fees, fines, and charges not prohibited by law may be established by the Superintendent. All such fees, fines, and charges will be collected and accounted for in accordance with the procedures, rules, and regulations to be developed by the Chief School Financial Officer or as provided in the Board finance or local school finance manual(s).

### **6.4 *Extracurricular Activities***

- 6.4.1 General – Students may be offered an opportunity to participate in extracurricular activities and organizations. Extracurricular activities must meet the following criteria:

- a. The organization or activity must be approved by the school principal and must have an assigned faculty supervisor or sponsor;
- b. The organization or activity must promote or serve the intellectual, cultural, personal, or physical development of the student in a manner that is consistent with the purposes of public education, the Board’s legal mandate, mission statement, policies, and regulations, and with applicable requirements of state and federal law;
- c. The organization or activity must operate under and subject to general supervision of school officials; and
- d. The nature of the organization and its activities are not inconsistent with and do not interfere with instructional activities of requirements.

Student participation or membership in such organization activities may be governed by the specific policies of the organization and is subject to review and approval by the principal.

- 6.4.2 Interscholastic Athletics – Participation in Board-sanctioned athletic programs will be on such terms and conditions as may be approved by the Board and any athletic association of which the Board is a member. Schools may establish terms and conditions for participation in such programs as long as school eligibility criteria are not inconsistent with system-wide eligibility or participation criteria, rules, regulations, or standards established by any athletic association or organization of which the Board is a member, or any rule, principle, or provision of applicable law.

All students engaged in an interschool athletic program sponsored by the school system shall have written parental consent on file and have successfully passed a physical examination by a licensed physician. The physical examination form signed by the licensed physician shall state that the student is in appropriate cardiovascular condition to participate in the respective sport through the school or otherwise provide school officials with parental certification that this coverage is provided by family insurance policy(ies) and/or that coverage is not desired. All athletes participating in junior or varsity athletic programs shall be required to purchase school accident insurance or provide school officials with a parental statement that sufficient coverage is otherwise provided by the parent.

All students participating in athletic activities will be insured under a catastrophic student accident policy.

- 6.4.3 Eligibility Requirements – The Board prescribes the following regulations for eligibility in this school system to participate in all extracurricular activities.

a. *Grades 10 – 12.* Students entering Grades 10 through 12 must, for the immediate preceding school year, have passing grades of at least a 70 composite numerical average and earn the appropriate number of credits in each of six (6) subjects that total six (6) Carnegie units of credit, including four (4) credits from the four (4) core subjects composed of English, science, social studies, and mathematics.

1. Physical education may count as only one (1) unit per year.
2. No more than one (1) Carnegie unit may be made up during summer school. If a unit(s) or subject(s) is repeated in summer school, the higher numerical grade for the unit(s) or subject(s) may be used to compute the composite grade average.

3. Eligibility will be determined on the first day of the local school year and will remain in effect for one (1) complete school year. Students ineligible at the beginning of an academic year may become eligible at the end of the first semester if they meet all academic requirements at that time. *Bona fide* transfers may be dealt with according to the rules of the Alabama High School Athletic Association for sports and rules to be developed by this Board of Education as they pertain to other extracurricular activities.
  4. Each eligible student involved in athletics must meet the definition of a regular student as defined by the Alabama High School Athletic Association.
  5. Any student who earns more than four (4) credits in the core curriculum in any given year or who accumulates a total in excess of the required four (4) per year may be exempt from earning the four (4) core courses in the succeeding year as long as that student remains on schedule for graduation with his/her class.
- b. *Grades 8 – 9.* Students entering Grades 8 and 9 must, for the immediately preceding school year, have a passing grade in five (5) subjects with a composite numerical average of 70 with all other rules applying the same as to students in Grades 10 – 12.
  - c. *Grade 7.* Students promoted to the seventh grade for the first time are eligible.
  - d. *Extracurricular Activities.* For the purposes of this subsection, extracurricular activities associated with athletics are defined as those recognized and sanctioned by the Alabama High School Athletic Association, and other extracurricular activities are defined as those that are sanctioned by a public school that are not related to a student’s academic requirements or success in a course(s). Notwithstanding anything to the contrary in this policy, student participation in extracurricular activities offered by the school through math, science, band, choral, music, and other courses at events such as athletic events (pre-game, game, halftime, or other breaks), club conventions, parades, amusement park trips and competitions, trips by tour companies, performance at various meetings, etc. are extracurricular, and students academically ineligible under this policy will not be allowed to participate.

- e. *Regular Curricular Activities.* Regular curricular activities are defined as those that are required for satisfactory course completion.
- f. *Approval of Curricular Activities.* School sponsors are required to submit a request for each curricular activity that occurs outside the regular school day and/or school to the principal, Superintendent, and the local Board of Education for approval. Each request for full participation by all students, regardless of academic standing, in a curricular activity will be granted if the principal, Superintendent, and the local Board of Education approve participation in the activity as an extension of a course(s) requirement(s) and it is an event sanctioned by a state/national subject matter association.

[Reference: Ala. Admin. Code 290-3-1-.02(19)]

## **6.5** *Off-Campus Events*

Student participation in and travel to off-campus events, concerts, functions, and activities, and the use of school buses or other transportation for such purposes may be authorized under and subject to the following terms and conditions:

- a. The destination is an activity, event, or function that services a *bona fide* educational or related extracurricular purpose, or is an athletic event or function sponsored or sanctioned by the school or the school system and the state athletic association;
- b. Adequate information regarding the trip (e.g., destination, duration, purpose, educational purpose, mode of transportation, nature and extent of student participation) has been provided to the principal, program director, and Superintendent.
- c. Adequate arrangements are made for supervision and other risk management considerations (e.g., parental permission, medical treatment authorization, special insurance requirements);
- d. Properly certified and qualified drivers have been selected and arrangements for the costs of the trip (e.g., salary, fuels, maintenance, lodging) have been made; and
- e. Board approval of the trip is obtained.

The Board does not assume responsibility for ensuring the safe operation of vehicles that are not owned or operated by the Board.

The Superintendent is authorized to develop additional specific requirements for participation in and travel to and from official events and activities that are consistent with the terms of this policy. {Revised: November 19, 2020}

## **6.6 *Student Publications***

The Superintendent is authorized to develop rules and regulations regarding student publications. Student publications are subject to and will be expected to meet standards associated with responsible journalism. The principal and student publication sponsor are responsible for the content of such publications.

## **6.7 *Student Employment (Work Release)***

Off school campus student employment during regular school hours may be authorized under and subject to the following terms and conditions:

- a. The employment does not violate state or federal law;
- b. The employment does not conflict with the student's academic coursework;
- c. The employment is necessary for the student to continue in school;
- d. Written approval is obtained from the student's parent or legal guardian and the Superintendent or his designee;
- e. Other rules, regulations, and requirements, including those pertaining to early dismissal or checkout, are observed; and
- f. Other rules and regulations that may be developed by the Superintendent and approved by the Board.

## **6.8 *Equal Educational Opportunities***

No student will be unlawfully excluded from participation in, be denied the benefits of, or subjected to discrimination in any program or activity offered or sponsored by the Board on the basis of race, ethnicity, color, disability, creed, national origin, sex, immigrant or migrant status, non-English speaking ability, or homeless status. {Revised: January 26, 2017; September 24, 2020}

## **6.9 *Student Sexual Harassment***

- 6.9.1 Sexual Harassment Prohibited – Sexual harassment in any form that is directed toward students is prohibited. Persons who violate the policy will be subject to the full range of disciplinary consequences up to and including termination (for employees) and expulsion (for students) as dictated by the nature and severity of the violation and other relevant

considerations. If appropriate, the circumstances constituting the violation may be reported to law enforcement agencies or child welfare agencies for further investigation and action.

6.9.2 Definition – Title IX regulations define sexual harassment to include one or more of the following:

- d. An employee conditioning the provision of an aid, benefit, or service of the school/school district on an individual’s participation in unwelcome sexual conduct (i.e., *quid pro quo* sexual harassment);
- e. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the school/ school district’s education program or activity; or
- f. Sexual assault, dating violence, domestic violence, or stalking, as each of those terms is defined by federal statutes enumerated in the Title IX regulations, 34 C.F.R. § 106.30(a).

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

- e. Verbal harassment or abuse of a sexual nature, including graphic comments, the display of sexually suggestive objects or pictures, and sexual propositions;
- f. Repeated unwelcome sexual advances, solicitations of sexual activity or sexual contact;
- g. Unwelcome, inappropriate sexual touching;
- h. Demands for sexual favors accompanied by implied or overt promises of preferential treatment or threats with regard to the student’s educational status.

6.9.3 Sexual Harassment Complaint Procedures Authorized – The Superintendent is authorized and directed to establish, implement and revise more detailed sexual harassment complaint procedures in compliance with Title IX that are designed to provide students who believe that they are victims of unlawful sexual harassment with a thorough, discreet, and prompt internal procedure for investigating and resolving sexual harassment complaints. The process and procedures will be drafted so as to provide supportive measures, facilitate the gathering of relevant facts and evidence, permit timely assessment of the merits of the complaint, provide an opportunity for informal resolution of complaint

where appropriate, eliminate any harassment that is established by the investigation, and prevent any retaliation based upon the filing of the complaint. The procedures will reflect due regard for the legal rights and interests of all persons involved in the complaint, and will be drafted, explained, and implemented so as to comply with federal regulations, and to be understandable and accessible to all student population groups and ages.

- 6.9.4 Initial Confrontation of Accused Harasser Not Required – A student who invokes the harassment complaint procedure will not be required to present the complaint to the accused or suspected harasser for resolution. Students will be permitted to report allegations of suspected harassment to any appropriate Board administrator, teacher, counselor, or employee, and such persons have a duty to promptly refer such allegations to the Title IX Coordinator or to take such action as may be required by the procedures established under “Sexual Harassment Complaint Procedures Authorized” above. In no case will any employee who is the subject of a complaint be permitted to conduct, review, or otherwise exercise decision-making responsibility in connection with the processing of the complaint.
- 6.9.5 Notice of Policy to be Promulgated – The Superintendent will promulgate and disseminate this policy and the complaint procedures to applicants for admission and employment, the schools, parents and legal guardians, unions and professional organizations, and will take such other steps and measures as may be reasonably available and expedient for informing the school community of the conduct prohibited by this policy and the recourse available to students who believe that they have been subjected to sexual harassment. {Revised: March 23, 2017; Replaced: September 24, 2020}

## **6.10 Protection of Pupil Rights Amendment**

- 6.10.1 Consent – The Board will obtain parental consent before students are required to participate in a survey that concerns one or more of the following protected areas ("protected information survey") if the survey is funded in whole or in part by a program of the U.S. Department of Education (ED):
- a. Political affiliations or beliefs of the student or student's parent(s);
  - b. Mental or psychological problems of the student or student's family;
  - c. Sexual behavior or attitudes;
  - d. Illegal, anti-social, self-incriminating, or demeaning behavior;

- e. Critical appraisals of others with whom respondents have close family relationships;
- f. Legally recognized privileged relationships, such as with lawyers, doctors, or ministers;
- g. Religious practices, affiliations, or beliefs of the student or parent(s); or
- h. Income, other than as required by law to determine program eligibility.

6.10.2 Notice and Option to Opt Out – Parents will be provided notice and an opportunity to opt a student out of any of the following:

- a. Any survey that is designated to obtain protected information from a student, regardless of the source of funding;
- b. Any non-emergency, invasive physical exam or screening that is required as a condition of attendance, that is administered by the school or its agent, and that is not necessary to protect the immediate health and safety of a student, except for hearing, vision, or scoliosis screenings, or any physical exam or screening permitted or required under state law; and
- c. Activities involving collection, disclosure, or use of personal information obtained from students for marketing or for the purpose of selling or otherwise distributing the information to others.

6.10.3 Inspection – Parents will be allowed to inspect, upon request and before administration or use, the following:

- a. Protected information surveys of students;
- b. Instruments used to collect personal information from students for any of the above marketing, sales, or other distribution purposes; and
- c. Instructional material used as part of the educational curriculum.

6.10.4 Special Provisions for Certain Students – Students who are at least 18 years old and emancipated minors under state law will be allowed to take the above actions in lieu of their parents or guardians.

6.10.5 Additional Policies and Procedures Authorized – In consultation with parents, the Superintendent is authorized to develop additional policies, and arrangements to protect student privacy in the administration of

protected information surveys and in the collection, disclosure, or use of personal information for marketing, sales, or other distribution purposes. The Board will directly notify parents of these policies and procedures at the beginning of each school year and after any substantive changes are approved.

[Reference: 20 U.S.C. §1232h; 34 CFR Part 98]

### **6.11 *Student Records***

Educational records as defined by law or Board policy will be available for examination and review by authorized persons in the manner prescribed and to the extent required by law. Except where the context requires otherwise, the term “educational records” has the meaning given in 20 U.S.C. 1232g(a)(4). Copies of such records may likewise be provided to the extent required and under circumstances specified by applicable law or regulation. The Superintendent is authorized to establish administrative standards and procedures respecting access to such records, including a schedule of reasonable charges for the reproduction thereof. Parents will be provided required annual notification regarding educational records through the student handbook or by other appropriate means.

[Reference: 20 U.S.C. §1232g(a)(4); 34 CFR 99.3]

### **6.12 *Student Health Services***

The Board may offer limited student health services that are designed to address minor medical issues that may arise during the school day or to assist with special or chronic health problems. In cases of acute or contagious illnesses, parents or guardians may be notified and required to pick up the student. If a parent or guardian is not available, the principal or school nurse may contact the Department of Public Health. School officials are authorized to take reasonable and appropriate steps to provide or arrange for the provision of emergency medical services to students who require immediate medical attention. In case of illness or accidental injury not requiring immediate medical attention, standard first aid procedures may be followed. The Superintendent is authorized to develop and promulgate procedures, rules, and regulations concerning the taking, administration, and handling of medication at school consistent with state law and appropriate health standards.

### **6.13 *Student Conduct***

The Superintendent will prepare and present to the Board for adoption and periodic revision a Code of Student Conduct (“CSC”), with input from teachers, school personnel, students, parents and guardians, and other members of the education community and, as appropriate, the community at large. The CSC will comprehensively describe the rules and standards of conduct and discipline that will be maintained and enforced within Jefferson County schools. The CSC will set forth the specific grounds for disciplinary action, the penalties, sanctions, or

consequences that may be imposed for a violation of the CSC, the methods and procedures by which violations of the CSC will be determined, and any appeal or review procedures that are available to students. The CSC will incorporate applicable statutory and regulatory requirements, and the hearing and appeal procedures specified in the CSC will conform to applicable statutory and constitutional standards and requirements. The CSC may be incorporated in a student handbook and will be made available to all teachers, school personnel, students, parents and guardians at the beginning of each school year. The CSC will be deemed an extension of Board policy and will have the force and effect thereof.

[Reference: ALA. CODE §§16-28-12, 16-28A-1 to 3 (1975); Ala. Admin. Code 290-3-1-.02, 290-8-9-.09]

#### **6.14 *Searches (Students)***

- a. *Board Property* – All school system property, facilities, and grounds may be entered, inspected, and searched for any lawful purpose by Board officials or their designees at any time, without prior notice and to the fullest extent permitted by law. The right to enter, inspect, and search includes and extends to (but is not limited to) Board owned or controlled offices, desks, file cabinets, lockers, computers, files, documents, data, and devices however and wherever kept, stored, or maintained.
- b. *Personal Property* – Personal property, including but not limited to vehicles, purses, wallets, gym bags, book bags, cell phones, computers, and “personal digital assistant” (PDA) devices may be searched by authorized school officials, including school principals or their designees, when reasonable suspicion exists that the property contains prohibited materials, illegal substances, weapons, or other items that are reasonably deemed to present a risk or threat to the safety or welfare of the school community.
- c. *Personal Searches* – Students may be searched whenever reasonable suspicion exists that the student possesses prohibited materials, illegal substances, weapons, or other items that are reasonably deemed to present a risk or threat to the safety and welfare of the school community. Student searches must be conducted by a school administrator in the presence of another certified school employee and may include a private pat down of the student, a search of personal items and clothing, or a more thorough search upon specific approval of the Superintendent. Personal searches will be conducted with due regard for the age and gender of the student. Searches that require physical contact between the school official and the student, removal of clothing, or examination of the student in a way that would implicate privacy concerns must be conducted and witnessed by officials of the same gender as the student and in a way that preserves the dignity of the student to the extent practicable under the circumstances.

Refusal to submit to a search or to cooperate in a search as provided in this policy may be grounds for disciplinary action.

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

### **6.15 Corporal Punishment**

The Board allows reasonable corporal punishment of students under the following terms and conditions. Corporal punishment will be administered only as a disciplinary measure, with due regard for the age and physical condition of the student, and without excessive force. Corporal punishment will be administered by the school principal or his representative in the presence of another adult professional school system employee. Corporal punishment should not be administered in the presence of another student. The Superintendent is authorized to develop and implement procedures for administering and documenting corporal punishment, consistent with the terms of this policy.

[Reference: ALA. CODE §16-28A-2 (1975)]

### **6.16 Physical Restraint**

The Superintendent is authorized to develop written procedures governing the use of physical restraint as required by state law. The procedures will be published in accordance with the requirements of state law.

[Reference: ALA. ADMIN. CODE §§290-3-1-.01, 290-3-1-.02]

### **6.17 Student Suspension (including Students with Disabilities)**

In order to maintain order, minimize the risk of potential personal injury, property damage or disruption, or to permit an orderly investigation and evaluation of a suspected violation of school or school system rules, standards, or policies, principals may temporarily suspend a student pending a conference with the parent or guardian of the student and a final disciplinary decision. Suspension may also be imposed as a disciplinary measure as provided in the Code of Student Conduct. Suspensions will be counted as excused absences. Make up work will be permitted for such absences unless permitting such work under the circumstances would be impractical or impossible, would serve no purpose, would place school personnel at risk of harm, or would be unreasonable in light of the grounds for the suspension. Suspension of students with disabilities will be subject to applicable limitations and requirements imposed by the Individuals with Disabilities Education Act (“IDEA”) and its implementing regulations.

### **6.18 *Student Expulsion (including Students with Disabilities)***

Students may be expelled from school for offenses serious enough to warrant such action as provided in Code of Student Conduct or other Board disciplinary policies. Students who are recommended for expulsion may be suspended until such time as the Board meets to consider the recommendation for expulsion. Reasonable notice of the proposed action, the reasons therefore, and an opportunity to be heard will be afforded to the student and the student's parent or guardian prior to a final decision by the Board regarding expulsion. The Superintendent will notify the student or the student's parent or guardian, in writing, of any action taken by the Board. The term of an expulsion may extend to the maximum permitted by law. The Board may impose such reasonable limitations on the student's right to re-enroll in the school system following expiration of expulsion as may be permitted by law. A student who withdraws from school prior to the Board's consideration of a proposed expulsion may not re-enroll in the school system until the Board holds a hearing or other appropriate proceedings regarding the recommended expulsion. Expulsion of students with disabilities will be subject to applicable limitations and requirements imposed by the Individuals with Disabilities Education Act ("IDEA") and its implementing regulations.

### **6.19 *Electronic Communication Devices***

The use of personal, wireless communication devices by students is prohibited on school grounds or while students are being transported on a school bus, except as provided for herein. Personal, wireless communication devices include, but are not limited to, cellular telephones, pocket pagers, email devices, "walkie talkies," or any other electronic communication device. Students are permitted to keep personal wireless devices only in lockers, the school office, or other locations approved by the principal or his designee. The Board assumes no responsibility for theft, loss, or damage to any personal/wireless communication device. The principal or his designee may approve the use of such devices for instructional purposes or during medical emergencies, natural disasters, after regular school hours, at events or under circumstances in which the use of the devices serves safety and convenience without disrupting academic or school operations. Principals or their designees will also have the authority to further restrict or deny the use of personal/wireless communication devices by any student to prevent the misuse, abuse, or violation of school rules regarding the use of such devices. School officials may read, examine, or inspect the contents of any such device upon reasonable suspicion that the device contains evidence of a violation of Board policy, the Code of Student Conduct, or other school rules.

[Reference: ALA. CODE §16-1-27 (1975)]

## 6.20 *Drivers' License*

6.20.1 Drivers' License – Unless exempted from the requirement by Board policy, a person under the age of 19 years may not under state law obtain a driver's license or a learner's permit without being enrolled in school or meeting alternative criteria established by law. Additionally, a driver's license may be suspended or revoked if a student withdraws or fails to attend school. Students may be exempted or excused from otherwise applicable statutory requirements if their withdrawal or nonattendance is caused by circumstances beyond the control of the student. Circumstances beyond the control of the student may be found with respect to:

- a. Students who are mentally or physically unable to attend school;
- b. Students who are regularly and legally employed in compliance with the provisions of the Child Labor Law; and
- c. Students who, because of the lack of public transportation, are compelled to walk more than two miles to attend a public school.

Students who are denied a driver's license by virtue of their nonenrollment may appeal a decision affecting the student's eligibility for a driver's license to the Superintendent. The appeal should be in writing and filed with the school principal within 15 days of the decision from which the appeal is taken, and should set forth the reasons on which the appeal is based. An appeal should be promptly forwarded to the Superintendent for review and final decision.

6.20.2 Administrative Procedures Authorized – The Superintendent is authorized to develop procedures to implement the provisions of this policy and to comply fully with state law.

[Reference: ALA. CODE §16-28-40, *et seq.* (1975)]

## **6.21 *Student Parking Privileges – Substance Abuse Policy***

In order to promote the safety and welfare of students and others who work on or visit school campuses, to encourage the development of safe and responsible driving practices, and to serve the general purposes of maintaining a drug and alcohol free school environment, students will be granted the privilege of driving and parking on school property only if they are free of the effects of alcohol or other illegal or controlled substances. Accordingly, any student who desires to drive a vehicle on school property or park on school property may be required to submit to periodically or randomly administered sobriety or drug tests as a condition to issuance of a permit authorizing the operation or parking of a motor vehicle on school grounds. Principals may impose reasonable additional conditions or requirements for the privilege of driving or parking a vehicle on school property including, for example, conditions relating to maintenance of academic and attendance standards and the payment of fees. Principals may also establish priorities for issuance and assignment of parking permits. The Board reserves the right to require that sobriety or drug tests or screenings be passed as a condition to maintaining parking or vehicle permits, or privileges relating to use of a motor vehicle. Such testing or screening may also be performed whenever a school official observes or is made aware of circumstances that provide reasonable suspicion or belief that the student has used alcohol, illegal drugs, or other substances in violation of the Board’s substance abuse policies. All such testing or screening will be performed in accordance with local, state, and federal laws, and procedures that are developed by the Superintendent for approval by the Board.

## **6.22 *Student Competitive Extracurricular Activity Substance Abuse Policy***

In order to promote the safety and welfare of students who participate in competitive extracurricular activities, to insure that such participation is neither impaired nor any risk of injury exacerbated, to provide incentives to students to maintain safe and healthful practices, and to promote a school environment that is free of alcohol and illegal drugs or controlled substances, the Board reserves the right to require any student who participates in extracurricular competitive programs or activities to submit to sobriety tests or screening for illegal drugs or controlled substances prior to, during, or following a competitive event, practice, competition, or at any other time while the student is under the supervision of the school system. Such testing or screening may also be performed whenever a school official observes or is made aware of circumstances that provide reasonable suspicion or belief that the student has used alcohol, illegal drugs, or other substances in violation of the Board’s substance abuse policies. All such testing or screening will be performed in accordance with local, state, and federal laws and procedures that are developed by the Superintendent for approval by the Board.

**6.23** *Jamari Terrell Williams Student Bullying Prevention Act Policy* {Replaced: March 12, 2019}

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

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

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

enough that a reasonable person, under the circumstances, would agree that the conduct constitutes bullying, threat of assault, or assault.

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

### 6.23.3 Description of Behavior Expected of Students –

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

- Race
- Sex
- Religion
- National origin
- Disability

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

6.23.5 Reporting, Investigation, and Complaint Resolution Procedures –

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

The complaint form developed to report violations of this policy will include a provision for reporting a threat of suicide by a student. If a threat of suicide is reported, the principal or the principal’s designee is authorized to inform the student’s parent or guardian of the report unless at the discretion of the school principal or the principal’s designee the apparent cause of the threat of suicide is child abuse or other significant harm from a parent or guardian.

- b. Upon receipt of the complaint, the principal or the principal’s designee will determine if the complaint alleges a serious violation of this policy. If the principal or the principal’s designee determines that the complaint alleges a serious violation, the principal or the principal’s designee will undertake a reasonably prompt investigation of the complaint. The investigation will entail the gathering of relevant facts and evidence taking into account the circumstances of the complaint. If the investigation establishes a violation, appropriate disciplinary sanctions may be imposed on the offending student(s). Other measures that are reasonably calculated to prevent a recurrence of the violation(s) may also be imposed by the principal or the school system. *{Revised: January 26, 2017}*
- c. Acts of reprisal or retaliation against any student who has reported a violation of this policy or sought relief provided by this policy are prohibited, and are themselves a violation of this policy. Any confirmed acts of reprisal or retaliation may be subject to disciplinary sanctions that may include any sanction, penalty, or

consequence that is available to school officials under the Code of Student Conduct. A student who deliberately, recklessly, and falsely accuses another student of a violation of this policy may be subject to disciplinary sanctions as outlined in the Code of Student Conduct.

- 6.23.6 Promulgation of Policy and Related Procedures, Rules, and Forms – This policy and any procedures, rules, and forms developed and approved to implement the policy will be published on the website of each local board of education and school, shall be available at each school office, and shall be included in the student handbook that is distributed to each student at the beginning of each school year.
- 6.23.7 Construction of Policy – This policy is supplemental to other Board policies and procedures and does not repeal, replace, or supersede any other prohibition on bullying, violence, threats of violence or intimidation found elsewhere in Board policy or procedure, including the Code of Student Conduct. This policy shall not be construed to allow bullying, violence, threats of violence or intimidation for any reason not specifically listed in this policy or to prohibit the Board from disciplining students for acts of bullying, violence, threats of violence or intimidation not specifically listed herein. Students who engage in bullying, violence, threats of violence or intimidation not specifically covered by this policy may be subject to appropriate disciplinary action in accordance with the Code of Student Conduct.

[Reference: Ala. Code §16-28B-1, *et seq.* (1975)]

## **6.24 *Suicide Awareness and Prevention***

6.24.1 Program Authorized – To the extent that the Legislature appropriates funds or the Board provides funds from other sources, the Superintendent is authorized to develop a program to implement the following statutory requirements of the Jason Flatt Act in an effort to prevent student suicide:

- a. Foster individual, family, and group counseling services related to suicide prevention.
- b. Make referral, crisis intervention, and other related information available for students, parents, and school personnel.
- c. Foster training for school personnel who are responsible for counseling and supervising students.
- d. Increase student awareness of the relationship between drug and alcohol use and suicide.

- e. Educate students in recognizing signs of suicidal tendencies and other facts and warning signs of suicide.
- f. Inform students of available community suicide prevention services.
- g. Promote cooperative efforts between school personnel and community suicide prevention program personnel.
- h. Foster school-based or community-based, or both, alternative programs outside of the classroom.
- i. Develop a strategy to assist survivors of attempted suicide, students, and school personnel in coping with the issues relating to attempted suicide, suicide, the death of a student, and healing.
- j. Engage in any other program or activity which the Board determines is appropriate and prudent in the efforts of the school system to prevent student suicide.
- k. Provide training for school employees and volunteers who have significant contact with students on the Board policies to prevent bullying, intimidation, and threats of violence.
- l. Develop a process for discussing local board policies relating to the prevention of student suicide and to the prevention of bullying, intimidation, violence, and threats of violence with students.
- m. Provide annual training for all certificated, school employees in suicide awareness and prevention. This training may be provided within the framework of existing in-service training programs or as a part of required professional development offered by the school system.

Students may be required to participate in curricular activities developed to implement the statutory requirements of the Jason Flatt Act and are encouraged to participate in any other activities or strategies developed by the Board for that purpose.

6.24.2 Promulgation of Policy and Related Procedures, Rules, and Forms – This policy and any procedures, rules, and forms developed and approved to implement the policy will be published, disseminated, and made available to students, parents and legal guardians, and employees by such means and methods as are customarily used for such purposes. *{Revised: March 12, 2019}*

{Reference: Ala. Code §16-28B-8 (1975)}

## **6.25 Use of Law Enforcement Resources**

6.25.1 Authorized to Contact Law Enforcement Officials – School administrators are specifically authorized to contact law enforcement officials to report or to receive assistance in responding to the following violations if the administrator has a reasonable belief that the violation has been committed on school grounds, on Board property, at a school bus stop, on a school bus, or at a school-sponsored function by a student with a disability:

- a. The possession of a firearm. For purposes of this policy, the term “firearm” has the same definition as is found in 18 U.S.C. §921;
- b. The possession of a deadly weapon or dangerous instrument. For purposes of this policy, the terms “deadly weapon” and “dangerous instruments” include but are not limited to explosives, incendiary devices, projectiles, knives with a blade length of more than two (2) inches, archery equipment, devices designed to expel projectiles at a high rate of speed, any device so classified under state or federal law, and any device either used or intended to be used in such manner as to inflict bodily harm, provided that the terms “deadly weapon” and “dangerous instruments” will exclude, to the extent permitted by law, devices and equipment that are used for the purpose of and in connection with school or Board sanctioned educational, team, or competitive activities;
- c. The use, possession, distribution, and sale of alcohol or the illegal use, possession, distribution, and sale of drugs;
- d. Serious bodily injury to another person; or
- e. A threat of violence towards another person or the student themselves.

6.25.2 Reporting – If a school administrator contacts outside law enforcement officials for any of the above reasons, the administrator will complete a “Serious/Unusual Incident Report” within a reasonable period of time which shall include an explanation of the factors that led to the administrator seeking the assistance of law enforcement. If a school administrator determines in their discretion that despite the occurrence of a violation listed above that extenuating circumstance(s) make law enforcement assistance unnecessary, then the administrator will indicate those circumstances on the “Serious/Unusual Incident Report.”

6.25.3 Construction – This policy shall not be construed to prevent:

- a. The Board or its employees from taking reasonable and lawful measures to protect against personal injury, trespass, vandalism,

theft, and like threats to personal safety, property damage, and financial loss to or on Board property or at school functions and activities, including seeking the assistance of local law enforcement;

- b. The Board or its employees from reporting a crime committed by a student with disability in accordance with the Individuals with Disabilities Education Act (20 U.S.C.A. 1415, et. seq.);
- c. The Board or its employees from complying with any federal and state law requirements for reporting to law enforcement certain types of incidents that occur on Board property or at school functions and activities.
- d. Law enforcement officials from taking independent, lawful action regarding activities that occur on campus; or
- e. The Board or its employees from requesting the assistance of School Resource Officers in the course of day-to-day school operations.

#### **6.26 *Voluntary Religious Expression***

The Board does not discriminate against students or their parents or guardians on the basis of their religious viewpoints or their expression of such viewpoints. Such views and expressions are treated in the same manner as nonreligious viewpoints, activities, or expressions.

Students may express their religious beliefs in all phases of their schoolwork without penalty or reward based on the religious nature or content of such expressions. Schoolwork is evaluated according to the academic standards and pedagogical objectives that otherwise apply to the work or activity in question. These standards and objectives include but are not limited to acquisition and/or mastery of factual information; development of analytical, problem solving, learning, critical thinking, communication, organizational, and social skills; college preparatory and career readiness training; proficiency in and appreciation of the performing arts; and the development of personal skills that are designed to facilitate attainment of the foregoing objectives, future academic success, and employability. The scholastic work of the system's students will be evaluated in light of the foregoing standards and objectives, academic and curricular guidelines and criteria established or approved by the state and Jefferson County Board of Education, and determined by evaluation, achievement, assessment, and testing materials, instruments, methods, and measures that have been generally recognized as appropriate for such purposes within the educational community and applied successfully in public school settings.

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

*{Board Approved: January 26, 2017}*

[Reference: Act of Alabama No. 2015-129]

## **6.27 Supervision of Low Risk Juvenile Sex Offenders**

Pursuant to Annalyn's Law, the Superintendent shall be notified by local law enforcement when a low risk juvenile sex offender is enrolled or attending school within the board's jurisdiction for the purpose of appropriate supervision during the school day and during school activities.

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

- a. "Plan" refers to the "individualized student safety plan" developed following the Student's adjudication and/or enrollment in the school to serve as a behavior contract between the Student and the School.
- b. "School" refers to "all school property and school-sponsored functions including, but not limited to, classroom instructional time, assemblies, athletic events, extracurricular activities, and school bus transportation" related to the Student's current school of record.
- c. "Student" refers to "the low risk juvenile sex offender" designated by a juvenile court judge as having a low risk of re-offense.
- d. "Teachers and staff with supervision over the student" or "Supervision team" refers to school officials or staff who have a specific responsibility for the Student, including the school principal, the Student's assigned teachers and/or coaches, the Student's counselor, and if applicable, the Student's bus driver, during the subject school year and who will be privy to information regarding the Student's status. Teachers and staff with only passing and/or general contact with the Student shall not be privy to information regarding the Student's status.
- e. "Victim" refers to the victim, if known by and attending the same school as the Student, of the offense for which the Student was adjudicated delinquent.

### 6.27.2 Notification

- a. *Current Students* - In the event a currently enrolled Student is adjudicated delinquent and designated “low risk” by the juvenile court, local law enforcement is expected to notify the local Superintendent and principal of the Student’s school in writing.
- b. *Newly Enrolled Students* - In the event a Student seeks to enroll in the district as a new student, and that Student has been previously designated as a low risk juvenile sex offender, local law enforcement is expected to notify the local Superintendent and principal of the Student’s school in writing.
- c. *Students That Change Schools Within the District* - In the event a currently enrolled Student transfers to another school in the district or is promoted to another school in the district, the principal of the original school should notify designated law enforcement of the change as soon as practicable.

Following that notification, the principal of the original school should orally or in writing brief the principal of the new school regarding the original Plan and the transferring Student’s status and circumstances. Regardless, the principal of the prior school must provide the Student’s records and Safety Plan to the principal of the new school as soon as practicable.

The new principal should review the Plan and meet with the Student, the Student’s parent or guardian, and the anticipated new Supervision Team to determine whether the current terms are sufficient or should be adjusted based on the Student’s circumstances.

- d. *School Staff Changes* - In the event the principal or a member of the Supervision Team leaves his position or is no longer responsible for supervising the Student, a replacement team member should be named, if necessary and appropriate, and briefed by the principal or the most senior member of the Supervision Team regarding the Student’s status and Plan. The Student, his parent or guardian, and other members of the Supervision Team should be notified of changes to the Supervision Team within a reasonable timeframe.

- 6.27.3 Plan Development and Maintenance - Upon proper notification from law enforcement, the Student’s principal or designee will call together the anticipated Supervision Team to meet with the Student and/or the Student’s parent or guardian to develop an appropriate Plan. This meeting

should take place within 10 school days or as soon as practicable. In the event the Student's parent or guardian is unable or unwilling to meet, the principal or designee and the Supervision Team should meet with the Student within a reasonable timeframe to develop an appropriate Plan.

In the event the Victim attends the same school as the Student, the plan should include measures to reduce the likelihood of Victim and Student interaction.

The terms of the Plan and any updates to it must be memorialized in writing and approved by the principal or designee before being distributed to the Student and the Student's parent or guardian, as well as the Supervision Team.

The principal or designee should meet with the Student, the Student's parent or guardian, and the Supervision Team at least annually, but as often as deemed necessary by the principal or designee to assess the Student's status and to determine whether adjustments should be made to the Plan.

- 6.27.4 Supervision - The Student will be subject to the general Student Code of Conduct and any other conditions deemed necessary by the principal or designee as incorporated in the Student's Plan. Members of the Supervision Team should report any suspected violations of the Plan to the principal or designee.

The school officials and staff responsible for supervising the Student on a daily basis should do so in a manner that is discreet and unobtrusive.

- 6.27.5 Students with Disabilities - Discipline of Students with disabilities will be subject to applicable limitations and requirements imposed by the Individuals with Disabilities Education Act and/or Section 504 of the Rehabilitation Act and implementing regulations.

- 6.27.6 Violations of the Plan - In the event the Student violates the Student Code of Conduct or the Plan, the Student may be subject to discipline pursuant to board policy and/or reassessment of the Plan's conditions.

- 6.27.7 Challenges to the Plan - In the event the Student and/or his parent or guardian object to conditions of the Plan or the application of a sanction, a challenge must be submitted in writing to the Superintendent or his designee to consider whether adjustment of the Plan or response modification is warranted. The Superintendent's decision shall be final. A response that constitutes disciplinary action will adhere to the applicable School disciplinary policies and procedures and the Student will be afforded process due thereunder.

- 6.27.8 Confidentiality - Information received by school officials or staff related to the Student's delinquent status must be treated as confidential from other students, staff members, officials and stakeholders. Any document identifying the Student's status should be safeguarded from unintentional disclosure by the members of the Supervision Team. Any school official or school employee who improperly discloses the Student's status to any other person may be subject to school discipline and/or criminal charges as provided by law.
- 6.27.9 Retaliation - Members of the Supervision Team should make every effort to treat the Student with the same respect and courtesy to which every student is entitled. The Team is reminded that the Student has been deemed by the juvenile court as not likely to reoffend and should be encouraged to fully integrate into the student body as a successful student. Mistreatment of any student may be cause for discipline.
- 6.27.10 Procedures - The Superintendent shall have the authority to develop appropriate training and additional procedures for staff members in furtherance of this policy. *{Board Approved: October 24, 2019}*

[Reference: Ala. Act No. 2018-528, Ala. Code § 16-1-51.1 (1975)].

## VII. Instructional Program

### 7.1 *Curriculum*

The Superintendent will coordinate the design and development of a comprehensive curriculum plan in accordance with state law and any requirements of the State Department of Education for approval by the Board.

### 7.2 *Textbooks*

Textbooks will be purchased and distributed in accordance with State Department of Education regulations. Only textbooks recommended by the local textbook committee will be approved by the Board, upon the recommendation of the Superintendent. The local textbook committee will be appointed by the Board to a term of one year and will include parents. Students are loaned textbooks for the duration of the course that requires the textbook and are responsible for the care of the textbook. Students must reimburse the Board for the cost of any textbooks that are lost or damaged beyond reasonable wear and tear.

[Reference: ALA. CODE §16-36-62 (1975)]

### 7.3 *Academic Standards*

Teachers will assign grades and confer academic credit for work and activities performed by students in accordance with objective and generally accepted instructional and grading standards, applicable laws and regulations, and criteria hereinafter specified.

7.3.1 General Grade Scale – Grades for academic course work will be awarded according to the following scale:

<u>Letter Grade</u>	<u>Numerical Grade (100 point scale)</u>	<u>Grade Point Average Points (4 point scale)</u>
A	90 – 100	4.00
B	80-89	3.00
C	70-79	2.00
D	60-69	1.00
F	Below 60	0.00

7.3.2 Quality Points – When calculating a student’s grade point average, additional quality points may be awarded for advanced courses in a manner approved by the Board.

7.3.3 Special Education Grading Standards – Students who are receiving special educational services may be graded according to an individualized educational plan, and nothing in Board policy or procedure prohibits the extension of appropriate academic modifications or accommodations to

students who may be eligible for such modifications or accommodations under provisions of state and federal law.

- 7.3.4 Report Cards – Report cards reflecting student progress will be provided to the parents or legal guardians of students on a regularly scheduled basis.
- 7.3.5 Promotion – Students are promoted on the basis of academic credit earned during the school year, in summer programs, or in such other academic programs as may be approved or recognized by the Board and in accordance with applicable law. Their academic records notwithstanding, students may be retained or promoted by school officials, in consultation with the parents, when special circumstances justify such action. School promotion options must adhere to established attendance guidelines.  
*{Revised: July 23, 2015; March 12, 2019; November 19, 2020}*
- 7.3.6 Class Rankings – Beginning with the ninth grade of high school, all students will be ranked based on the four point grade point average scale (GPA) (calculated and weighted as described herein). The GPA calculation will be carried out four decimal places and rounded off.
- 7.3.7 Credit Recovery – The Superintendent is authorized to develop procedures for a program through which a student may recover credits in one or more failed courses, in compliance with regulations promulgated by the State Department of Education. The curriculum will align with the State Board of Education course of study and study content standards in which the student seeking credit recovery is deficient.

[Reference: Ala. Admin. Code 290-3-1-.02(12)]

## **7.4 Testing**

The Superintendent is authorized to develop and implement a standardized testing program that will include, at a minimum, all testing required under state and federal law. All standardized tests are to be conducted in accordance with the appropriate test administration manual guidelines and any rules or regulations that are intended to ensure their security and validity. Teachers are authorized to conduct tests for their courses in order to determine their students' abilities, knowledge and skills, and to use in calculating a student's grade.

## **7.5 Summer School Operations**

A "summer school" program may be implemented in compliance with regulations promulgated by the State Department of Education. Summer school is provided as a service by the Board and is separate and distinct from the regular academic year. The Superintendent is authorized to develop and maintain rules and regulations for the operation of summer school, including requirements for

enrollment, attendance, transportation, and tuition, which will be subject to approval by the Board.

[Reference: Ala. Admin. Code 290-3-1-.02(6)]

## **7.6 *Dual Enrollment***

Upon recommendation of the Superintendent, the Board may establish guidelines in accordance with the regulations of the State Department of Education by which qualified high school students are allowed to take post-secondary college courses for high school credit.

[Reference: Ala. Admin. Code 290-3-1-.02(11)]

## **7.7 *Correspondence or Online Courses***

Credit for correspondence and online courses will be recognized if the conditions and criteria established by the Alabama Department of Education for such programs are met.

[Reference: Ala. Admin. Code 290-3-1-.02(12, 13)]

### **7.7.1 Virtual School**

Scope and Delivery of Services -- The Board provides the Jefferson County Virtual Academy of Learning (JCVAL), which is a tuition-free, full-time virtual school option available to eligible students in grades K -12. The courses are offered through partnership with Edmentum's EdOptions Academy as a full Elementary and Secondary pathway to graduation, which includes those core courses needed to obtain a high school diploma in Alabama, as well as electives, AP, Global Language, and Career & Technical Education courses as applicable. It is a stand-alone school within the district with its own set of eligibility criteria as set forth below. The JCVAL is not available as a part-time option.

Student Eligibility Criteria -- Any student who is a legal resident of the State of Alabama may apply to be a full-time virtual student. In accordance with state law, students whose parent/ legal guardian is a member of the U.S. Armed Forces who has received orders to relocate to Alabama are considered residents of Alabama for purposes of enrollment in and attending JCVAL. Documentation that is otherwise required of students enrolling in any JefCoEd school is also required of any student wishing to enroll in the JCVAL, including, for example, proof of age and residency.

To remain enrolled with JCVAL, elementary students must pass all courses for the year and complete all courses within the allotted

time frame; secondary (high school) students must maintain a 2.0 GPA and complete all course within the allotted time frame. All students (and their parent(s) / legal guardian(s) as applicable) must sign acknowledgement of the Board's Code of Student Conduct and Internet Acceptable Use Policy, and the JCVAL's Academic Integrity Agreement. In addition:

For Elementary students:

- Students' progress will be monitored throughout the year and evaluated at the midpoint to assess progress.
- Students in danger of not passing or completing courses within the time frame, (and their parent(s)/ legal guardian(s)), will be notified and placed on academic probation for the following semester of the school year.
- Students who return to passing/completion status in all courses during the following semester will be removed from academic probation, and will be permitted to remain enrolled in JCVAL.
- Students who do not restore their status to passing/completion by the end of the school year will be required to work with their teacher during the Summer to achieve passing grades/ completion status in all courses to be eligible to remain enrolled in JCVAL.

For Secondary students:

- Students' progress will be monitored throughout the year and evaluated at the midpoint to assess progress.
- Students in danger of not passing or completing courses within the time frame, (and their parent(s)/ legal guardian(s)), will be notified and placed on academic probation for the following semester of the school year.
- Students who return to passing/completion status in all courses during the following semester will be removed from academic probation, and will be permitted to remain enrolled in JCVAL.
- Students who fail one or more courses during the school year will be required to recover those courses in Summer school in order to be eligible to remain enrolled in JCVAL.

Attendance -- The minimum attendance requirements include:

- Demonstrated successful progress through coursework as measured by pacing and grades
- Prompt response (within 24 hours) to any emails from JCVAL teachers, administrators or other faculty

- At least one real-time contact with each of the student's teachers every week (phone call, live lesson/ webinar, instant message)

JCVAL may set specific attendance requirements for students as necessary to assist them in maintaining successful course progression.

Local JCVAL students may be permitted to take up to two (2) scheduled courses offered at the local school where the student is zoned to attend, and that are NOT offered through JCVAL. Any student participating in courses at the local school will be required to attend the school at the time the course is offered, and to arrange for transportation to and from the school.

Course Credits and Grading – Successful completion of coursework and receipt of credit (if applicable) requires that students complete at least 80% of the course by the end date for the course and with a final grade of 60% or higher as recorded in the JCVAL Student Information System (SIS). Final grades are not determined until the end date for the course. The grading scale for all JCVAL courses shall be consistent with the grading scale for all Jefferson County schools.

State Testing -- All JCVAL students are subject to state testing. State-mandated testing will occur in accordance with the requirements and accountability standards as established by the Alabama State Department of Education and the Board. Students may be required to participate in state testing on a campus at a date and time selected by the district. Students are responsible for their own transportation to the specified testing location. The Superintendent is authorized to take whatever action may be necessary to facilitate and maintain the integrity of mandatory testing requirements and accountability standards applicable to JCVAL students.

Promotion and Graduation -- All students must meet all Board and ALSDE established requirements for advancement to the next grade level and/or to receive a diploma.

Progress Monitoring -- Student progress will be monitored regularly by the JCVAL teachers and administrator, and offered appropriate available support designed to maintain progress. JCVAL teachers and administrator may require students and their parent/ guardian to schedule virtual meetings or telephone

discussions as appropriate to address issues with the student's academic progress.

Withdrawal -- Students may withdraw from JCVAL for any reason within the first 10 days of enrollment. If a family relocates outside of Alabama, the 10-day time limitation does not apply. Other extenuating circumstances for withdrawal may also be considered and approved by the Superintendent on a case-by-case basis.

Removal -- Students may be dismissed from JCVAL and transitioned back to traditional on-campus learning if 1) the student's participation in the JCVAL is impeding the student's academic progress; 2) the student fails to progress through the coursework successfully as indicated by pacing and grades; 3) the student violates school system policies, procedures, rules or regulations, including, but not limited to the governing Internet Acceptable Use Policy, Code of Student Conduct, and the Academic Integrity Agreement.

Eligibility for Extra-Curricular Activities -- Only those students who (1) reside in Jefferson County and (2) are zoned to attend a JefCoEd school are eligible to participate in extra-curricular activities such as athletics, band, and clubs at the school the student is zoned to attend.

AHSAA -- Students must meet the same extra-curricular activity eligibility requirements as students enrolled in on-campus learning, including, but not limited to any applicable Alabama High School Athletic Association (AHSAA) requirements. Residency will be determined for these purposes in accordance with state law, and AHSAA guidelines.

NCAA -- Those JCVAL students who wish to be NCAA compliant should alert their teacher and/or school counselor before attempting virtual coursework.

#### Virtual School Review Team

The Board shall establish a Virtual School Review Team which shall have authority to review initial eligibility for full-time students, and determine whether participation in the JCVAL is appropriate for each student seeking enrollment. If the Team determines that participation in the JCVAL would be detrimental to the student's academic progress based on the student's academic record, the Team may deny enrollment in the JCVAL.

### Additional Procedures Authorized

The Superintendent or his designee, along with the Virtual School Review Team, is authorized to develop any procedures deemed necessary to implement this policy including, but not limited to, eligibility criteria for courses, methods for informing students and parents of JCVAL's requirements and rules, and a process for making determinations regarding a student's continued eligibility.

{Replaced: September 24, 2020}

## **7.8 Career and Technical Education Programs**

- 7.8.1 Work-Based Learning Experience – A work-based learning experience provides students with educational opportunities in a work setting that typically cannot be obtained in a classroom and may include, but is not limited to, cooperative education, internships, clinical experiences, and other related opportunities. The program will be implemented in accordance with the most recent Alabama Work-Based Learning Manual and any other applicable regulations of the Alabama State Department of Education. *{Revised: June 18, 2015}*

[Reference: Ala. Admin. Code 290-6-1-.04]

- 7.8.2 Live Work – Live work consists of work conducted by students that relates to the knowledge and skills taught as part of a CTE program of study, but is presented from outside the classroom. The Superintendent is authorized to develop for Board approval guidelines and procedures in accordance with the regulations of the Alabama State Department of Education and any applicable Business/Industry Certification requirements for live work to be conducted in the school system, including, but not limited to, a systematic method for managing live work, work requests and orders, and procedures for approval of where and for whom work may be conducted, school liability, and restrictions on live work. Any money collected for live work will be accounted for in accordance with the Board's Finance Manual.

- 7.8.3 Safety – To the extent practicable, reasonable safety procedures will be implemented in the Career and Technical Education program in accordance with Alabama State Department of Education regulations and any applicable Business/Industry Certification requirements.

[Reference: Ala. Admin. Code 290-6-1-.04]

## **7.9 Foreign Exchange Programs**

The Superintendent is authorized to develop guidelines and procedures, to be approved by the Board, under which foreign exchange students may attend Jefferson County schools and Jefferson County students may participate in foreign exchange programs.

## **7.10 *Extended Programs: Community Education***

Upon their approval by the Board, the Superintendent is authorized to implement programs and projects designed to meet the needs of the community served by the school system in accordance with any laws or regulations governing such programs.

[Reference: Ala. Admin. Code 290-080-050]

## **7.11 *Graduation, Certificate of Completion, and Commencement***

Students who have satisfactorily completed requisite course work, met minimum attendance criteria, and passed required examinations are eligible for graduation. Students who have fulfilled coursework requirements but who have not passed the required graduation examination are eligible to participate in graduation ceremonies and will be presented with a “certificate of completion.” Student participation in graduation ceremonies and related graduation activities will be subject to the principal’s approval and payment of outstanding financial obligations. Participation in a graduation-related ceremony may be prohibited by the principal if the student violates disciplinary standards or if, in the judgment of the principal, the student’s participation could lead or contribute to disorder or disruption of the ceremony or activity.

7.11.1 Honor Graduates – Students who meet the following requirements shall be classified as honor graduates at high school commencement ceremonies:

- a. All students with a GPA of 4.0 or above who have earned the highest diploma offered at a particular school will be designated Honor Graduates and have a ranking of #1 in class. No valedictorian or salutatorian will be named. The method used by the school system to rank students will be attached to all student transcripts.
- b. The local school will determine how to recognize these honor Graduates at the commencement ceremony.
- c. The individual(s) who will make a speech at the graduation ceremony will be selected from the pool of Honor Graduates by the Honor Graduates.
- d. In the event that no student in the graduation class has a GPA of 4.0 or higher, up to the top 10% of students (with a 3.5 or higher GPA) may be designated as Honor Graduates.
- e. The rank of the next student below those designated as Honor Graduates should be determined by the total number of students whose average exceeds his. For example, if three students in a

class of 100 students are designated as Honor Graduates, each holds a rank of 1/100. The next holds a rank of 4/100.

- f. In order to be considered for the designation of Honor Graduate, a student must be enrolled in the Jefferson county school where this designation is made for the entire senior year.
- g. Final determination (grade point average) will be made at the end of the second term (block schedule) or second semester (traditional schedule) of the senior year.
- h. Final determination of grade point averages will be carried four decimal places, with no “rounding.” The system should be based on an A = 4.0.
- i. An extra quality point will be given to courses designated AP, IB, or Dual Enrollment. For example, an A in AP Biology would receive five (5) quality points instead of four (4). One-half (1/2) extra quality point will be given to courses designated Honors/Pre-AP. For example, an A in English 10 Honors/Pre-AP will receive four and one-half (4-1/2) quality points instead of four (4). [Extra quality points are to be awarded for A, B, C, and D averages in these courses.]

A minimum number of thirty (30) credits must be earned and counted in determining GPA. (Student aide positions may not be considered as “courses attempted.” Students will not receive grades for aide positions.)

- j. A student in contention for Honor Graduate who did not have an opportunity to take the same number of courses (Honors, AP, and IB courses to be considered, if a factor) as another student and has taken full advantage of every opportunity to take Honors courses will not be penalized. [Example: Two students enter a high school from two different junior high schools – one offers 9th grade Honors English, the other offers regular English and Honors English is not offered. If both students take the same number of Honors courses in grades 10 through 12, the student who took general English would receive appropriate Honor quality points for the 9th grade English.]

7.11.2 Fifth Year Seniors – Upon the recommendation of the counselor and approval of the principal, a student who has completed four full academic years of high school but who has not completed the required course work for graduation will be allowed to attend the number of class periods necessary to complete the courses required for graduation.

7.11.3 Adult High School Diploma Program – The Superintendent is authorized to establish an adult diploma program in conformity with regulations issued by the State Department of Education and such additional requirements as may be approved by the Board.

[Reference: Ala. Admin. Code 290-3-1-.02(17)]

## 7.12 *School Wellness*

The Jefferson County School system is committed to promoting school environments that promote and protect children’s health, wellbeing, and ability to learn by supporting healthy eating and physical activity. Therefore, it is the policy of the school district to engage students, parents, teachers, food service professionals, health professionals, and other interested community members in developing, implementing, monitoring, and reviewing district-wide nutrition and physical activity policies.

All students in grades K-12 should, to the extent possible, have opportunities, support, and encouragement to be physically active regularly before, during, and after school.

Additionally, qualified child nutrition professionals should provide students with access to a variety of affordable, nutritious, and appealing foods that meet the health and nutrition needs of students; will acknowledge whenever possible the religious, ethnic, and cultural diversity of the student body in meal planning; and will provide clean, safe, and pleasant settings and adequate time for students to eat.

Jefferson County Schools will provide nutrition education and physical education to foster lifelong habits of healthy eating and physical activity and will establish linkages between health education and school meal programs to include whenever possible related community events and services.

### 7.12.1 Nutrition Education, Physical Activity and Other School-Based Activities to Promote Student Wellness

- a. *School Meals and Food Sold During the School Day* –
  1. The school district recognizes that children need access to healthy foods in order to grow, learn, and thrive. Good health fosters student attendance and promotes quality education; therefore, it is the policy of the school board to encourage and promote opportunities to procure local/regional fresh fruits and vegetables in accordance with the geographic preference rule.
  2. To the extent possible, the Jefferson County school district will take advantage of farm-to-school programs,

- cafeteria trainings, and resources that can help increase student consumption of healthier items including but not limited to:
- whole grains,
  - fresh fruits,
  - fresh vegetables, and
  - low fat milk.
3. Menus at lunch and breakfast will offer adequate nutrients appropriate for school age children.
    - 3.1 Menus will be planned in accordance to USDA guidelines and minimum/maximum calorie ranges will be divided based on the following age groups: K-8 and 9-12.
    - 3.2 The School Food Authority (SFA) will offer a fresh fruit and/or vegetables a minimum of 3 days a week. (Fried products are not included in this number)
    - 3.3 The SFA will encourage and market healthy foods offered during school meals.
    - 3.4 The SFA will choose healthier cooking methods in menu preparation.
  4. Vending Machines available to students during the school day will meet the criteria for snacks as required by Alabama State Department of Education Nutrition Policies and USDA Smart Snacks Standards.
  5. Any food and beverages sold and served in Jefferson County Schools during school hours will comply with nutritional recommendations of the U.S. Dietary Guidelines for Americans and the Alabama State Department of Education Nutrition Policies.
  6. All schools in the Jefferson County System will be encouraged to participate in available federal school meal programs (National School Breakfast, National School Lunch Program and where applicable After School Snack Programs, At Risk Meals, and Summer Feeding Programs.)
  7. Menus will be available to students, teachers, administrators, parents and the community.

- 7.1 Menus will be available and posted on our child nutrition website.
  - 7.2 The child nutrition website will provide a link for students, parents, teachers and administrators to obtain information promoting wellness by providing nutritional information and current local school menus.
  - 7.3 Printable copies of the menus will be available to all schools to reprint and/or post for students, teachers, and parents to review.
8. Monitoring tools for school meals and any foods sold during the school day.
- 8.1 A Child Nutrition Supervisor or designee will monitor and update the Child Nutrition Website as nutritional information, menus, and contact information may change periodically.
  - 8.2 Communication through email is available on the district website for any questions or concerns regarding wellness, menus, and nutritional information.
  - 8.3 Menus will be monitored for compliance via observation from the Child Nutrition supervisory staff during on-site school visits.
  - 8.4 Principals will observe that menus are available to students, teachers, and parents.
  - 8.5 Area specialist will observe during on-site visits and document at least twice a year that menus and food items sold during the school day meet Federal and State standards.
  - 8.6 Child Nutrition Supervisors will observe and document at least once a year during an on-site visit that menus and food items sold during the school day meet Federal and State standards.
  - 8.7 Principals will monitor local school activity by signing CNP supervisory reports during site visits and reports will be maintained at the central office building in CNP.
  - 8.8 A link will be available on the district website on the CNP webpage for Smart Snack Standards and information.
  - 8.9 A link will be available on the district website on the CNP webpage to provide USDA menu compliance information.

- b. *Nutrition Education & Promotion -*
1. As part of the school district's responsibility to operate a Child Nutrition Program (CNP), we will provide continuing professional development for all nutrition professionals in schools. Staff development programs shall include appropriate certification and/or training programs, which cover a variety of nutrition education topics, for child nutrition supervisors, managers, and workers, according to their levels of responsibility. For example, some sessions may cover fat and sodium reduction strategies for food preparation; other sessions may cover food safety techniques. Additional staff development requirements are incorporated as required by the Alabama State Department of Education & USDA Professional Development Standards.
  2. The school cafeteria and classrooms will be a learning laboratory, where children are offered and able to practice in the selection of healthy food options and school-based marketing will be consistent with nutrition education and health promotion. Therefore, school-based marketing of foods and beverages that have low-nutritional value shall be minimized. Marketing and promoting healthy foods including fruits, vegetables, whole grains, and low-fat dairy products shall be encouraged.
  3. Nutrition education will be incorporated into the classroom.
    - 3.1 At least three lessons (one lesson/ per nine week grading cycle) of planned nutrition & health education (this most likely will be provided in health class, but is not limited to health classes only).
    - 3.2 This will be offered to all students in 1<sup>st</sup>-6<sup>th</sup> grades in all Jefferson County Schools.
  4. Nutrition education material will be provided and available on the Child Nutrition website to parents, students, teachers and other people in the community.
    - 4.1 Menus and nutritional information will be posted on the Jefcoed website.
    - 4.2 Nutrition information and other web links/resources will be available on the Jefcoed website.

5. School based activities to promote wellness (good eating habits and physical activity)
  - 5.1 Foods offered in the lunchroom will be in compliance with USDA and state guidelines and will encourage a balanced diet.
  - 5.2 CNP promotional activities will encourage healthy eating and/or promote physical activity.
  - 5.3 Activities during school hours will promote the importance of healthy lifestyle habits (ie. Healthy eating, physical activity, abstaining from drugs, adequate rest, not smoking, good hygiene, etc.).
  
6. Monitoring tools for nutrition education and promotion
  - 6.1 Nutrition education and other school based activities will be monitored at each school by the principal and wellness coordinator or designee.
  - 6.2 CNP Area Specialist will observe during on-site visits and document at least twice a year compliance with menus and positive marketing of a healthy lifestyle.
  - 6.3 Physical Education Specialist will observe during site visit for promotional activities promoting fitness and good health a minimum of one time a year.
  - 6.4 Searches for nutrition information provided on Child Nutrition website can be obtained by the number of hits the website receives during a school year.
  - 6.5 A Child Nutrition Central Office staff member or designee will monitor and update the Child Nutrition website a minimum of two times during a school year.
  - 6.6 Information/materials provided regarding nutrition/wellness from CNP will be kept in departmental files at the central office building in the CNP department.
  - 6.7 Health education/promotion in the classroom will be monitored by the principal and/or local school designee responsible for reviewing local school lesson plans.
  - 6.8 Documentation of staff development training for CNP employees will be maintained in the professional development file in the CNP office at the central office building.

c. *Physical Activity Opportunities -*

1. All students in Jefferson County Schools in grades K-12 will have opportunities, support, and encouragement to be physically active on a regular basis.
  - 1.1 Only State-certified physical education instructors will teach physical education classes.
  - 1.2 Grades K-8 will have opportunities and be encouraged to be active during physical education classes for at least 30 minutes daily.
2. *Monitoring tool for physical activity opportunities*
  - 2.1 Hiring of State-certified physical education instructors will be monitored by hiring standards specifically for physical/health educators for Jefferson County Schools.
  - 2.2 The amount of time spent being physically active during physical education will be monitored by the principal approving the teacher's master schedule.
  - 2.3 Grades 9-12 will have opportunities to participate in elective physical education courses and health enhancing activities in addition to the (1) required beginning kinesiology course.

d. *Other School Based Activities Promoting Wellness -*

1. A minimum of once a year the school district's elementary physical education teachers with the support of the schools, will be encouraged to provide information to the students/parents to encourage the students to become involved in outside fitness activities.

Examples: jump rope for heart, live it, local walk-a-thon, local fun run, etc.
2. All schools with grades (K-12) will add wellness concepts as a platform for a new committee (if desired by local school) or add this focus for the group to an already existing school committee and/or group organization involving student representatives.

- 2.1 The organization will promote WISE (wellness in schools everyday) or choose another name or acronym for their group.
  - 2.2 The organization will facilitate information exchange through a couple of channels.
  - 2.3 Providing feedback regarding wellness from students to wellness coordinator.
  - 2.4 Help disseminate information from the wellness coordinator to the student population.
3. *Individual schools' will appoint a wellness coordinator to implement and oversee the wellness policy.*
  4. *After-school programs –*
    - 4.1 At least 30 to 60 minutes of physical activity during after-school hours shall be provided and can be broken up into multiple activity periods. Sports, exercise, and other recreational activities will be offered.
    - 4.2 After-school snacks will be encouraged to include two of the following four components:
      - Milk (dairy)- 1 cup or 8 ounces
      - Fruits and vegetables (including 100% juice)  $\frac{3}{4}$  cup
      - Grains 1 serving
      - Protein 1 serving
    - 4.3 Screen time shall be limited to a maximum of 60 minutes per after-school session and should be academically oriented.
  5. The school district recognizes that walking, bicycling, and other forms of physical activity before school promotes overall student wellness by providing the opportunity for social interaction and exercise. Physical activity is necessary in building lifelong healthy habits for children and helps develop an environment that promotes improved academic performance.
    - 5.1 To the extent possible, the school district will encourage and promote community-based safe routes to school programs or other school sponsored physical activity opportunities before school.
    - 5.2 Schools are encouraged to identify safe and active walking/bicycling routes, contingent upon school location and traffic conditions, in an effort to

promote these methods for children to travel to and from school.

6. *Monitoring tools for other school based activities promoting wellness*
  - 6.1 Documentation of participation of wellness clubs/organization and any outside fitness activities will be kept on file at local school.
  - 6.2 Assessment of wellness group goals will be accomplished through one of the following:
    - Athletic Specialist will observe during school site visits
    - Principal Inquiry
    - Student Self-Assessment
    - Wellness Coordinator
  - 6.3 Health Department Reviews for after-school programs completed annually for menu/sanitation compliance. This review is kept on file with coordinator or designee.
  - 6.4 Onsite observations will be made for the after-school program by Community Education (CE) staff or CE designees, to ensure that physical activity and good nutrition is encouraged as well as minimal screen time.

7.12.2 Nutrition Guidelines for All Foods Available on Each School Campus During The School Day Will Promote Student Health and Aim To Reduce Childhood Obesity

- a. *School menus (breakfast and lunch) will comply with USDA guidelines*

Menus will offer:

1. Low-fat choices of milk on a daily basis (only skim & 1% milk to be offered at breakfast and at lunch)
2. Fresh fruits or vegetables will be offered several times a week (minimum of 3 times a week)
3. Whole grains will be offered every day of the week
4. Limit the amount of sugary desserts offered on a weekly basis (limit no more than 3 times a week)

- b. Competitive foods will not be sold on school campus via organizations, school stores, or any type of vending 45 minutes before meal service begins or until 45 minutes has passed after the last student has been served at the local school campus. This includes breakfast and lunch meal service times. Any food that is sold during the appropriate time frame, at the local school must comply with the guidelines as set forth by the Alabama State Department of Education for a la carte sales for all school campuses.
  - 1. Vending machines available to students will meet the guidelines as set forth by Alabama State Department of Education on all school campuses.
  - 2. A la carte sales within CNP served during meal service times will meet the guidelines as set by the Alabama State Department of Education and USDA on all school campuses.
  - 3. Sold does specify that no money is to be exchanged or food consumed, except during the time frame as specified (45 minutes before a meal service or 45 minutes after a meal service is complete).
- c. The sale of food items that are not governed by the nutritional standards set forth by the Alabama State Department of Education and local wellness policy.
  - 1. A sale that takes place off and away from school premises.
  - 2. A sale that takes place on school premises at least on-half hour after the end of the school day.
  - 3. A sale that occurs during a school sponsored student activity after the end of the school day.
- d. The principal or designee at each local school shall provide a Fundraiser Exemption Form to the COB CNP Department two times during the school year. All fundraisers that are completed during the school day that involve the sales of food or beverages should be listed on the required Fundraiser Exemption Form.
- e. The local school principal shall encourage parents and faculty to provide healthy food choices at all celebrations held during the school day.

- f. *Monitoring tools for foods available during the school day:*
1. Competitive food sales will be monitored by principals and local wellness coordinator.
  2. Foods offered during the school day will be monitored by the local school principal.
  3. CNP Area specialist will observe during on-site visits and document at least twice a year in CNP reports to be obtained in CNP at the central office building.
  4. CNP Supervisors will observe and document at least once a year during an on-site visit and reports in violation are subject to being forwarded to Superintendent for review.
  5. Principals will monitor local school activity by signing CNP supervisory reports during site visits and reports will be maintained at the central office building in CNP.

7.12.3 Reimbursable School Meals Shall Not Be Less Restrictive Than Regulations or Any Guidelines Issued by USDA

- a. School menus (breakfast and lunch) will comply with USDA guidelines and will be written by a Child Nutrition Director or designee that has a full understanding of USDA/state guidelines and regulations.
- b. Monitoring tools for reimbursable school meal regulations
  1. Area specialist will observe during on-site visits and document a minimum of twice a year
  2. Child Nutrition Supervisors will observe and document a minimum of once a year during an on-site visit
  3. Menus will be reviewed and approved by the Child Nutrition Director or designee annually.

7.12.4 Plan for Measuring Implementation of the Jefferson County School System Wellness Policy, Including Designation of 1 or More Persons Within the Local Educational Agency or at Each Local School, as Appropriate, Charged with Operational Responsibility for Ensuring That the School Meets Recommendations/Regulations of the Wellness Policy.

- a. *Designee(s)* - Child Nutrition in conjunction with Athletics Department or designee will coordinate updates/meetings for Wellness Policy.
- b. *JEFCOED Wellness Committee* - will be the primary committee to oversee writing and revising policy at least every 3 years to be in compliance with USDA standards. We will meet more often if necessary.
- c. *Principals* – oversee wellness policy within their own school.
- d. *Superintendent* - JEFCOED Wellness Committee will update Superintendent on the wellness policy upon request by the Superintendent.
- e. *Monitoring tools for measuring implementation of the local wellness policy* -
  - 1. Child Nutrition or designee will provide written documentation regarding the implementation and monitoring of the wellness policy to be filed in CNP-COB Department.
  - 2. Reports from area specialists from all the schools will be reviewed by Child Nutrition Director or designee for compliance with the wellness policy.
  - 3. The Wellness Policy will be reviewed at least annually to be updated for any needed revisions or changes to be implemented for the following school year.

7.12.5 Involve Parents, Students, and Representatives of the School Food Authority, the School Board, School Administrators, and the Public in the Development of Jefferson County’s School Wellness Policy.

- a. *Parents, students, child nutrition, school board administrators, and the public will be involved in the development and approval of the policy.*
  - 1. All of the aforementioned groups will be involved in development and implementation of the wellness policy.
- b. *Parents, students, child nutrition, school board administrators, and the public will be able to provide feedback.*

1. The public can communicate by contacting Child Nutrition and/or talking with their local school principal. (Contact information for Child Nutrition will be provided on the Child Nutrition Website.)
  2. The public can also communicate to the local schools regarding the wellness policy by speaking with the principal or wellness coordinator.
- c. *Monitoring tools for involving students, parents, and community in the development of the Jefferson County wellness policy.*
1. Feedback regarding wellness from others communicated through the Child Nutrition Website will be maintained in CNP-COB.
  2. Documentation provided from sign-in sheets from Wellness meetings at Central Office and Local Schools.  
{Revised: January 26, 2017; February 22, 2018; February 27, 2020}

### **7.13 *Selection of Instructional Materials and Materials for the School Libraries***

The Superintendent is authorized to develop criteria for approval by the Board for selection of materials (other than textbooks) that are used in conjunction with student instruction and for circulation in school libraries. The Superintendent is further authorized to develop a procedure for review of objections to instructional and library materials.

### **7.14 *Parent/Family Involvement – Meeting the Requirements of No Child Left Behind Act of 2001***

7.14.1 Parental Involvement, Partnerships Encouraged – Training and appropriate resources will be provided for teachers, administrators, and parents to strengthen the ability of strong parent-school partnerships to enhance student achievement. Parents will be involved in jointly developing appropriate parental involvement policies and in reviewing school improvement through meetings with the school system’s Parent Advisory Committee. Policies developed through this process will be distributed to parents of students attending Title I schools. Additionally, the Board will provide coordination, technical assistance, and other support necessary to assist Title I schools in planning and implementing effective parental involvement activities to improve student achievement and school improvement. The Board will coordinate and integrate parental involvement strategies with other programs as appropriate.

- 7.14.2 Annual Evaluation of Initiatives – An annual evaluation will be conducted, with the involvement of parents, to determine the effectiveness of the parental involvement policy in improving the academic quality of the schools. The evaluation will include parent surveys, focus groups, and student assessment data. Parents will also be given the opportunity to submit suggestions and concerns regarding the parental involvement policy to the parent advisory committee. This information will be reviewed annually and used to make revisions to the school system plan as necessary.
- 7.14.3 Impediments to Parent Participation to be Identified – The Board will identify barriers to greater participation by parents in parental involvement activities, with particular attention to parents who are economically disadvantaged, are disabled, have limited English proficiency, have limited literacy, or whose racial or ethnic background may impede effective participation. To the extent practicable, all information required under Section 1111 of the Elementary and Secondary Education Act (“ESEA”), 20 U.S.C. §6301 *et seq.*, will be provided to parents in a uniform, understandable format and upon request, in an alternative format and language that the parents understand.
- 7.14.4 Elementary and Secondary Education Act Compliance – The school system will work with its schools to ensure that school-level parental involvement policies meet the requirements of section 1118(b) of the ESEA and each includes a school-parent compact consistent with section 1118(d) of the ESEA. This policy will specify that each school will:
- a. Convene an annual meeting to explain the school programs to parents and inform them of their responsibilities and right to be involved in the program;
  - b. Offer a flexible number of informational parent meetings, including building a strong home/school connection, parenting skills, and literacy development;
  - c. Involve parents in an organized, ongoing, and timely way in planning, review, and improvement of school programs;
  - d. Provide timely information about its school programs to parents, describe the curricula, student assessments, opportunities for regular meetings where parents can provide input, and respond promptly to parent suggestions; and
  - e. Provide parents with an opportunity for meaningful and ongoing consultation and communication about the academic quality of the school.

7.14.5 Notice of Rights and Information – The Board will comply with the *Parents Right to Know* provision of the *No Child Left Behind Act of 2001*, including the rights of parents to be informed of the credentials/qualifications of their child’s teacher(s) and their school choice and/or supplemental educational services options when schools are identified for school improvement or determined to be unsafe within the meaning of the Act.

**7.15 Released Time Credit**

7.15.1 Alabama Released Time Credit Act – Pursuant to the Alabama Released Time Credit Act, school districts may offer released time programs.

“Released time” is defined by the Act as a period of time during the school day when a student is allowed to participate in an elective course in religious instruction or activity, conducted off school district property, by a private entity as approved by the Superintendent.

7.15.2 Student Participation –

- a. A student may participate in released time programs if all requirements of the LEA’s Released Time Program and all the following are satisfied:
  1. The parent or guardian of the student gives written consent.
  2. The sponsoring entity maintains attendance records and makes them available to the public school the student attends.
  3. The sponsoring entity makes provisions for and assumes liability for the student who is excused for released time.
  4. No public funds are expended other than de minimis administrative costs.
  5. No public school personnel are involved in providing the religious instruction.

7.15.3 Attendance –

- a. A student may be allowed to make up any work missed from a Required core curriculum class to attend released time programs.
- b. Student attendance in released time shall be calculated as part of the school day and subject to all normal attendance rules.

7.15.4 Transportation – Transportation to and from the place of released time, including transportation for any student with disabilities, is the complete responsibility of the sponsoring private entity, parent, guardian, or student and may not be arranged, coordinated, or provided for by public school personnel. {Board approved: September 26, 2019}  
{Alabama Act 2019-281}