



HUNTSVILLE CITY SCHOOLS

A Legacy of Leading & Learning

**HUNTSVILLE CITY
BOARD OF EDUCATION**

POLICY MANUAL

ADOPTED

JUNE 21, 2012

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Huntsville City Board of Education Policy Manual

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Preface

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

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

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

Any provision, feature, or aspect of Board policy that does not conform to governing law should be deemed void and superseded by such law.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

Definitions

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

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

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

I. Governing Principles

Mission and Vision

Our Mission:

Inspire, engage, and empower all students in becoming creative problem solvers, active citizens, and life-long learners through rigorous curriculum and relevant instruction within a supportive environment.

Our Vision:

- *High expectations*
- *Character driven*
- *Student centered*

"To provide a quality education that prepares all children for a successful future."

II. School Board Operations

2.1 Board Composition and Organization

- 2.1.1** *Composition* – The Huntsville City Board of Education is composed of five members, each elected for a four-year term of office. Terms of office are to begin on the first Monday in November in the year of the election.

[Reference: ALA. ACT. 90-283; ALA Code § 11-46-21(c)]

- 2.1.2** *Officers* – The Board will elect from its members a president, vice-president and a third presiding officer at a called meeting as follows: In a year in which Board members are up for election, officers will be elected at a Board Meeting held on the first Monday in November. In a non-election year, officers will be elected at the first regular Board Meeting in October. The Superintendent will serve as both the Board's chief executive officer and secretary. If the Superintendent's position is vacant, the Board may appoint one of its members to act as secretary until such time as the Superintendent's position is filled.

[Reference: ALA. ACT. 836 16-12-3 (1975)] [Reference: ALA. ACT. 90-283; ALA Code 11-46-21(c); Huntsville Municipal Ordinance Sec 2-63]

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

[Reference: ALA. CODE §§ 16-11-5, 9 (1975)]

2.2 Duties and Authority of Board Members

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

2.3 Board Member Compensation

Board members may be compensated for their services and reimbursed for expenses incurred in the performance of their official duties as authorized by law. Travel by Board members as official representatives of the school system shall be funded by the system, provided that prior Board approval of any out-of-state travel is obtained.

2.4 Board Member Training

- 2.4.1** *General* – Huntsville City Board of Education members will pursue ongoing training to develop and enhance their knowledge and effectiveness as Board

members and to improve Board governance and operations. Training will include participation in:

- (a) Orientation for newly elected or appointed school board members;
- (b) Training or consulting workshop for the Board as a whole;
- (c) State or national school board association events addressing Board governance or operation, or other Board member development opportunities relating to leadership development, Board governance, or Board operations.

2.4.2 *Source of Training and Report* – The Board recommends the requirements of this policy be satisfied by participation in training provided by the Alabama Association of School Boards or other sources considered knowledgeable in school board governance and leadership. Board members will provide a report to the Board about training experiences at the next available Board meeting.

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

2.5 Board Meetings

2.5.1 *General Provisions* – The Board will hold regular and specially called meetings in accordance with applicable statutory requirements and as dictated by the needs of the school system. All meetings of the Board will be open to the public except as may otherwise be required or permitted by law.

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

2.5.2 *Time and Place* – The times and places for regularly scheduled meetings will be established by the Board, provided that the Board may modify its meeting schedule in the exercise of its sound discretion. Public notice of the dates, times, and places of meetings of the Board will be given in the manner prescribed by law. The Board president or a majority of the Board members may call a special called meeting giving as much advance notice of the meeting as is practicable under the circumstances.

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

2.5.3 *Rules of Order* – Board meetings will be conducted in accordance with the most recently revised edition of *Robert's Rules of Order* provided that strict adherence to the formalities of the *Rules of Order* may be reasonably relaxed in order to facilitate conduct of Board business. A majority of the whole Board will constitute a quorum for purposes of transacting Board business except as may otherwise be provided by law.

[Reference: ALA. CODE §16-11-5 (1975)]

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

2.6.1 *Role, Responsibilities, Qualifications, and Term* – The Superintendent serves as the chief executive officer of and secretary to the Board. The Superintendent may exercise such prerogatives and duties as are prescribed by statute, as are delegated or specified in an employment contract, or as are otherwise lawfully assigned by the Board. The Superintendent must possess the minimum qualifications for the position that are established by law and such other qualifications as may be specified by the Board.

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

2.6.2 *Evaluation* – The Superintendent will be evaluated annually in accordance with an evaluation process agreed to by the Board and the Superintendent either in the Superintendent's contract or a separate written agreement.

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

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

[Reference: ALA. CODE §16-1-30.]

2.7 *Recordkeeping and Retention of Board Records*

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

2.8 *Association Membership*

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

2.9 *Selection of School, Facility, and/or Property Name*

Naming a School, Facility, and/or Property – When a school, facility, and/or property is to be named, the Board will consider all names which have been suggested.

Renaming an Existing School, Facility, or Property – A recommendation to rename an existing school, facility, or property will be considered only after the city-at-large has been given a full opportunity for input by public notice. The Board shall contact the PTA and/or other existing organized school support groups of the affected school. A minimum

of sixty (60) days from the date of public notice shall be given before action is taken by the Board.

Naming or Renaming of Parts of a School, Facility, or Property – If parts (i.e. gymnasium, library, auditorium, etc.) of a school, facility, or property are to be named or renamed for an individual or group, the name should be that of an outstanding civic or educational leader or a group of either local, state, or national prominence, who is either retired or deceased. The Board shall consult with the PTA or other organizational school support group of the affected school. The Board will only consider renaming of parts of a school, facility, or property under unusual or extra-ordinary circumstances. The individual or group shall have proved themselves as dedicated and concerned employees or former employees in the Huntsville City School (HCS) system or other accomplished, dedicated, or concerned persons in the HCS system, city, state or nation.

The proposed name of the school/facility and/or property will be presented at a regular scheduled Board meeting and may be voted upon at the second subsequent regularly scheduled Board meeting.

Naming opportunities may be granted in recognition of distinction and/or in recognition of financial support.

CRITERIA FOR NAMING

2.9.1 Naming in Recognition of Distinction

From time to time Huntsville City Schools may want to honor the extraordinary, distinguished contributions of individuals to humanity, to the United States, to Alabama, Huntsville, or the school system.

Except in the case of posthumous recognition, when a significant area or building is proposed to be named for an individual associated with Huntsville City Schools, it is recommended that a period of not less than three years shall lapse between the end of the individual's service to Huntsville City Schools and a naming proposal.

If a building, room, significant area or program is to be named in recognition of outstanding service, the Superintendent shall determine whether the person is worthy of the honor, whether the recommendation has the support of the occupants of the building or users of the area, as well as the support of the principal, before making a recommendation to the Board of Education for approval.

2.9.2 Naming in Recognition of Financial Support

Huntsville City Schools may seek private funds to enhance the system's ability to meet the education needs of the community, particularly toward a level of

excellence that would otherwise not be possible given state and/or local funding levels.

Donors may be individuals, families, organizations, foundations or corporations.

Naming a building, wing, room, lecture hall, etc. will be at the discretion of the Superintendent and the Board, depending on size, age, prestige, location, original cost, etc. However, general guidelines are:

- a. *Older existing facilities* (more than 10 years old) funded with public money should be named only in exchange for gift commitments of at least 10 percent of the building or portion of the building being named (e.g. gymnasium, auditorium, cafeteria) current value or replacement cost. Total costs include: architectural, planning, and construction; fees; site clearance and landscaping; furnishing; and equipment.
- b. *Newer existing facilities* (less than 10 years old) funded with public money should be named only in exchange for gift commitments of at least 10 percent of the building or portion of the building being named (e.g. gymnasium, auditorium, cafeteria) current value or replacement cost. Total costs include: architectural, planning, and construction; fees; site clearance and landscaping; furnishing; and equipment.
- c. *Unscheduled or unplanned facilities* that a donor wishes to have constructed will require a 100 percent gift commitment, plus an endowed maintenance fund.

The minimum gift for a “naming commitment” should be approximately \$25,000 for small physical spaces such as classrooms, offices and seminar rooms.

2.9.3 *General Provisions*

- a. No naming will be approved or (once approved) sustained that, in the judgment of the Superintendent and the Board, will call into serious question the public respect of Huntsville City Schools.
- b. Names of facilities or areas should lend prestige to the school and to staff, students and community. The credentials, character and reputation of each individual, organization or corporation for whom the naming of a school property is being considered shall be carefully scrutinized and evaluated. Nominations submitted for consideration must be accompanied by supporting documentation.
- c. When a building or significant area has been named, the school district will continue to use the name so long as the building or area remains in use and serves its original function. When the use has changed such that it must be demolished, substantially renovated, rebuilt, or sold,

Huntsville City Board of Education

Huntsville City Schools may retain the use of the name, name another comparable room or facility or discontinue the use of the name.

Commitments made prior to adoption of this policy shall be honored.

2.10 Superintendent Advisory Committees

The Superintendent has the authority to create committees to provide advice and recommendations regarding the operation and administration of Huntsville City Schools. A committee may be comprised of such individuals as the Superintendent deems necessary depending on the issues to be considered.

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 Financial Officer.

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

3.2 Budget

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

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

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

3.3 Accounting

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

3.4 Finance Manual Authorized

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

training will be provided by the Superintendent and the Chief School Financial Officer regarding the contents of the manual(s).

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

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

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

- a. The General Fund is used to account for and report all financial resources not accounted for and reported in another fund.
- b. Special Revenue Funds are used to account for and report the proceeds of specific revenue sources that are restricted or committed to expenditure for specified purposes other than debt service or capital projects.
- c. Debt Service Funds are used to account for and report financial resources that are restricted, committed, or assigned to expenditure for principal and interest, even if it is being accumulated for future years' payments. Debt Service Funds should be used to report resources if legally mandated.
- d. Capital Projects Funds are used to account for and report financial resources that are restricted, committed, or assigned to expenditure for capital outlays, including the acquisition or construction of capital facilities and other capital assets.

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

- a. Nonspendable fund balances include amounts that cannot be spent because they are either (a) not in spendable form or (b) legally or contractually required to be maintained in-tact. Examples of nonspendable fund balance reserves for which fund balance shall not be available for financing general operating expenditures include: inventories, prepaid items, and long-term receivables.
- b. Restricted fund balances consist of amounts that are subject to externally enforceable legal restrictions imposed by creditors, grantors, contributors, or laws and regulations of other governments; or through constitutional provisions or enabling legislation. Examples of restricted fund balances include: restricted grants.

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

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

3.5.4 Review and Reporting – The Board 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.

3.6 Audits

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

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

3.7 Inventories

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

Officer. Inventory forms will show items on hand at the beginning of the fiscal year, items lost, items disposed of, items purchased or otherwise added during the year, and items on hand at the end of the fiscal year.

[Reference: ALA. CODE §§16-13A-1, 6; 39-2-1, *et seq.* (1975)]

3.7.1 *Disposal of Inventories* - Equipment, supplies and other inventories deemed surplus to the schools will be returned to the district for use elsewhere in the system. The Superintendent will develop procedures for the proper disposal of inventories and damaged and surplus equipment deemed excess to the district's needs. Board approval is required for sale or disposal of equipment or supplies that have an individual depreciated value in excess of \$5,000. Lesser-valued inventory items may be sold, traded in-kind, or disposed of according to the district's finance manual in a manner that is most beneficial to the system. All proceeds will be entered into the general fund, except as required by law.

3.8 *Purchasing*

All purchases made with funds received from taxation or governmental appropriation ("Public Funds") shall be made in compliance with the Alabama Bid Law. In addition, all purchases shall be made in accordance with the Finance Manual and the Purchasing and Procurement Procedures. The Purchasing Department shall administer the letting, evaluation, and coordination of bids solicited by the Board. All bids shall be submitted in compliance with the terms of the applicable Request for Proposal and the Alabama Bid Law. For more information, please refer to the Finance Manual and the Purchasing and Procurement Procedures.

[Reference: ALA. CODE §16-13B-1-11 (1975); Ala. Code § 39-2-1-14 (1975)]

3.9 *Deposit and Expenditure of Funds*

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

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

3.9.3 *Expenditures* –

- a. ***Superintendent*** – The Superintendent is authorized to enter into contracts, purchase orders, or undertakings that entail an expenditure or financial commitment on the part of the Board of less than three-tenths (3/10) of one percent (1%) of total general fund expenditures without prior express Board approval. The Superintendent's authorization for expenditures hereby granted is subject to any restrictions imposed by law and the following terms and conditions:

- i. This policy shall not be effective if formal Board action and approval is required by law;
- ii. The transaction and payment shall meet other applicable legal requirements, if any (e.g., the bid law);
- iii. The board-approved budget must contain funds for the expenditure;
- iv. All such expenditures shall be reported to the Board of Education on a monthly basis.
- v. The restrictions on expenditures contained in this policy shall apply to the total of the expenditure in question, and payments may not be made in installments or otherwise divided in order to avoid the restrictions.

Nothing herein shall be deemed to create or give rise to personal liability on the part of any Board official for any good faith error, oversight, or excusable neglect in the administration of this policy.

- b. *Board Employees* – Board employees do not have authority to commit or obligate Board funds or to make purchases with Board funds unless such commitment, obligation, or purchase is made in accordance with Board policy, finance manual(s) created under authority of Board policy, or the employee has been given express authority to take such action by the Superintendent.

No employee is authorized to obligate or bind the Board in a manner that that deviates from or is inconsistent with the Board's approved budget.

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

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

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

- 3.9.5 *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 alternate as designated by the Board. Checks drawn on Board funds may be signed and processed by electronic means, under the direction of the Chief School Financial Officer or Superintendent.

3.10 Employee Compensation

3.10.1 Salaries and Pay Rates – Except as established and governed by the terms of a special employment contract, Board employees will be compensated at rates of pay that are approved by the Board. When required, such salary or compensation rates will be included in a schedule to be developed and adopted by the Board in accordance with state law. Employees may receive supplements or other additional compensation in accordance with criteria set forth in Board-approved salary schedules, Board policy, or as otherwise permitted by law.

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

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

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

3.10.3 Salary Administration – Employees are expected to fulfill the work requirements of the position held for the full term of their appointment. Compensation will be prorated to reflect the number of days actually worked, subject to appropriate adjustments, credits, and allowances for available leave. Unless otherwise approved by the Superintendent, 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. No employee is entitled to compensation except for work performed by the employee in accordance with an approved contract or the applicable terms of appointment. Compensation may be withheld pending the employee's timely, accurate, and complete submission of all required records, data, and reports.

- 3.10.4 Payroll Deductions* – Mandatory payroll deductions will be made in accordance with applicable law. 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 may make voluntary deductions as a service to employees upon written request of the individual employee as permitted by law. Deductions for membership dues will be made for organizations with at least 200 active members, as established by membership lists provided to the Board by the organization, to the extent permitted by state law. No payroll 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). Such membership lists will be corrected, updated, and returned to the organization no later than November 10 of each school year. Deductions will be based on the membership lists unless an employee revokes authorization for such deductions by providing written notice to the Board on or before September 15th of each school year or as otherwise required by law. Deductions will remain constant during the school year, except by the authorization of the Superintendent. 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 payroll deduction that has been authorized by the employee.

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

- 3.10.5 Minimum Wage and Overtime* – In compliance with the Fair Labor Standards Act ("FLSA"), the Board will pay required minimum hourly wages and overtime to all employees who are not exempt employees under the FLSA. For purposes of determining overtime, the workweek begins at 12:01 a.m. on Sunday and ends at midnight on the succeeding Saturday. All non-exempt employees who work more than forty (40) hours in a work week will be paid overtime. Employees must accurately report all time worked for the Board. 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, the employee's supervisor, or the supervising school principal.

- 3.10.6 Compensatory Time* – Non-exempt employees who work more than forty (40) hours in a 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 actual time worked beyond forty (40) hours in a workweek. 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.

3.11 *Expense Reimbursement*

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

3.12 *Fees, Payments, and Rentals*

3.12.1 Facility Use Fees – The Superintendent is authorized to develop a schedule of reasonable fees for use of Board facilities and property by individuals, groups, or organizations. Facilities will not be rented for partisan political use.

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

3.13 *School Accounts*

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

3.14 *Authority to Execute Contracts*

3.14.1 General Authority – The president of the Board, or, in the absence of the president, the vice-president, will have authority to execute contracts on behalf of the Board upon approval of the contract by the Board. The Board may also authorize the Superintendent to execute contracts on behalf of the Board as its chief executive officer. The Superintendent may execute contracts entered into in accordance with the Board’s policy on expenditures (*See 3.9.3*).

3.14.2 Limitation on Authority to Bind the Board – Board employees do not have authority to enter into agreements or contract with third parties, unless such agreements are made in accordance with Board policy, finance manual(s) created

under authority of Board policy, or with the express authorization of the Board.

3.15 *Affiliated Organizations*

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

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

3.16 *Fundraising*

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

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

3.17 *Child Nutrition*

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

regulations governing participation in such child nutrition program, and charged meals will not be considered an allowable expense.

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

3.18 *Worthless Checks*

The Board will take action to collect the amount of a worthless check in accordance with such corresponding rules, regulations, and procedures as may be set forth in the Board's Finance Manual.

3.19 *Classroom Instructional Support*

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

[Reference: ALA. CODE §16-1-8.1(b)(7).]

3.20 *Gifts to Schools/Departments*

The Superintendent is authorized to develop procedures and standards for documenting and approving gifts and the use of gifts made to the system, a school, or a department, including the type and amount of gifts that must be presented to the Board for approval.

Gifts should be initially reported to the CSFO who will provide any pertinent information needed for Board approval to the Superintendent.

Donors of goods, services, funds, or property who request or require formal confirmation, acknowledgment, or documentation of the donation shall be directed to the CSFO for such purposes.

3.21 *Recoupment of Employment Costs*

In the course of an employee's employment, HCS may pay the employee or pay third parties on behalf of the employee certain types of expenses (i.e. relocation/moving costs, continued education costs, certification or licensure costs, educational training cost, etc). In return, HCS has the right to expect the employee to complete the experience for which HCS has paid or, in the case of relocation/moving costs, to remain employed by HCS for at least two (2) years. When an employee does not complete the obligated experience, employment, training, continued education, program, etc. for which the employee or third party was paid on the employee's behalf, HCS has the right to recoup payment from the employee. The Superintendent shall develop recoupment procedures to implement this policy in the finance manual.

3.22 *Signage*

The purpose of this policy is to provide reasonable access to property of the Huntsville City Schools for the purpose of advertising, promoting events, and providing announcements and information through signage. Political messages will not be allowed. All content must be in compliance with any and all applicable federal and state laws and HCS policies and procedures. The Board reserves the right to decline content submitted for its signage. The Superintendent will develop procedures regarding signage.

3.23 *Fund Drives, Solicitations, Sales and Contests*

Outside organizations shall not be permitted to solicit, advertise, or sell goods or services through the schools of the school district unless authorized by the Superintendent or a designee. The Superintendent shall develop procedures regarding this policy.

IV. General Administration

4.1 Security/Access to Schools

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

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

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

firearm possession policy will be determined on a case-by-case basis in accordance with federal and state law. Parents of students who violate this policy will also be notified by the principal of violations.

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

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

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

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

district attorney, will be notified by the principal of violations of this policy.

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

4.2.3 *Illegal Drugs and Alcohol* – The use, possession, distribution, and sale of alcohol and the illegal use, possession, distribution, and sale of drugs in a school building, on school grounds, on Board property, on school buses, or at school-sponsored functions is prohibited.

a. *Penalties for Violations* – In addition to any criminal penalties that may be imposed, the following penalties will be imposed for unauthorized possession of illegal drugs or alcohol:

1. *Students* – Students will be disciplined in accordance with the Board’s Code of Student Conduct.
2. *Employees* – Employees will be subject to adverse personnel action, which may include termination.
3. *Other Persons* – Other persons may be denied re-entry to school property.

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

4.2.4 *Tobacco* – The use of tobacco products and the illegal possession, distribution, and sale of tobacco products in a school building, on school grounds, on school buses, or any Board property, or at school-sponsored functions is prohibited. These prohibitions also apply to electronic cigarettes, vape pens, hookah pens, e-hookahs, vape pipes and any similar type of devices to deliver nicotine, flavor, and other chemical via inhalation.

a. *Penalties for Violations*

1. *Students* – Students who violate the tobacco prohibition will be disciplined in accordance with the Board’s Code of Student Conduct.
2. *Employees* – Employees who violate the tobacco prohibition will be subject to adverse personnel action, which may include termination.
3. *Other Persons* – Other persons who violate the tobacco prohibition may be denied re-entry to school property.

- b. *Parental Notification* – Parents and guardians may be notified of actual or suspect violations of the tobacco prohibition whether or not the student is charged with a violation of Board policy, which includes the Code of Student Conduct.

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

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

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

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

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

- 4.2.7 *Adoption of Statutory Penalties and Consequences* – Persons who violate the Board’s prohibition of firearms, weapons, illegal drugs, or alcohol will be subject to all notification, referral, suspension, placement, re-admission, and other provisions set forth in Alabama Law.

[Reference: ALA. CODE §16-1-24.1 and 24.3 (1975).]

4.3 *Accreditation*

The Board will implement and adhere to such accreditation policies, principles, standards, and procedures as may be established or required by the Southern Association of Colleges and Schools Council on Accreditation and School Improvement (“SACS CASI”) accreditation division of Advanc-ED as a condition to receiving or maintaining accreditation.

4.4 *Use of Board Property*

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

knowledge and approval of the appropriate supervisor, administrator, or the Superintendent. Board property may not be used for partisan political purposes.

4.4.2 *Use of Board Facilities* – Schools and other Board owned or controlled facilities may be made available for use by sanctioned or generally recognized school support organizations if the use of the facility will not disrupt school operations or be inconsistent with the purpose and mission of the school system, and if adequate advance provision is made for security, supervision, maintenance, damage prevention, post-event clean-up, liability insurance, and other risk management measures appropriate to the proposed use. Use of Board facilities for non-school organizations may be approved if the foregoing conditions are satisfied and a rental contract (or the equivalent thereof) that includes a reasonable fee or rental charge and other appropriate terms and conditions is approved by the Superintendent. Board facilities may not be used for partisan political purposes.

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

4.5 *Parental/Citizen Concerns*

It is the policy of Huntsville City Schools to address all concerns brought forth by parents and citizens regarding matters governed by Huntsville City Schools' policies and procedures and/or the Huntsville City Board of Education. This policy supports the goal of the Board of Education to encourage the best possible relations among students, parents, citizens, teachers, and administrators and to ensure a happy, healthy, and safe learning environment for all students.

The Board has confidence in its professional staff and parents and desires to be supportive. Therefore, whenever a concern is made directly to the Board as a whole or to a Board Member as an individual, it will be referred to the appropriate administrative staff for review and resolution. The Board expects that all concerns will be reviewed/resolved in a timely manner at the appropriate level.

4.6 *Parental and Family Engagement*

It is the policy of the Board of Education to encourage and support effective parent involvement programs that promote family literacy and parenting skills, embrace partnership and communication between schools and parents, and facilitate parent involvement activities which improve student achievement and school performance.

The Board of Education supports the development, implementation, and regular evaluation of a program in each school, which will involve parents and the community at all grade levels in a variety of roles. They will include, but not be limited to, the following components of successful parent and community activities as presented in the PTA National Standards for Parent/Family Involvement Programs:

- a. Family and school communications is two-way, regular, meaningful and respectful of diversity;
- b. Promotion and support of responsible parenting enable families to participate actively in their children's development from birth through their school years;
- c. Recognition that parents play an integral role in assisting students' learning;
- d. Parents and the community are welcome in the school, and their active support and assistance are sought;
- e. Inclusion of parents and community as partners in the decisions that affect children and families; and
- f. Community resources are used to connect students and families with resources that strengthen school programs and to provide educational enrichment and support in daily life.

4.7 Title IX and Section 504 Policies

It is the intention of the Huntsville City Schools Board of Education to fully comply with Title IX of the 1972 Education Amendments and the Rehabilitation Act of 1973, Section 504 and the regulations pursuant thereto.

4.7A Section 504 Policy & Grievance Procedure

4.7A.1 Criteria – The Rehabilitation Act of 1973, Section 504, protects qualified individuals with disabilities from discrimination. Any student, parent, employee or other person claiming a violation of the Rehabilitation Act of 1973, Section 504, and the regulations promulgated pursuant thereto, with regard to any educational program or activity of the Huntsville City Schools shall within a reasonable time following the alleged violation (whether from a specific, cumulative, or continuing condition) make written complaint to the principal of the school or the coordinator of the center in which such violation is alleged to have occurred.

4.7A.2 Complaint Process – Upon receipt of such written complaint, the principal or center coordinator shall make appropriate investigation with regard thereto, and shall within fifteen (15) days after receiving the complaint notify the complainant of (1) the decision reached in the matter and (2) the right to appeal to the Superintendent within thirty (30) days of such notification. A copy of the complaint with notation of its resolution shall be forwarded to the assurance officer for the Rehabilitation Act of 1973, Section 504. Further inquiry as deemed necessary will be made by the assurance officer.

4.7A.3 Appeal Procedure – *If the decision of the principal or center coordinator is unsatisfactory to the complainant, then an appeal can be taken to the Superintendent, provided written request therefor is received by the Superintendent within thirty (30) days after the appealing party has been informed of the decision of the principal or center coordinator. If the appeal is received by the*

Superintendent within the time limitation, a hearing shall be held before the Superintendent, or a designated representative, within thirty (30) days after receiving the appeal. Within fifteen (15) days following the hearing, the complainant shall be notified of (1) the decision reached in the appeal and (2) the right of further appeal to the Board of Education within thirty (30) days of such notification.

If the decision of the Superintendent, or the designated representative, is unsatisfactory to the appealing party, then a further appeal will be allowed to the Board of Education upon written request therefor within thirty (30) days after notification of the decision of the Superintendent, or the designated representative. If the appeal is received within the time limitation, the Board will either ratify, modify, or reverse the decision of the Superintendent or the designated representative, without any further hearing in the matter. The complainant shall be notified within thirty (30) days following receipt of the complainant's appeal to the Board of the decision of the Board, which decision shall be final.

4.7A.4 Alternate Procedure – If the alleged violation does not occur in one of the several schools or centers operated by the Board, but occurs in some other facility so maintained, then the initial complaint shall be filed with the assurance officer. The address of the assurance officer is available from the Office of the Superintendent. The assurance officer shall proceed to resolve the dispute in the same manner that the principal of a school or coordinator of a center would if the alleged violation had occurred at a school or center. The right of further appeal to the Superintendent and to the Board of Education shall be preserved as set forth herein above, with the decision of the Board being final.

4.7A.5 Exception – Section 504 complaints regarding the identification, evaluation, or services provided to a student under Section 504 will be addressed under a separate process designed specifically to address those complaints.

4.7B Title IX Policy

4.7B.1 Policy Objective - Title IX of the Education Amendments Act of 1972 (“Title IX”) provides that “[n]o person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.” This includes discrimination affecting both students and employees.

The Board is committed to meeting the standards of Title IX and does not discriminate on any basis, including on the basis of sex, in its educational programs and activities. The Board expects its students and employees to conduct themselves in a non-discriminatory manner, in accordance with Title IX, whether on campus or at a school-based activity off-campus. Title IX’s

prohibition against sex-based discrimination includes harassment, unwelcome conduct, sexual assault, dating violence, domestic violence, and stalking. When conduct in violation of Title IX is reported, the District will ensure action is taken to:

- provide supportive services and resources to impacted students and employees;
- conduct a thorough and impartial investigation;
- communicate regularly with those involved in writing throughout the process; and
- promptly provide a written determination following completion of its investigation.

If the District finds a responding party to be responsible for the conduct alleged, in violation of this policy, sanctions up to and including expulsion or termination may be imposed.

4.7B.2 Title IX Staff - The Board has authorized the Superintendent to designate the following Title IX Staff members:

(A) *Title IX Coordinator* - The Title IX Coordinator shall oversee implementation and enforcement of this Policy, as well as compliance with applicable procures, rules, and regulations. Reports, questions, or concerns regarding Title IX and potential instances of prohibited conduct may be directed to the Title IX Coordinator. The Title IX Coordinator shall also receive complaints of prohibited conduct, coordinate investigations, and ensure adequate training.

Contact information for the Title IX Coordinator can be found on the district webpage, at the front office of each school, and will otherwise be made available to students, employees, and community members.

(B) *Title IX Investigators* - Title IX Investigators will collect and review evidence, including witness statements, and prepare an investigative report. These persons will receive training from the Title IX Coordinator. Only one investigator will be assigned by the Title IX Coordinator for each individual complaint. Title IX Investigators will often be school-based personnel responsible for investigating other instances of student misconduct and will perform the Title IX investigative duties as needed.

(C) *Title IX Council* - The Title IX Council will be a panel of Board employees who will review investigative reports and make responsibility determinations. These persons will receive training from the Title IX Coordinator. While the council may consist of several employees, only **one** council member will be assigned to render a decision in each case.

4.7B.3 Scope of Policy - Title IX prohibits sex-based discrimination, including sexual

harassment, whether against students or employees. Note that misconduct falling outside this policy may nonetheless violate other Board policies (such as the student code of conduct) and thus be otherwise subject to disciplinary action.

(A) Educational Program or Activity - This Policy applies to all prohibited conduct against any person that occurs in the “***educational program or activity***” of the Board, including all of its schools, regardless of whether that program or activity takes place on or off campus. An “educational program or activity” includes locations, events, or circumstances over which the Board, through its schools and/or employees, exercise substantial control over both the alleged wrongdoer and the context in which the conduct occurred. This may include, for example, an incident that occurs off-campus at a school sponsored event such as a field trip, but must occur in the United States.

(B) Covered Individuals - All students and employees are subject to this Policy, regardless of sex, gender identity, gender expression, or sexual orientation.

4.7B.4 Prohibited Conduct - A violation of this Policy occurs if a student or employee is found, more likely than not (i.e., by a preponderance of the evidence), to have engaged in any of the types of prohibited conduct defined below. This conduct is prohibited regardless of whether it is directed toward a student, employee, visitor, or other person.

(A) Sexual Harassment

- (1) Any instance of quid pro quo harassment by a school employee. Quid pro quo means “this for that” and, in this context, refers to situations where a school employee offers favorable treatment in exchange for submission to unwanted sexual advances. This includes both explicit and implicit harassment;

Example: Offering an educational opportunity or benefit to a student, like a higher grade, in exchange for a sexual favor. This is sexual harassment regardless of whether the student agrees to the request.

- (2) Any unwelcome conduct that a reasonable person would find severe, pervasive, and objectively offensive such that it effectively denies equal educational access; or
- (3) Any instance of sexual assault, dating violence, domestic violence, or stalking.

(B) Sexual Assault - Any sexual act directed against another person, forcibly

and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity (or because of his/her youth). This offense includes the forcible rape of both males and females. Sexual assault may include, but is not limited to rape, fondling, incest, and statutory rape.

(C) Dating Violence - Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

(D) Domestic Violence - Violence committed by a current/former spouse of the victim; person with whom the victim share a child in common; person who is cohabitating with or has cohabitated with the victim as spouse; or person similarly situated to a spouse of the victim.

(E) Stalking - Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his/her safety or the safety of others; or suffer substantial emotional distress. Stalking may be conducted directly or indirectly and may include, but is not limited to, the following behaviors:

- Making unwanted phone calls, including hang-ups;
- Sending unsolicited or unwanted letters, emails, texts, or instant messages;
- Leaving unwanted items or presents;
- Following or spying on a person;
- Showing up or waiting at places where the victim will be without a legitimate reason;
- Posting information or spreading rumors about the victim on the internet in a public place, or by word of mouth.

(F) Sex-Based Discrimination - Any conduct based on a person's sex, pregnancy, gender identity, or gender expression that adversely affects a term or condition of that person's employment, education, or participation in an educational program/activity.

**Note that sex-based discrimination includes harassment based on a student or employee's gender or failure to conform to gender stereotypes.*

4.7B.5 Reporting Prohibited Conduct - Any person (students, employees, parents/guardians, or other third parties) may report an instance of prohibited conduct, even if his or her knowledge of the incident is based on indirect information. Initial reports may be made in person, by mail, by telephone, by email, or by another means that results in actual receipt of the information by the Title IX Coordinator. Persons may also report potential prohibited conduct to any employee.

Employees, however, are mandatory reporters and are thus required to

promptly report potential instances of prohibited conduct to the Title IX Coordinator. This requirement exists regardless of how the employee becomes aware of the potential violation or if the person providing the information to the employee requests confidentiality. Where a person requests confidentiality, the employee should inform them of the employee's obligation to provide all known information to the Title IX Coordinator. Note that the mandatory reporting designation does not supersede an employee's legal obligation to maintain confidentiality – such as a health care provider's obligation to keep medical information private.

While prompt reporting is encouraged, there is no time limit on reporting or filing complaints of violations of this Policy.

4.7B.6 Grievance Procedure - The Superintendent is authorized to implement a grievance procedure that complies with the rules adopted by the United States Department of Education, and to amend those procedures when the Department of Education updates or amends its rules. Those procedures should cover the following: complaint; investigation; decision; and appeal.

4.7B.7 "Rape Shield" Protections

- (A) Complainants are not required to divulge any medical, psychological, or similar privileged records.
- (B) Prior sexual history of a party is generally irrelevant. An individual's character or reputation with respect to prior sexual activity is not relevant and cannot be considered as evidence except in limited circumstances. These circumstances include where such history is necessary to explain the presence of a physical injury, or where prior sexual history between the parties may help explain the context of the parties' relationship and has a bearing on whether consent was sought and given in the particular incident at issue.
- (C) Evidence of an pattern of conduct by the respondent may be relevant, whether before or after the incident at issue, to prove a material fact. It may also have a bearing on assigning appropriate discipline.

4.7B.8 Criminal or Civil Investigations - The policies and procedures outlined in this policy do not supersede applicable state or federal law. The grievance procedure outlined in the policy may be instituted for a violation of law that also violates this policy so long as both violations result from the same factual situation. Proceedings under this policy may be carried out prior to, simultaneously with, or following civil or criminal proceedings.

4.7B.9 Retaliation - The Board prohibits retaliation by its employees, students, or agents against any person who exercises their rights pursuant to this Policy or Title IX.

Retaliation is any act that has the effect of punishing a person for engaging in a protected activity, such as reporting prohibited conduct, filing a complaint under the Policy, and assisting or participating in any investigation. Examples of retaliatory acts include, but are not limited to, adverse employment actions or preventing a student from participating in a school-based activity. Retaliation may also include coercion, intimidation, or other harassment that would discourage a reasonable student, employee, or other person from filing a complaint regarding prohibited conduct or otherwise participating in an investigation under this Policy.

4.7B.10 Withdrawal of a Complaint - A complainant may, at any time in the process, request to withdraw a complaint. The Title IX Coordinator will make the decision regarding whether to permit such withdrawal, but will strongly consider the complainant's wishes.

4.8 Americans with Disabilities Act Complaint

4.8.1 Complaint Criteria – Persons who believe that they have been discriminated against in violation of Title II of the Americans with Disabilities Act on the basis of disability in connection with services, activities, or programs offered by Huntsville City Schools, may file a written complaint with the Compliance Department.

4.8.2 Complaint Form – The complaint should be in writing and contain information about the alleged discrimination including the name, address, phone number of complaining party and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint, will be made available for persons with disabilities upon request.

4.8.3 Complaint Process – The complaint should be submitted to the Compliance Department as soon as possible, but no later than sixty (60) calendar days after the alleged violation. Within fifteen (15) work days after receipt of the complaint, the Compliance Director or designee will meet with the complaining party to discuss the complaint and possible resolutions. Within fifteen (15) work days of the meeting, the Compliance Director or designee will respond in writing, and where appropriate, in a format accessible to the complaining party, such as large print or audio tape. The response will explain the position of the Board and offer options for substantive resolution of the complaint.

4.8.4 Appeal Procedure – If the response by the Compliance Director or designee does not satisfactorily resolve the issue, the complaining party may appeal the decision within fifteen (15) work days after receipt of the response to the Superintendent. Within fifteen (15) work days of the receipt of the appeal, the Superintendent will meet with the complaining party to discuss the complaint and possible resolutions. Within fifteen (15) work days of the meeting, the Superintendent will respond in writing, and where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

4.8.5 Records Retention – All written complaints received by the Compliance Department, appeals to the Superintendent, and records relating thereto will be

retained by the Board for at least three (3) years.

4.8.6 Additional Procedures Authorized – The Superintendent is authorized to develop such procedures as are necessary to implement this policy.

4.8.7 Exception – Complaints regarding the identification, evaluation, or services provided to a student will be addressed under a separate process designed specifically to address those complaints.

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

4.9 Risk Management

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

4.10 Emergency Closing of Schools

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

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

4.11 Internet Safety and Use of Technology

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

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

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

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

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

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

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

4.12 Political Activity

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

Employees may not invite or allow announced candidates for political office to address student groups except when such candidates are participating in a forum or like format that is designed to provide all candidates the opportunity to participate. Such forums may be conducted only for appropriate age groups, and with the advance approval of the school principal and the Superintendent.

Signs for political candidates may not be placed on schools or school board property. Campaign literature for political candidates and other such material may not be distributed on Board property during the regular school or work day, and may not be distributed at school or Board-sponsored events or activities in a manner that impedes the normal and safe movement of pedestrian or vehicular traffic, that creates any other safety hazard or risk, or that disturbs or disrupts the function, activity, or event.

4.13 Copyright Restrictions

It is the policy of the Board to abide by and enforce at every school and work site all copyright laws and regulations, in all formats, including electronic-based works or processes.

4.14 Service Animals in Public Schools

The Board acknowledges its responsibility to permit students and/or adults with disabilities to be accompanied by a "service animal" in its school buildings, in classrooms, and at school functions, as required by the Americans with Disabilities Act, 28 CFR Part 35, subject to the following:

4.14.1 Service Animals – A "service animal" means a dog, or in specific circumstances a miniature horse, that has been individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition. The work or tasks performed by a service animal must be directly related to the handler's disability or necessary to mitigate a disability.

School officials may ask the owner or handler of an animal whether the animal is required because of a disability and what work or task the animal has been trained to do unless the answers to these inquiries are readily apparent. School officials may not ask about the nature or extent of a person's disability and may not require documentary proof of certification or licensing of the animal as a service animal.

4.14.2 Requirements that must be Satisfied Before a Service Animal will be Allowed on

School Property

- a. *Request* – Any request for an individual with a disability to be accompanied by a service animal must be addressed in writing to the Superintendent of Schools and must contain documentation of vaccinations. This written request must be delivered to the Superintendent of Schools at least ten (10) business days prior to bringing the service animal to school or a school function. The request must be renewed each school year.
- b. *Vaccinations* – The service animal must be immunized against diseases common to that type of animal. Owners of a service dog must provide annual proof of the following vaccinations: DHLPPC (Distemper, Hepatitis, Leptospirosis, Parainfluenza, Coronavirus), Bordetella, and Rabies. Owners of service miniature horses must provide annual proof of the following vaccinations: Equine Infectious Anemia (Coggins Test), Rabies, Tetanus, Encephelomyelitis, Rhinoneumonitis, Influenza, and Strangles.
- c. *Health* – The service animal must be in good health. The service animals must be kept clean and groomed to avoid shedding and dander. The service animal must be treated for, and kept free of, fleas and ticks. The service animal must be spayed or neutered.
- d. *Control* – A service animal must be under the control of its handler at all times. The service animal must have a harness, backpack, vest identifying the service animal as a trained service animal, leash (blaze orange in color for hearing service animals), or other tether unless either the handler is unable because of a disability to use a harness, backpack, vest, leash, or other tether, or the use of a harness, backpack, vest, leash, or other tether would interfere with the service animal's safety or effective performance of work or tasks, in which case the service animal must be otherwise under the handler's control.

4.14.3 Service Dogs in Training – Experienced trainers of service animals may be accompanied on school property by a dog that is in training to become a service animal. The dog must be at least six months of age. Trainers must wear a jacket identifying the organization to which they belong. Persons conducting continuing training of a service animal may be accompanied by a service animal while on school property for the purpose of school business. Persons who are part of a three-unit service dog team may be accompanied by a service dog while on school property provided that person is conducting continuing training of a service dog. A three-unit service dog team consists of a trained service dog, a disabled person, and a person who is an adult and who has been trained to handle the service dog. The dogs may accompany these persons while on school property for school purposes.

- a. *Use of Harnesses, Vest, etc.* A dog that is in training to become a guide

dog or a currently trained guide dog that is undergoing continuing training must be in a harness.

- i. A dog that is in training to become a hearing dog or a currently trained hearing dog that is undergoing continuing training must be on a blaze orange leash.
- ii. A dog that is in training to become a service dog or a currently trained service dog that is undergoing continuing training must be in a harness, backpack, or a vest identifying the dog as a trained service dog.
- iii. The training cannot disrupt or interfere with a school's educational process. It is expected that training would not normally take place in the classroom during instructional time.
- iv. All requirements of this policy which apply to service animals, such as health certificates, annual written requests, and supervision, care and damages, also apply to dogs in training.

4.14.4 Miniature Horses – The school district will make reasonable modifications in policies, practices, or procedures to permit the use of a miniature horse by an individual with a disability if the miniature horse has been individually trained to do work or perform tasks for the benefit of the individual with a disability. In determining whether reasonable modifications in policies, practices, or procedures can be made to allow a miniature horse into a specific facility, the school district must consider the following factors:

- a. The type, size, and weight of the miniature horse and whether the facility can accommodate these features;
- b. Whether the handler has sufficient control of the miniature horse;
- c. Whether the miniature horse is housebroken; and
- d. Whether the miniature horse's presence in a specific facility compromises legitimate safety requirements that are necessary for safe operation.

All additional requirements outlined in this policy, which apply to service animals, shall apply to miniature horses.

4.14.5 Extra Charges – The owner or handler of a service animal cannot be required to pay an admission fee or a charge for the animal to attend events for which a fee is charged.

4.14.6 Supervision and Care of Service Animals – The owner or handler of a service animal is responsible for the supervision and care of the animal, including any feeding, exercising, and clean up. The school district is not responsible for providing a staff member to walk the service animal or to provide any other care

or assistance to the animal. In the case of a young child or student with disabilities who is unable to care for or supervise the service animal, the parent is responsible for providing care and supervision of the animal. Issues related to the care and supervision of service animals will be addressed on a case-by-case basis in the discretion of the Superintendent or his or her designee.

4.14.7 Damages to School Property and Injuries – The owner or handler of a service animal is solely responsible for any damage to school property or injury to personnel, students, or others caused by the animal.

4.14.8 Removal of Service Animals from School Property – A school administrator can require an individual with a disability to remove a service animal from school property under the following circumstances:

- a. The animal is out of control and the animal's handler does not take effective action to control it;
- b. The animal is not housebroken;
- c. The presence of the animal poses a direct threat to the health or safety of others; or
- d. The presence of an animal would require a fundamental alteration to the service, program, or activity of the school division.

If the service animal is removed, the individual with a disability shall be provided with the opportunity to participate in the service, program, or activity without the service animal.

4.14.9 Denial of Access and Grievance – If a school official denies a request for access of a service animal or a dog in training, the disabled individual or parent or guardian can file a written grievance with the school's Section 504 Coordinator.

[Reference: ADA Regulations, 28 CFR Part 35 (as amended 2010)]

4.15 Data Governance and Use

The Superintendent is authorized to establish procedures governing the storage, use, and sharing of data maintained electronically by the school system. Such procedures shall comply with applicable state and federal law and shall include provisions for data security (including physical security measures), access controls, quality control, and data exchange and reporting (including external data requests, and third party data use). Nothing in this policy or in any procedures authorized hereunder creates or expands any entitlement to confidentiality of records beyond that which is established by law or specific Board policy.

Any unauthorized access, use, transfer, or distribution of Board data by any employee, student, or any other individual may result in disciplinary action (up to

and including termination of employees) and other legal action.

4.16 Adult Sex Offenders

Adult sex offenders who have been convicted of a sex offense must:

- a. notify the principal of the school or his designee before entering school property or attending the Pre K-12 school activity;
- b. immediately report to the principal of the school or his designee upon entering the property or arriving at the Pre K-12 school activity; and
- c. cooperate with any efforts undertaken by the principal of the school or his designee to discreetly monitor their presence on school property or at the Pre K-12 school activity.

For the purposes of this subsection, a Pre K-12 school activity is an activity sponsored by a school in which students in grades Pre K-12 are the primary intended participants or for whom students in grades Pre K-12 are the primary intended audience including, but not limited to, school instructional time, after school care, after school tutoring, athletic events, field trips, school plays, or assemblies.

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

The Superintendent may develop procedures regarding this policy.

[Reference: Ala. Code § 15-20A-17]

4.17 Suicide Awareness and Prevention

4.17.1 Goal – The Board strives to equip its employees with the information and training to recognize and act on the signs of suicide risk in order to provide prevention, intervention and postvention with students at risk, their families, and the communities which may be affected.

4.17.2 Required Resources - To the extent that the required resources are provided or available, the Board will:

- a. Foster individual, family, and group counseling services related to suicide prevention.

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

4.17.3 Expectation of Student Behavior – Students are expected to treat other students with courtesy, respect, and dignity and comply with the Student Code of Conduct. Students are expected and required to (1) comply with the requirements of the law, policy, regulation, and rules prohibiting harassment, violence, or intimidation and (2) to comply with the system’s prevention strategies related to suicide prevention, intervention, and postvention support.

4.17.4 Responsibility of Reporting – Any person involved in a cause of action or omission resulting from the implementation of this suicide prevention policy or resulting from any training, or lack thereof, required by this policy, are subject to the state immunity protection to the extent provided by Alabama Code § 36-1-12.

4.17.5 Implementation – The Superintendent may develop procedures in accordance with this policy.

4.18 Public Health Precautions and Infectious Disease Mitigation

4.18.1 Authorization. The Board authorizes the Superintendent to develop public health precautions and infectious disease mitigation procedures for all schools and other Board properties and all school sponsored activities. The Superintendent, and his or her designees, will develop, and amend as necessary, these procedures based on current guidance from local and state government and health officials.

4.18.2 Compliance with Applicable Law. The procedures developed in accordance with this policy must comply with the requirements of any current local, state, and/or federal law applicable to the Board, to include any regulation, rule, or order. Nothing in this policy should be interpreted to limit the Superintendent's ability to implement more restrictive procedures as may be necessary for the safe and appropriate operation of Huntsville City Schools as long as the more restrictive procedures do not otherwise violate any law applicable to the Board.

4.18.3 Mandatory Compliance with Procedures.

- a. Generally. All individuals, including all students, faculty, staff, family members, and other visitors to Board schools or properties, must comply with the procedures developed pursuant to this policy. Failure to do so will result in consequences including, but not limited to, temporary or permanent removal from the property.
- b. **Students.** As a condition to participating in any on campus instruction or attendance at any school sponsored event, students must adhere to the procedures developed pursuant to this policy. Failure to do so may result in removal from in person instruction. If parents/guardians believe that their student will not be able to comply with the procedures, they should contact their student's school principal to discuss options.
- c. **Employees.** All employees must comply with any procedures developed pursuant to this policy. Failure to do so will result in disciplinary consequences up to and including recommendation for dismissal. If an

employee has concerns about his or her ability to follow the procedures, the employee should raise that concern with his or her supervisor.

4.18.4 Posting of Procedures. All procedures developed pursuant to this policy will be made publicly available and will be posted, at a minimum, on Huntsville City Schools' website. The Superintendent may also post these procedures on other Board information documents such as the Student Parent Information Guide and any Behavioral Learning documents.

4.19 *Prohibition on Aiding and Abetting Sexual Abuse*

Neither the Board, nor any employee, agent, or contractor of the Board shall assist a fellow Board employee, agent, or contractor in obtaining a new job if the individual or Board knows, or has probable cause to believe, that the fellow Board employee, agent, or contractor engaged in sexual misconduct regarding a minor or student in violation of the law.

This prohibition does not apply to the routine transmission of administrative or personnel files. Additionally, this prohibition does not apply if (a) the information giving rise to probable cause has been properly reported to a law enforcement agency with jurisdiction over the alleged misconduct and any other authorities as required by Federal, State, or local law (including Title IX of the Education Amendments of 1972); and (b) at least one of the following conditions applies:

1. The matter has been officially closed or the prosecutor or police with jurisdiction over the alleged misconduct has investigated the allegations and notified school officials that there is insufficient information to establish probable cause that the Board employee, contractor, or agent engaged in sexual misconduct regarding a minor or student in violation of the law;
2. The Board employee, contractor, or agent has been charged with, and acquitted or otherwise exonerated of the alleged misconduct; or
3. The case or investigation remains open and there have been no charges filed against, or indictment of, the Board employee, contractor, or agent within 4 years of the date on which the information was reported to a law enforcement agency.

Reference: 20 U.S.C. § 7926

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

decorum and professionalism. Service and other employees who are issued uniforms shall wear uniforms when required. (See procedures on next page.)

- j. Employees shall promptly disclose to the Board any fact that would disqualify them from employment or that renders them unable to perform their essential job functions.

Employees who fail to meet these general requirements may be subject to adverse personnel action, which may include termination.

Huntsville City Schools
5.1.1.iP Employee Attire Procedures

Preface

The Huntsville City Board of Education (“Board”) has adopted and implemented the Huntsville City Board of Education Policy Manual (“Policy Manual”), approved June 21, 2012. Section 5.1.1(i) of the Policy Manual authorizes the Superintendent to create procedures to effectively implement the Board’s employee attire policy. These Employee Attire Procedures, established by the Superintendent, create specific substantive standards and requirements, including standards of personal and professional conduct, the violation of which may result in adverse consequences. These Employee Attire Procedures should be construed as a whole and with reference to the Policy Manual and applicable law.

I. Scope

Unless otherwise specifically stated, these procedures apply during normal school and work hours. These procedures may be enforced at any school function or activity where the wearing of certain attire is not appropriate for the type of activity or is determined to be potentially disruptive or dangerous.

These procedures apply to all employees, unless an exception is granted in advance consistent with Section V of these procedures.

II. General Rule

Employee attire should maintain generally accepted standards of professionalism. Employees must dress in attire that is appropriate to their position and the nature of the function being performed. Additionally, Employee attire must respect the Board’s goal to sustain an educational community that is positive and inclusive of a diverse range of ideas and identities.

III. Uniforms

Employees who are issued uniforms shall wear uniforms when required.

IV. Employees May Wear

For those employees who are not required to wear a uniform, the below list of attire is considered acceptable dress, provided the attire does not violate any of the requirements in Section V of these procedures. Acceptable attire includes, but is not limited to:

- Shirts with collars
- Button down shirts
- Sweaters
- Cardigans
- Slacks
- Cargo pants

- Jeans
- Khakis
- Capri Pants
- Dresses or Skirts at least mid-thigh in length
- Leggings/Jeggings/Tights worn with a tunic shirt (Tunic shirt is defined as a shirt or blouse that, when arms are lifted as high as possible, the shirt remains at a length that covers the buttocks.)
- Head scarves may be worn as an accessory.
- Employees who are outdoors may wear appropriate hats, visors, head coverings, and sunglasses.

V. Employees May Not Wear

- A. Sunglasses, hats, visors, and other head coverings may not be worn in school buildings. However, if approved by the employee's direct supervisor or a Board administrator, head coverings may be worn that have religious significance, for medical reasons, or for special events or circumstances.
- B. Clothing worn by employees must fit appropriately and should not be too tight or revealing. Clothing should not display illegal activity or contain writings or symbols that would be disruptive or disrespectful. Clothing that is provocative, revealing, indecent, vulgar, or obscene should not be worn.
- C. Shirts and tops with low necklines or bare midriffs shall not be worn. Clothing that is visibly torn, ripped, or has holes may not be worn.
- D. Shoes or sandals must be appropriate for the employees work area/assignment. Footwear such as house slippers and shower shoes are not appropriate.
- E. Jeans which have holes/tears are not permissible.
- F. All shorts, skorts, skirts, and dresses must be at least mid-thigh in length. Slits in skirts and dresses may not rise above the mid-thigh.
- G. Shorts are not appropriate, except for P.E. teachers, bus drivers, other outside workers, or when approved by the Employee's supervisor or a Board administrator. Sweat-suit type attire should not be worn except by P.E. teachers, bus drivers, custodians, or when approved by the Employee's supervisor or a Board administrator.
- H. All undergarments must be completely covered.

VI. Exceptions Granted in Advance

Exceptions to these procedures may be granted in advance by an Employee's supervisor or a Board administrator.

VII. Notification

These procedures must be posted online, on the Board's website, in a location that is easily accessible. Employees shall be notified by electronic mail or via an online posting of any changes or amendments to these procedures.

VIII. Enforcement

Except as otherwise provided or permitted, a Board employee who fails to comply with the rules set forth in these Employee Attire Procedures may be subject to appropriate disciplinary measures, up to and including termination. Appropriate disciplinary measures may include being asked to return home or asked not to wear the clothing again.

Violations of these procedures shall be enforced by Board administrators and supervisors. These procedures shall be enforced consistently and in a manner that does not unfairly impact any group based on race, sex, gender identity, gender expression, sexual orientation, ethnicity, religion, cultural observance, or body type/size.

5.1.2 *Special Requirements –*

- a. *Work Schedules (Certified Personnel)* – Supervisory and instructional duties for teachers commence a minimum of fifteen (15) minutes prior to the actual arrival and conclude fifteen (15) minutes after the departure of students. Except as otherwise may be provided based upon need of the Superintendent or the teacher’s Supervisor, the minimum work day for teachers is seven hours and 15 minutes per day. 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 to and departure from school and school activities; 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.

All school administrators are to work a minimum of 8.0 hours daily (7:30 a.m. – 4:00 p.m.). All administrators are expected to attend extracurricular activities and other meetings as required.

- b. *Work Schedules (Classified Personnel)* – The Superintendent or his designee is authorized to establish work schedules, including minimum work times, for classified personnel.
- c. *Certification* – Employees will hold such licensure or certification as may be required by law. Employees are solely responsible for ensuring that such licensure or certification is valid and current.
- d. *Substitute Teachers* – Substitute teachers must, at a minimum, possess a high school diploma and valid and current Alabama Substitute Teacher’s License or Alabama Teacher’s Certificate.
- e. *Teacher Assistants* – Teacher assistants must, at a minimum, possess (i) a high school diploma or its equivalent; (ii) a two year diploma from a college or university (or the equivalent hours) or pass the Work Keys Assessment; and (iii) a certificate from the State Department of Education verifying a “clear” status resulting from a background check.
- f. *Substitute Nurses* – Substitute nurses must possess a valid and current license issued by the Alabama Board of Nursing.
- g. *Highly Qualified Teachers* – The Board prohibits use of Title II, Part A funds to pay the salary of any teacher who does not meet the federal and state definitions of a highly qualified teacher under the No Child Left Behind Act (NCLB).
- h. *Highly Qualified Paraprofessionals* – The Board prohibits use of Title I, Part A funds to pay the salary of any new paraprofessional who is not

highly qualified, except under certain limited cases as described in Section 2141(c)(2) under the No Child Left Behind Act (NCLB).

5.2 *Hiring*

5.2.1 *Hiring Authority* – The Board shall make the final decisions to employ, transfer, promote or demote personnel based upon the Superintendent’s recommendations. The Board recognizes the Superintendent as the Chief Executive Officer of the Board who has the responsibility for recommending the appointment of personnel and authorizes the Superintendent to review the district’s personnel and staffing needs when there are projected changes in fund balances or in other instances that the Superintendent deems a review to be appropriate. The Board may pre-approve the Superintendent's recommended high quality candidates (teachers and administrators) through recruiting efforts contained in this policy. Huntsville City Schools will comply when contracts are mandated by the State Department of Education.

5.2.2 General

- a. Employee selection is a major factor in the enhancement of quality education and student learning. The guiding policy in selecting employees, transfers, promotions and demotions to accomplish this objective is to choose the best possible candidate. This broad intention is influenced by other specific Federal, State, and local laws and mandates which govern educational staffing and employment.
- b. The selection of personnel in the Huntsville City School System shall be made without regard to race or color except when the racial composition of the school/center must be considered to comply with applicable Federal Court Orders.
- c. Committees, Principals/Supervisors and/or the Human Resources Manager shall recommend the candidate to the Superintendent for recommendation to the Board. The Superintendent has the discretion to make recommendations with or without the use of Committees, etc., as outlined in this policy.
- d. Committees, Principals and/or Supervisors do not have to interview an applicant more than once in a three-year period.
- e. Unless waived by the Superintendent, at least four applicants are required to be interviewed.
- f. Selected applicants may not begin new position before approved by the Superintendent or his/her designee following completion of the established hiring process, except as provided by Section 5.2.1. All hires approved by the Superintendent or designee must be submitted to the Board and approved within 30 days of superintendent/designee’s

approval. If not approved by the Board within 30 days, the person is no longer an employee. Individuals or agents selected for a temporary agreement or contract may not begin prior to Board approval.

- g. Former employees who have been terminated for cause or resigned in lieu of being involuntarily terminated are not eligible for employment in the system.
- h. The Superintendent has the authority to determine whether an advertised position will be limited to internal/external/both candidates.

5.2.3 Notice of Job Vacancies –

- a. When vacancies occur in new or existing positions, such vacancies shall be made known to current employees and prospective applicants through the posting of "Notice of Job Vacancies" for not less than 14 calendar days when school is not in session, except in cases of emergency. If a personnel vacancy occurs during the time when school is in session, the vacancy notice shall be posted for not less than seven (7) calendar days. All vacancies involving positions that are supervisory, managerial, or newly created shall require posting notices for at least 14 calendar days.
- b. The notice shall be posted, according to statute on the State and Huntsville City Schools' website and in a designated location in each school/center and shall include the following:
 - 1. The schools/centers where the vacancy or vacancies may exist,
 - 2. The position title of the vacancy,
 - 3. The grade level and/or subject area of the vacancy,
 - 4. The minimum required certificate/qualifications,
 - 5. The minimum professional or other experience required,
 - 6. The salary range,
 - 7. The deadline for applying, and
 - 8. Other important qualification criteria.
- c. During the summer months, the vacancy notices shall be posted on the State and Huntsville City Schools' website and in an assigned place at the City Board of Education offices.

5.2.4 Teacher Application Process –

- a. *Submitting Application –*
 - 1. All external applicants (those not employed by the system or persons who work less than 20 hours per week) must apply on the State's website. Employees seeking a transfer or promotion must apply (abbreviated application version) on the State's website (refer to Section 5.2.6, Voluntary Transfers and Promotions).

2. Applications to be considered must include the following items (unless items for employees seeking a transfer or promotion are already on file in HR):
 - i. Completed application,
 - ii. Copy of Official Transcript,
 - iii. Copy of valid Alabama Teacher's Certificate or a letter from an accredited Alabama College or University Certification Officer
 - iv. Copy of Out-of-State Teacher's Certificate or a letter from an accredited college or university certification officer in another state (Must obtain a valid Alabama Teaching Certificate before June 30 of the school year for which the teacher is hired), and
 - v. Resume.
- b. *Screening Process* – Unless waived by the Superintendent or Deputy Superintendent, teacher applications will be screened to ensure teachers meet the minimum qualifications for all positions requested.
- c. *Interviewing Process* – When a vacancy occurs, Committees and/or Principals/Supervisors will screen, interview, and select applicants from the State website.
- d. *Staffing Process* –
 1. Principals/Supervisors shall consult with the appropriate Director of Education Program or designee, to determine the staffing needs/projections based on student enrollments/curricular programs for each school.
 2. Once these needs have been determined and approved, Principals/Supervisors shall submit their Personnel Requisitions to the appropriate department head who shall review the requisition to ensure that a valid vacancy exists and then submit to Finance for approval. After approval, the Department of Human Resources shall advertise the position. The racial composition of the school shall be considered when necessary to comply with applicable Federal Court Orders.
 3. It is the policy of the Huntsville City School Board to comply with all state and federal regulations and court orders in regards to staffing.

5.2.5 *Classified Personnel Application Process*

a. *Submitting Application –*

1. All external applicants, as defined above, must apply on the State's website. Employees seeking a transfer or promotion must apply (abbreviated application version) on the State's website (refer to Section 5.2.6, Voluntary Transfers and Promotions).
2. Applications to be considered must include the following items (unless items for employees seeking a transfer or promotion are already on file in HR):
 - i. Completed Application,
 - ii. Official Transcript (if applicable),
 - iii. License (if applicable),
 - iv. Workkeys Test (if applicable), and
 - v. Resume (if applicable).

b. *Screening Process –* Unless waived by the Superintendent or Deputy Superintendent, classified applications will be screened to ensure the applicant meets the minimum qualifications for all positions requested

c. *Interviewing Process –*When a vacancy occurs, Committees, and/or Principals/Supervisors will screen, interview and select applicants from the State's website.

d. *Principals and Administrative Personnel –* The selection of principals and administrative personnel will be the responsibility of the Superintendent or designee.

e. *Non-Certified and Other Instruction-Related Personnel –* The selection of non-certified personnel will be the responsibility of the Deputy Superintendent, Executive Council Member, or designee responsible for the area.

5.2.6 *Voluntary Transfers, Promotions and Demotions*

For definition, voluntary transfers are defined as equivalently graded positions and number of days worked per year. A promotion is an increase in grade or days worked per year. A demotion is a decrease in grade or days worked per year.

- a. A completed Transfer/Promotion Application (abbreviated version) for a voluntary transfer, promotion or demotion must be submitted via the State's

website before the deadline of the advertised vacancy.

- b. In order to be eligible for a voluntary transfer, the following must apply:
 - 1. The teacher must be tenured in the system, or a non-tenured teacher may apply starting in March of his or her third year toward tenure for consideration the following school year.
 - 2. The classified employee must be non-probationary for voluntary lateral transfers. In the case of a voluntary promotion or demotion, the employee may be probationary.
- c. Absent special or emergency circumstances, no recommendations for a voluntary transfer of a teacher from Committees or Principals/Supervisors will be accepted after twenty (20) calendar days prior to the first day of school.
- d. Absent special or emergency circumstances, any support employee who works directly with students in the classroom may not request a voluntary transfer to another school once the school year begins.
- e. Teachers applying for a voluntary transfer can provide the Board with references for the requested transfer, but teachers who request a transfer will be assigned as appropriate to meet the educational needs of the school district and the district's desegregation order.
- f. The Superintendent has the discretion to make recommendations as necessary relative to this policy.

5.2.7 *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.

Resignation – Voluntary resignations of employment submitted by certified employees within 30 calendar days before the first day of the next school term for students must be approved by a majority of the members of the Board. Otherwise, voluntary resignations by employees are automatically approved by the Superintendent to become effective and do not require approval by the Board (although Board approval may be obtained). The Superintendent has the authority to revoke approval of a resignation upon the written request of an employee within 48 hours of an employee having tendered his or her resignation, unless the Board has otherwise approved the resignation.

5.2.8 *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 supervision of another family member as defined in the Alabama Ethics Law. Any inadvertent employment or assignment of a family member that violates this policy must be promptly disclosed to the Superintendent upon its discovery, and all involved employees must cooperate in accepting reassignments or taking other measures necessary to correct the violation.
- b. *Employment of Family Members* – Administrators and 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.

No family members of Board members as defined in the Alabama Ethics law shall be employed by the Board, and any family member of a Board member who is employed by the Board upon their family member's election shall resign their position with the Board before their family member assumes office.

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 *Supplemental Duties*

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

5.5 *Professional Development*

- a. The Superintendent has the authority to develop and implement an ongoing program of professional training and development that is designed to enhance the competencies of professional and support staff.
- b. 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 to themselves or their family members and must adhere to applicable provisions of the Alabama Ethics Law.

5.6.1 *Outside Employment* – Employees may only engage in outside employment under the following terms and conditions:

- a. Employees will not engage in outside business activities or render any service for another employer during such time as duties and responsibilities have been assigned by the Board;
- b. Employees will not accept outside employment that would interfere with or impair the ability of the employee to perform duties as a Board employee effectively;
- c. Employees may not accept work that could compromise the employee's independent judgment in the exercise of duties for the Board;
- d. Employees may not use or disclose confidential information acquired through Board employment for their personal gain or for the benefit of a third party.
- e. Employees who report directly to the Superintendent or Deputy Superintendent, or directors/managers who report directly to those individuals, must notify the Superintendent before accepting outside employment with any entity or entities with which the Board has or may have a business relationship. Other employees must notify their supervisors before accepting outside employment with any entity or entities with which the Board has or may have a business relationship. (Paragraph B. above applies).

5.6.2 *Employee Gifts* – Employees shall not solicit any gifts. Employees may accept gifts from students or other members of the public if the gifts are of de minimis value. It is permissible for multiple individuals to contribute a small amount of money to pool together for the purchase of one gift allowing the group or class to give a little

more substantial gift while maintaining the de minimus value of each specific individual's contribution. All of Alabama Ethics Law §36-25-1 applies.

5.7 Employee Evaluations

The purpose of employee evaluation is to assist employees in their job performance. Evaluation shall be a continuous process which stresses praise for excellence and suggestions for improvements.

5.7.1 Evaluation of Certified Administrators, Contract Principals and Teachers/Educators – Certified Administrators, Contract Principals, and Teachers/Educators will be evaluated according to the requirements of the State Department of Education.

5.7.4 Evaluation of Classified Employees – The appropriate supervisor shall administer the evaluation of the classified employee annually. The Board directs the Superintendent to develop an evaluation instrument for classified employees.

- a. All classified employees shall be evaluated by their last duty day of the school year; the completed evaluation forms shall be submitted to of Human Resources fifteen (15) days after the last duty day.
- b. The evaluator and employee should sign the completed evaluation form. If the employee does not sign the form, the evaluator shall note that the employee refused to sign.
- c. Employees may be evaluated more frequently as indicated below (i and ii). These evaluations should be made for outstanding performance or deficient performance, and shall be submitted not more than 30 working days after the evaluation has been conducted.
 1. Outstanding performance evaluations may be submitted only to recognize a deed, act, or series of deeds or acts, of such importance that it cannot await recognition through the regular evaluator or through other forms of recognition.
 2. Deficient performance evaluations will be submitted to report a performance deficiency of such significance that it cannot await reporting through the regular evaluation.

5.7.5 Appeals – If an evaluatee receives an evaluation which contains inaccurate or unfair appraisals due to the failure of the evaluator to follow adopted evaluation procedures, the following recourse is available to the evaluatee:

Step 1: Try to settle the matter at the point of origin. Every reasonable effort should be made by the evaluator and the evaluatee to resolve the matter. This must be done within fifteen days after the employee receives the report.

Step 2: If the difference cannot be resolved at the point of origin, within

fifteen days after the employee receives the report, the matter may be appealed to the Superintendent of Schools. The appeal shall contain the nature of the appeal and the corrective action sought.

Upon receipt of an appeal of an evaluation, the Superintendent shall designate a central office administrative representative to review the appeal. The review shall include obtaining the substantiating documents from the evaluator and appellant. The designee shall present findings to the Superintendent who shall render a final decision on the appeal to the appellant within ten (10) working days.

- 5.7.6 *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.
- 5.7.7 *Special Evaluation Situations* – 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.
- 5.7.8 *Personnel Exempt from Evaluation* – Except when required by law or contract, temporary, substitute, and occasional employees, or employees appointed to supplemental (e.g., coaches, extracurricular activity sponsors), part-time, summer school, seasonal, irregular, or like forms of employment, or in positions that are created to serve experimental, pilot, temporary, or like special programs, projects, or purposes, the funding and duration of which are finite, 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, unless the material violates FERPA or contains inappropriate comments about a supervisor or other person.

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 Human Resources Department, and other persons whose duties reasonably require access to personnel files are authorized to view, copy, and use the contents of personnel files for purposes that are required by or in keeping with their official duties on behalf of the Board.

5.9 *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 by the Superintendent, 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;
- g. Court leave;
- h. Unavoidable leave - absences for unavoidable causes (severe weather condition, loss of home by fire, or other emergency situation) shall be provided at the discretion of the Superintendent or a designee. Unavoidable leave is not to exceed one (1) week or five working days during any one year and may not be used in lieu of sick leave. Absent extenuating circumstances, employees must submit a completed unavoidable leave form prior to approval.

- i. 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 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 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* – When a substitute is required or otherwise used, sick leave must be taken in one-half day (4 hour) increments. Eligible employees may only use paid sick leave for absences caused by the following:
 - 1. Personal illness;
 - 2. Incapacitating personal injury;
 - 3. Attendance upon an ill member of the employee's immediate family, defined as a spouse, parent, child, sibling or any person with a close personal tie;
 - 4. Death of a family member, including a spouse, parent, child, sibling, mother or father-in-law, son or daughter-in-law, brother or sister-in-law, nephew or niece, grandparent, grandchild, aunt or uncle;

5. Death or care of an individual with whom unusually strong personal ties exist because of a relationship other than those listed above.
- d. *Certification* – Employees must certify that sick leave was used for one of the reasons provided in state law and specify the reason. If the employee's principal or department head has probable cause to believe that an employee has abused or misused sick leave, a physician's statement verifying the existence and nature of the illness or medical condition 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 within twenty-four (24) hours after the injury occurred. If the injured employee is not able to notify the Board, another person reasonably knowledgeable about the employee's condition and circumstances leading to the injury may provide the required notification.

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

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

5.9.5 *Personal Leave* – Teachers and employees shall notify the Principal or their immediate Supervisor in writing as far in advance as possible prior to taking personal leave so that adequate plans can be made to cover assigned responsibilities. Such absence shall be reported as personal business. No more than ten percent (10%) of a local school certified staff, nor ten percent (10%) of a local school support staff, may take personal leave concurrently. Requests will be approved on a first submitted basis. The Superintendent may, upon request, grant personal leave in excess of the ten per cent (10%) limit. Absent Superintendent approval, personal leave may not be taken in the first or last ten days of a school term or during standardized testing. Personal leave must be taken in increments of at least four hours (1/2 day). No employee, as a condition to receiving personal leave, shall be required to divulge reasons for requesting such leave.

- a. *State-funded personal leave* – All regular, full-time employees are eligible for two (2) non-cumulative personal leave days each scholastic year without loss of pay. Teachers may be compensated for unused state-funded personal leave at the end of the scholastic year at the same daily rate of pay used for substitute teachers if requested in writing by June 15th. All other unused state-funded personal leave days convert to sick leave at the end of the scholastic year.
- b. *Additional personal leave* – All regular full-time employees are eligible for three (3) additional non-cumulative personal leave days each scholastic year. Employees will be charged an amount equal to the daily rate of pay for a substitute, whether or not a substitute is required, as follows:

<i>Years of Service</i>	<i>Days Paid by Employee</i>
0 – 3	3
4 – 10	2
11 – 15	1
16 +	0

Any unused additional personal leave days convert to sick leave at the end of the scholastic year.

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

5.9.6 *Vacation*

- a. *Eligible Employees* – Eleven and twelve-month full-time employees are eligible for paid vacation.
- b. *Vacation Benefits* – Eligible employees will earn vacation benefits as follows:
 1. Employees with less than six (6) years of service – Employees with less than six years of service earn .84 days of vacation per

month up to ten (10) days per scholastic year (July 1 – June 30).

2. Employees with more than six (6) years of service – Employees with more than six years of service earn 1.25 days of vacation per month up to fifteen (15) days per scholastic year (July 1 – June 30).
3. Only consecutive service with the Board will be considered in establishing length of service for purposes of determining vacation benefits.

c. *Accumulation of Vacation Time*

1. Employees with less than six (6) years of service may carry over up to twenty (20) days of unused vacation days from one scholastic year to the following scholastic year. Any accrued, but unused vacation days in excess of twenty (20) days will be forfeited after the close of business on June 30 of each year.
2. Employees with more than six (6) years of service may carry over up to thirty (30) days of unused vacation days from one scholastic year to the following scholastic year. Any accrued, but unused vacation days in excess of thirty (30) days will be forfeited after the close of business on June 30 of each year.

d. *Payment for Unused Vacation Time* – Upon termination of employment, accrued vacation days in excess of ten (10) days for employees with less than six (6) years of service and fifteen (15) days for employees with over six (6) years of service will be lost. Individuals will be entitled to payment for unused vacation days upon termination, up to a maximum of:

1. Ten (10) days (80) hours) for employees with less than six (6) years.
2. Fifteen (15) days (120) hours for employees with six (6) or more years.

e. *Scheduling* – Vacations must be scheduled with the knowledge and approval of the employee's department head.

5.9.7 *Professional Leave* – The Superintendent or his designee is authorized to grant professional leave with pay to 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 are entitled to regular compensation while performing jury duty (ALA. CODE §12-16-8) or when the employee is summoned under subpoena or other legal requirement to testify at trial in a court of law or in an administrative proceedings constituted under the statutory authority of the agency conducting the proceedings, subject to approval by the Superintendent or his designee. 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 or the Superintendent.

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 tenured or non-probationary 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 rolling period measured backwards from the date the employee uses any FMLA leave 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 the employee or 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. Intermittent leave shall be counted against an employee's leave entitlement in blocks of 30 minutes, but an employee shall not be charged for any use of FMLA that is less than 30 minutes (e.g., a 45 minute absence will result in a 30 minute FMLA leave reduction).

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 that does not return to work after FMLA leave, will be required to reimburse the Board for the cost of benefits coverage extended to the employee during the leave, unless the reason for the employee's failure to return to work is (i) a continuing serious health condition suffered by either the employee or a family member, or (ii) other circumstances beyond the employee's control.

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

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

5.12 Equal Employment Opportunity

- 5.12.1 *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, ethnicity, color, ancestry, national origin, religious preference, age, disability, sex, gender identity, gender expression, sexual orientation, pregnancy, marital status, results of genetic testing, or service in the military, or engagement in protected activity.

The Board provides reasonable accommodations, upon request, to individuals with disabilities who are in need of such accommodations in order to perform the essential functions of their positions.

5.12.2 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.

5.13 Complaints and Grievances

5.13.1 Employee Complaints (Grievances) – Subject to the limitations set forth below and elsewhere in this policy manual, any employee may present to the Board a grievance regarding an alleged violation, misinterpretation, or inequitable application of Board policy, rules and regulations, existing laws or procedures. Before requesting corrective action or relief from the Superintendent or the Board, persons with such complaints, grievances, or requests should present them for resolution to the employee, supervisor, or administrator at the lowest administrative level who has the authority and ability to address the problem or to implement the requested action. The Superintendent is authorized to develop specific procedures that will provide for fair consideration and orderly review of complaints and grievances. Such procedures may not unreasonably burden or delay the presentation or processing of such matters, and will be subject to Board review, modification, and approval.

5.13.2 Limitations Regarding Availability and Application of Employee Complaint/Grievance Policy – The general complaint/grievance policy and any procedures adopted thereunder do not apply to specific complaint or grievance policies and procedures that are established by Board policy or law for application to special factual or legal circumstances (e.g., sexual harassment grievance procedures; review of personnel matters under the Students First Act). In such instances, the specific statutory, regulatory, or policy-based process is the applicable procedure. The general complaint/grievance procedures that are authorized under the terms of this policy may not be invoked for the purpose of challenging or seeking review or reconsideration of adverse personnel decisions that have received final Board approval or the results of an employee evaluation. A grievance may not be used to challenge the Board's exercise of its discretion to adopt, approve, modify,

or repeal a policy, budget, regulation, or procedure or on its failure to exercise such discretion (e.g., adoption of a school calendar, compensation policies, etc.).

5.14 Anti Harassment

The Board strictly prohibits unlawful harassment of any person or group of persons on the basis of a legally-protected characteristic or status. These include, but may not be limited to, race, color, religion, sex, pregnancy, national origin, citizenship, age, disability, genetic composition or background, FMLA activity, military service or veteran status, and participation in legally-protected activity. Every employee is expected to uphold this policy and is responsible for maintaining a respectful and professional educational and work environment. When proper notice is provided, the Board will immediately investigate allegations of unlawful harassment and will take appropriate disciplinary action where warranted.

With respect to harassment on the basis of sex/gender, please see the Title IX Policy found in Section 4.7B.

5.14.1 *Definition of Unlawful Harassment* – Unlawful Harassment is unwelcome verbal, physical, visual, written, electronic or other conduct directed against any person or group, based upon characteristics or activities protected by federal or state law that has the purpose or effect of unreasonably interfering with an individual's working environment or work performance or creating an offensive, demeaning, or intimidating environment for that person or group of persons. To be unlawful, the conduct must be severe or pervasive, but the Board prohibits any such harassment.

5.14.2 *Examples of Prohibited Conduct* – The following are examples of conduct that may constitute unlawful discriminatory harassment:

- a. Verbal harassment may include but is not limited to epithets, derogatory comments or slurs based upon one of the characteristics noted above.
- b. Physical harassment may include but is not limited to assault, unwanted touching, impeding or blocking movement, or any physical interference with normal work or movement, when directed at an individual because of an individual's protected class or status.
- c. Visual forms of harassment may include but are not limited to derogatory posters, cartoons or drawings based upon an individual's protected characteristic.
- d. Sexual harassment, as one example of forbidden harassment, is defined as any unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature, because of an individual's sex, when: (1) submission to such conduct is an explicit or implicit condition of employment; (2) submission to or rejection of such conduct is used as the

basis for employment decisions; (3) or such conduct has the purpose or effect of unreasonably interfering with the individual's work performance or creating an intimidating, hostile, or offensive working environment.

5.14.3 *Employee Complaint Resolution*

- a. *Reporting* - When an employee feels that he or she has been unlawfully harassed, or observes or is otherwise aware of an incident of unlawful harassment, the employee must report the matter immediately in the manner set out below.
- b. *Informal Reporting* – Under no circumstances should an employee pursue resolution of a potential harassment situation through informal reporting only. Although employees are encouraged to work together to resolve differences, and while reports to first-line supervisors may be helpful, the Board cannot properly oversee and investigate a situation without proper notice in the manner set out below. Informal complaints to co-workers and reports to first-line supervisors will not comply with this policy and cannot provide notice to the Board of the problem. Employees **MUST** follow the complaint procedure set out below.

5.14.4 *Complaint Procedure*

- a. *Persons Responsible For Receiving and Investigating Complaints* – The Superintendent is responsible for adjudicating complaints regarding unlawful harassment. The Superintendent designates the Compliance Office for receiving reports of alleged unlawful harassment. All complaints should be voiced directly to the Compliance Office. The Compliance Office can be reached at (256)428-6836. However, under no circumstances will an employee be required to present the complaint to the person who is the subject of the complaint, nor will the complaint be adjudicated by the person who is the subject of the complaint. Accordingly, if the complaint concerns the Compliance Office, the complaint may be made directly to the Superintendent, or if the Superintendent is the subject of the complaint, directly to the Board.
- b. *Complaint form, contents* – Complaints should be made in writing, signed by the complainant, and should fully describe the circumstances surrounding the alleged harassment. Harassment complaints that cannot be made in writing should be memorialized by the Compliance Office or other appropriate recipient of the complaint.
- c. *Investigation* – The Compliance Office and 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 greatest extent practicable, reports of unlawful harassment will be kept confidential; however, complete confidentiality cannot be guaranteed because it is critical that the Board conduct a full and fair investigation.

5.14.6 *Retaliation Prohibited* – No retaliation or adverse action may be imposed as a result of a good faith complaint or report of harassment. If you believe you have been subjected to retaliation or adverse action as a result of a complaint, you must raise that concern in the same manner as set out above. If you feel that the person retaliating or otherwise taking adverse action against you is the same person to whom you are to report such matters, you may proceed directly to the Compliance Office, the Superintendent, or the Board itself, as the circumstances may require.

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

5.15 Reduction-In-Force

5.15.1 Definition and Scope.

- a. This policy applies to reductions-in-force that are implemented by “layoffs” contemplated by Ala. Code § 16-1-33 (1975).
- b. A reduction-in-force may be declared by the Board and layoffs approved thereunder if the Board determines that the decreased student enrollment or a shortage of revenues requires a reduction in the work force (beyond normal attrition) in order to maintain effective provision of educational services or to meet the Board’s financial, legal, or operational obligations.
- c. A “layoff” within the meaning of this policy is an unavoidable reduction in the workforce beyond normal attrition due to decreased enrollment or shortage of revenues. A layoff may result in termination of employment, transfer to a previously held position, assignment to another position for which the employee is qualified, and other actions necessary to resolve the reduction in workforce. As provided by Section 6(h)(3) of the Students First Act, Ala. Act 2011-270, Alabama Code § 16-24C-6, layoffs based on such reasons are not subject to challenge or review under said Act. Employees

who are laid off under authority of this policy are eligible for recall to employment as conditionally provided in this policy.

- d. *In the event a reduction-in-force is necessary, and prior to any layoff of personnel under this policy, the Superintendent shall recommend to the Board, and the Board shall approve, the level of reductions necessary by specifying the number of positions to be reduced, the job classifications to be affected, the organizational levels to be reduced, the number of employees to be affected, and the nature of the layoff for affected employees (i.e. termination, transfer, or reassignment).*

5.15.2 Criteria for Implementing Layoffs.

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

Reading Initiative (ARI), and/or the Alabama Math, Science and Technology Initiative (AMSTI);

- v. Job classification;
- vi. Any requirements that may be imposed by state or federal law or court order;
- vii. Written or otherwise documented performance evaluations that can be fairly, accurately, and objectively compared to current evaluations of other similarly situated employees for the purpose of ordering or ranking, provided that such evaluations predate the RIF announcement or declaration by not less than thirty days.

5.15.3 Recall –

- a. Employees who have been laid off under the terms of this policy will be given priority in filling positions as enrollment or financial circumstances warrant, provided that:
 - i. The nature of and qualifications for the position have not materially changed;
 - ii. The laid-off employee remains properly qualified, licensed, or certified; and
 - iii. The laid-off employee confirms in writing his or her availability for and interest in re-employment to the Board's Director of Human Resources in accordance with any directives that may be contained in or transmitted in conjunction with the notice of layoff.
- b. Circumstances permitting, and to the extent practicable, the selection of employees for recall will be based on the criteria that were applied to the layoffs themselves if there are more employees eligible for recall than positions available to fill.
- c. When layoffs occur over a period of time, the Board will take relative length of separation from service into consideration in assigning recall priority, other factors being equal.
- d. In no case will any right to be recalled to employment extend beyond two years from the effective date of the employee's layoff. .
- e. No pay, benefits, status as Tenured or Non-Probationary, as defined by the Students First Act, Ala. Act 2011-270, Ala. Code §§ 16-24C-1, *et seq.* or additional rights will accrue or be credited to the recalled employee for the time he or she has been laid off unless such a layoff resulted in a transfer or

reassignment to different position for the Board. For employees transferred or reassigned as a result of a layoff, they will earn pay, benefits, and status as Tenured or Non-Probationary as granted by the Students First Act, Ala. Act 2011-270, Ala. Code §§ 16-24C-1, *et seq.*

- f. Employees who are terminated as a result of a layoff and are later recalled will retain credit for the tenure, years of service, and the pay and benefit status they held on the effective date of their layoff

5.15.4 Notice – Notification of layoff and recall shall be by United States certified or registered mail, hand delivery, private mail carrier for next business day delivery, or such other means as are reasonable under the circumstances. Notice sent by certified mail will be deemed delivered two days after the date of the certified mail. Upon delivery of notification of recall, a laid-off employee shall respond affirmatively to the notice of recall and, if applicable, the notice of layoff in accordance with such specific directions or instructions as may be contained therein. Any laid-off employee who does not so respond or who otherwise declines an offer of re-employment by the Board will be deemed to have waived any right to be recalled under the terms of this policy.

5.15.5 Right to be Heard – Employees subject to this policy are not entitled to the rights contained in the Students First Act, Ala. Act 2011-270, Ala. Code §§ 16-24C-1, *et seq.* However, nothing herein shall be construed to impair or otherwise limit the Board's ability to establish procedures for employees to be heard or an employee's right to convey his or her thoughts about the layoff to the Board either in writing or by participating in the Board's process for hearing public comments and/or constituent concerns.

5.15.6 Reservation of Board Authority – Nothing in this policy will be deemed or construed to restrict or impair the authority of the Board to reorganize, consolidate, eliminate, reallocate, or otherwise modify the nature and configuration of its workforce in accordance with Alabama law.

[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.

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 four (4) hours of going on duty, operating, or having physical control of a vehicle;
- g. Reporting for duty or remaining on duty when using any controlled substance, except when instructed by a physician who has advised the driver and the Board that the substance does not adversely impact the performance of any safety-sensitive duty;
- h. Reporting for duty, remaining on duty, or performing safety sensitive functions with controlled substances in the employee's system.

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

5.17.3 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 Superintendent.

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 Employee Testing Act of 1991]

5.18 Employee Alcohol and Drug Testing

The Board reserves the right to require that sobriety or drug tests or screenings be performed whenever a school official observes or is made aware of circumstances that provide reasonable suspicion or belief that an employee 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 procedures developed by the Superintendent.

5.19 Searches (Personnel)

- a. *Board Property* – All school system property, facilities, and grounds may be entered, inspected, and searched for any lawful purpose by Board officials or their designees at any time, without prior notice and to the fullest extent permitted by law. The right to enter, inspect, and search includes and extends to (but is not limited to) Board owned or controlled offices, desks, file cabinets, lockers, vehicles, 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 exists that the property contains evidence of a violation of Board policy or contains any material, object, or substance that otherwise creates or presents a risk of harm or injury to the school, the workplace, or

persons therein.

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

5.20 Retirement Incentive

The Board may offer retirement incentives from time to time in accordance with a retirement incentive plan recommended by the Superintendent and approved by the Board. Any proposed retirement incentive plan must be funded with local funds, include parameters for eligibility and the incentive to be offered, and other appropriate guidelines for implementation. The incentive offered must be in consideration of the eligible employee's voluntary agreement to retire by one or more future dates and to surrender the employee's right to continued full-time employment upon such retirement.

5.21 Self-Reporting Arrest or Conviction

Reporting Event:

The Huntsville City Board of Education insists upon maintaining a safe and secure environment for all students and employees. In that regard, all employees shall self-report to the superintendent within three business days any arrest or conviction of a felony, any arrest or conviction related to child abuse or crime of violence whether a felony or misdemeanor, any conviction of any other misdemeanor, and any arrest for illegal use or possession of drugs, driving under the influence (DUI) or driving while impaired (DWI), but excluding minor traffic offenses such as speeding, running stop signs, or running red lights.

Failure to follow this policy is considered insubordination and may subject employees violating this policy to disciplinary action.

Definitions:

Arrest – the taking of a person into legal custody.

Conviction – the act or process of judicially finding someone guilty of a misdemeanor or felony in a court of law.

Self-Reporting – to notify the Superintendent in writing of a reporting event.

5.22 Social Media

This policy is intended to address Board employee use of all social media networks, applications, websites, and messaging applications and is intended to complement existing Board policies.

Board employees who engage in the use of social media are expected to maintain professionalism in any such use. In addition, when using social media, Board employees are expected to comply with all Board policies and procedures, as well as all state and federal laws. At all times, Board employees must adhere to the Board's policy on Copyright Restrictions (Policy § 4.13) in the use of social media. Board employees may not use or post any HCS logo or other Board intellectual property on any social media network, application, website, or messaging application without permission from the Superintendent.

Nothing in this policy should be construed as restricting the ability of the Superintendent or the Board to use social media and other communication technologies to fulfill their responsibilities for effectively communicating with students, families, Board employees, and the public.

The Board authorizes the Superintendent to create procedures to effectively implement the above policy. Except as otherwise provided or permitted, a Board employee who fails to comply with this policy or its accompanying procedures may be subject to appropriate disciplinary measures, up to and including termination.

Huntsville City Board of Education
5.22P. Social Media Procedures

Preface

The Huntsville City Board of Education (“Board”) has adopted and implemented the Huntsville City Board of Education Policy Manual (“Policy Manual”), approved June 21, 2012. Section 5.22 of the Policy Manual authorizes the Superintendent to create procedures to effectively implement the Board’s Social Media policy. These Social Media Procedures, established by the Superintendent, create specific substantive standards and requirements, including standards of personal and professional conduct, the violation of which may result in adverse consequences. These Social Media Procedures should be construed as a whole and with reference to the Policy Manual and applicable law.

The Superintendent recognizes that social media technology can serve as a powerful tool to enhance education, communication, and learning. However, the Superintendent is committed to ensuring that all Board employees who utilize social media technology do so in a safe and responsible manner. Thus, these Social Media Procedures provide guidance on how Board employees should use both professional and personal social media technology.

I. Definitions

A. “Social Media” includes but is not limited to the following:

1. Social networks including dedicated websites or applications, generally available to the public that enable users to communicate with each other by posting information, comments, votes/likes, and/or images. This definition encompasses blogs, online forums, chatrooms, virtual worlds, public comments sections on web pages, and other similar web-based or mobile applications. Current and historical examples of social networks include Facebook, Twitter, MySpace, Pinterest, YouTube, Instagram, Vine, Flickr, Tumblr, LinkedIn, Reddit, Yelp, Snapchat, Slack, and Venmo.
2. Personal messaging applications, including websites and applications that allow for an exchange of communication, typically consisting of text, images, and/or video. Current and historical examples of personal messaging applications include Facebook Messenger, WhatsApp, GroupMe, Facetime, Skype, Kik, Snapchat, Telegram, Signal, Viber, Google Hangouts, Google Allo or Duo, and Gchat.
3. Social Media does not include Approved Technology and Official HCS Social Media, as defined in sub-section (B) and (C) below.

B. “Approved Technology” means any technologies provided by or approved by the Board, including Board-approved social networks and e-learning technologies such as the Student Management and Learning Management System, Google Classroom, and other similar Board approved technologies.

C. “Approved HCS Social Media” means social media accounts and profiles that are managed by Board employees and are deemed approved by the Superintendent, his or her designee, or the school principal of the school affiliated with the social media account or profile. This definition includes,

but is not limited to, the Facebook, Twitter, and Instagram pages of HCS and all HCS schools. This definition may also include the Facebook, Twitter, and Instagram pages of HCS school organizations and clubs.

II. General Use of Social Media

The below policies apply to all Board employee use of Social Media:

- A. *Professionalism* - Board employees who engage in the use of Social Media should maintain their professionalism as Board employees in any such use. Board employees should be professional and respectful in all communications.
- B. *Classroom Use* – Social Media shall not be used by Board employees for classroom instruction or other education related activities. Board employees may use Approved Technology for classroom instruction or other education related activities.
- C. *Compliance with Board Policy and Law* - When using Social Media, Board employees shall comply with all Board policies, and all state and federal laws.
- D. *Grievances Restricted to Appropriate Channels* – Board employees must comply with all Board policies and procedures regarding employee complaints and grievances, including but not limited to § 5.13 of the Board’s Policy Manual and its accompanying procedures.
- E. *Copyright and Intellectual Property* – Board employees must adhere to the Board’s policy on Copyright Restrictions (Policy § 4.13) in the use of Social Media. Board employees shall not use or post any HCS logo or other Board intellectual property on any Social Media site without permission from the Superintendent or his/her designee.

III. Use of Personal Social Media

The below policies apply to all Board employee use of personal Social Media:

- A. *Personal Use Restricted to Personal Time* – A Board employee’s use of personal Social Media must be limited to off-duty time and designated breaks. Board employees shall not engage in the use of personal Social Media during classroom instruction time or other duty periods. When using Board technology resources, electronic communication is governed by Policy § 4.11 on Internet Safety and Use of Technology.
- B. *Personal Social Media Profiles* – Board employees may include information about their work with or for the Board as part of their personal Social Media profiles provided the employee complies with all other provisions of this policy. Information may include the Board employee’s job title, his or her job duties, and information identifying the Board as his or her employer. Such information may also include the Board employee’s personal participation in Board-sponsored events, including volunteer activities. However, it is recommended that Board employees who have identified themselves as associated with the Board or HCS include a disclaimer, in a

prominent location on all Social Media, making it clear that any views expressed are the employee's own and do not necessarily reflect the views of their school or the Board.

Board employees should remain aware that the public may view the employees as representatives of their schools and the Board on Social Media. This is particularly the case where a Board employee identifies himself or herself as an employee of the Board. Board employees are therefore expected to maintain their professionalism and to respect the privacy of students and colleagues at all times.

IV. Use of Professional Social Media

The below policies apply to all Board employee use of Approved Technology and Approved HCS Social Media:

- A. *Use Limited* – Board employees should limit the use of Approved Technology and Approved HCS Social Media to education related activities such as contact with students and parents/guardians, instruction related posts, and posts related to school events and extracurricular activities.
- B. *Professionalism* – Board employees should maintain their professionalism as Board employees in all use of Approved Technology and Approved HCS Social Media. Board employees should treat the use of Approved Technology and Approved HCS Social Media like a classroom and/or a professional setting. The same standards expected in HCS professional settings is expected on Approved Technology and Approved HCS Social Media.
- C. *Compliance* – Board employees should be in compliance with all HCS policies and procedures and applicable federal and state laws when engaging in the use of Approved Technology and Approved HCS Social Media.

V. Communications

The below policies apply to all Board employees:

- A. *Refrain from Communicating* – Board employees shall refrain from communicating with students regarding school or Board-related matters through Social Media. If a Board employee receives an inquiry pertaining to these topics through Social Media, he or she should respond to the student through Approved Technology, or otherwise direct the student to such Approved Technology.
- B. *Student Work* – Board employees shall not post student work, pictures, or information on Social Media that includes a student's name or other personally identifiable information.
- C. *Images of Co-Workers* – Board employees shall not post any images of any co-worker on Social Media without the co-worker's consent.

VI. Notification

Each school year, school principals and teachers should ensure that students, parents, and guardians are notified about the Approved Technology that their child is expected to use. In addition, parents and guardians should be notified of the appropriate Approved Technology that should be used to communicate with the school, principal, and teacher.

VII. Enforcement

Except as otherwise provided or permitted, a Board employee who fails to comply with the rules set forth in this policy may be subject to appropriate disciplinary measures, up to and including termination.

VI. Students

6.1 Admissions and Attendance

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

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

- 6.1.2 *Absences Due to Family Trips* – Absences due to family trips or vacations are unexcused and a student will not be allowed to make up daily class work, assignments, and homework upon the student's return to school. The student will be allowed to make up all tests and exams. Huntsville City Schools encourages students and families to review the Huntsville City Schools' online calendar and to schedule family trips and vacations when school is not in session. Parents are reminded that consistent student attendance is critical to enhancing learning and improving academic performance. The purpose of this policy is to ensure that students remain in school and do not miss out on valuable instructional time and important learning opportunities.

6.1.3 Admission to Schools

a. Students Eligible for Admission:

1. Resident Students – School-age children who reside within the municipal limits of the City of Huntsville, Alabama, may be admitted to Huntsville City Schools. For purposes of this policy, the residence of the student will be the residence of the parent or legal guardian who has primary physical custody.
2. Non-resident Students – Except as provided in this Section 6.1.3(a)(2), students who live outside the municipal limits of Huntsville may not attend a school operated by Huntsville City Schools. Any such student who lives outside the municipal limits of Huntsville who is found to be attending a school operated by Huntsville City Schools will be required to transfer immediately to the school and school system serving his or her address. Any provision of Section 6.1.3 that allows a student to complete the school year at a school for which they are not eligible is not applicable to students who live outside the municipal limits of Huntsville.

Notwithstanding the foregoing, students whose parents are employed by Huntsville City Schools and who live outside of the city limits may attend the Huntsville City Schools provided a transfer is approved in the same school cluster their parents are employed. Tuition is set for these students by the Board of Education. Enrollment will be based on space availability.

3. Immediate Access to Public Education. The Huntsville City Schools seeks to provide students with immediate access to public education regardless of their immigrant, ELL, migrant, homeless or foster care status as well as their inability to immediately produce required

documents. School personnel will provide the proper assistance in obtaining documents. The Superintendent may accept alternate forms of evidence or modify otherwise applicable requirements as necessary and appropriate to accommodate immigrant, ELL, migrant, homeless students or children in foster care.

The enrollment of immigrant, ELL, migrant, homeless, and children in foster care, shall not be denied or delayed due to any of the following barriers:

- a. Lack of birth certificate.
 - b. Lack of social security number.
 - c. Lack of school records or transcripts.
 - d. Lack of immunization or health records.
 - e. Lack of proof of residency.
 - f. Lack of transportation.
 - g. Guardianship or custody requirements.
 - h. Language Barriers.
 - i. Disabilities.
4. Homeless Students and Students in Foster Care - Homeless students and students in foster care will be permitted to enroll without regard to residency status and will not be denied services offered to other students in the school system.
- a. Students will continue in their school of origin for the duration of their homelessness or while in foster care, or for the remainder of the academic year if the student becomes permanently housed. If it is not in the student's best interest to stay in his or her school of origin, the student will be immediately enrolled in the new school even if the student is unable to produce records normally required for enrollment. The new enrolling school will immediately contact the school of origin to obtain relevant academic and other records.
 - b. Dispute Resolution - When a dispute arises regarding school placement, the system will immediately enroll the student in the school in which enrollment is sought by the parent, guardian, or unaccompanied youth, pending resolution of the dispute. The school will provide the parent, guardian, or unaccompanied youth with a written explanation of the decision, a statement of the right to appeal, and the procedure for appealing the placement decision. The principal or the school's homeless liaison/foster care point of contact will notify the district's Homeless Liaison of the dispute immediately.
 - c. The District's Homeless Liaison/Foster Care Point of Contact will expeditiously carry out the system's dispute resolution procedures as detailed in the district's homeless student plan.

5. Students with Residence Under Construction – If a new residence is under construction, provisional enrollment for students who will be living in that home may be granted if the parent or legal guardian who has primary physical custody can demonstrate that the move to the new residence will occur within the school year. This may be done by providing a copy of the signed construction contract and an affidavit signed by the builder or lending agency stating that the house will be available for occupancy within the school year. Failure to occupy the new residence within the school year will result in the student being reassigned to the school serving the residence of the parent or legal guardian.
 6. Students Who are Moving - If a student's parent or legal guardian who has primary physical custody moves to a new residence during the school year, the student may complete the school year at his or her currently enrolled school prior to transferring to the school serving the address to which the student is moving.
 - a. For a student to begin attending the school that will serve the student's new address, the parent or legal guardian must register the student at the school serving the new address. A student will be registered if the parent or guardian provides the school serving the new residence the following information: (i) authentic copies of the sales contract or lease agreement for the new residence; and (ii) evidence of an actual move to the new residence, such as documents demonstrating the payment of utility bills or moving expenses.
 - b. If the term of the lease for the new residence ends during the academic calendar (traditionally between August and May), the student may continue at the school serving the new residence until the end of the year.
 7. Foreign Exchange Students – Foreign exchange students may be admitted to attend the school for which their host family's residence is zoned.
 8. Students Expelled or Suspended from Other School Systems – Notwithstanding any of the foregoing, students transferring into any school within the Huntsville City Schools shall not be eligible for enrollment if they are under suspension or expulsion or pending suspension or expulsion from the school previously attended. Upon the clearance of the suspension or expulsion and eligibility for readmission to their former school, the student shall be eligible to enroll in the Huntsville City School System if other requirements of this policy are met.
- b. Admissions Requirements:
1. Immunizations - Up to date immunizations are required by state law for all students entering the Huntsville City Schools.
- [Reference: ALA. CODE § 16-28-1 et seq.; Ala Code § 16-30-1 to 4]
2. Age Verification – Students seeking enrollment in kindergarten or first grade must provide proof of age. Parents are requested to provide either an original or a certified copy of the student's birth certificate. If

a student has no such certificate, school personnel will provide information to parents or guardians concerning the submission of documentation.

3. Social Security Number and Card - Each student enrolled in an Alabama public school is requested to present a social security card at the time of registration, however, this disclosure is voluntary. For each person who is otherwise entitled to admittance but does not have a social security number, the local Superintendent shall assign a temporary number in accordance with the directions as specified by the State Department of Education. This number is used to generate the unique identifier which enables school officials to track student information such as transcripts, grades and free/reduced lunch status.
 - a. A student who does not have a social security number or who has not completed an application may not be denied registration. Every effort should be made to obtain each student's social security number.
 - b. A copy of the social security card is not required. It is sufficient to verify the card, copy the number onto a registration form, and place it in the permanent record.
 - c. A temporary number should be assigned to a student whose parent and/or guardian objects to releasing such information. This number is valid for ten years or until the student exits the local system. A new number should be assigned upon entering the new system or the tenth year.
 4. Annual Address Verification – Annually, Huntsville City Schools may request residency verification for all HCS students. This process will require parents/guardians to present documents establishing the residence of their students, such as documents demonstrating payment of utility bills. Students found to be attending a school outside of their home zoned school during this process will be allowed to remain at the school currently enrolled, but will be required to move to the school serving their residence for the next school year.
- c. Enrollment:
1. Age Requirements – Students entering kindergarten must be five years old on or before September 1 of the year entering. Students entering the first grade must be six years old on or before December 31 of the year entering.

[Reference: ALA. CODE §16-28-4]
 2. Underage Placement – A student who has not yet attained the age requirements in C.1 may be accepted to the specified grade level as provided in this paragraph, subject to the following requirements. Final placement under this paragraph is not automatic and will be made on the basis of test scores, performance, and/or demonstrated ability.
 - a. An underage student may be accepted in kindergarten if (i) the students moves to Huntsville during the school year; (ii) the students is properly certified as having been enrolled in a public kindergarten in the state from which he or she came; and (iii) space is available for the child in a kindergarten class at the

proposed school of enrollment.

- b. An underage student may be accepted in first grade if he or she has successfully completed public kindergarten in another state and/or has been certified to attend first grade in that state.

[Reference: ALA. CODE §16-28-4]

3. Subject to the preceding paragraphs, students who move to Huntsville after having attended public schools in another state may be admitted to the grade certified by the school from which they are moving. (Huntsville City Schools respects the state laws of the 50 states in regard to the certified grade level of students entering Huntsville City Schools from out-of-state schools.)
4. Transfer from Private or Parochial – Please refer to section 6.2.2.
5. Students who transfer from a non-accredited school will be enrolled as provided in Section 6.2.2.

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

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

6.1.5 *Private Tutoring* – Instruction by a private tutor means and includes only instruction by a person who holds a teaching certificate issued by the State Superintendent of Education and who offers instruction in the several branches of study required to be taught in the public schools of this state, for at least three hours a day for 140 days each calendar year, between the hours of 8:00 A.M. and 4:00 P.M., and who uses the English language in giving instruction.

The private tutor shall, prior to beginning the instruction of any child, file with the Huntsville City Board of Education's Student Services Department, a statement showing the child or children to be instructed, the subjects to be taught, and the period of time such instruction is proposed to be given.

The tutor shall keep a register of work, showing daily hours used for instruction and the presence or absence of any child being instructed and shall make such reports as the State Board of Education may require.

6.2 *Transfer Students from Non-Accredited Schools*

Admissions and grade placement of students transferring from non-accredited elementary, junior/middle, and senior high schools shall be on the basis of demonstrated ability and records of attendance and work done in schools previously attended. Credit for such courses pursued in a non-accredited school must be validated by the principal with an appropriate faculty committee. Validation will include a review of records of attendance (based on state minimum requirements of 120 hours per unit of credit), work done in schools previously attended, and demonstrated ability. If these criteria are not successfully met, the principal and faculty committee will require the student to pass an entrance examination.

Entrance examinations will be composed by department chairpersons by subject; each high school will assume the responsibility for a specific discipline. Random testing of students in Huntsville City Schools will provide data for norming the tests and establishing a minimum score for entrance to our school system. Copies of the entrance exams will be filed in the Office of Secondary Education. The exams will be given at the student's school.

6.2.1 *Transfer Eligibility* – Students transferring into any school within the Huntsville City Schools must meet all eligibility requirements set forth in Section 6.1.2(a)-(b).

6.2.2 *Placement of Transfer Student* – The following placement procedures shall apply to all students transferring into Huntsville City Schools:

1. Normally, students will be placed in the same grade in which they were enrolled at the school from which they are transferring based on official records and transcripts.
2. Students shall be placed in compliance with Alabama Accreditation Standards.
3. Students transferring from a non-state accredited school will be required to take a test for grade placement.

6.3 *Transfers and Withdrawals*

6.3.1 *Transfers* – The Board assumes primary responsibility for developing and implementing a system of student transfers. The following definitions and conditions will apply in the context of this policy, and only applications for the following reasons will be accepted, provided space is available at the requested school. Space availability will be determined using the school's transfer capacity.

- a. ***Majority-to-Minority*** – The school district shall permit a student in grades K through 12 attending a school in which the student's race is in the majority to choose to attend another school where the student's race is in the minority. (Majority-to-Minority transfers are not available to pre-K students.) Students will be granted Majority-to-Minority transfers through a lottery system when there are more requests for Majority-to-Minority transfers than space available at the requested school. Students who were granted Majority-to-Minority transfers prior to the 2014-15 school year may remain in the feeder pattern to which the transfer was granted through the twelfth grade. However, beginning with the 2014-15 school year, a student who is granted a Majority-to-Minority transfer may remain at the school to which he/she has transferred through the highest grade offered at that school only.

Those students transferring for the 2014-2015 and subsequent school years will be subject to a priority system as follows:

1. Upon completion of the highest grade at the transferee school, the student may apply for a Majority-to-Minority transfer to attend the next school in the feeder pattern of the school to which the student had previously been granted a Majority-to-Minority transfer.
 2. Students seeking a Majority-to-Minority transfer under 1. above shall have priority for receiving such transfers if the school to which transfer is sought does not have space available to receive all students seeking Majority-to-Minority transfers.
 3. If the school to which transfer is sought does not have capacity to receive all students who have priority under 2. above, the school district shall select those applicants to whom transfers shall be granted according to a lottery.
 4. Upon completion of the highest grade at a school to which a student received a Majority-to-Minority transfer, the student may also apply for a Majority-to-Minority transfer to schools other than as described in 1. above; however, the priority granted in 2. above, shall not apply to the request.
- b. *Late Majority-to-Minority* – From January 15 to July 15 of each year, students may apply for a Late Majority-to-Minority transfer. Late Majority-to-Minority transfers are processed on a first come, first served basis and are not part of the lottery process described above. Late Majority-to-Minority transfers have the same duration as normal Majority-to-Minority transfers. During the January 15 to July 15 window, HCS may grant other transfers as permitted by HCS policy where space remains available after processing all Majority-to-Minority and Late Majority-to-Minority transfers received by the time the non-Majority-to-Minority transfer is processed.
- c. *Dependents of School Personnel* – Employees of the Huntsville City Schools may apply for their dependents to attend a school in the high school feeder pattern in which the parent is employed. HCS will set an application window for these transfers each year. These transfers will only be granted if space remains in a school after processing all of the Majority-to-Minority transfers to that school. In the event that more students apply for a school than space remains available, HCS will conduct a lottery, which may include a priority system, to fill available spots. All applications must be submitted during the application window unless the employee is hired at a later date.
- d. *Medical* – Only in exceptional circumstances will a request for transfer due to medical reasons be granted. Such request, which must include a physician's or clinical psychologist's substantiating statement, will be reviewed for action by the Superintendent or his designee. In the event the

transfer request is denied, an appeal may be made to the Superintendent. If the Superintendent deems necessary, the attendance of the student's physician or clinical psychologist will be requested. The decision of the Superintendent will be final.

- e. *Sibling of Special Education Students* –Parents/guardians may apply to transfer their students to the school serving the Special Education Individual Education Program (“IEP”) of another of their students if the special education student’s IEP requires placement in a self-contained classroom at a particular school. These transfers will only be granted if space remains in the school after processing all of the Majority-to-Minority transfers to that school.
- f. *Other* – In rare and exceptional circumstances, the Superintendent may approve Transfers for other reasons.
- g. *Duration* – Students transferring to a school as provided in c. through f. above will be assigned to their transfer school for the duration of the school year. HCS may require all students provided transfers under c. through f. above to reapply for their transfer each year. Only in exceptional circumstances as determined by the Superintendent or Deputy Superintendent will consideration be given for the student to transfer to a different school during the school year if a transfer has already been given for or within that year.
- h. *Accessibility* – When necessary to provide a student with a disability accessibility to a program, the Superintendent may assign the student to an accessible school outside the student's attendance zone.

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

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

6.4 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).

6.4.1 Charged Meals

It is the intent of the Huntsville City School System to provide an opportunity to every student to eat a nutritious breakfast and lunch during the school day. It is also the intent of the Huntsville City School System to comply with all federal program

regulations pertaining to the National School Breakfast and National School Lunch Program. Federal guidelines define “Uncollected Meals Charges” as a bad debt and therefore an unallowable expense. Documents related to unpaid meal charges will be maintained in accordance with record retention requirements. Any account balances not collected at school year end must be paid by the school’s nonpublic fund source at the school year end. Also, charging is not allowed for a la carte, adult meals, and second meals.

Child Nutrition regulations do not allow a student to eat at no cost unless that child has been approved for free meals or attends a school which participates in the “Community Eligibility Program.” If funds are not available in a student’s account at the time a meal is received, the student will be allowed to charge their meals. In the event a student has charged up to the maximum limit and still does not have money for a meal, the Child Nutrition Manager will notify the school site principal with a charge notice to distribute to parents on an “as needed basis” until the balances are collected.

Students who have documented dietary needs will be given a meal that meets the nutritional guidelines and the specifications of their diet restrictions if an alternative meal is provided.

6.5 *Extracurricular Activities*

6.5.1 *General* – Students may be offered a fair and equal opportunity to participate in extracurricular activities and organizations. Extracurricular activities must meet the following criteria:

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

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

Clubs and organizations which operate primarily for social purposes are not allowed to function, to operate in, or to promote activities in the name of the

Huntsville City Schools.

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

6.6 School Dances

School organizations may hold a dance when properly approved by the faculty sponsor and principal.

6.7 Off-Campus Events

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

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

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. The Board is not responsible for reimbursements for money paid in advance for trips in instances where the trip is cancelled or the student does not attend. Refunds are not guaranteed in either of those instances.

6.8 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.

6.9 Student Employment (Work Release)

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

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

6.10 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.

6.11 Bullying, Harassment, Violence, Threats of Violence and Intimidation Prohibited

Bullying, Harassment, Violence, Threats of Violence and Intimidation complaints should be filed and reviewed under the Board's Bullying, Harassment, Violence, Threats of Violence and Intimidation Policy set out below.

6.11.1 Title VI – In accordance with Title VI of the Civil Rights Act of 1964, the Board strictly prohibits students being excluded from participation in, denied the benefits of, or discriminated against in any Board program based on their race, color, or national origin, as defined by law and Board policy.

6.11.2 Title VI Coordinator – The Superintendent is authorized and directed to designate an employee as Title VI Coordinator, whose duties will include, but not be limited to, receiving and responding to Title VI inquiries and complaints.

6.11.3 Prohibition – No student shall engage in or be subjected to bullying, harassment, violence, threats of violence, or intimidation by any other student 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.

6.11.4 Definitions –

- a. Bullying is any intentional and repeated act of unwanted aggressive or demeaning behavior involving a real or perceived power imbalance that takes place on or off school property, in which one or more people intentionally and repeatedly cause physical or psychological harm to another person.

Any intentional and repeated act involving a real or perceived power imbalance that places a student in reasonable fear of harm or of damage to property, has the effect of substantially interfering with educational performance, has the effect of substantially interfering with school operation, creates a hostile environment, or creates an intimidating, threatening, or abusive educational environment is considered an act of bullying.

- b. The term “harassment” as used in this policy refers to conduct that is based on a protected classification; is physically or verbally threatening, intimidating, harmful, or humiliating; and has the purpose or effect of limiting or interfering with a student’s educational performance or access to educational programs and activities, or otherwise disrupting the learning environment. Conduct which constitutes harassment based on a protected classification may take many forms including, but not limited to:

1. Verbal: The making of offensive written or oral innuendoes, comments, jokes, insults, threats, or disparaging remarks concerning a person's race, color, national origin, religious beliefs, disability, or other protected classifications.
2. Nonverbal: Placing offensive objects, pictures, or graphic commentaries in the school environment or making insulting or threatening gestures based upon a person's race, color, national origin, religious beliefs, disability, or other protected classifications.
3. Physical: Any intimidating or disparaging action such as hitting, pushing, shoving, hissing, or spitting on or by a staff member, fellow student, or other person associated with the Board, or third parties, based upon the person's race, color, national origin, religious beliefs, disability, or other protected classifications.

- c. 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.

- d. 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.
- e. 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.
- f. The term “student” as used in this policy means a student who is enrolled in the Huntsville City School System.

6.11.5 Description of Behavior Expected of Students –

- a. Students are expected to treat other students with courtesy, respect, and dignity and comply with the Behavioral Learning Guides. 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. Bullying, violence, threats of violence, harassment, and intimidation are prohibited and will be subject to disciplinary consequences and sanctions. The perpetrator will be subject to more significant disciplinary consequences and intensive interventions 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 or gender;
 - 3. The student’s religion;
 - 4. The student’s national origin; or
 - 5. The student’s disability,

Bullying, harassment, violence, threats of violence and intimidation based on any of the above characteristics may also trigger certain responsibilities of the Board and its school-level employees.

6.11.6 Consequences for Violations – A series of graduated consequences for any violation of this policy will be those outlined in the Behavioral Learning Guides or any rule or standard adopted under authority of this policy.

6.11.7 Reporting, Investigation, and Complaint Resolution Procedures –

All complaints alleging violations of this policy should be reported to a school or district administrator, and should, where possible, be made on Board approved complaint forms available at the principal and/or counselor's office. If a principal or the principal's designee learns of bullying, alleged harassment, violence, threats of violence or intimidation, he or she should meet with the alleged victim to help them complete the Board's form. The complaint should, where possible, be signed by the person reporting the harassment and delivered to the principal or the principal's designee either by mail or personal delivery. At the request of the victim or the victim's parent or legal guardian, incidental or minor violations of the policy may be presented and resolved informally, but school officials will maintain documentation of all allegations of harassment, regardless of whether they are resolved formally or informally. Repeated or multiple allegations of harassment by a student or employee will not be resolved informally, and such harassment will be reported to the principal's supervisor and the Title VI Coordinator.

Upon receipt of the report/complaint, 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 impartially 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). The Superintendent or designee will develop a post-investigation appeals procedure.

The principal shall report all incidents of bullying, harassment, violence, threats of violence or intimidation based on race, sex, gender, religion, national origin, or disability with his or her supervisor and the Title VI Coordinator, and at that time, the principal will inform the parents/guardians of the students involved of the availability of the appeals process. Other measures that are reasonably calculated to prevent a recurrence of the violation(s) (e.g., training, counseling, restorative practices) may also be imposed by the principal or the school system, consistent with the procedures that will be promulgated by the Superintendent or designee.

Acts of reprisal or retaliation against any student or parent 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 Behavioral Learning Guides. A student who deliberately, recklessly, and falsely accuses another student or employee of a violation of this policy will be subject to disciplinary sanctions as outlined in the Behavioral Learning Guides.

The complaint form developed to report violations of this policy will include a

provision for reporting a safety threat (including 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.

6.11.8 *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.

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

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

6.12 *Title II ADA/Section 504 Hearing*

6.12.1 *Prohibition* – In accordance with Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act (“ADA”), and the implementing regulations for both, the Board strictly prohibits discrimination on the basis of disability, as defined by law.

6.12.2 *Section 504 and Title II Coordinator* – The Superintendent is authorized and directed to designate an employee as Section 504/Title II Coordinator, whose duties will include but not be limited to receiving and responding to disability related inquiries and complaints.

6.12.3 *Procedural Safeguards* – For any student with an “ADA or 504 Plan,” parents shall be notified in writing of all decisions concerning the identification, evaluation, or educational placement of students. The parents shall have the right to an impartial hearing (“ADA/Section 504 hearing”), with opportunity for participation by the parents and their counsel. A request for an ADA/Section 504 hearing should be made within thirty (30) days of notice of the action appealed. The request shall be made to:

Title: Title II/Section 504 Coordinator
Address: Annie Merts Center, Huntsville, Alabama

6.12.4 Definitions – In all related hearing matters the following definitions shall apply:

1. “ADA/Section 504 Hearing” means an impartial hearing that will be utilized to resolve differences between the parent and the Board when such differences cannot be resolved by means of a less formal procedure. The purpose of this hearing is to provide an opportunity to present objections and reasons for the objections to the decision and/or procedures of a committee regarding application of the ADA/Section 504. An ADA/Section 504 hearing may be called at the request of the Board or the parents of an affected student. The proceedings will be presided over and decided by an impartial hearing officer.
2. “Days” means calendar days.
3. “Impartial hearing officer” means a person selected to preside at a hearing to assure that proper procedures are followed and to assure the protection of the rights of both parties.
4. “ADA or 504 Plan” means the program by which the decision concerning the educational placement of the student is decided and documented.
5. “Parents” means parents or legal custodian. In the event of a divorce, parents means the custodial parent.

6.12.5 Initiating a Hearing

Parents or the district may initiate or request a hearing on a matter related to (1) identification, evaluation, or educational placement of students, (2) procedural safeguards, and/or (3) whether the student is receiving an educational opportunity commensurate with non-disabled students.

Requests by parents for a hearing must be submitted in writing within thirty (30) days of the notice of the action appealed from. Hearing notifications to the parents shall be given at least ten (10) days prior to the date set for the hearing. The notice shall contain:

1. A statement of time, place, and nature of the hearing.
2. A short and plain statement of the matters asserted.
3. A statement of the right to be represented by counsel.

6.12.6 Hearing Procedures – The impartial hearing officer shall preside at the hearing and shall conduct the proceedings in an impartial manner so that all parties involved have an opportunity to:

1. Present their evidence;

2. Produce outside expert testimony; and
3. Be represented by legal counsel.

Parents involved in the hearing will be given the right to have the student present at the hearing.

The impartial hearing officer shall review relevant facts and render a decision on the issue presented for review.

- 6.12.7 *Decision of the Impartial Hearing Officer* – A copy of the impartial hearing officer’s decision shall be delivered to the Board and the parent, within twenty (20) days following completion of the hearing. This shall be no later than sixty (60) days after receipt of the request for a hearing unless extended by agreement by the parent and the Board.
- 6.12.8 *Record of Hearing* – Recording of the ADA/Section 504 hearing shall be maintained at the Board office for at least six (6) months after the hearing and will be available for review upon request by the parents or their counsel.
- 6.12.9 *Appeal* – The parent or the Board may have the decision of the impartial hearing officer reviewed by an impartial reviewing officer appointed in the same manner as the impartial hearing officer. Such a request for a review shall be made within twenty (20) days of the notice of the decision to be reviewed. In order to make a decision, the impartial reviewing officer shall review the record of hearing. No new evidence may be presented. The decision of the reviewing officer shall be delivered to the Board and the parent within fifteen (15) days following receipt of the hearing record unless the date is extended by agreement of the parent and the Board.

6.13 Title IX

- 6.13.1 *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 sex-based harassment and/or discrimination, as defined by law and Board policy. Sex-based harassment and discrimination complaints should be filed and reviewed under the Board’s Title IX Policy, which can be found in Section 4.7B.

6.14 Student Sexual Harassment

- 6.14.1 *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.
- 6.14.2 *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.

6.14.3 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.

6.14.4 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” (6.14.3) above. In no case will any employee who is the subject of a complaint be permitted to conduct, review, or otherwise exercise decision making responsibility in connection with the processing of the complaint.

6.14.5 *Retaliation Prohibited* – No student will be subject to any form of retaliation for submitting a sexual harassment complaint or serving as a witness in the investigation of a sexual harassment complaint.

6.14.6 *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.

[Ala. Code § 26-14-1, *et seq.*; 20 U.S.C. § 1681, *et seq.*]

6.15 *Protection of Pupil Rights Amendment*

6.15.1 *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.

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

- a. Any survey that is designated to obtain protected information from a student, regardless of the source of funding;

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

6.15.3 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.

6.15.4 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.

6.15.5 Additional Policies and Procedures Authorized – In consultation with parents, the Superintendent is authorized to develop additional policies, and arrangements to protect student privacy in the administration of protected information surveys and in the collection, disclosure, or use of personal information for marketing, sales, or other distribution purposes. The Board will directly notify parents of these policies and procedures at the beginning of each school year and after any substantive changes are approved.

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

6.16 Student Records

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

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

6.17 Student Conduct

After consultation as provided by the Alabama Code, the Superintendent will prepare and present to the Board for adoption and periodic revision a Code of Student Conduct (“CSC”). The CSC will comprehensively describe the rules and standards of conduct and discipline that will be maintained and enforced within Huntsville City Schools. The CSC will set forth the specific grounds for disciplinary action, the penalties, sanctions, or consequences that may be imposed for a violation of the CSC, the methods and procedures by which violations of the CSC will be determined, and any appeal or review procedures that are available to students. The CSC will incorporate applicable statutory and regulatory requirements, and the hearing and appeal procedures specified in the CSC will conform to applicable statutory and constitutional standards and requirements. The CSC may be incorporated in a student handbook and will be made available to all teachers, school personnel, students, parents and guardians at the beginning of each school year. The CSC will be deemed an extension of Board policy and will have the force and effect thereof.

[Reference: ALA. CODE §§16-1-30, 16-28-12, 16-28A-1 to 3 (1975); Ala. Admin. Code 290-3-1-.02, 290-8-9-.09]

6.18 Appearance and Dress

Students will follow the student dress code as outlined in the Behavioral Learning Guide, or any successor code of student conduct approved by the Board. The Principal is responsible for implementing the student dress code in his or her school.

6.19 Searches (Students)

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

more thorough search upon specific approval of the Superintendent. Personal searches will be conducted with due regard for the age and gender of the student. Searches that require physical contact between the school official and the student 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.

6.20 Corporal Punishment

Corporal punishment is not permitted in Huntsville City Schools.

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

6.21 Physical Restraint

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

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

6.22 Personal Electronic Devices (“PED”)

- a. *General Policy* - The Board recognizes the value of Personal Electronic Devices (“PED”) as a unique learning tool and a means to facilitate communication between the Board, students, and families. For purposes of this policy, PEDs include, but are not limited to:
 - Existing and emerging mobile communication systems and smart technologies (cellular phones, iPhones, Smartphones, internet-enabled phones, smartwatches, etc.)
 - Personal Digital Assistants (PDA) (Palm organizers, pocket PCs, etc.)
 - Handheld entertainment systems (video games, CD players, compact DVD players, MP3 players, iPods)
 - PED accessories (earphones, earbuds, etc.)
 - Portable internet devices (mobile messengers, iPads, etc.)
 - Current or emerging wireless handheld technologies or portable information technology systems that can be used for word processing, wireless internet access, image capture/recording, sound recording, and information transmitting/receiving/storing, etc.

The Board understands that PEDs are becoming increasingly commonplace and can create unique problems when used in an educational setting. PEDs can often be a distraction for students, so the Board wants to ensure that schools balance the use of PEDs with student safety and structured learning environments. To meet this goal, the Board authorizes the Superintendent to create procedures consistent with this policy regarding the use of PEDs on school property, at school functions, and while on Board-provided transportation.

The Superintendent's procedures should describe, at a minimum:

- Rules for the appropriate use of PEDs during the school day;
 - Directions for any acceptable use form, if applicable; and
 - Guidelines for the confiscation of PEDs.
- b. *Right to Inspect* - Nothing herein shall be construed to limit the ability of school officials to read, examine, or inspect a PED or its contents upon reasonable suspicion that the PED contains evidence of an actual or suspected violation of law, Board policy, or the Behavioral Learning Guide, provided that the nature and extent of such reading, examination, or inspection shall be reasonably related and limited to the suspected violation.
- c. *Policy Exclusions* - Importantly, Board-issued devices, including tablets or laptops, **are not considered PEDs** for purposes of this policy or any procedure enacted by the Superintendent consistent with this policy. However, the Superintendent is authorized to implement procedures applicable to Board-issued devices. Those procedures may be consistent with or in addition to the procedures applicable to PEDs.

6.23 *Drivers' License*

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

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

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

6.23.2 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)]

6.24 Student Parking Privileges – Substance Abuse Policy

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

6.25 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.

6.26 *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 and keep the student home until the student is fever free and/or symptom free for twenty-four (24) hours. Current Alabama Department of Public Health (ADPH) and other relevant guidance will be followed for any student with suspected or confirmed COVID-19 to include the recommended self-isolation and/or self-quarantine requirements. Certain symptoms may require clearance from a health care provider for the student to return to school if COVID-19 is suspected. School officials are authorized to take reasonable and appropriate steps to 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.

6.27 *No Student Fighting*

This policy is designed to prevent and discourage students from getting into a physical altercation.

Fighting is unacceptable for any reason and will not be tolerated. A fight is defined as a physical altercation occurring between two or more students. The physical nature of a fight could include but is not limited to hitting, punching, poking, grabbing, pulling, tripping, kicking, and pinching.

Any student who engages in such action as defined above will be disciplined according to school system procedures and state and local laws.

It will be left up to the administrator's discretion as to whether an individual's participation in a fight will be considered self defense. If the administrator deems the actions as self-defense, then a lesser or no punishment may be issued to that participant.

6.28 The Family Educational Rights and Privacy Act (FERPA)

6.28.1 Notification of Rights

The Family Educational Rights and Privacy Act (FERPA) affords parents and students over 18 years of age ("eligible students") certain rights with respect to the student's education records. These rights are:

- a. The right to inspect and review the student's education records within 45 days of the day the school receives a request for access. Parents or eligible students should submit to the school principal a written request that identifies the record(s) they wish to inspect. The school official will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected. Records or information maintained by a school official exclusively for personal reference or use and which are not available to any other person, except his or her substitute, are not student education records available for inspection, review, or challenge by the parent or eligible student.
- b. The right to request the amendment of the student's education records that the parent or eligible student believes is inaccurate or misleading. Parents or eligible students should write the school principal, clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading. If the school decides not to amend the record as requested by the parent or eligible student, the school will notify the parent or eligible student of the decision and advise them of their right to a hearing regarding the request for amendment. Information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.
- c. The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent. One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. A school official may be a volunteer or person employed by the school as an administrator, supervisor, instructor, substitute, or support staff member (including health or medical staff, school bus drivers, clinic/health services volunteers, and certain law enforcement unit personnel); a person serving on the school board; a person or company with whom the school has contracted to perform a special task (such as an attorney, auditor, medical consultant, evaluator, or therapist); or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

The school will additionally disclose or forward education records without consent to officials of another school district in which a student seeks or intends to enroll. Education records may also be disclosed in connection with an emergency if the knowledge of the information is necessary to protect the health

or safety of a student or other persons.

- d. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the School to comply with the requirements of FERPA. The name and address of the Office that administers FERPA are:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202 4605

6.28.2 Directory Information

The Huntsville City School District may disclose appropriately designated “directory information” without written consent, unless the parent has advised the District to the contrary. One purpose of directory information is to allow the District to include this type of information from a student's education records in certain school publications.

Examples include but are not limited to:

1. A playbill, showing the student’s role in a drama production;
2. The annual yearbook;
3. Honor roll or other recognition lists;
4. Graduation programs; and
5. Sports activity sheets, such as for wrestling, showing weight and height of team members.

Directory information, which is information that is generally not considered harmful or an invasion of privacy if released, can also be disclosed to outside organizations without prior written consent. Outside organizations include, but are not limited to, companies that manufacture class rings or publish yearbooks. In addition, federal laws require local educational agencies receiving assistance under the Elementary and Secondary Education Act of 1965 (ESEA) to provide military recruiters, upon request, with three directory information categories: names, addresses and telephone listings unless a parent or an eligible student have advised the LEA that he/she does not want the information disclosed without prior written consent.

If parents do not want the District to disclose directory information without prior written consent, the parent must notify the District in writing through their school office. The District has designated the following information as directory information:

1. Student’s/Parents’ name
2. Participation in officially recognized activities and sports

3. Email address
4. Photograph
5. Date of Birth
6. Telephone listing/Address
7. Weight and height of members of athletic teams
8. Awards and Honors
9. Grade level

6.29 Supervision of Low-Risk Juvenile Offenders

Annalyn's law is a state law. The law requires the Board to adopt this policy.

6.29.1 Policy – As required by Annalyn's Law, the Superintendent shall be notified by local law enforcement when a low-risk juvenile sex offender is enrolled or attending school within the Board's jurisdiction for the purpose of appropriate supervision during the school day and during school activities. As part of this policy, the Superintendent shall have the authority to develop appropriate training and additional internal procedures for staff members.

6.29.2 Definitions – In this policy, the below terms shall have the following meanings:

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

6.29.3 Notification

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

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

The new principal should review the student safety plan and meet with the student, the student’s parent or guardian, and the anticipated new supervision team to determine whether the current terms are sufficient or should be adjusted based on the student’s circumstances.

- d. *School Staff Changes* - In the event the principal or a member of the supervision team leaves his or her position or is no longer responsible for supervising the student, a replacement team member should be named, if necessary and appropriate, and briefed by the principal or the most senior member of the supervision team regarding the student’s status and student safety plan.

The student, his parent or guardian, and other members of the supervision team should be notified of changes to the supervision team within a reasonable timeframe.

6.29.4 Student Safety Plan Development and Maintenance –

- a. *Initial Meeting* - Upon proper notification from law enforcement, the student’s principal or designee will call together the anticipated supervision team to meet with the student and/or the student’s parent or guardian to develop an

appropriate student safety plan. This meeting should take place immediately upon the enrollment of the Student or, for an already enrolled student, upon an adjudication of delinquency or as soon as practicable thereafter. In the event the student's parent or guardian is unable or unwilling to meet, the principal or designee and the supervision team should meet with the student within a reasonable timeframe to develop an appropriate student safety plan. The initial meeting and student safety plan development may include consultation with juvenile probation professionals.

- b. *Additional Meetings* – The supervision team may hold additional meetings after the initial meeting, as frequently as necessary, but at least once annually, to assess the student's status and to discuss adjustments to the student safety plan.
- c. *Contents of the Plan* - The terms of the student safety plan and any updates to it must be memorialized in writing and approved by the principal or designee before being distributed to the student and the student's parent or guardian. At minimum, the student safety plan must contain:
 - i. An outline of conditions or limitations, or both, on the student's interactions on school property and when participating in school activities;
 - ii. An effective procedure for communicating concerns relating to the student;
 - iii. Guidelines for expected intervention actions for high-risk behaviors and for reinforcing positive behaviors based on the needs of the student and the safety of all students and staff;
 - iv. Procedures for the continual review of each plan; and
 - v. Safeguards for protecting confidential information.
 - vi. In the event the victim attends the same school as the student, the plan should include measures to reduce the likelihood of victim and student interaction.

6.29.5 *Supervision* – The supervision team should supervise the student in a manner consistent with the student safety plan that is discrete and unobtrusive. Members of the supervision team should make every effort to treat the student with the same respect and courtesy to which every student is entitled. The student should be encouraged to fully integrate into the student body as a successful student. Mistreatment of any student by the supervision team may be cause for discipline.

- 6.29.6 *Students with Disabilities* - Discipline of students with disabilities will be subject to applicable limitations and requirements imposed by the *Individuals with Disabilities Education Act* and/or Section 504 of the *Rehabilitation Act* and implementing regulations.
- 6.29.7 *Violations of the Plan* - In the event the student violates the behavioral learning guides or the student safety plan, the student may be subject to discipline pursuant to board policy and/or reassessment of the student safety plan's conditions. Members of the supervision team should report any suspected violations of the student safety plan to the principal or designee.
- 6.29.8 *Confidentiality* - Information received by school officials or staff related to the student's delinquent status must be treated as confidential from other students, staff members, officials and stakeholders. Any document identifying the student's status should be safeguarded from disclosure by the members of the supervision team. Any school official or school employee who improperly discloses the student's status to any other person, whether intentional or accidental, may be subject to school discipline and/or criminal charges as provided by law.

VII. Instructional Program

7.1 Curriculum

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

7.2 Instructional Materials

Textbooks will be purchased and distributed in accordance with State Department of Education regulations. Only textbooks recommended by the local textbook committee will be approved by the Board, upon the recommendation of the Superintendent. The local textbook committee will be appointed by the Board and will include certified employees and parents, who will serve a term of one year. When a student is loaned textbooks and/or digital resources, the student is responsible for the care of the textbook and digital resources. Students must reimburse the Board for the cost of any instructional materials that are lost or damaged beyond reasonable wear and tear.

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

7.3 Academic Standards

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

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

[INTENTIONALLY LEFT BLANK]

Letter Grade	Numerical Grade Range	Description	Grade Point Average (4-point scale)
A	100-90%	An “A” means the student shows mastery of content above grade level rigor with in-depth inferences and applications that go beyond what is taught in class.	4.00
B	89-80%	A “B” means the student has completed proficient work on all course objectives at grade level rigor with no major errors or omissions.	3.00
C	79-70%	A “C” means the student has completed proficient work on the most important objectives, although not all objectives, at below grade level rigor of what was explicitly taught in class.	2.00
D	69-60%	A “D” means the student has completed proficient work on at least half of the course objectives but is missing some important objectives and is at significant risk of failing the next course in the sequence.	1.00
F	59-1%	A “F” means the student produces minimal information even with prompting. The student has completed proficient work on fewer than half of the course objectives and cannot successfully complete the next course in the sequence.	0.00
F	0%	Student produces no information and makes no attempt even with prompting.	0.00
I	I	An “I” (meaning Incomplete) is for students who have been enrolled for 10 days or less in a grading period. An “I” is also given when a student’s work is not finished because of illness or other excused absence. An “I” cannot be given as a final grade.	0.00

7.3.2 *Additional Grade Points* – When calculating a student’s grade point average, additional grade points may be awarded for advanced courses as specified in the Huntsville City Schools High School Course Description and Registration Guide.

7.3.3 *Special Education Grading Standards* – Students who are receiving special educational services may be graded according to an individualized educational plan, and nothing in Board policy or procedure prohibits the extension of appropriate academic modifications or accommodations to students who may be eligible for such modifications or accommodations under provisions of state and federal law.

7.3.4 *Report Cards* – Report cards reflecting student progress will be made available to the parents or legal guardians of students on a regularly scheduled basis.

- 7.3.5 *Promotion* – Students are promoted from grade to grade on the basis of academic credit earned during the school year, in summer school programs, or in such other academic programs as may be approved or recognized by the Board.
- 7.3.6 *Class Rankings* – Beginning with the ninth grade of high school, all students will be ranked based on the four point grade point average scale (GPA) (calculated and weighted as described herein). The GPA calculation will be carried out four decimal places and rounded off.
- 7.3.7 *Credit Recovery* – The Superintendent is authorized to develop procedures for a program through which a student may recover credits in one or more failed courses, in compliance with regulations promulgated by the State Department of Education. The curriculum will align with the State Board of Education course of study and study content standards in which the student seeking credit recovery is deficient.
- 7.3.8 *Credit Advancement* – The Superintendent is authorized to develop procedures for a program through which allows students who have shown mastery to be awarded a credit in a course as an alternative to the traditional classroom approach.

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

7.4 Testing

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

7.5 Summer School Operations

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

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

7.6 Dual Enrollment

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

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

7.7 Correspondence or Online Courses

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

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

7.7.1 Virtual School Option

- a. **Scope and Delivery of Services** – In accordance with Alabama state law pertaining to a virtual school option, the Board provides a virtual education option for students in grades K-12 that includes all courses required to fulfill the Alabama High School Graduation Requirements. Such courses will be delivered through a virtual learning platform, a blended approach, and/or district approved learning management systems. Any online course delivery shall be accredited by a recognized institution.

The Board grants the Superintendent the discretion necessary to create and implement virtual school option(s) that meet the academic, behavioral, and social-emotional needs of the Board's students. The Superintendent is further granted the discretion to ensure that all components of the virtual school option(s) comply with all applicable state, federal, and local laws, and the Superintendent is authorized to create and implement any changes to the virtual school option(s) necessary to respond to any external events that may impact the Board's ability to offer its students a traditional educational model.

- b. **Student Eligibility Criteria** – Students who meet the following requirements are eligible to participate in virtual school option(s):
 1. Meet the residency requirements either as outlined in HCS Policy 6.1.3 or by being dependents of a member of the United States Armed Forces who has received orders to relocate to Huntsville, Alabama
 2. Comply with the HCS Laptop Acceptable Use Guidelines
 3. Have access to a reliable internet connection
- c. **Continuing Participation Requirements** – A student may be transitioned to traditional programs if the student's participation in virtual school option(s) impedes his/her academic progress. Additionally, a virtual student must:
 1. Meet virtual course attendance requirements, i.e. daily log in to course
 2. Maintain appropriate course progression as measured by the

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- completion of weekly assignments, quizzes, and/or tests
3. Adhere to HCS Behavioral Learning expectations
- d. Monitoring Performance and Testing Requirements – Individual student performance will be monitored pursuant to the Board’s academic credit requirements and grading scale. All courses taught through virtual school option(s) for graduation requirements will meet the content standards of the applicable Alabama Course of Study. Students enrolled in virtual school option(s) will be subject to all testing and accountability requirements from the Alabama State Department of Education. All tests, exams, and mandated assessments MAY be taken in the presence of an approved proctor on a Board campus at a date and time selected by the Board. Board personnel will coordinate with the virtual student to make other arrangements if a test, exam, or mandated assessment is not taken in the presence of an approved proctor
- e. Enrollment and Attendance – In accordance with Alabama state law, students enrolled in virtual school option(s) will be enrolled in the school in the attendance zone in which they reside. The Superintendent is authorized to develop procedures to allow students who do not live in Huntsville’s corporate limits to participate in the Board’s virtual school option(s). The Superintendent is authorized to consider and implement enrollment caps for students who reside outside of Huntsville’s corporate limits.
- f. Extracurricular Activities – Students enrolled in virtual school option(s) are eligible to participate in extracurricular activities in the school attendance zone in which they reside provided there is not a corresponding course offered at the home school during the school day. Students must meet all course and attendance requirements. Students must meet the eligibility and residency requirements for interscholastic sports as determined by the Alabama High School Athletic Association.
- g. Additional Procedures Authorized – In addition to the other provisions granting the Superintendent authority herein, the Superintendent or his/her designee is authorized to develop such procedures as he or she deems necessary to implement this policy including, but not limited to, eligibility criteria for courses, methods for informing students and parents of virtual school option(s)’ requirements and rules, and standards of academic integrity concerning virtual learning.
- h. Local Flexibility – In accordance with Alabama law pertaining to a virtual school option, virtual school option(s) shall be exempt from any provision of general law, local law, or administrative rule that applies to the traditional delivery of instruction including, but not limited to, requirements relating to the physical presence of the student, student monitoring and security, staffing requirements, transportation obligations, facility requirements, space and location requirements, time requirements, and physical education requirements to the extent any of the foregoing conflict with the delivery of

the virtual school option(s).

7.8 Career and Technical Education Programs

7.8.1 Work-Based Learning Experience – A work-based learning experience provides students with educational opportunities in a work setting that typically cannot be obtained in a classroom and may include, but is not limited to, cooperative education, internships, clinical experiences, and other related opportunities. The Superintendent is authorized to develop guidelines and procedures in accordance with the regulations of the Alabama State Department of Education for work-based learning experiences to be conducted in the school system, including, but not limited to, guidelines for decision making and protocol for solving problems at the workplace and school.

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

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

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

7.8.4 Career /Technical Advisory Committee– A Career/Technical Advisory Committee shall be established by the Career/Technical Director for the purpose of receiving input, advice, and counsel relative to the career/technical education programs in the Huntsville City Schools. The Career/Technical Education Advisory Committee membership shall include representatives of business, industry, labor, and special interests as deemed appropriate by the Career/Technical Director.

The Career/Technical Education Advisory Committee will function as a liaison between the public schools and business and industry advising the Career/Technical Director and the instructional staff about marketable skills, employment needs, and the market and job potential in Huntsville and throughout the southeast. The Committee shall be asked for input and advice in the development of proposals to secure federal and state project funds.

The Career/Technical Education Advisory Committee shall be convened on a bi-annual basis and more often as required.

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

7.9 *Foreign Exchange Programs*

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

7.10 *Extended Programs: Community Education*

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

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

7.11 *Graduation, Certificate of Completion, and Commencement*

Students who have satisfactorily completed requisite course work and met minimum attendance criteria are eligible for graduation. Students who successfully complete the requirements to earn a diploma or graduation certification are eligible to participate in graduation ceremonies. Student participation in graduation ceremonies and related graduation activities will be subject to the principal's approval and payment of outstanding financial obligations. Participation in a graduation-related ceremony may be prohibited by the principal if the student violates disciplinary standards or if, in the judgment of the principal, the student's participation could lead or contribute to disorder or disruption of the ceremony or activity.

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

- a. Enrolled in the school system for a minimum of one full academic semester prior to the date of graduation;
- b. Successful completion of requirements for graduation set forth by the Board;
- c. Maintaining an overall grade point average (GPA) of 4.00 or higher (on a 4.00 point scale) for all courses taken from the start of freshman (or ninth grade) year through the conclusion of the semester immediately preceding graduation will qualify a student for the designation of Summa Cum Laude. In calculating the grade point average, all semester grades will be used, beginning with the start of ninth grade and including all grades earned through the grades earned in the last semester of the twelfth grade.

- d. Maintaining an overall grade point average (GPA) of 3.8000 to 3.9999 (on a 4.00 point scale) for all courses taken from the start of freshman (or ninth grade) year through the conclusion of the semester immediately preceding graduation will qualify a student for the designation of Magna Cum Laude. In calculating the grade point average, all semester grades will be used, beginning with the start of ninth grade and including all grades earned through the grades earned in the last semester of the twelfth grade.

7.11.2 *Fifth Year Seniors* – The Superintendent is authorized to develop criteria under which a student who has completed four full academic years of high school but who has not completed the required course work for graduation may be allowed to attend the number of class periods necessary to complete the courses required for graduation.

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

[Reference: Ala. Admin. Code 290-3-1-.02(18)]

7.12 *School Wellness*

In furtherance of its commitment to fostering healthy nutritional and physical activities that support student achievement and that promote the development of lifelong wellness practices, the Board endorses the following programs, practices, and activities:

7.12.1 *Nutrition Education* – Nutrition education that teaches the knowledge, skills, and values needed to develop healthy eating behaviors will be integrated into the curriculum and offered throughout school campuses, including school dining areas and classrooms, by appropriately trained personnel.

7.12.2 *Nutrition Standards* – The Child Nutrition Program (“CNP”) will ensure that reimbursable school meals meet the program requirements and nutritional standards established by applicable state and federal regulations. The CNP will encourage students to make nutritious food choices and will monitor all food and beverages sold or served to students, including those available outside federally regulated child nutrition programs. The CNP will consider nutrient density and portion size before permitting food and beverages to be sold or served to students.

7.12.3 *Physical Education and Physical Activity Opportunities* – The Board will offer physical education opportunities that include the components of a sound physical education program. Physical education will equip students with the knowledge, skills, and values necessary to maintain healthful lifelong physical activity. Physical education instruction will be aligned with the curriculum. All students will be provided the opportunity to participate regularly in supervised physical activities that are intended to maintain physical fitness and to impart the benefits of maintaining a physically active and healthy lifestyle.

7.12.4 Other School-Based Activities Designed to Promote Student Wellness – The Board may implement other programs that help create a school environment that conveys consistent wellness messages and that is conducive to healthy eating and physical activity.

7.12.5 Administrative Implementation – The Superintendent is authorized to develop and implement administrative rules and directives that are consistent with this policy and that are based on input from teachers (including specialists in health and physical education), school nurses, parents and guardians, students, representatives of the school food service program, school board members, school administrators, and the public. The Superintendent will report to the Board, as requested, on programs and efforts that are designed to meet the purpose and intent of this policy.

7.13 Selection of Instructional Materials and Materials for the School Libraries

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

7.14 Parent/Family Engagement – Meeting the Requirements of the Every Student Succeeds Act (ESSA)

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

7.14.2 Annual Evaluation of Initiatives – An annual evaluation will be conducted, with the meaningful involvement of parents and family members, to determine the effectiveness of the parent and family engagement policy in improving the academic quality of the schools. The evaluation will include parent surveys, focus groups, and student assessment data. Parents and family members will also be given the opportunity to submit suggestions and concerns regarding the parent and family engagement policy to the Parent Advisory Committee. This information will be reviewed annually and used to make revisions to the school system plan as necessary.

7.14.3 *Impediments to Parent Participation to be Identified* – The Board will identify barriers to greater participation by parents in parent and family engagement activities, with particular attention to parents who are economically disadvantaged, are disabled, have limited English proficiency, have limited literacy, or whose racial or ethnic background may impede effective participation. To the extent practicable, all information required under Section 1111 of the Elementary and Secondary Education Act (“ESEA”), 20 U.S.C. §6301 *et seq.*, will be provided to the public on the Huntsville City Schools’ website in a uniform, understandable format and upon request, in an alternative format and language that the parents understand.

7.14.4 *Elementary and Secondary Education Act Compliance* – The school system will work with its schools to ensure that school-level parent family engagement policies meet the requirements of section 1116(b) of the ESEA and each includes a school-parent compact consistent with section 1116(d) of the ESEA. This policy will specify that each school will:

- a. Convene an annual meeting to explain the school programs to parents and inform them of their responsibilities and right to be involved in the program;
- b. Offer a flexible number of informational parent meetings, including building a strong home/school connection, parenting skills, and literacy development;
- c. Involve parents in an organized, ongoing, and timely way in planning, review, and improvement of school programs;
- d. Provide timely information about its school programs to parents, describe the curricula, student assessments, opportunities for regular meetings where parents can provide input, and respond promptly to parent suggestions; and
- e. Provide parents with an opportunity for meaningful and ongoing consultation and communication about the academic quality of the school.

7.14.5 *Notice of Rights and Information* – The Board will comply with the *Parents Right to Know* provision of the *Every Student Succeeds Act*, including the rights of parents to be informed of the credentials/qualifications of their child’s teacher(s), State and/or Board policies regarding student participation in high-quality student academic assessments under § 1111(b)(2), detailed information on these and other required assessments, information relating to the child’s placement in an English language development program, and the child’s school choice options when schools are identified for comprehensive support and improvement or determined to be unsafe within the meaning of the Act.

7.15 *Earned Graduation Credit Prior to Ninth (9th) Grade*

The Board authorizes the Superintendent to work with the State Department of Education to identify courses that students may take prior to their 9th grade year, and if students successfully complete any of the identified courses, students may elect to receive graduation credit for these courses by submitting a written request to the principal/registrar of their school of record prior to the first day of the students' 9th grade year. If students complete one of the identified courses but does not elect to receive graduation credit, they fulfill the high school diploma graduation requirement but would be responsible for earning additional graduation credit in respective content areas. Once a credit is added to a transcript, it cannot be removed.