

**APPROVED ACTION OF
BOARD OF EDUCATION
REGULAR MEETING
6-10-14**

**NEW BUSINESS
ENCLOSURE A – Personnel**

Employment in Position

1. Steve Garrett – Special Education Teacher, Florence High School, effective with 2014-15 school year
2. Anne-Marie Hall – Temporary Music Teacher, Weeden Elementary School, effective with 2014-15 school year
3. Ronnie Hoskins – Part-time Intervention Teacher, Title I Schools, effective with 2014-15 school year
4. Willie West – Part-time 12 For Life Facilitator, Florence High School, effective with 2014-15 school year
5. Christopher Darby - CNP Worker (6 hours/day), Florence High School, effective with 2014-15 school year
6. Alice Daniels - CNP Worker (6 hours/day), Weeden Elementary School, effective with 2014-15 school year
7. Serita Dortch – CNP Worker (3 hours/day), Weeden Elementary School/CNP Worker, (3 hours/day), Forest Hills Elementary School, effective with 2014-15 school year
8. Lauren Wallace - Bookkeeper, Florence Middle School, effective July 30, 2014
9. Shirley Douglass – Graduation Coach, grades 9-12, effective October 1, 2014.
10. Elizabeth Renault – Equestrian Team Sponsor (\$1,118 annual supplement) plus one period of instruction, two days a week (\$3,000 annually) effect with the 2014/15 school year
11. Brian Dickerson – Assistant (Special Education), System-wide, effect with 2014/15 school year.
12. Elizabeth Pounders – Power Mathematics Teacher, Florence Middle School/Florence Freshman Center, effective with 2014/2015 school year

Contract Extension for 2013-14

13. Mary Lee Dobbins – Extend contract by five days during the summer of 2014

Unpaid Leave of Absence for 2014-15 School year

14. Leah Tucker – Elementary Teacher, Weeden Elementary School

Voluntary Transfer effective with 2014-15 School year

15. Melanie Hughes – from CNP Worker (6 hours/day), Florence Middle School, to CNP Worker, Florence High School (3 hours/day)/Florence Middle School (3 hours/day)
16. Jason Dunnivant – Special Education Teacher, Florence High School, to Special Education Teacher, Florence Middle School

Employment in Supplement

17. Russell Tate – Title I Summer School Administrator (\$10,089-\$12,187 [range] annual supplement), effective for 2014 summer school session
18. Jennifer Colvard-Davis – English Academic Leader (\$1,500 annual supplement), Florence High School, effective with 2014-15 school year
19. Chelsea Keenum – United Nations Model Sponsor (\$1,118 annual supplement), Florence Middle School, effective with 2014-15 school year
20. Scott Bayles – Academic Leader, History, Grade 8 (\$1,500 annual supplement), Florence Middle School, effective with 2014-15 school year
21. Steve Garrett – Head Varsity Baseball Coach (\$7,500 annual supplement which includes summer pay), Florence High School, effective with 2014-15 school year
22. Jason Dunnivant – Assistant to Athletic Director (\$2,459 annual supplement), Florence Middle School, effective with 2014-15 school year
23. Chelsea Keenum – Volleyball Coach – Middle School (\$1,300 annual supplement), Florence Middle School, effective with 2014-15 school year
24. Chelsea Keenum – Girls Basketball Coach – Middle School, Grade 8 (\$3,000 annual supplement), Florence Middle School, effective with 2014-15 school year
25. Phillip Crosslin – Freshman Softball Coach (\$2,200 annual supplement), Florence Freshman Center, effective with 2014-15 school year
26. Casey McDaniel – Softball Coach Middle (\$2,000 annual supplement), Florence Middle School, effective with 2014-15 school year
27. Rhonda Henry – Scholars Bowl Sponsor (\$1,118 annual supplement), Florence Freshman Center, effective with the 2014-15 school year
28. Brian Dickerson – Track Coach Outdoor (\$3,987, which includes \$1,000 summer pay, annual supplement), Florence High School, effective July 7, 2014
29. Brian Dickerson – Track Coach Indoor (\$1,500 annual supplement), Florence High School, effective July 7, 2014
30. Raya McCroskey – Student Council Sponsor (\$443 annual supplement), Harlan Elementary, effective 2014/15 school year

Resignation of Position

31. Shirley Douglass – 6th Grade Teacher, Hibbett Middle School, effective September 30, 2014

Resignation of Supplement

32. David Crocker – FALCON after-school Teacher, Florence Middle School, effective May 30, 2014
33. Scotty Brown – 5th grade Math Team Sponsor, Hibbett Middle School, effective June 10, 2014
34. Shirley Douglass – 6th grade Academic Team Leader, Hibbett Middle School, effective June 10, 2014
35. Tammie Corum – Key Club Sponsor, Florence Freshman Center, effective June 10, 2014

ENCLOSURE B –Monthly Expenditures, Financial Statements, Bank Reconciliations

Expenditures – Florence City Schools

1. Expenditures for school system for April, 2014, were \$3,787,858.

2. Financial statements and bank reconciliations as presented. Reconciled bank amount for April, 2014, was \$26,866,537.19.

ENCLOSURE C – Auction of Surplus Property

The Board approved the sale of miscellaneous surplus property (posted on Board portal) at auction formerly used at Florence High School in the Career Technical Education program. Said items are no longer needed. The auction will be held June 25, 2014, at Florence High School beginning at 10:00 a.m.

ENCLOSURE D – Bids

The Board approved the bid for custodial services at Florence Middle School to be awarded to Jani-King in the amount of \$79,565 per year, plus \$25 per hour for cleaning the gymnasiums and auditorium after ballgames and events. The price includes all cleaning supplies, garbage bags, and summer stripping and waxing of floors.

ENCLOSURE E – Revisions to 2014-15 Parent/Student Handbook

The Board approved two changes in the 204-15 Parent Student Handbook as presented:

1. The number of days was changed from “eight” to “five” to match the statement on page 25 under the “Attendance” section.

“An excused absence permits a student to make up missed work. However, excused absences based on parent-written notes may not exceed five school days per semester. Any other excused absences require a doctor’s note or written proof of required court appearance. All other absences, including out-of-school suspension, are unexcused. (Makeup work is permitted upon the first suspension only if that suspension results from an offense below Class III.)”

2. The requirements that parents of newly-enrolling students provide a birth certificate (original or certified copy) and Social Security card have been removed in verbiage on pages 12 and 42 due to a change in federal law.

ENCLOSURE F – Revised Budget Amendment 1 – FY2013-14

The Board approved an amendment to the FY2013-14 budget on May 29, 2014. Due to state requirements, we are reclassifying a grant from the general fund to the special revenue fund. This is an accounting action only. There is no change to the total budget. The Board approved the revision to the amendment as presented.

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.*]

- 3.1.1 Governmental Funds Definitions – The following definitions will be used in reporting activity in governmental funds. The Board may or may not report all fund types in any given reporting period, based on actual circumstances and activity.
- a. The General Fund is used to account for and report all financial resources not accounted for and reported in another fund.
 - b. Special Revenue Funds are used to account for and report the proceeds of specific revenue sources that are restricted or committed to expenditure for specified purposes other than debt service or capital projects.
 - c. Debt Service Funds are used to account for and report financial resources that are restricted, committed, or assigned to expenditure for principal and interest, even if it is being accumulated for future years' payments. Debt Service Funds should be used to report resources if legally mandated.
 - d. Capital Projects Funds are used to account for and report financial resources that are restricted, committed, or assigned to expenditure for capital outlays, including the acquisition or construction of capital facilities and other capital assets.
- 3.1.2 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 (1) not in spendable form or (2) legally or contractually required to be maintained intact. Examples of nonspendable fund balance reserves for which fund balance shall not be available for financing general operating expenditures include: inventories, prepaid items, and long-term receivables.
 - b. Restricted fund balances consist of amounts that are subject to externally enforceable legal restrictions imposed by creditors, grantors, contributors, or laws and regulations of other governments; or through constitutional

provisions or enabling legislation. Examples of restricted fund balances include: restricted grants.

- c. Committed fund balances consist of amounts that are subject to a purpose constraint imposed by formal action of the Board before the end of the fiscal year and that require the same level of formal action to remove the constraint.
- d. Assigned fund balances consist of amounts that are intended to be used by the school system for specific purposes. The Board authorizes the Superintendent or Chief School Finance Officer to make a determination of the assigned amounts of 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.

3.1.3 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.

3.1.4 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 of Education.

[Revised and Adopted May 2012]

3.2 Budget

A budget will be developed and approved for each fiscal year, which extends from October 1 to September 30 of the following year. Preparation, presentation, submission, and approval of the budget will be undertaken and completed as provided for in state law and regulations. Budgets will be “balanced” such that the expenditures set forth in the budget for the fiscal year will not exceed revenues and any cash balances on hand.

[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 ***Finance Manual Authorized***

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

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

3.5 ***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)]

3.6 ***Inventories***

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

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

3.7 *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.

3.8 *Deposit and Expenditure of Funds*

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

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

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

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

3.8.4 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)]

3.8.5 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 or his alternates as designated by the Board. All checks used will be prenumbered. Checks drawn on Board funds may be signed and processed by electronic means, under the direction of the Chief School Financial Officer or Superintendent.

3.9 *Employee Compensation*

3.9.1 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)]

- 3.9.2 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 is 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.
- 3.9.3 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. 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. All employees shall be paid through direct deposit to appropriate banks. However, employees in the first year of employment with the Board may opt to be paid over thirteen (13) months. 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.
- 3.9.4 Salary Deductions – Mandatory salary deductions will be made in accordance with applicable law, and employees are required to complete and submit all forms and provide such information as may be required or reasonably required for such purpose. The Board will make voluntary deductions as a service to employees

upon written request of the individual employee to the extent permitted by law. Deductions for membership dues will be made for organizations with at least twenty (20) active members, as established by membership lists provided to the Board by the organization. Such membership lists will be corrected, updated, and returned to the organization on a monthly basis. 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 10 of each school year. Section 125 (“cafeteria plans”) deductions must be completed by December 15 and become effective January 1 of the following year. Upon termination of employment, any amounts owed under the terms of an employee authorization will be deducted from the employee’s final pay. The Board will not be liable for any good faith error made in implementing a salary deduction that has been authorized by the employee. **Notwithstanding any of the foregoing, no salary deductions will be made for any organization which does not provide proper certifications or reports of expenditures in accordance with the requirements of Alabama Code Section 17-17-5(b)(2).**

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

- 3.9.5 Minimum Wage and Overtime – In compliance with the Fair Labor Standards Act (“FLSA”), the Board will compensate all employees who are not exempt employees under the FLSA. All non-exempt employees who work more than forty (40) hours in a workweek will be compensated at the rate of one and one-half times their current rate for each hour in excess thereof. Employees must accurately report all time worked for the Board. For purposes of determining overtime, the workweek begins at 12:01 a.m. on Sunday and ends at midnight on the succeeding Saturday. Non-exempt employees are not authorized to work more than forty (40) hours in a workweek without specific direction or authorization to do so by the Superintendent or his designee and the employee’s supervisor or the supervising school principal.
- 3.9.6 Compensatory Time – Non-exempt employees who work more than forty (40) hours in a workweek may, upon agreement between the employee and the Board, be paid overtime in the form of compensatory time. Compensatory time will be based on time worked beyond forty (40) hours in a workweek, and will be recorded in minimum time units of one-quarter hour rounded to the nearest quarter of an hour. No more than two hundred forty (240) hours of compensatory time may be accumulated. The Board reserves the right to require an employee to use compensatory time as its needs require and may “pay down” any compensatory time balance in its discretion. The Superintendent is hereby authorized to develop procedures and forms for use in implementing this policy.

3.10 *Expense Reimbursement*

Board members and employees will be reimbursed for reasonable travel and subsistence expenses incurred in connection with official Board business. Reimbursement will be in accordance with Board-approved rates 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 Board Finance Manual.

3.11 *Fees, Payments, and Rentals*

3.11.1 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.

3.11.2 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.

3.12 *School Accounts*

Funds held in school accounts, regardless of the funding source, will be maintained and accounted for in accordance with the 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.

3.13 *Authority to Execute Contracts*

3.13.1 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.

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

3.14 *Affiliated Organizations*

3.14.1 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, the principal, the State Examiners of Public Accounts, or an independent, certified public accounting firm. 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.

3.14.2 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.

3.15 ***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.

No fundraising activity may be undertaken by a school that requires students to go door-to-door without express approval by the Superintendent or his designee.

3.16 ***Child Nutrition Procurements***

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 applicable state and federal laws and regulations governing participation in such child nutrition program.

[Reference: Ala. Admin. Code 290-8-3-.01, *et seq.*]

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.

5.1.2 Special Requirements

- a. *Work Schedules (Teachers)* – Supervisory and instructional duties of teachers commence a minimum of ten (10) minutes prior to the actual arrival and conclude ten (10) 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 and one-half (7.5) 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 Superintendent’s office. 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. An employee is entitled to pay for an advanced degree in the monthly pay period that begins after the State Superintendent recognizes the advanced degree. If the contract period has ended, the increase in pay will become effective with the first pay period of the next contract. The advanced degree must be earned from a regionally accredited institution.
- d. *Supply Personnel* – Teachers holding appropriate certificates will be employed as supply teachers to replace permanent certified teachers who are on leave. ~~The supply teacher will be paid based on a rate established by the Board; after twenty (20) consecutive school days, the supply teacher is paid at a higher rate also established by the Board.~~ **The substitute teachers are contracted through an outside employment agency.**

~~Substitutes will be hired as needed for support personnel who are on leave at a rate established by the Board; after twenty (20) consecutive school days, the substitute is paid at the daily rate of the employee for whom the individual is substituting based on zero years of experience.~~ **through a contracted employment agency.**
- e. *Substitute Teachers* – Substitute teachers must, at a minimum, possess a high school diploma, a valid and current Alabama Substitute Teacher’s License or Alabama Teacher’s Certificate, and a document from the State Department of Education verifying a “clear” status resulting from a background check. **The substitute teachers are contracted through an outside employment agency.**
- 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 document from the State Department of Education verifying a “clear” status resulting from a background check.

5.2 Hiring

- 5.2.1 Application Procedures – All job applicants must complete an online application. Applications must be completed in full. Current employees, however, are required to submit a letter of interest and a resume. 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 as may otherwise be established by the Board, 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.
- 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.
- 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, ALA. CODE §36-25-1(12) (1975). 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. ALA. CODE §36-25-1(12) (1975).

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 by the Board 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 *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.
- e. Employees shall not receive pay or other compensation for private tutoring of students enrolled in classes they teach in Florence City Schools.

5.7 *Employee Evaluations*

5.7.1 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.

5.7.2 Non-Certified Personnel – Non-certified personnel will 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.

5.7.3 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.

- 5.7.4 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.
- 5.7.5 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.

5.8 Personnel Records

- 5.8.1 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.
- 5.8.2 Alternate Data Storage – Personnel file data may be stored or maintained electronically or digitally.
- 5.8.3 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.
- 5.8.4 Access to Personnel Files – Board members, the Superintendent, Board administrators (including principals), employees of the Business Office, 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.

5.9 Employee Leave

- 5.9.1 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.

5.9.2 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. Other unpaid leave that is specifically approved by the Board upon a showing of substantial hardship or extraordinary circumstances.

Employees who know in advance that they will be absent from work must notify their immediate supervisor of the expected absence in accordance with procedures specified by the Superintendent or the Board. In the event of an emergency or incapacity that makes advance notice impractical, employees must notify their immediate supervisor 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.

5.9.3 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 immediate supervisor has probable cause to believe that an employee has abused or misused sick leave, a physician's statement verifying the existence and nature of the illness or medical condition may be required by the Board. Abuse of sick leave may subject the employee to disciplinary action.

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

- 5.9.4 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 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)]

- 5.9.5 Personal Leave – All regular, full time employees are eligible for two (2) non-cumulative personal leave days each scholastic year without loss of pay. Certified employees are permitted three (3) additional personal leave days, with their pay reduced at the rate of substitute teacher pay. Personal leave must be requested in writing in accordance with such procedures as may be established by the Superintendent or the Board. Unused personal leave days are automatically converted to sick leave unless an employee requests in writing to be paid for those days at the end of the school year. Compensation for unused personal leave days will be the same daily rate of pay used for substitute teachers. Full time employees may choose to convert unused personal leave days to sick leave days at the end of the school year.

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

5.9.6 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:
 1. Employees with at least one year of consecutive service with the Board will accrue ten (10) days of vacation on July 1.
 2. Employees with less than one year of consecutive service with the Board will accrue .83 vacation days per month up to ten (10) days per scholastic year.
- c. *Accrual and Accumulation of Vacation Time* – Vacation time must be used by June 30; however, up to ten (10) days of vacation time may be carried over into the next year. Any accrued vacation days in excess of ten (10) days are forfeited if not used by June 30 of that year. Vacation days may not be bought, sold, or donated. Payment will be made for any vacation

leave, up to ten (10) days, that is unused as of the employee's resignation, termination or death. Accumulated vacation time in excess of ten (10) days will be forfeited if not used prior to the effective date of resignation or retirement.

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

5.9.7 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 or his designee, serve the needs and interests of the school system. The number of days approved for such leave will be at the discretion of the Superintendent or his designee .

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

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

[Revised May 2012]

5.9.10 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 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 *Family and Medical Leave Act (FMLA)*

5.10.1 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.

5.10.2 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 child care expires at the end of the twelve (12) month period beginning on the date of birth, adoption, or placement. Leave associated with the illness of a child will only be provided if the child is under eighteen (18) years of age or is incapable of self care due to physical or mental disability.

5.10.3 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.

5.10.4 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.

5.10.5 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.

5.10.6 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.

5.10.7 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.

5.10.8 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.

5.10.9 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.

- 5.10.10 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.
- 5.10.11 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.
- 5.10.12 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 who 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.
- 5.10.13 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.

5.11 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 will be 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 Business Office 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 Business Office 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. A new employee may enroll at the time of employment; all other employees must enroll during the annual open enrollment period.

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

5.12 *Administrative Leave*

The Superintendent is authorized to place an employee on administrative leave upon a determination that the best interests of the school system would be served by such action. Administrative leave relieves the employee of regular work responsibilities pending resolution of the matters or circumstances that gave rise to the leave. Administrative leave is not disciplinary in nature or purpose and does not affect the employee's compensation, benefits, tenure, or nonprobationary status. Administrative leave may be accompanied by such additional restrictions or conditions as may reasonably be imposed by the Superintendent under the circumstances (e.g., limitation on access to school property). The status of employees who are on administrative leave will be reviewed and reported to the Board periodically or as otherwise may be directed by the Board.

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 *Sexual Harassment*

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

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

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

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

- a. Verbal harassment or abuse of a sexual nature, including graphic or derogatory comments, the display of sexually suggestive objects or pictures, and sexual propositions;
- b. Repeated unwelcome solicitation 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 an individual's employment status.

5.14.3 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 sexual harassment should report the matter immediately. Under no circumstances will an employee be required to present the complaint to the person who is the subject of the complaint.

- b. *Informal Complaint* – An employee may choose to submit a sexual harassment complaint to a supervisor for investigation and resolution at the departmental or local level without resorting to formal complaint procedures. If the supervisor is the subject of the complaint, the complaint may be submitted to the Superintendent or, if the Superintendent is the subject of the complaint, the Chief School Financial Officer (CSFO) 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.

5.14.4 Formal Complaint Procedure

- a. *Persons Responsible For Receiving and Investigating Formal Complaints* – The Superintendent is responsible for receiving and investigating formal complaints regarding sexual harassment. The CSFO is an additional official to whom 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 shall 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.

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

5.14.6 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.

5.14.7 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 sexual harassment will be subject to appropriate disciplinary action, up to and including termination.

5.15 *Reduction-In-Force*

Reduction in Force (RIF) means a reduction in the number of certified or non-certified employees, or both, because of budgetary reasons due to a decrease in funds, program changes, decrease in enrollment, or other justifiable reasons. Transfer, non-renewal or termination of employees for other reasons is not a reduction in force.

In the event a RIF is necessary, the Superintendent shall recommend to the Board the level of budget reductions necessary and the steps required to meet those reductions, including but not limited to transfer, non-renewal, and termination. In accomplishing the necessary reductions, non-tenured/probationary people in the specifically identified areas shall be terminated before tenured/non-probationary.

In the event that tenured/non-probationary personnel must be released, such personnel within specified areas being reduced shall be ranked according to years of service within the local school system, with those of least seniority being released first. If years of service in the school system are equal between two people, then individuals with the least number of years of service in public education will be released first.

Employees affected by RIF shall be notified by the Board. There shall be no notification of tenured/non-probationary persons subject to recall; however, no recall rights shall exceed one school year. Individuals shall be recalled to specific areas according to years of service in the local system. Those with the greatest seniority will be recalled first. If two individuals have an equal number of years, the person with the greatest number of years of service in public education will be called back first.

If an offer of employment pursuant to this policy is refused, recall rights are forfeited.

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

5.16 *Unauthorized Payments*

5.16.1 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 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.

Unauthorized payments to former employees shall be subject to collection by appropriate legal remedy.

5.16.2 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.

5.16.3 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.

5.16.4 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.

5.17 *Drug and Alcohol Testing of Safety-Sensitive Employees*

5.17.1 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”).

5.17.2 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 eight (8) 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.

5.17.3 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).

5.17.4 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 and Employment Act of 1991]

5.18 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 Board-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.

VI. Students

6.1 *Admissions and Attendance*

- 6.1.1 Compulsory Attendance and Entrance Age – All persons between the age of seven 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-age children who reside within the municipal limits of the City of Florence, Alabama, may be admitted to Florence City Schools. For purposes of this policy, the residence of the student will be the residence of the parent(s) or legal custodian. If custody of the child is shared between parents, the address of the student shall be determined as that of the parent who has physical custody of the student. In the case of a legal custodian, an appropriate document issued by the Circuit Court must be presented.
- b. *Non-resident Students* – Students who do not reside within the corporate limits of the City of Florence may apply for enrollment in the Florence City Schools. There is no tuition charge.

All out-of-district applicants who are permitted to attend the Florence City Schools shall complete School Registration forms. Applications for out-of-district enrollment shall be considered on a “first-come, first-served” basis. In situations in which space is limited, priority will be given to a student who:

1. Was enrolled in a school in Florence City Schools the previous year;
2. Has a sibling enrolled at the requested school;
3. Has a parent or legal guardian employed by Florence City Schools.

Factors which may cause an out-of-district enrollment to be denied include:

1. A school, grade or program(s) has a lack of available space, staff or support services, taking in-district enrollment projections into consideration;

2. The school requested does not offer appropriate programs, is not structured or equipped with the necessary facilities to meet the needs of the student, or does not offer a particular program requested;
3. The student does not meet the established eligibility criteria for participation in a particular program including age requirements, course prerequisites, and required levels of academic performance;
4. The student has been suspended or expelled from school, or is in the process of being expelled;
5. The student has withdrawn from a school to avoid possible suspension or expulsion;
6. The student has a history of documented disciplinary infractions within the past three (3) years;
7. The student has been adjudicated or convicted of a crime;
8. The student has a record of excessive absences or truancy from school; or
9. Information on the enrollment application was misrepresented or incomplete.

The out-of-district approval process is as follows:

1. The parent or guardian must submit a completed application and provide any and all supplemental information requested by the District.
2. The receiving school principal and/or special education coordinator makes a recommendation to approve or not approve the enrollment application.
3. The recommendation is sent to the Superintendent.
4. The Superintendent approves or denies the request.

An approved application shall be valid for one year only. All non-residents must reapply each year.

The Florence City School System reserves the right to revoke the enrollment status of an out-of-district student at any time because of unacceptable behavior or because of false, misleading or incomplete information on the enrollment application. In the event of a revocation, the Superintendent or designee shall inform the parent/guardian of the

circumstances which resulted in the revocation decision. There is no appeal process; the decision of the Superintendent is final.

c. *Homeless Students* –

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

(ii) *Dispute Resolution.* In keeping with the official plan of Florence City Schools for homeless students, when a dispute arises regarding school placement, the system will immediately enroll the homeless student in the school in which enrollment is sought by the parent, guardian, or unaccompanied youth, pending resolution of the dispute by the school district. The school will provide the parent, guardian, or unaccompanied youth with a written explanation of the decision, a statement of the right to appeal, and the procedure for appealing the placement decision. The principal of the school will notify the Board's Homeless Liaison of the dispute. The Homeless Liaison will expeditiously carry out the system's dispute resolution procedures as detailed in the Board's homeless student plan.

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 either 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 Superintendent or his designee 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* – There are no attendance zones in Florence City Schools. Parents/guardians of students in grades K-4 will choose a school for their child upon initial enrollment. An alternate choice may be necessary based on classroom space or staff availability. This choice remains in effect through grade 4 unless the residence of the child changes to one of close proximity to another school that houses those grades. A request for change of schools may then be made to the Superintendent or his designee.
- 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 within three (3) days of the absence or the absence will be deemed unexcused. Excessive unexcused absences may result in retention (grades K-8), loss of academic credit (grades 9-12), or referral of the matter to the Attendance Officer or to juvenile or other appropriate legal authorities for investigation.

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

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

6.2 *Transfers and Withdrawals*

6.2.1 Transfers – The Superintendent or his designee may permit requested transfers of students between schools (grades K-4) within the school system only if a student's residence changes to one of close proximity to another school housing those grades. The Superintendent or his designee will approve or deny the request after due consideration of it.

- 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 or his designee.

[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 be 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 or requirements.

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

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

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

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 a total of at least four (4) credits from the four (4) core subjects composed of English, science, social studies, and mathematics.

- a. Physical education may count as only one (1) unit per year.
- b. No more than 1.5 Carnegie units may be made up during summer school. If a unit(s) or subject(s) is repeated in summer school, the higher numerical grade for the unit(s) or subject(s) may be used to compute the composite grade average.
- c. Eligibility will be determined on the first day of the local school year and will remain in effect for one (1) complete school year. Students ineligible at the beginning of an academic year may become eligible at the end of the first semester if they meet all academic requirements at that time. *Bona fide* transfers may be dealt with according to the rules of the Alabama High School Athletic Association for sports and rules to be developed by this Board of Education as they pertain to other extracurricular activities.
- d. Each eligible student involved in athletics must meet the definition of a regular student as defined by the Alabama High School Athletic Association.
- e. Any student who earns more than four (4) credits in the core curriculum in any given year or who accumulates a total in excess of the required four (4) per year may be exempt from earning the four (4) core courses in the succeeding year as long as that student remains on schedule for graduation with his/her class.

Students entering Grades 8 and 9 must, for the immediately preceding school year, have a passing grade in five (5) subjects with a composite numerical average of 70 with all other rules applying the same as to students in Grades 10-12.

Students promoted to the seventh grade for the first time are eligible.

For the purposes of this subsection, extracurricular activities associated with athletics are defined as those recognized and sanctioned by the Alabama High School Athletic Association, and other extracurricular activities are defined as those that are sanctioned by a public school that are not related to a student's academic requirements or success in a course(s). Regular curricular activities are defined as those that are

required for satisfactory course completion. School sponsors are required to submit a request for each curricular activity that occurs outside the regular school day and/or school to the principal and the Superintendent or his designee for approval. Approval by the Board of Education is required only for activities that entail overnight, out-of-state travel. Each request for full participation by all students, regardless of academic standing, in a curricular activity will be granted if the principal, Superintendent, and the local Board of Education approve participation in the activity as an extension of a course(s) requirement(s) and it is an event sanctioned by a state/national subject matter association. Notwithstanding anything to the contrary in this policy, student participation in extracurricular activities offered by the school through math, science, band, choral, music, and other courses at events such as athletic events (pre-game, game, halftime, or other breaks), club conventions, parades, amusement park trips and competitions, trips by tour companies, performance at various meetings, etc. are extracurricular, and students academically ineligible under this policy will not be allowed to participate.

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

6.5 Off-Campus Events

Student participation in and travel to off-campus events, concerts, functions, and activities, and the use of 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 serves 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 or his designee.
- 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 is required for overnight, out-of-state trips.

The Superintendent is authorized to develop additional specific requirements for participation in and travel to and from official events and activities that are consistent with the terms of this policy.

6.6 *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. Written approval is obtained from the student's parent or legal guardian and the Superintendent or his designee;
- d. Other rules, regulations, and requirements, including those pertaining to early dismissal or checkout, are observed; and
- e. Other rules and regulations that may be developed by the Superintendent and approved by the Board are followed.

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.

6.9 *Title IX*

6.9.1 **Prohibition** – In accordance with Title IX (20 U.S.C. §1681, *et seq.*), the Board strictly prohibits discrimination on the basis of sex or gender in its programs or activities, including sexual harassment, as defined by law and Board policy. Sexual harassment complaints should be filed and reviewed under the Board's student sexual harassment policy. All other complaints under Title IX will be filed and reviewed according to the Board's general complaint and grievance procedures.

- 6.9.2 Title IX Coordinator – The Superintendent is authorized and directed to designate a Title IX Coordinator, whose duties will include but not be limited to receiving and responding to Title IX inquiries and complaints.

6.10 *Student Sexual Harassment*

6.10.1 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.

6.10.2 Definition – For purposes of this policy, sexual harassment means unwelcome sexual advances, requests for sexual favors, other physical or verbal conduct or communications of a sexual nature, and any other gender-based harassment, whether initiated by students, school employees, or third parties, when:

- a. Submission to the conduct is made explicitly or implicitly a term or condition of the student's education, including any aspect of the student's participation in school-sponsored activities, or any other aspect of the student's education;
- b. Submission to or rejection of the conduct is used as the basis for decisions affecting the student's academic performance, participation in school-sponsored activities, or any other aspect of the student's education;
- c. The conduct has the purpose and effect of unreasonably interfering with a student's academic performance or participation in school-sponsored activities or creating an intimidating, hostile, or offensive education environment.

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

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

- 6.10.3 Sexual Harassment Complaint Procedures Authorized – The Superintendent is authorized and directed to establish, implement and revise more detailed sexual harassment complaint procedures that are designed to provide students who believe that they are victims of unlawful sexual harassment with a thorough, discreet, and prompt internal procedure for investigating and resolving sexual harassment complaints. The procedures will be drafted so as to facilitate the gathering of relevant facts and evidence, permit timely assessment of the merits of the complaint, provide an opportunity for informal resolution of complaint where appropriate, eliminate any harassment that is established by the investigation, and prevent any retaliation based upon the filing of the complaint. The procedures will reflect due regard for the legal rights and interests of all persons involved in the complaint, and will be drafted, explained, and implemented so as to be understandable and accessible to all student population groups and ages.
- 6.10.4 Initial Confrontation of Accused Harasser Not Required – A student who invokes the harassment complaint procedure will not be required to present the complaint to the accused or suspected harasser for resolution. Students will be permitted to report allegations of suspected harassment to any appropriate Board administrator, teacher, counselor, or employee, and such persons have a duty to promptly refer such allegations to the Superintendent or to take such action as may be required by the procedures established under “Sexual Harassment Complaint Procedures Authorized” (6.8.3) above. In no case will any employee who is the subject of a complaint be permitted to conduct, review, or otherwise exercise decisionmaking responsibility in connection with the processing of the complaint.
- 6.10.5 Notice of Policy to be Promulgated – The Superintendent will promulgate and disseminate this policy and the complaint procedures to the schools and will take such other steps and measures as may be reasonably available and expedient for informing the school community of the conduct prohibited by this policy and the recourse available to students who believe that they have been subjected to sexual harassment.

6.11 *Protection of Pupil Rights Amendment*

- 6.11.1 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.

6.11.2 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 examination 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 examination 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.

6.11.3 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.

6.11.4 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.

6.11.5 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 Superintendent or his designee 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]

6.12 *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 *Parent/Student Handbook* or by other appropriate means.

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

6.13 *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.

6.14 *Student Conduct*

The Superintendent will prepare and present to the Board for adoption and periodic revision a *Parent/Student Handbook* 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 *Parent/Student Handbook* will comprehensively describe the rules and standards of conduct and discipline that will be maintained and enforced within Florence City Schools. The *Handbook* will set forth the

specific grounds for disciplinary action; the penalties, sanctions, or consequences that may be imposed for a violation of rules and standards; the methods and procedures by which violations of the rules and standards will be determined; and any appeal or review procedures that are available to students. The *Handbook* will incorporate applicable statutory and regulatory requirements, and the hearing and appeal procedures specified in the *Handbook* will conform to applicable statutory and constitutional standards and requirements. The *Handbook* will be made available to all teachers, school personnel, students, parents and guardians at the beginning of each school year. The *Handbook* 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]

6.15 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 Board-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 frisk or “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.

6.16 *Corporal Punishment*

The Board allows reasonable corporal punishment of students in grades K-6 under the following terms and conditions provided that school personnel are not prohibited from using appropriate physical contact or intervention in response to emergencies or other circumstances reasonably requiring such action. 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 a school administrator in the presence of another administrator. Corporal punishment shall 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)]

6.17 *Seclusion and Physical Restraint of Students*

The Superintendent is authorized to develop written procedures governing the use of seclusion and physical restraint of students as required by state law.

[Adopted May 2012]

6.18 *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. Before the suspension, the principal should provide the student an opportunity to respond (even if verbally) to the charge(s) that has been made. Suspension may also be imposed as a disciplinary measure as provided in the *Parent/Student Handbook*. Permission for make-up work during the suspension period is subject to the conditions delineated in the *Parent/Student Handbook*. 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.

6.19 *Student Expulsion (including Students with Disabilities)*

Students may be expelled from school for offenses serious enough to warrant such action as provided in the *Parent/Student Handbook*. 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 therefor, 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.

6.20 *Electronic Communication Devices*

The use of personal, wireless communication devices by students is prohibited at school, except such devices issued to students by the District for educational purposes.* Personal, wireless communication devices include, but are not limited to, cellular telephones, pocket pagers, email devices, "walkie talkies," or any other electronic communication device. 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 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. The principal or his designee also has the authority to confiscate the device for a limited period or 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 *Parent/Student Handbook* or other school rules.

*Students may use personally-owned technology such as e-readers and cellular telephones for instructional purposes only with specific permission of the school principal.

[Reference: ALA. CODE §16-1-27 (1975); Revised and Adopted May 2012]

6.21 *Driver's License*

6.21.1 Driver's License – Unless exempted from the requirement by Board policy, a student 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. A student 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.

A student who is denied a driver's license by virtue of his 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 shall be promptly forwarded to the Superintendent for review and final decision.

6.21.2 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)]

6.22 *Student Parking Privileges*

6.22.1 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-free and alcohol-free school environment, students will be granted the privilege of driving and parking on school property only if they possess a valid driver's license and 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. 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.

6.22.2 Other Conditions – 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.

6.23 *Student Competitive Extracurricular Activity Substance Abuse Policy*

In order to promote the safety and welfare of students who participate in competitive extracurricular activities, to ensure 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. If a student purposely does not appear at the appointed time for a scheduled drug test, he will be considered as having failed the test.

6.24 *Harassment, Violence, and Threats of Violence Prohibited*

6.24.1 Prohibition - No student shall engage in or be subject to harassment, violence, threats of violence, or intimidation by any other student that is based on any of the specific characteristics that have been identified by the Board in this policy. Students who violate this policy will be subject to disciplinary sanctions.

6.24.2 Definitions –

- a. The term “harassment” as used in this policy means a continuous pattern of intentional behavior that takes place on school property, on a school bus, or at a school-sponsored function including, but not limited to, written, electronic, verbal, or physical acts that are reasonably perceived as being motivated by any characteristic of a student, or by the association of a student with an individual who has a particular characteristic, if the characteristic falls into one of the categories of personal characteristics set forth in Section 6.23.3(b) below. To constitute harassment, a pattern of behavior may do any of the following:
 1. Place a student in reasonable fear of harm to his or her person or damage to his or her property.
 2. Have the effect of substantially interfering with the educational performance, opportunities, or benefits of a student.
 3. Have the effect of substantially disrupting or interfering with the orderly operation of the school.

4. Have the effect of creating a hostile environment in the school, on school property, on a school bus, or at a school-sponsored function.
 5. Have the effect of being sufficiently severe, persistent, or pervasive enough to create an intimidating, threatening, or abusive educational environment for a student.
- b. The term “violence” as used in this policy means the infliction of physical force by a student with the intent to cause injury to another student or damage to the property of another student.
 - c. The term “threat of violence” as used in this policy means an expression of intention to inflict injury or damage that is made by a student and directed to another student.
 - d. The term “intimidation” as used in this policy means a threat or other action that is intended to cause fear or apprehension in a student, especially for the purpose of coercing or deterring the student from participating in or taking advantage of any school program, benefit, activity or opportunity for which the student is or would be eligible.
 - e. The term “student” as used in this policy means a student who is enrolled in the Florence school system.

6.24.3 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 harassment, violence, or intimidation; (2) to refrain from inflicting or threatening to inflict violence, injury, or damage to the person or property of another student; and (3) to refrain from placing another student in fear of being subjected to violence, injury, or damage when such actions or threats are reasonably perceived as being motivated by any personal characteristic of the student that is identified in this policy.
- b. Violence, threats of violence, harassment, and intimidation are prohibited and will be subject to disciplinary consequences and sanctions if the perpetrator of such action is found to have based the prohibited action on one or more of the following personal characteristics of the victim of such conduct:
 1. The student’s race;
 2. The student’s sex;

3. The student's religion;
4. The student's national origin; or
5. The student's disability.

6.24.4 Consequences for Violations – A series of graduated consequences for any violation of this policy will be those outlined in the *Parent/Student Handbook* or any rule or standard adopted under authority of this policy.

6.24.5 Reporting, Investigation, and Complaint Resolution Procedures -

Complaints alleging violations of this policy must be made on Board-approved complaint forms available at the principal's office. The complaint must be signed by the student alleging the violation or by the student's parent or legal guardian and delivered to the principal or the principal's designee either by mail or personal delivery. At the request of the complaining student or the student's parent or legal guardian, incidental or minor violations of the policy may be presented and resolved informally.

Upon receipt of the complaint, the principal or the principal's designee will, in his sole discretion, 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 an investigation of the complaint. The investigation will entail the gathering of relevant facts and evidence and will be conducted in a reasonably prompt time period taking into account the circumstances of the complaint. If the investigation establishes a violation, appropriate disciplinary sanctions will be imposed on the offending student(s). Other measures that are reasonably calculated to prevent a recurrence of the violation(s) may also be imposed by the principal or the school system.

The person reporting the violation may, upon request, be given an explanation of the outcome of the investigation and of any steps taken to prevent a recurrence of the violation, subject to any limitations on the disclosure thereof that may be imposed by law. A person reporting a violation who is not satisfied with the outcome of the investigation may appeal the decision in writing to the local Superintendent.

Acts of reprisal or retaliation against any student who has reported a violation of this policy or sought relief provided by this policy are prohibited, and are themselves a violation of this policy. Any confirmed acts of reprisal or retaliation will be subject to disciplinary sanctions that may include any sanction, penalty, or consequence that is available to school officials under the standards and rules in the *Parent/Student Handbook*. A student who deliberately, recklessly, and falsely accuses another student of a violation of this policy will be subject to disciplinary sanctions as outlined in the *Parent/Student Handbook*.

The complaint form developed to report violations of this policy will include a provision for reporting a threat of suicide by a student. If a threat of suicide is reported, the principal or the principal's designee will inform the student's parent or guardian of the report.

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

6.24.7 Construction of Policy – This policy is supplemental to other Board policies and procedures and does not repeal, replace, or supersede any other prohibition on harassment, violence, threats of violence or intimidation found elsewhere in Board policy or procedure, including the *Parent/Student Handbook*. This policy shall not be construed to allow harassment, violence, threats of violence or intimidation for any reason not specifically listed in this policy or to prohibit the school from disciplining students for acts of harassment, violence, threats of violence or intimidation not specifically listed herein. Students who engage in harassment, violence, threats of violence or intimidation not specifically covered by this policy may be subject to appropriate disciplinary action in accordance with the standards and rules in the *Parent/Student Handbook*.

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